

**WRITTEN SUBMISSION OF NGO MONITOR
TO THE CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN
STATE REPORT ON ISRAEL
(68th SESSION)**

OCTOBER 2017

Israel is a vibrant parliamentary democracy facing many complex challenges, such as balancing the individual rights of its population (including its Arab minority) with the need to protect against daily attacks on its civilians launched from Hamas-controlled Gaza, the West Bank, and Hezbollah-controlled Southern Lebanon.

The civil society (NGO) network in Israel, the West Bank, and Gaza is thriving and often provides valuable humanitarian assistance, including health services, education, and other basic requirements under difficult conditions. Regrettably, however, this network also often plays a counterproductive role in the Arab-Israeli conflict.

As NGO Monitor and others have documented systematically, human rights NGOs often produce reports and launch campaigns that stand in sharp contradiction to their own mission statements claiming to uphold universal values. They regularly obscure or remove the context of terrorism, provide incomplete statistics and images, and disseminate gross distortions of the humanitarian and human rights dimensions of the Arab-Israeli conflict.

This activity often stresses the rights of Palestinians at the expense of Israeli rights, and promotes the protection of some human rights such as a vague “right to work” at the expense of more fundamental rights such as the right to life or the right to self-defense. Moreover, violations of human rights and international humanitarian law committed by Palestinian actors or terror groups such as Hamas, dysfunctional internal Palestinian politics, and cultural factors in Palestinian society are ignored or minimized. As a result, NGO publications and campaigns provide an incomplete and often non-credible picture of the state of human rights in Israel.

In conjunction with the factual distortions and missing context, these publications also twist beyond all logical meaning international law relating to human rights and armed conflict. For example, NGOs view rights in a myopic and isolated framework. The vast majority of individual rights are not absolute, and governments are tasked with the difficult work of interpreting and balancing different rights, the realization of which may create conflicts and tensions. Otherwise, it would be impossible for society to function. Too many NGOs and even UN committees do not take these vital points into consideration. NGOs also often view individual rights in the abstract or invent interpretations of CEDAW’s provisions that extend far beyond the intended meaning.

These processes end up diluting and weakening the very rights at issue. Moreover, they play into the hands of critics who claim that international human rights law is of minimal value

because it is devoid of specific and applicable content. In fact, many national courts have declined to apply international human rights law in domestic cases specifically for this reason. The Committee would do well to pay heed to these jurists. If human rights law is so abstract, inflexible, and incompatible with the real world and the complex issues and problems facing society, then it serves no purpose.

Unfortunately, the majority of distorted factual and legal claims presented to the Committee and reflected in the List of Issues are simply recycled and reinforced by a closed and narrow circle of UN officials and NGOs. There is little to no critical or independent evaluation of this information, which leads to unworkable and unproductive policy prescriptions.

The following examples highlight problematic claims made in submissions to the Committee:

Jurisdiction and Applicability of the Convention:

Before addressing specific claims addressed by the Committee, we note the strange comments made in the List of Issues relating to the applicability of the CEDAW convention in the Palestinian Authority vis-à-vis Israel.

The List of Issues states, “Recalling that the Convention applies in all territories under the effective control of the State party and noting that the State party is an occupying Power of Palestinian territory, please provide detailed information on the enjoyment by women and girls in the Occupied Palestinian Territories of their rights under the Convention.”

This statement reflects fundamental lack of knowledge regarding the legal applicability of the Convention. More importantly, practical application of the Committee’s demands resulting from this lack of knowledge is plainly absurd.

Between 1993 and 1995, the State of Israel and the Palestine Liberation Organization (designated representative of the Palestinian people) freely entered into a series of agreements (Oslo Accords) regarding the governance and administration of the West Bank and Gaza. These agreements established the Palestinian Authority, the governmental body for the Palestinian people that exercises jurisdiction over more than 95% of the Palestinian population. In 2005, Israel relinquished all claims to the territory of Gaza and removed its armed forces and civilian population. Since that time, Gaza has been entirely self-governing. In 2006, Palestinians elected the Hamas terrorist organization as the majority party in power. In 2007, Hamas took over total control of the Palestinian Authority in Gaza and expelled the Fatah party in a bloody civil clash.

The Committee does not say, how, given the absence of any Israeli presence in Gaza or in Areas A and B of the West Bank for more than a decade, how Israel is supposed to “provide detailed information on the enjoyment by women and girls in the Occupied Palestinian Territories of their rights.” The Committee makes no mention as to how the Israeli government is supposed to have “detailed information” on how women and girls “enjoy” their rights. The Committee also does not say how Israel is supposed to facilitate the exercise of these rights.

Issues relating to the enjoyment of the Convention within the Palestinian Authority must therefore be presented by the Committee to the “State of Palestine,” which purports to be a member of the Convention.

Discrimination against Women (Article 2), Discrimination in Education (Article 10), and Discrimination in Employment (Article 11)

Israel is a country filled with diverse citizens from a variety of religious, cultural, and economic backgrounds. These differences can often impact education and employment rates. For instance, within the Jewish sector, Haredi (ultra-Orthodox) men have a lower participation rate in the workforce compared to Haredi women. (In 2015, the [employment rate](#) of Haredi men was just 50% compared with 73% of women.) The burden of childcare, however, often also falls disproportionately on Haredi women. Education is often more limited in this sector as well impacting the type of work and remuneration available. Due the large size of families in the Haredi community, considerable burden therefore is placed on women, and poverty is a notable problem.

Several submissions to the Committee cite education and employment rates of Bedouin women as being lower than those of Jewish women and claim that this is a product of racial discrimination promoted by the Israeli government. These claims are not reflective of reality.

Like the Haredi community, Bedouin culture is a significant contributing factor to lower rates of education and employment rates for women. The Bedouin are a traditionally nomadic people who typically live in remote areas not easily accessible to cities with infrastructure, educational, and employment opportunities. There is often a tension between integrating Bedouin into a modern, technologically advanced society and economy, on one hand, and retaining the community’s traditional lifestyle, on the other.

The government has taken steps to mitigate this tension. For example, despite claims of discrimination in education, there are affirmative action programs in place to encourage Bedouin women to obtain degrees of higher education. [Ben Gurion University in the Negev provides scholarships](#), counselling, and tutoring to support its Bedouin students, which in 2016 numbered 450, 70% of whom were women. The University additionally has a center dedicated to Bedouin women and a center for Bedouin Studies and Development. Further noting the significance of Bedouin culture and its effects on women in education, in a 2008 article in the [Guardian](#), Sarab Abu-Rabia-Queder, the first Bedouin woman to be earn a PhD, explains how she predicts that there is a “seemingly sudden embrace of higher education” due to “about 20 women...who pushed the boundaries of what tribal leaders deemed acceptable in the 1970s and 80s.”

It is simplistic and without foundation therefore to claim that employment and education rates for Bedouin women stem solely from discriminatory intent.

Healthcare and Family Planning (Article 12):

Several submissions solely blame Israel for Palestinian health outcomes in Gaza. For instance, these submissions accuse Israel of denying visas to patients seeking medical treatment at Israeli hospitals. At the same time, they omit material facts that are critical for evaluating compliance with the Convention.

Under international law, Israel is under no obligation to admit any Gazans into Israel for medical treatment or otherwise (see discussion for Article 16, below). Nevertheless, Israel provides permits and treats thousands of Gazans annually. In 2016, for instance, [more than 30,000 crossings](#) were allowed for medical treatment.

Importantly, these submissions do not mention that entry into Israel (and the West Bank and Jordan) for medical treatment is [contingent on approval by the Palestinian Authority](#) and not Israel. The PA routinely denies these treatments due to Palestinian infighting and politics.

Critically, the submissions to the Committee also fail to disclose that Palestinian terror groups routinely exploit the Israeli medical system to carry out attacks on Israeli civilians, including at medical facilities. For example, in April 2017, two sisters were arrested while smuggling explosives from Gaza into Israel. One of them had acquired a travel permit to enter Israel in order to receive cancer treatment, and the [explosives were hidden inside a pill bottle](#).

Hamas, Islamic Jihad, and the other Palestinian terror factions, not only exploit the Israeli medical system but they [commandeer hospitals and other medical facilities](#) to use as command and control centers, weapons storage, and torture dens, such as the Al Shifa hospital.

Other primary factors that contribute to health outcomes in Gaza is that Hamas, the terrorist organization currently controlling Gaza, has [diverted hundreds of millions of dollars in humanitarian aid](#) to [bolster its terror infrastructure](#). Instead of using this aid to provide for its citizens, Hamas prioritizes building terror tunnels, acquiring weaponry, and altering homes, schools, and medical facilities for weapons storage. A significant percentage of this aid is also used to line the pockets of Hamas officials who have [amassed tremendous personal wealth](#) to the detriment of the Palestinian people.

Discrimination in Marriage and Family Relations (Article 16):

Israel's 2003 "Citizenship and Family Unification Law" is heavily criticized in the submissions, while at the same time obscuring the relevant context surrounding this law.

Firstly, nothing in the statute prevents an Arab citizen of Israel from marrying a Palestinian located in the West Bank or Gaza. Nor does the law prevent that citizen from living with his/her spouse in the Palestinian Authority. More importantly, the law was enacted because more than 23 terrorist attacks, including a March 2002 suicide bombing in Haifa that killed 15, were carried out by those exploiting family entry into Israel. More than 135 Israelis were killed and more than 700 injured in these attacks. In 2012, "a West Bank Palestinian naturalized through a family reunification procedure" planted a bomb on a bus in Tel Aviv. The resulting explosion injured 28. According to the Israeli government, "From 2010 to

2016, 139 people who had been brought into Israel under the Family Reunification Law were involved in acts of terrorism.”

Despite allegations that Israel interferes with a “right to family life,” there is no “right” to automatic citizenship, nor the right to live in any particular country. Moreover, family considerations do not trump higher order rights such as the “right to life.” There is, in fact, no principle in international law that mandates that married persons can live in whichever country they choose. All the more so when individuals abuse this status and perpetrate terror attacks against civilians.

Under international law, countries have the right to set conditions for entry. Such conditions can be set based on nationality. Indeed, the US has a preferred visa program where nationals of particular countries may visit the US without going through the full visa procedures. Article 1(2) of the Convention on the Elimination of Racial Discrimination specifically mentions that distinctions made between citizens and noncitizens do not constitute racial discrimination. In addition, most countries do not grant automatic citizenship or even residency rights to non-nationals as a result of marriage to a citizen. Moreover, many Arab and Muslim states categorically refuse entry to Israelis on the basis of their nationality, and yet, the submissions do not appear to take issue with these policies.

Conclusion:

The above analyzes only a very few examples in the many submissions provided to the Committee. The distortions of international law, including of the CEDAW Convention, and the material omissions of facts demonstrate that the claims made in these submissions require independent verification by the Committee. Failure to do so will result in a concluding report that will nullify its seriousness and have minimal impact on improving Israeli policy.