

# **The Working Group on the Status of Palestinian Women Citizens of Israel**

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## **NGO Pre-Sessional Submission On Israel's Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women**

### **List of issues related to the Status of Palestinian Women Citizens of Israel Submitted to the Committee on the Elimination of Discrimination Against Women**

Prepared by the Working Group  
On the Status of Palestinian Women Citizens of Israel

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## INTRODUCTION

Palestinian women citizens of Israel are part of the national minority of Palestinian Arabs, who comprise approximately 20% of Israel's population. In official Israeli documents they are referred to as Arab Israelis—sometimes divided by religious identity (Muslim, Christian, Druze) and even sub-ethnic group, such as Bedouin—in an attempt not to recognize the “Palestinian” identity. This national minority has experienced discrimination and repression on a number of levels, including by law, governmental policy, State practices and social dynamics.

Palestinian women citizens of Israel face the harshest consequences of this discrimination—not only as members of a national minority, but also as women in particular—which is compounded by their culture's perceptions of the status of women and the social rules and customs that govern them.

Palestinian women citizens of Israel are not a monolithic group. They live in a variety of cities, towns and villages throughout Israel, including unrecognized villages, mixed cities, and Palestinian villages, and within secular and a variety of religious communities. 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. Although there exist specific legislative measures to guarantee fair representation (for women in general and for the Palestinian Arab minority in the civil service and on the board of directors of government companies), the State does not recognize Palestinian women citizens as a distinct and protected sub-group.

### **The Working Group on the Status of Palestinian Women in Israel**

Formed in 1996, the Working Group on the Status of Palestinian Women in Israel is a national network of Palestinian women's rights and human rights non-governmental organizations working on issues related to Palestinian women's rights from various perspectives and fields of expertise. The Working Group's members are:

- Al-Tufula: Pedagogical and Multipurpose Women's Center
- Al-Zahraa: The Organization for the Advancement of Women
- Arab Association for Human Rights (HRA)  
(*special consultative status* with ECOSOC)
- Association for Civil Rights in Israel (ACRI)
- Aswat—Palestinian Gay Women
- AWC—Arab Women in the Center
- Kayan: A Feminist Organization
- Ma'an—The Forum of Arab Women's Organizations in the Negev
- Muntada Algensanya—The Arab Forum for Sexuality, Education and Health
- Sidreh—Lakiya
- Women Against Violence (WAV)
- The Working Group for Equality in Personal Status Issues

## 1. BACKGROUND AND RECENT DEVELOPMENTS<sup>1</sup>

The State of Israel is obligated under articles 2 and 3 of CEDAW to guarantee the full and effective realization of human rights and fundamental freedoms for Palestinian Arab women on a basis of equality with men. As such, policies or practices that discriminate against or disproportionately harm Palestinian Arab women are contrary to Israel's obligations under customary international human rights law and treaties.

Beginning in October 2015, the security and political situation in Israel has witnessed an **escalation of violence**, impacting Palestinian women both within Israel and in the occupied Palestinian territory. In addition to these heightened tensions and violent outbreaks, anti-Arab racial hostility has increased among the Israeli public and government officials, contributing to further escalation and public support for extremist measures that violate or threaten to violate the basic human rights and fundamental freedoms of the Palestinian Arab minority. Although these developments impact the Palestinian Arab minority generally, the Committee has recognized that “[c]onflicts exacerbate existing gender inequalities”<sup>2</sup> and that women experience compounded effects of intersecting forms of discrimination. Accordingly, Palestinian Arab women are uniquely vulnerable to violations of CEDAW and other instruments of human rights law.

Israeli forces have demonstrated a willingness and an eagerness to use force, including **lethal force**, in the course of subduing Palestinian Arabs suspected of violent crime, including against women, and even in such cases where no imminent threat was apparent. Such a permissive approach, whether carried out by individuals or enabled by official rules of engagement, may have a disproportionate adverse effect on Palestinian women citizens, due either to women's particular vulnerability to acts of violence or to the circumstantial vulnerabilities of Palestinian women whose male spouses or family members—often the sole or primary breadwinner—may be harmed or killed.

Recent penal provisions have been enacted in the wake of the violent escalation, intended to punish more severely those Palestinian Arabs charged with security offenses. These new policies include the withholding of social benefits of the National Insurance Institute from parents of minors charged with security offenses, such as throwing rocks. This policy of punitive withholding or revocation of social benefits violates basic principles of due process that guarantee a person's social and economic rights and that require criminal sanctions to be applied solely to the individual convicted of the crime in question. Moreover, Palestinian Arab women—particularly divorced or widowed or single mothers—would be most adversely affected by such deprivations, as they are often less economically independent or secure than men and often suffer more greatly under financial hardship.

In April 2016, MK Bezael Smotrich voiced support for a policy of separation between Jewish and Arab women in hospital maternity wards. Although the Health Ministry officially prohibits such segregation, various hospitals around Israel have implemented this policy at the request of Jewish women. Maternity and the process of childbirth are aspects unique to women, often rife with challenges and vulnerabilities. A policy of racial or national discrimination imposed on this critical period is not only dehumanizing and offensive, but also injurious to women already facing a difficult experience. The more deeply entrenched this policy of separation becomes, the more likely it is to deepen and widen the tremendous gaps in equality that Palestinian Arab women encounter.

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<sup>1</sup> Prepared by Arab Association for Human Rights (HRA) and Al-Tufula Center NNI

<sup>2</sup> *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, U.N. Committee on the Elimination of Discrimination Against Women, para. 34, U.N. Doc. CEDAW/C/GC/30 (2013).

All of these developments come against a backdrop of **escalating racism and hostility in the Israeli public, media and government** directed against Palestinians, both within Israel and in the occupied territory. From March 2015 to March 2016, incidents of racism almost doubled from 237 to 465, 311 of which were directed at the Arab community. More than half of Jewish Israelis oppose the inclusion of Arab parties or ministers in the government, 44% view the Arab minority with suspicion, and a further 36% regard Palestinian citizens as full-blown “enemies.” Roughly half of Jewish Israelis support the ethnic transfer or expulsion of Palestinian Arabs from Israel.

Instead of combating the **proliferation of racist sentiment** among the public, the Israeli government has often incited toward greater animosity and fear. Moreover, current and pending legislation by the State has sought to penalize the expression of certain views—such as commemoration of the Nakba or support of a non-violent boycott against Israel’s violations of international law—or to target human rights defenders and civil society organizations by labeling them traitors or foreign moles. As racial or national extremism gains popularity and policies begin to reflect it, the development and advancement of Palestinian women, as well as their basic human rights, become more greatly undermined.

*Suggested Questions*

- (1) What steps has Israel taken to guarantee the principle of equality between men and women in the absence of an explicit constitutional right to equality?
- (2) What is the Israeli government doing to protect the Palestinian women citizens of Israel from racial incitement, discriminatory hospital practices, and police violence?
- (3) Why does the Israeli government not fully investigate cases of police violence against Palestinian citizens, including against women, especially if they result in death?
- (4) What special measures or affirmative actions has Israel implemented to mitigate the effects of anti-Arab discrimination in all aspects of public life?
- (5) How does the self-definition of Israel as a “Jewish State” align with the principles of equality and non-discrimination, especially vis-à-vis the Palestinian Arab minority?

## 2. NATIONAL MACHINERY<sup>3</sup>

In 1998, a law was passed in the State of Israel establishing the Authority for the Advancement of the Status of Women, which is affiliated with the prime minister’s office. In 2007, the law was amended to include among the Authority’s responsibilities the implementation of the Impact on Gender Legislation Law and the provision to the Knesset’s committee of expert opinions on the impact and gender discrimination of any bill or secondary legislation before it is put up for debate or approval. This, in addition to the Authority’s responsibility regarding the development of specialized programs and services for women to ensure gender equality and equal opportunity, is stipulated by CEDAW.

However, as is well known, following the latest elections to the Knesset in 2015, the Authority was no longer affiliated with the prime minister’s office and was instead moved to the Ministry for Social Equality, without any legal amendments to regulate the current situation in terms of architecture, responsibilities or powers.

In addition, the Authority’s director resigned in that same period, along with the only employee responsible for the Arab sector; and as of yet no one has been hired to take over these positions.

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<sup>3</sup> Prepared by Women Against Violence

### *Suggested Questions*

- (1) More than a year ago, a governmental decision was made to put together a plan for gender integration, for which the Authority is responsible. How will the ministry implement this decision?
- (2) In the past, the Authority was part of the prime minister's office. But in 2015, it was moved to the Ministry for Social Equality. How does the State treat the Authority's powers and budgets?
- (3) What is the minister's plan for hiring qualified female employees and when is that expected to take place?
- (4) What steps will the Ministry for Gender Equality take to ensure equality and equal opportunities for Palestinian women citizens of Israel?

## 3. WOMEN IN CONFLICT<sup>4</sup>

The Israeli government decided on 20 July 2005, following the United Nations Security Council Resolution No. 1325 (2000), to approve Amendment No. 4 to the Equal Rights for Women Law 5711- 1951, which added Section 6C1 entitled "Equal representation in a public committee and a team for shaping national policy." However, until today no governmental Action Plan was developed. The Israeli government announced the establishment by the end of 2014 of "an inter-ministerial team to form and consolidate a national action plan for implementing UNSCR 1325." To date, the implementation of the Women, Peace and Security agenda in Israel, comprising UNSC Res. 1325 and its subsequent sister resolutions is frozen.

UNSC Res. 1325 emphasizes the essential importance of addressing the impact of continued conflict on women and girls. The government failed to address the **Middle East conflict** itself, and specifically the **Israeli occupation of Palestinian territories, and its impact on women and girls**, nor accounted for the need to end the occupation as a means to increase women's peace and security in Israel and the region. A viable agenda on Women, Peace and Security must call for serious efforts at the national and international level to promote a **peaceful and just solution to the conflict**.

The Israeli government does not recognize 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 Palestinian women citizens of Israel; and they have not addressed security in a holistic way with a focus on human security. Insecurity for Palestinian women, men, girls and boys is intrinsically linked to the sustained occupation and the continuation of structural discrimination against Palestinian citizens of Israel based on the notion of "national state security" and the lack of a constitution that protects fundamental human rights and collective minority rights in Israel. As women, we are concerned that the definition and understanding of "national security" in Israel comes all too often at the expense of freedoms and rights of Palestinian citizens (women and men). Security must entail the protection of collective national minority rights, as well as an end to the occupation and to structural discrimination, including discriminatory legislation.

Israeli policies reduce the Palestinian women citizens of Israel to their religious identity and often deal with them as one of the so-called "diverse social groups," as opposed to being recognized and acknowledged as a **national collective with minority rights** given their status as the most significant minority group in Israel (about 20% of Israel's population). Israel does not recognize the national identity nor the collective rights of the Palestinian Arab minority, effectively excluding Palestinian women citizens of Israel from the peace and security agenda.

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<sup>4</sup> Prepared by Al-Tufula Center NNI

A comprehensive understanding of human security must address the needs and concerns of Palestinian women citizens of Israel, which include the gender-specific impact of the occupation and discriminatory legislation in Israel on Palestinian women citizens 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. It must address institutional, social and economic barriers to equal education and employment as core causes of poverty, particularly among Palestinian citizens of Israel. It should ensure that the freedom of association and the right to political association are respected; the need for recognition of, and provision of basic infrastructure for, the unrecognized Palestinian villages and the need for urban planning for the recognized villages; and the end of the cruel policy of house demolitions, solving the housing shortage and ending discrimination in issuing building permits. It should commit itself to the protection of women Human Rights Defenders, ending military and institutional violence against women in the struggles for peace and civil rights, and serious prosecution of threats and violence against them.

Furthermore, it should **address racism and the militarization of Israeli society** and its implications for the security of all women, and Palestinian women in particular, addressing the need for the 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.

#### *Suggested Questions*

- (1) Why does the State not recognize Palestinian women citizens of Israel as part of a national minority or to protect the collective rights of the Palestinian Arab minority?
- (2) What is the State doing to ensure holistically the human security of Palestinian women citizens of Israel?
- (3) How will the State ensure an end to the Israeli occupation of the Palestinian territories and the securing of full civil and political rights for Palestinian citizens of Israel, which are integral to the Women, Peace and Security agenda in Israel?
- (4) What is the State doing to seek consultations with women from various groups within Israeli society; to guarantee an inclusive process that acknowledge specialized differences; and to ensure that these are reflected in the final outcome of the Action Plan and in policy recommendations?
- (5) How will the State actively intervene in cases of State violence against women Human Rights Defenders and women in peace-building in Israel?
- (6) How will the State ensure the central involvement of Palestinian women's organizations in the process of the drafting and adopting the NAP as well as in monitoring and evaluation?

## **4. VIOLENCE AGAINST WOMEN<sup>5</sup>**

According to research conducted by the Knesset Research and Information Center in 2015, 755 women and 1,085 children were staying at special shelters for battered women; amongst these women, 44% were Palestinian. More than 60% of the women whose right to life is stolen annually are Palestinian citizens of Israel; since 2010, this right was taken from 64 Palestinian women. Eighty percent of the budget allocated to cases of violence against women in the country are used for law enforcement and only 20% are used for treatment and rehabilitation. Of the criminal cases regarding violence against Palestinian women citizens, 89% are closed without filing an indictment, which means that, for the large part, the plans and budgets allocated to law enforcement and treatment do not professionally or seriously combat violence against women.

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<sup>5</sup> Prepared by Women Against Violence, Arab Women in the Center, Ma'an—the Forum of Arab Women's Organizations in the Negev and Kayan.

Since 2010, when a report was submitted to CEDAW, we have not seen any positive changes with regards to the state of the budgets allocated to welfare services. On the contrary, the State's economy and policies work toward privatizing different services and institutions, despite the rise in the number of citizens soliciting services from the State's institutions, which are supposed to provide help and aid to different marginalized sectors in society. Various civil society organizations work on covering the remaining expenses of protecting battered women, while the State and its institutions shirk this responsibility.

In light of the rampant racism and violence present in Israeli society, recently only 19% of Palestinian citizens expressed their trust in the police. This is due to the fact that the **police were themselves part of the attacks, violence and homicide perpetrated against Palestinians**—for example, in anti-demolition demonstrations, anti-racism demonstrations, the October uprising (in 2000) and more. Women do not feel safe turning to the police department, because the latter employs a racist and authoritarian policy. In its March 2016 report, the Knesset Research and Information Center found that 79% of Palestinian women citizens of Israel expressed fear of being arrested or interrogated, a clear indicator of how unsafe they feel when talking about the police and all its departments. Moreover, the study showed that 54% of Palestinian women harbor a constant feeling of insecurity and a fear of losing their houses. Thus, most battered women do not file complaints to the police when exposed to any form of violence in their families.

The social services centers are not properly distributed. Many unrecognized towns or small communities do not have such centers, which forces women to go on their own to the city. In the case of the Naqab area (Negev), they do that to find that the only center that used to deal with family violence is now closed. In many areas, such as mixed cities and the Naqab, there is a lack of Arab social workers, despite the fact that Arab families constitute the majority of families benefiting from these services. Additionally, services are only offered in Hebrew. On a national level, there is a shortage of some 350 female social workers. Of the 67 existing family violence centers, 17 offer their services to the Arab society. However, in many Arab towns and cities, no such centers were opened, despite the fact that it is stipulated by law. In the Naqab, the center was closed last year, citing inefficiency, though no alternatives were offered.

The service and aid prerequisites and age limitations in place do not take into account the particularity of Arab society. For example, Jewish young women receive a lot of help before and after their military service, in terms of housing, education and other fields. Young Arab women often do not receive such support at all.

According to the financing policies used by ministries to provide service ("the matching" policy), the ministry provides 75% of the budget, and the local government provides 25%. In times of economic crises, the first to walk the plank are usually women's therapeutic frameworks. In Israel, there are 14 shelters for battered women. Of those, only two are for Arab women, and there is one more that receives both Arab and Jewish women, despite the fact that 44% of battered women in shelters are Palestinian. The State of Israel does not cover all the expenses of the therapeutic centers. In many cases, it covers 50%, while the rest is handled by civil society organizations.

*Suggested Questions*

- (1) How does the Israeli government intend to protect Palestinian battered women?
- (2) What are the violence prevention programs in operation in Arab society? What funding is allocated to such programs?
- (3) How does the Israeli government explain the difference between the level of services offered to Jews and to Arabs?

- (4) What is the government's plan to fight violence in the Naqab? What are the planned programs for offering services and aid there, especially in unrecognized communities?
- (5) How do the police deal with the low rate of indictment filing against criminals who murder women?
- (6) How does the government plan to deal with the dire shortage in social workers? Is there a plan to encourage the qualification of social workers?
- (7) The Prevention of Sexual Harassment Law and the Employer Obligations and Instructions Law, both of 1998, stipulate the need to appoint a person responsible for preventing sexual harassment in the workplace. To what extent are the responsible entities monitoring the implementation of this stipulation?
- (8) Why are no data released regarding Arab women in general in all that concerns sexual harassment and sexual offenses? In the reports issued by the responsible entities, such as the police department, the prosecution, etc., only the gender of the victims is specified, but all sectors of society are combined into one.

## 5. PARTICIPATION IN PUBLIC LIFE AND DECISION-MAKING<sup>6</sup>

Ever since the State was established and to this day, **only once was a Palestinian woman elected to the position of mayor** of a local government. Also, between 1948 and this day, only 44 women were elected to serve as members on local government councils, compared to thousands of men elected to serve in the same roles. In 2008, 149 women presented themselves for the local governance elections, but only 6 were elected. In 2013, 12 women were elected to serve as council members, while 6 were elected on a rotational basis until 2018.

Feminist and human rights organizations concerned with the issue of the representation of women in local government have worked towards the amendment of the law, in order for it to guarantee a **proper representation of women**. They managed to amend the Local Government Elections Act in 2013, in a manner that motivated party lists to include women among their first three candidates and promised an increase of 15% to a list's budget in case women were elected to serve on local councils.

In 2000, the Local Government Female Consultants Act was passed, with the aim of increasing the participation of women in the public sphere and in decision-making positions on a local scale. In 2008, the law was amended, stipulating that, in every local council, female consultants must be appointed to oversee women's affairs in each town. We consider this to be an important step, but it cannot be viewed as an alternative to electing women to serve on local councils or to head local governments.

In addition, following up on this law, there has been a flagrant failure concerning its implementation; it was not implemented in any local council, with the exception of 12, and in most of the latter cases, the appointments of consultants were of a political nature, not through legitimate tenders. In some cases, female officials in local governments were assigned the consultancy tasks in addition to their previous tasks, but with no additional budgets or authorities, which obviously hinders their ability to fulfill their task as consultants, in accordance with the powers granted by law.

### *Suggested Questions*

- (1) What steps is the State taking in order to reduce the gaps and remove obstacles in the context of guaranteeing the representation of women at both the parliamentary level and the local governance level?

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<sup>6</sup> This paper was prepared by Women Against Violence, Kayan and Al-Zahraa

- (2) How does the State deal with the application of the Female Consultants Act, which is supposed to advance women's status in local governance?
- (3) The Female Consultants Act obligates the head of a local authority to announce a tender and choose a consultant within 3 months of entering office. In case no consultant is appointed and no tender is announced, the law stipulates that the Minister of Interior must announce such a tender. What are the practical steps taken by the minister in order to guarantee compliance with the law? What are the mechanisms used to supervise implementation of the law?
- (5) In the past, we pointed out the lack of representation of Arab women in important decision-making positions (courts of law, family affairs offices, etc.). Have there been any developments in that respect? What is the current number of female judges? How does the state and the Ministry of Justice expect to guarantee a proper representation of Arab women in the legal system, especially as judges?
- (6) In spite of former Minister of Justice Tzipi Livni's promises to appoint female judges to religious courts, none have been appointed in the past year. Why is that?

## 6. NATIONALITY<sup>7</sup>

The 2003 Citizenship and Entry Into Israel Law (Temporary Order), amended in 2005 and 2007, prohibits Palestinians in the occupied territory from obtaining residency or citizenship status in Israel, including by marriage to an Israeli citizen. This racist and discriminatory law violates fundamental principles of equality, liberty, due process, privacy and family life in international human rights law; and it disproportionately affects Palestinian citizens of Israel. Passed ostensibly to protect the State's security, the law functions as a *carte blanche* to prevent Palestinians from entering the country, to break up Palestinian families and to reduce the presence of Palestinian Arabs in Israel. Regardless, the Supreme Court of Israel ruled in 2006 that the law was constitutionally valid.<sup>8</sup>

Thousands of Palestinian families have been adversely affected by this policy, which undermines and prevents **family unification** on the basis of racial or national origin. Palestinian women citizens of Israel are particularly harmed. The prevailing norms and cultural practices of Palestinian society, especially as a marginalized minority within Israel, make it difficult for women to live alone, to earn a living or to relocate for work, especially if they have children. Palestinian Arab women in Israel who are married to men in the occupied territory may be pressured to move to the occupied territory, risking the loss of their social rights and benefits and being subject to the widespread and systematic abuses of international human rights law and international humanitarian law that are part of daily life in the occupied territory. The difficulties inherent in this family dynamic may lead to the deterioration of the family unit, which in turn may lead to domestic violence against women or to the dissolution of a marriage, presenting women with even greater challenges.

Accordingly, policies such as the Citizenship and Entry Law violate, *inter alia*, article 3 of CEDAW, which protects the basic human rights and fundamental freedoms of Palestinian Arab women, as well as articles 9 and 16, which protect women's rights to change or retain their nationality and to be free from discrimination in family relations.

The pressures and risks inherent in the obstacles to family unification can undermine, *inter alia*, Palestinian Arab women's financial or personal security, their access to social benefits and rights, and their full enjoyment of rights as citizens or residents of Israel. Thus, the cumulative effect is to impair the development and advancement of Palestinian women citizens of Israel.

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<sup>7</sup> Prepared by the Arab Association for Human Rights (HRA), with contribution from Ma'an

<sup>8</sup> See H CJ 7052/03 Adalah v. Minister of the Interior [2006].

The Committee has already expressed concern over the Citizenship and Entry Law, calling upon Israel to “balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents.”<sup>9</sup> Despite this, the “temporary” order has been renewed continuously and nearly automatically through successive sessions of the Knesset, and the Supreme Court has approved its legal validity, in violation of the norms of equality and human dignity binding on Israel by international human rights law and enshrined (at least in theory) in Israel’s domestic legislation. Given the rise of anti-Arab racist attitudes and the alarming support for expulsion or transfer of Palestinian Arabs, this policy seems liable to continue, if not worsen.

Aside from the Citizenship and Entry Law, family unification may also be threatened by the Israeli practice of revoking the citizenship or residency status of Palestinians charged with security offenses. Although intended as a security measure to deter or punish terrorism, the policy is applicable, as far as is known, solely to Palestinians charged with security offenses, and not to Jewish citizens. This practice is detrimental to Palestinian Arab women for all of the reasons mentioned above.

#### *Suggested Questions*

- (1) What statistics has Israel compiled regarding the families of Palestinian spouses denied entry into Israel on the basis of their racial or national origin?
- (2) How many Palestinian Arab women have lost their social rights or benefits as a direct or indirect result of the Citizenship and Entry Law?
- (3) What measures has Israel taken to protect the family units of Palestinian Arab women citizens of Israel married to Palestinians in the occupied territory, or married to citizens of other Arab States?

## 7. EDUCATION<sup>10</sup>

The State of Israel, through its Ministry of Education, operates **two segregated educational systems**: one for Palestinian citizens of Israel and another for Jewish Israeli citizens. Through these segregated educational systems, the Ministry of Education practices discriminatory rules, policies and procedures, aiming to keep Palestinian citizens of Israel at a constant disadvantage. Successive Israeli governments have acknowledged that the State’s total investment in a Palestinian Arab student (citizen of Israel) amounts to 1/9 of the total investment in a Jewish Israeli student. This results in creating huge socio-economic gaps between the Jewish and the Palestinian citizens of the State. Certain groups within Palestinian society in Israel face multiple forms of discrimination: women in general, Bedouin women in unrecognized villages in particular, and Palestinian LBTQI women.

The right to education for the most marginalized Arab women and girls is violated by the overall policies of the State of Israel. The State particularly discriminates against Bedouin Palestinian women, one of the most marginalized and neglected minorities in Israel. Almost half of the women in Naqab are living in villages unrecognized as such by the State; consequently, they are excluded from development policies, resources and educational facilities. The State’s severe negligence of Bedouin women has directly resulted in the alarming drop-out rate of Palestinian girls from the formal educational system.

<sup>9</sup> *Concluding Observations*, Committee on the Elimination of Discrimination Against Women, 48th session, para. 25, U.N. Doc. CEDAW/C/ISR/CO/5 (2011); U.N. Doc. CEDAW/C/ISR/CO/3, para. 4 (2005).

<sup>10</sup> Prepared by the Arab Forum for Sexuality Education and Health (Muntada), ASWAT—Palestinian Gay Women, Sidreh Society and Al-Tufula Center

## Gender Stereotypes Within Schoolbooks

Elementary Arabic schoolbooks are still full of gender-based stereotypes favoring men and boys. In addition, most illustrations of men and women or boys and girls in these books are stereotypical and marginalizing toward women, girls and female children.

The Ministry of Education is invested in keeping contents related to Comprehensive Sexuality Education (CSE) and education on Sexual Orientation and Gender Identity (SOGI) out of the curricula in Palestinian Arab schools in Israel, while systematically investing in creating such curricula and training programs for students and staffers in Jewish Israeli schools. The ministry further interrupts all efforts made by civil society organizations<sup>11</sup> to implement similar content in Palestinian Arab schools in Israel. This form of direct and intentional discrimination places Palestinian women, girls and youth at risk. Such State discrimination is based on ethnicity and hinders the effective enjoyment of article 10 (equal access to education) of CEDAW. Palestinian female students often experience: (a) gender stereotyping, (b) violence, (c) imposed gendered dress codes, and (d) bullying due to students' sexual orientations or gender identities. The inclusion of CSE and SOGI are thus essential for States to comply fully with the provisions of CEDAW.

Since 2009, the State of Israel, through its Ministry of Education, initiated a national agenda for promoting gay-friendly schools. The agenda included allotting massive resources to Israeli LGBT organizations to create gay-friendly educational curricula and deliver workshops to students, mandated the commemoration of IDAHOT (International Day Against Homophobia and Transphobia) in all schools, and instituted obligatory diversity awareness training for teachers and other professionals working with young people. Palestinian schools, though they also fall within the scope of the Ministry of Education, were excluded from these efforts. The ministry's exclusion of Palestinian Arab schools under its responsibility is both intentional and consistent, as it persistently interrupts efforts to implement educational contents and trainings on CSE and SOGI by the Sexuality Forum and Aswat in Palestinian Arab schools. The particular agenda to keep SOGI content from Palestinian Arab schools is an integral part of Israel's "**pinkwashing**" agenda.<sup>12</sup> In the context of pinkwashing, the ministry aims to hinder Palestinian Arab schools—and therefore, communities—from access to sexual education content; in particular, contents related to sexual orientation and gender identity, keeping Palestinian Arab girls, women and youth in general at a constant disadvantage, while deeming Palestinian Arabs "backwards," "conservative," and "homophobic." This precise image of Palestinian citizens of Israel serves Israel's international agenda of pinkwashing. The lack of CSE and work on SOGI puts vulnerable communities at an even greater disadvantage.

### *Suggested Questions*

(1) What are the Israeli Ministry of Education's plans to bridge the growing gaps between the Jewish education system and the Palestinian Arab education system under its responsibility?

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<sup>11</sup>The Arab Forum for Sexuality, Education and Health (Muntada)- <http://www.jensaneya.org/en/> and Aswat- Palestinian Gay Women- <http://www.aswatgroup.org/en>

<sup>12</sup> Pinkwashing is a deliberate strategy used by Israel's government, agencies, and the Israeli LGBT community to exploit Israel's relatively progressive stance on gay rights, and to deflect international attention from its gross violations of human rights and international law. Pinkwashing portrays a democratic, liberal and gay-friendly image of Israel, supported by its relatively gay-friendly laws. As a counterpoint to this idyllic picture of Israel, the pinkwashing campaign also aims to paint a racist and false image of the monolithically homophobic, backward and barbaric Arab/Palestinian. [kohljournal.org/Pinkwashing](http://kohljournal.org/Pinkwashing).

- (2) How will the Ministry address the gender stereotypes in Arabic schoolbooks?
- (3) What are the plans for gender equality education in Arabic schools and curricula?
- (4) What measures is the Ministry taking to ensure that Bedouin women in unrecognized villages have equal access to education and to resources to promote education for girls and women?
- (5) With reference to Comprehensive Sexuality Education (CSE) and Sexual Education and Gender Identity (SOGI), what measures does the Ministry of Education take to comply with U.N. treaty monitoring bodies that have recommended that sexual and reproductive education should be a mandatory component of learning?
- (6) What measures did the Ministry of Education take to comply with the “Four overarching principles guide UNFPA’s work on sexuality education: achieving social equity by paying special attention to vulnerable groups; protecting the rights of young people, particularly to health, education and civic participation; maintaining cultural sensitivity by advocating for sexuality and reproductive health in sensitive and engaging ways”?

## 8. EMPLOYMENT<sup>13</sup>

Palestinian women citizens of Israel still face a complex injustice in a patriarchal society that sponsors women’s inferiority. In addition, these women are part of a national minority within Israeli society, a society that practices discrimination against women in all fields of life. In other words, women face discrimination based on their gender. They are denied practicing their human rights, ensuring their right to enjoy all the economic, collective, cultural, civic and political rights based on full equality between genders.

According to the State’s official statistics of 2014, the number of Palestinian women citizens aged from 15 to 64 reached 498,000. The percentage of Palestinian women citizens participating in the labor market only reached 27.6%, compared to 65.5% among Jewish women from the same age group in the State. In other words, 72% of Palestinian Arab women citizens in the working age are purposefully unemployed and alienated from taking part in the civic labor market because they have less education and less developed professional training for the labor market. Work opportunities are very limited for the Palestinian Arab minority in Israel, in general, and for women in particular, in Arab cities and villages.

### **Academics into the Labor Market**

Despite the fact that the percentage of educated Palestinian Arab women (post-secondary) reaches 24% today, one notices that from the 264,000 students who learned in 2014/2015 in universities, colleges and teach-education colleges, 13.3% were Arabs. This percentage of female college students increased during those years to constitute more than two-thirds of the total number of students (reaching 67.2%) for BA. In MA, the percentage of women increased to 71% while for PhD, it increased to 55.4% .The percentage of their participation into the labor market is not expressed on the ground. Only 40.6% female students (13-15 years in school) seeking a degree equivalent to BA find work. Those who spend more than 16 years in school are more involved into the labor market; they’re percentage reaches 71.7% .Despite the radical move for Palestinian women citizens of Israel in the case of women education, this achievement did not express itself on the ground in terms of women’s contribution or participation into the labor market, in addition to the percentage of their employment in governmental jobs that does not exceed 5.3% from the overall number of employed female employees, nor does it reach 3.3% from the overall number of workers in governmental services.

These data are the product of widespread discrimination by the State as well of the stereotypical vision of the role of women in a patriarchal society, as seen in the following:

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<sup>13</sup> Prepared by Women Against Violence, Kayan and Al-Zahraa

- A fragile economic structure and the lack of governmental investments in Arab towns.
- The great lack in public transportation.
- The great lack in kindergartens and official youth clubs financed by the Ministry of Economy and the Ministry of Public Welfare which encourage women to work.
- Lack in funding education and developed professional training for Palestinian Arab women citizens.
- Failing to find long-term plans to bring Palestinian Arab women into the labor market, especially unemployed academics.

### **Wages and Opportunities of Female Palestinian Workers**

Generally, female Palestinian workers in the public sector **receive lower wages** compared to female Jewish workers for the same job (the wage of a female Palestinian worker is 32% less than that of a female Jewish worker). Their wages are also **less than that of men** in the same job and with the same qualifications .Female Palestinian workers in the private sector (engineering, law, small businesses and workshops, agriculture) experience long hours of work (no less than 10 per day) for a wage lower than the minimum wage in Israel, with no contract or social security. Low wages mark an example of discrimination based on gender and nationality suffered by women .

Under double discrimination against Palestinian women citizens of Israel by the State and under the patriarchal society, opportunities to bring Palestinian women citizens into the labor market are very limited. One of these opportunities is creating small home-based businesses or ones that are close to home for women. An independent business could be a good alternative for women who were denied academic learning and who face difficulties in joining the labor market as employees in companies far away from where they live. In most cases, feminist institutions train and educate women group to develop small projects that would help women improve their lives and guarantee them financial independence. In order to develop such initiatives, the State must reexamine its current policy regarding encouraging small and medium businesses, considering the gender aspects, as well as providing funding and credit sources needed to support women’s small businesses.

#### *Suggested Questions*

- (1)What are the different governmental institutions’ plans following the governmental decision 2579 which states that Arabs must be represented in State services, especially women, considering the fact that they only constitute 3.3% of the overall workers in this field ?
- (2)What should the State do for economic development in the Arab sector in order to bring women into the labor market and eliminate obstacles that would limit their joining?
- (3)How does the State deal with the percentage of unemployed Palestinian women (more than 73%) and what are its plans for providing work opportunities and answering the OECD criteria? What is the State’s plan for absorbing unemployed academics (60% of which are BA holders)?
- (4)How does the State deal with programs supporting the creation of small and medium businesses for women in the Arab society?
- (5)Are there data about public transportation in the Arab villages and cities leading to industrial cities?
- (6)Palestinian Arab women suffer from a general injustice into the labor market. However, during politically tense periods of time in the State, women suffer an even wider abuse. We have received complaints from women stating that they were forced to work in places that they consider insecure (in a settlement, for example, during the days of attacking Palestinians). What will the State do to address this?
- (7)Does the State initiate an examination of the different aspect of law enforcement and the violations committed by employers? How does the State deal with such cases?

## 9. HEALTH STATUS OF PALESTINIAN CITIZENS OF ISRAEL<sup>14</sup>

The health situation of the Palestinian citizens of Israel has generally improved with an increase in life expectancy, decrease in infant mortality, and improved services, especially with the enactment of the National Health Insurance Law. Despite these improvements, there remains a significant gap between the Palestinian Arab minority and the Jewish majority in many areas related to health. As a result, the overall health status of Palestinian citizens of Israel lags behind that of the Jewish population, especially women's health. This is evident by a much **higher infant mortality rate** and a **lower life expectancy rate**. The infant mortality rate is three times higher among Palestinian citizens compared to Jews; it is 6.4 per 1000 live births among Arabs as a whole versus 2.2 per 1000 live births among Jews.<sup>15</sup> The infant mortality rate of Arab Bedouins living in the Negev is the highest in Israel. According to a report by the Israeli Health Ministry, Arab Bedouin children suffer more from growth disorders, nutritional deficiencies, and underweight conditions that could cause serious damage. About 9% of Arab Bedouin children under the age of five suffer from growth delays and 4.4% are underweight. Arab Bedouin girls are at higher risk, and suffer seven times more than boys from growth problems and 10 times more from weight problems.<sup>16</sup> Bedouins living in unrecognized communities are in much poorer condition than those living in permanent communities.

The Centre for Women's Health Studies and Promotion states that in the unrecognized Arab Bedouin villages in the Negev, very few health care facilities are available; ambulances do not serve the villages and 38 villages have no medical services. According to the Israeli NGO Physicians for Human Rights (PHR-Israel), the number of doctors is a third of the norm. There is a great lack of services and a great need for proper infrastructure, such as a supply of water, electricity, waste and garbage disposal that will help improve the general health of the population and the health of women in particular.

### Women's Mental Health

The issue of mental health services is a very sensitive one, especially in Arab society, in light of the recent numbers indicating that more than 60% of those benefiting from these services are women suffering from depression and mental and social pressure. Seeking treatment in secret was one way the patients could be helped, without violating their privacy and without them worrying about the disclosure of their state of mental health. In light of the already scarce mental health services offered to the Arab sector in Israel, the difficulty in paying for mental health services in private practices in particular, and the proliferation of general practices run by local doctors from small communities (small Arab towns and neighborhoods), most women who need mental healthcare will now think twice before seeking help. In addition, the scarcity of mental health services in general will affect all those benefiting from these services, especially women.

### Smoking

It is widely known that smoking is the most important behavioral risk factor for morbidity and mortality. Smoking is a serious public health problem in Israel, particularly among the male Arab population. The smoking rate in Israel among those aged 21 and over, correct for the year 2014, is 19.8%, according to the National Health Survey. In 2013, according to the "Social Survey 2013" of the Central Bureau of Statistics, the smoking rate in Israel was 23.1%, whereas according to the "Health Knowledge, Attitudes and Behavior in Israel 2013" survey, the smoking rate among those aged 21 years and over was 18.7%. When broken down by gender, 27.3% of

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<sup>14</sup> Prepared by Al-Zahraa and MAAN

<sup>15</sup> Israel Center for Disease Control and Food and Nutrition Services, Ministry of Health 2003. First Israeli National Health and Nutrition Survey (MABAT): Part I – General Findings. Publication No. 225, 2003

men in Israel smoke and 12.6% of women in Israel smoke. When broken down by nationality, the smoking rate is 26.3% in the Arab population and 18.4% in the Jewish population.<sup>17</sup>

### **Physical Activity and Dietary Habits**

Palestinian Arab males and females reported significantly less engagement in exercise and physical activity than their Jewish counterparts.<sup>3</sup> Rates of reported exercising at least 3 times a week for 20 minutes is considerably higher among Jews than Arabs for both genders and in all age groups. Overall, only 11.2% of Arab males and 8% of Arab women reported regular participation in physical activity. This is compared to 22.7% and 23.7% of Jews, males and females respectively.

According to Rikaz,<sup>3</sup> 37.8% of Palestinian citizens in Israel above the age of 19 years are overweight, and an additional 11.4% suffer from obesity. Among the 19-29 year age group, 34.8% of Arabs are obese or overweight. Obesity rates were found to increase with age for both population groups and both genders. However, this trend was particularly noticeable among Palestinian Arab women. More than 50% of Arab women aged 45-54 and 70% of those ages 55-64 years were obese.<sup>2</sup> This rate significantly increased in 2010, showing 67.1% of those in the 50-59 years age group as being overweight or obese.<sup>2</sup>

Although the Palestinian Arab female population has higher prevalence rates of overweight and obesity, the rates of dieting for weight reduction or weight control were twice as high among Jews than Arabs. Calorie consumption was higher among male and female Arabs; when comparing with Jewish participants, Arabs had a higher percent of calories coming from carbohydrates and a higher rate of saturated fat. Palestinian Arabs, especially females, reported higher body weights and thus BMIs and obesity when compared to Jews. Data for all age groups found Palestinian Arab women to be more obese than Jewish women, with the rate more than double in the 35-44 year age group. The highest rates of obesity were in the 55-64 year age group, in which 36% of Jewish women and 70% of Arab women were obese.

#### *Suggested Questions*

- (1) What actions are being taken by the Israeli government to decrease gaps in health status between Jewish and Palestinian citizens, especially women?
- (2) What public health interventions are being implemented to target Arab populations and to improve overall lifestyle behaviors, such as high obesity rates among Arab women?
- (3) How can we ensure that these public health interventions and programs are culturally appropriate to Palestinian women citizens of Israel?
- (4) Has the damage expected to occur in Palestinian Arab society, especially among women, as a result of the reform been carefully examined?
- (5) How does the ministry intend to obligate clinics to provide job opportunities for Arab psychologists, in order to meet the needs of Palestinian Arab girls and women?
- (6) How does the ministry guarantee women's privacy in light of the conflation of physical and mental healthcare in general practices?
- (7) Mental healthcare services, and even general healthcare services, do not reach some remote areas, such as the Naqab (Negev) area and unrecognized townships. What plan is there to overcome the shortage in Palestinian Arab psychologists belonging to the general health services?

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<sup>17</sup> Nuwayhid, I.A., Yamout, B., Azar, G., and Kambris, M.A. Narghile (hubble-bubble) smoking, low birth weight, and other pregnancy outcomes. *Am. J. Epidemiol.* 1998; 148(4), 375-383.

## 10. RURAL WOMEN AND OTHER DISADVANTAGED GROUPS

### A. Arab Bedouin Women<sup>18</sup>

The institutionalized discrimination of the Palestinian residents of the Negev over the years, particularly through the inegalitarian allocation of land, planning, and housing resources, influences the ability of the Arab Bedouin in general, and Bedouin women in particular, to realize a broad range of basic rights. It impairs their basic right to shelter; the right to available and accessible education; the right to health, employment, and dignity, and so forth. Government planning policy toward the Bedouin villages in the Negev—both the recognized and unrecognized villages—perpetuates poverty among Arab Bedouin women, who have the lowest socio-economic status of any sector in Israel. These women face wide-ranging violations of their rights, including severe health problems and violence, and find themselves trapped between two spheres of oppression: society and the State.

The total number of Arab Bedouin citizens living in the Negev is over 200,000. The population can be divided into two main groups, according to the planning status of their area of residence. The first group, comprising approximately 66 % of all the Palestinian residents of the Negev, live in communities that are now recognized by the state. These communities are among the poorest and most neglected in Israel. Their residents face poverty, unemployment, high levels of crime, low levels of education, and a high proportion of health problems, both relative to the residents of Jewish communities and to residents of other Arab communities in Israel.<sup>19</sup> The remainder of the Bedouin population, **some 34%, live in 36 unrecognized villages**. Due to the lack of recognition and planning, residents in general, and women in particular, have for many years suffered from exceptionally poor living conditions. **They are denied basic rights**; their villages are not connected to water, electricity, and sewage infrastructures; and educational and health services are provided in a partial and inadequate manner. Israel refuses to recognize the traditional land ownership structure, and the residents live in constant fear that their homes will be demolished.

It should be noted the number of house demolitions in the Arab Bedouin villages in the Negev has increased significantly in recent years.<sup>20</sup> This development has grave ramifications for the entire Bedouin community, and particularly for women, who spend most of their time close to home and are forced to cope with the destruction, depression, and anxiety caused by this policy. The result is that women do not invest in their home surroundings, impairing the living conditions of the whole family and resulting in an environment that is unsafe for women and children alike.

Another direct result of the lack of planning in Arab Bedouin villages, and one of the main obstacles preventing Arab Bedouin women from realizing their basic rights, is the lack of vital public buildings and facilities in their villages: courts, executor offices, National Insurance, clinics and hospitals, mother and child clinics, industrial and employment zones, and so forth. Most of the villages lack these facilities, and women are therefore obliged to travel long distances, without suitable public transportation, in order to access basic services. With regards to

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<sup>18</sup> Prepared by the Association for Civil Rights in Israel

<sup>19</sup> Ministry of Health report: “Genetic Defects and Genetic Diseases among the Bedouin in the Negev,” May 2014 (in Hebrew): <http://www.health.gov.il/PublicationsFile/Genetic-Diseases-Bedouin.pdf>.

<sup>20</sup> Knesset press release, 18 January 2016: “We can’t talk about the status of women when women are still struggling for a roof over their head” (in Hebrew): <http://main.knesset.gov.il/News/PressReleases/pages/press180116-pk.aspx>

education, there are communities that do not have a school and girls are forced to travel long distances in order to realize their right to an education. In communities with educational institutions, serious infrastructure problems can be seen with regards to access roads, sidewalks, and lighting, while the buildings themselves suffer from a lack of air-conditioning during hot summer days and a lack of heating in periods of flooding and cold.

Israel continues to violate the rights of Arab Bedouin women and to impose problematic demands and conditions on their right to proper planning. Israel presents these women with two poor options: to continue to live in their unrecognized villages, or in recognized but unplanned villages, in very poor conditions, without any hope of improvement in planning and social conditions; or to uproot and move to communities that are well known as hotbeds of poverty, unemployment, and severe housing crises, while at the same time abandoning their traditional rural way of life.

#### *Suggested Questions*

- (1) What is the government's planning policy regarding the recognized and unrecognized villages in the Negev? When is this policy expected to be implemented? How will it influence the future of the existing villages in the Negev and their residents?
- (2) In particular, how does the State intend to take into account the specific interests of Bedouin women who live in these villages in its planning proceedings, in order to ensure that they can realize their basic rights to culture, education, health, housing, employment, and decent living conditions—as well, of course, as access to water, electricity, and basic services?
- (3) In replying to these questions, please also address plans to improve the road infrastructure and public transportation within and around the Bedouin villages; plans to address the environmental hazards threatening these villages; and plans to ensure that all governmental services provided to the residents of the village are accessible in the Arabic language.

## **B. House Demolitions<sup>21</sup>**

Palestinian citizens of Israel (or residents of occupied East Jerusalem) face the threat of having their family homes demolished by Israeli authorities. Israeli authorities often resort to house demolitions as a punitive measure against Palestinians charged with or convicted of “security offenses.” In this context, punitive house demolitions amount to flagrant violations of important social rights of the Palestinian Arab minority, such as the right to adequate housing<sup>22</sup> and the right to family life,<sup>23</sup> for the detriment to these rights is vastly disproportionate to the alleged benefits of restricting them. This is more apparent when considering that the families of the accused suffer injury as well. Furthermore, the use of punitive measures against the accused's family amounts to collective punishment, in violation of fundamental principles of due process in human rights law and, where applicable, the prohibition on collective punishment in international humanitarian law.<sup>24</sup>

In other cases, Israeli authorities demolish homes as a public administrative measure against buildings constructed without permits. This policy disproportionately impacts the Palestinian

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<sup>21</sup> Prepared by the Arab Association for Human Rights (HRA)

<sup>22</sup> See International Covenant on Economic, Social and Cultural Rights art. 11(1) (1976).

<sup>23</sup> See *id.* at art. 10(1).

<sup>24</sup> See Geneva Convention (III) Relative to the Treatment of Prisoners of War art. 87 (1949), Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War art. 33(1) (1949).

Arab minority, for two independent but related reasons. First, Palestinian Arabs are rarely issued permits to build legally; natural population growth exceeds lawfully permitted construction, encouraging and even requiring illegal construction. Secondly, building laws are enforced more often and stringently against Palestinian citizens or residents as compared to Jewish citizens.

In the Naqab, approximately half of the Arab Bedouin population live in officially “unrecognized” villages, subjecting their inhabitants to forced eviction and house demolition by the State. These villagers—who already lack access to many basic public services, such as water and electricity—are routinely pressured by the State to leave their ancestral lands, often to make room for the construction of new Jewish townships. The 2011 Bill on the Arrangement of Bedouin Settlement in the Negev, also known as the **Prawer Plan**, was one such effort. Recently, the Bedouin village **Umm al-Hiran**—which was established in 1956 by Bedouin forcibly moved there by the State—was slated to be demolished in order to create a Jewish town called “Hiran.” Despite years of litigation and public pressure, the Supreme Court of Israel approved in 2015 the plan to demolish and displace the village.

Policies of forced evictions, displacement and inadequate housing not only violate the human rights of Palestinian Arabs, but also disproportionately impact the lives and rights of Palestinian Arab women. They exacerbate existing conditions of poverty, disenfranchisement, underdevelopment and inequality that Palestinian Arab women experience, in contravention of articles 2 and 3 of CEDAW. More specifically, they also violate 14 (related to rural women) with respect to the Arab Bedouin population.

#### *Suggested Questions*

- (1) How can Israel abide by its obligations, *inter alia*, to provide adequate housing while maintaining a policy of forced evictions and house demolitions against the Palestinian Arab minority?
- (2) What measures has Israel taken to mitigate or address the adverse effects on Palestinian Arab women affected by such policies?
- (3) What special measures or affirmative actions has Israel taken to mitigate such adverse effects or to help the development of Bedouin women, in line with article 14 of CEDAW, that is sensitive to their specific needs and traditions?
- (4) How does the State justify its punitive house demolition policy in the light of international human rights law and international humanitarian law? What remedies or compensatory measures exist to rectify actions by the State to unlawfully deprive a person or family of their property and dwelling place?
- (5) How does the State defend its demolition of Umm al-Hiran in the light of its obligations under international human rights law? What steps are being taken to protect the Arab Bedouin citizens, especially women, affected by this policy?

### **C. Palestinian Women Citizens of Israel with Disabilities<sup>25</sup>**

According to the 2009 report of the Commission for Equal Rights for Persons with Disabilities, women comprised in 2007 the majority of the population of persons with disabilities in Israel. Of the 1.2 million people with disabilities, 650,000 were women. The reason for their large numbers is the longer life expectancy of women in the total population. This majority is more evident in

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<sup>25</sup> Prepared by Al-Tufula NNI

older ages, where the rate of the disabilities is also higher .To date, no updated aggregated data is available regarding obstacles preventing older women and disabled women from enjoying the rights guaranteed by the Convention .Women with disabilities in the Arab society have to deal with many diverse obstacles that make it difficult or impossible for them to integrate well into society in general and in the job market in particular. They are marginalized and ignored in the public space and do not participate in social, political, cultural or economic life.

Results obtained by the Masira Fund show that in the Arab society today, there are about 400,000 people with varying degrees and forms of disabilities (physical, sensorial, mental, intellectual, developmental and cognitive). More than half are supposed to join the “job market” (i.e. they are aged 18-64). The percentage of people with disability in the Arab society with post-secondary education is roughly 9.3%, while those with academic education constitute 5.6% of Palestinian Arabs with disabilities. Moreover, the percentage of people with disabilities who joined the job market does not exceed 57% in society in general. Previous research indicates that less than 30% of people with disabilities in the Arab society join the job market. Arabs with disabilities are over-represented in the low-income sector and, at the same time, are under-represented in high positions and top-paying jobs. It is worth noting that 40% of the people in protected employment can enroll in supported employment. The percentage of employers from the private sector who employ people with disabilities does not exceed 5.5%, while the percentage of workers with disabilities in large corporations does not exceed 2%.

Previous research on employment of Palestinian women citizens indicates that the participation of Palestinian women citizens of Israel in the official workforce is one of the lowest in the world. Cross-referencing these data allows us to conclude that the percentage of Palestinian Arab women with disabilities employed in the Arab society is extremely low. This implies that women in this sector live in extremely low socioeconomic conditions, are marginalized from society and harbor feelings of solitude, without their abilities being intelligently employed.

#### *Obstacles and Challenges in the Way of Employing Women with Disabilities in the Arab Society*

**Social obstacles and challenges**, such as living in peripheral areas, being part of an ethnic minority, being part of a patriarchal and traditional society, being women with disabilities who suffer from negative treatment and prejudice, and society’s non-acceptance of Others.

**Environmental obstacles and challenges**, such as an unsupportive environment, undeveloped or primitive physical infrastructures, lack of public transportation in Arab villages or inaccessibility of public transport in big cities, lack of services, inaccessible services, services that are not adapted to the reality and obstacles extant in society, and inaccessibility of public places.

**Institutional and political obstacles and challenges**, such as non-implementation of laws, exploitation, unfair wages in protected factories; lack of rights, inaccessible information, bureaucracy; lack of trust in institutions; lack of job opportunities; inequality in job opportunities, inaccessible higher education; laws and regulations that are not adapted to their special needs.

**Personal challenges and obstacles**, such as lack of self-acceptance, lack of confidence in personal abilities, number of those who seek higher education is among the lowest, choosing fields that are not demanded in the job market.

#### *Suggested Questions*

(1) Are there plans to conduct extensive and deep research regarding women with disabilities in the Arab society concerning various aspects of life?

(2) How long is the non-enforcement of laws concerning accessibility expected to go on: regarding infrastructure, public transportation, public places, all kinds of services, information, etc.? What about giving specific instructions encouraging the employment of Palestinian women citizens of Israel with disabilities?

(3) What plans is the government developing regarding the empowerment of women with disabilities? What about developing programs for raising awareness and changing attitudes toward women with disabilities in society in general and among employers in particular?

#### D. Young Palestinian Women<sup>26</sup>

Young people amount to more than one half of the Palestinian Arab minority in Israel; 62% of youngsters are below the age of 29, whereas Palestinians citizens of Israel aged 15-29 constitute about 25% of the Palestinian Arab minority in Israel. In 2010, the participation of Palestinian citizens of Israel in the job market reached approximately 41%. Among men, 60% participated in the job market, compared to only 25% of women, in that same year. However, there is an evident decline in the participation of youngsters aged 15-24 in the job market between 1998 and 2010; this is due to the enrollment of many youngsters in higher education in lieu of the job market. Among male youngsters aged 15-24, 85% participate in the job market, compared to 76.5% of female youngsters in the same age group.

The participation in the job market is directly affected by the average number of years of education, especially the number of years of higher education. The data shows that, among young people aged 15-25, there is a clear increase in both the number of years of education and in attaining a matriculation certificate ("Bagrut"). In addition, among those aged 25-34, there has been an increase in the number of people enrolled in post-secondary or academic education (Bachelor's and Master's degrees). This is especially true among females, as the percentage of young women obtaining the "Bagrut" certificate reached 30.5% in 2010 (compared to 22.8% in 2005). In the age group 25-34, the number of young men with a Bachelor's degree increased from 9% to 13%, and almost doubled itself in the case of young women (10.5% to 19.7%). Additionally, the number of young women that obtained a Master's degree increased almost fivefold (0.5% to 2.6%).

##### *Difficulties and Challenges for Palestinian Youth Citizens of Israel*

There are several obstacles and problems in the "Arab education system," including a lack of clarity when choosing a specialization in high school. Moreover, the number of specializations in Arab schools (in Israel schools are segregated) is limited, resulting in many cases where a pupil picks an unwanted subject in high school, only to later pick an academic field that is quite removed from that choice. Palestinian citizens of Israel youngsters are in dire need of academic orientation programs, which are generally completely absent in Arab schools. Additional obstacles prevent young Palestinian citizens from entering academic life, such as the Psychometric Entrance Test and the age limitations imposed in some fields of study.

Regarding the job market, there are serious limitations in the opportunities available for young people. In addition, many of those participating in the job market during or after high school pointed out that the work conditions are quite unjust in terms of salaries, social rights, working hours, etc. Gender-based discrimination exists in salaries and work conditions. In general, young Palestinians citizens of Israel suffer from scarce job opportunities: on the one hand, racism is the main obstacle, and on the other, job opportunities in the local job market is very limited, thus creating a great deal of competition and planting many obstacles that prevent youngsters from working. Young females, especially, pointed out that they prefer to work close to their homes, for social, political and family-related reasons.

It is also clear that **violence**, according to young Palestinian citizens of Israel, is one of the most prominent and grave inner dangers among the Palestinian Arab minority in Israel. In consequence to all of the above, it is important to raise some questions and dilemmas. In the past decade of

<sup>26</sup> Prepared by Al-Tufula Center

successive right-wing Israeli governments, we have witnessed increasing restrictions on the Palestinian Arab Minority in Israel, which naturally adversely affect the youth.

### *Suggested Questions*

- (1) Freedom of expression is in danger. Young women and men are persecuted by the authorities for expressing their opinions on social networks, and the administrative detention mechanism is used also against Palestinian citizens of Israel. How does the government plan to stop attacking the freedom of association and the freedom of expression?
- (2) The authorities deal with female activists from a patriarchal point of view. For example, they arrest an activist's father along with the activist, in order to put the repressive patriarchal system in motion and to make the young woman feel guilty about being an activist. This, in turn, strengthens said patriarchal system in our society. How they are intending to put an end to these steps that strengthen the patriarchal system?
- (3) The high schools' curricula do not take into account the issues of gender equality, academic guidance or orientation towards atypical fields of study. Are future governments planning to allocate a budget in the Ministry of Education in order to build professional and academic teams that would help orient future generations?
- (4) In all ministries, there is a dire lack of budgets allocated to support youth projects and initiatives. All such initiatives are geared towards a single project (Israeli military service); the latter is presented as a voluntary project, but it is essentially a militaristic project. What is the government's plan for youth in the Palestinian society in Israel?

## **11. MARRIAGE AND FAMILY RELATIONS<sup>27</sup>**

### ***Discrimination between women and men in religious courts***

The legal framework currently in place in Israel with regard to Personal Status dates back to the Ottoman period, and is applied to each litigant according to the religion he or she follows. There are religious courts with exclusive authority in all that has to do with issues of marriage and divorce; and there are Family (civil) Courts with parallel jurisprudence that look into matters of custody and alimony. Different laws and regulations apply to different women, depending on their denominations, which amounts to discrimination between women and against women, seeing as in many cases religious laws are highly discriminatory against women.

### ***Child custody***

According to article 16, the most important consideration in child custody cases is "the child's best interests," but this does not always fare well with religious legislations. For example, when a Shari'a court considers a custody case, it does so according to religious legislations that date back to the Ottoman Law of 1917 and the Personal Status law of the time. Even though the court is also subject to the Israeli civil law, which specifies that the priority should always be given to the child's "best interests," Shari'a courts sometimes use two discriminatory caveats that, if fulfilled, effectively strip the mother of child custody:

1. The mother marrying another man: if the mother marries another person after getting a divorce, she loses her right to custody. In these cases, it is incumbent on her to prove that she is more worthy of the custody, and it is up to the court to decide in the matter.
2. The child's age: according to the Hanafi school of thought, used in Shari'a courts, a mother has custody until her child is 7 years old, if a boy, or 9 years old, if the child is a girl.

### ***Discrimination in rights and responsibilities in a marriage: obedience lawsuits***

The issue of obedience is present in most religious legislations. For example, according to Islamic Shari'a, a wife must obey her husband, who in turn pays the dowry and the wife's expenses. Thus, the husband can file an obedience lawsuit against his wife, which is a humiliating

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<sup>27</sup> Prepared by the Working Group on Personal Status Issues, Kayan and Maan

experience for the latter, making her feel like as though her freedom and ability to make independent choices were revoked. Such lawsuits are often filed by husbands against wives who leave the house, those who file alimony lawsuits or in other cases.

### ***Child marriage***

In 2013, after more than fifteen years of hard work done by different feminist and legal frameworks (such as the Personal Status Committee), the matrimonial law was amended and the minimum legal age for marriage in Israel was raised from 17 to 18. The available data indicate that one of 4 Arab women gets married before she reaches the age of 18, and that one of 3 gets married before she is 19. According to data from the Ministry of Public Security, in the first year after the amendment came into force (on December 2nd, 2013), 24 complaints were filed regarding marriage of girls before they reached the legal age, but indictments were filed in only 4 of these cases. The practice of child marriage has a massive effect on the girls' mental and physical health, besides hindering their options to seek a higher education or join the job market. In addition, it is considered to be a violation of the girls' right to childhood and to free choice, as the girls are put under a great deal of mental and social pressure. In addition, it is obvious the law is not properly enforced and that the governmental institutions do not take any active steps on a social or educational level to put an end to this phenomenon.

### ***Polygamy***

The Israeli law prohibits polygamy and considers it to be unlawful. Article 176 of the Penal Code (1977) states that polygamy is punishable by up to five years in jail. Polygamy is a common phenomenon all across the country, but it is especially rampant in the Naqab (Negev) area, where it appears in 20% -30% of the cases. The country and its institutions do not take serious action in order to put an end to the phenomenon or develop mechanisms to treat such cases. The State's main argument is that it is unable to expose these polygamous marriages, because the secondary marriages are not officially registered in the Ministry of Interior. In some cases, the husband divorces his first wife, issues a divorce certificate, then remarries the same woman without notifying the official authorities, before proceeding to marry another woman in order to avoid legal accountability. The State uses this opportunity to deny the divorced woman of her right to a National Insurance allowance.

In 2000 alone, 593 polygamous marriages were registered in the Naqab area alone. In 2012, that number rose to 651 and in 2013, it reached 719 cases, the highest figure in all the country. In 2012 and 2013, the number of paternity cases in the Beer-as-Sabe' (Beersheba) Shari'a court was very high compared to other courts, due to the unofficial and undocumented marriages closely related to the phenomenon of polygamy.

#### ***Suggested Questions***

- (1) How does the State deal with the existing contradiction between religious legislations and the civil law concerning custody? How does it guarantee that children's best interests are always the most important consideration in all custody cases?
- (2) What actions is the State taking in order to nullify laws that discriminate against women in custody cases?
- (3) Why are no steps taken to cancel the option of filing obedience lawsuits in religious courts?
- (4) What are the preventive steps taken by the State in order to put an end to the phenomena of polygamy and child marriage?
- (5) What is the State's role in preventing these phenomena in terms of accountability and awareness raising?

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