Date: January 18, 2022

Shevat 16, 5782

To: Ms. Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Subject: **The State of Israel's Submission to Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health's Report on Violence and its impact on the right to health**

The State of Israel respectfully submits its contribution in relation to the above-mentioned questionnaire.

**Data on Violence**

The State of Israel promotes legislative and policy measures to combat all forms of violence in its jurisdiction, as well as to collect disaggregated data on various forms of violence in order to analyze the phenomena and tailor its preventative measures accordingly. Below is a sample of certain data collected regarding incidents of violence recorded in Israel.

Gender-Based Violence

According to the Knesset Research and Information Center, in 2020, as compared to the preceding year, there was an increase of 265% in calls to the Ministry of Welfare and Social Affairs hotline regarding intimate partner violence. In 2020, the hotline received 5,229 complaints, of which 4,337 were from women and 892 were from men. As of 2021, there are 169 centers for domestic violence care. In 2020, as compared to the preceding year, there was an increase of 12% in requests made to these centers. Additionally, in 2020, there was an increase of 19% in requests to enter shelters for victims of domestic violence.

From the year 2018 until November 2020, seventy-two (72) women were killed; twenty-six (26) out of them were killed by their intimate partner. In 2021 (until November) twenty-three (23) women were killed, five (5) of whom by their intimate partner.

Violence against Children

In 2021 (until September), the Child Online Protection Bureau (105) handled 8,929 cases. In 2020, the Bureau handled 11,855 cases. In 2020, 3% of the victims of online violence were between the ages 7-8, 20% were between the ages 9-11, 45% were between the ages 12-14, 30% were between the ages 15-17, and 2% were age 18.

Additionally, in 2020, 6,329 cases in which an adult allegedly committed violence against a child were opened, covering 7,675 crimes, and referring to 7,656 victims. Of these victims, 1,399 were under the age of six (6).[[1]](#footnote-1)

Between the years 2019-2020 a 7% decline in the number of cases opened by the Police regarding violent crimes against children was noted. It is unclear whether or not this decrease indicates a decrease in violence against children; a limited ability – specifically due to the Covid-19 pandemic, for the relevant officials to identify violent incidents; a decrease in reporting on behalf of victims of violence; or a change in the manner in which the Police documents data. The Police is currently examining this trend in order to identify the root causes.

**Legal prohibitions on forms of violence**

The State of Israel has extensive legislation against violence, including through the *Penal Law* 5737-1977. Victims of crimes are offered legal aid in a variety of circumstances, and their rights are protected throughout any criminal proceedings through the *Rights of Crime Victims' Law* 5761-2001. In addition to the general prohibitions against violence, abuse and sexual crimes, the *Prevention of Domestic Violence Law* 5751-1991 is designated specifically for combatting domestic violence, enacted pursuant to recommendations of a special inter-ministerial committee. The Law confers to law enforcement agencies special powers to address the specific vulnerability of women and children victims of domestic violence. The Law also authorized the Court to issue restraining orders in relevant situations.

On December 15, 2021, an Amendment to the Law was enacted - *Prevention of Domestic Violence Law (Amendment No. 18 – Temporary Provision)* 5782-2021, set to enter into force within six (6) months. The Amendment stipulates that, once a protection order is issued, the Court must request an expert opinion by a social worker, on whether the subject of the order should be referred to Court mandated treatment. After receiving the position of the social worker, the Court may order the person to attend treatment, even without their consent, after an *ex parte* hearing with them. The Ministry of Finance concluded that this Amendment would cost approximately six (6) Million NIS (1,930,911 USD) per year.

Additionally, The State of Israel is in advanced stages of internal consultations and procedures towards ratifying the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (the Istanbul Convention). On December 8, 2021, the Minister of Foreign Affairs submitted an official request to the Council of Europe to invite Israel to join the Convention.

The following refers to measures taken to promote the rights, including the right to health of women, persons in the cycle of prostitution, persons belonging to the LGBTQI community, and persons affected by drug addiction or abuse. Note that the legislative framework does not criminalize persons who are victims of violence, and promotes equality on the basis of gender and sexual orientation.

Legal prohibitions on Consumption of Prostitution

On December 31, 2018, the Knesset legislated the *Prohibition of Consumption of Prostitution Services Law (Temporary Provision)* 5779-2018, which prohibits the consumption of sexual services. The Law was passed as part of the ongoing efforts of the State to reduce prostitution and provide assistance and rehabilitation to persons in situation of prostitution. According to the Law, the offense of consumption of prostitution services, which includes the presence in a location used for prostitution, is an administrative offense that can be fined for 2,000 NIS (540 USD) for first time offenders, and double that sum for repeat offenders. According to the Law, he/she who is present in a location that is principally used for prostitution will be seen as being there for the purpose of consumption of such services, unless proven otherwise. Nevertheless, the Law authorizes the State Attorney's Office to indict an offender, in which case the court could impose a fine of up to 75,300 NIS (20,350 USD). The Law further enables the Minister of Justice to set alternative penalties to fines within the Law's Regulations, by means of indictment. Note that consuming an act of prostitution from a child was criminalized in Israel, prior to the enactment of the *Prohibition on Consuming Prostitution Law (Temporary Order)*, 5779 – 2018, and currently carries a penalty of five (5) years imprisonment.

LGBTQI

The prohibition of discrimination on the basis of sexual orientation is an important part of Israeli legislation and may be found in several laws, such as the *Equal Employment Opportunities Law* 5748-1988, the *Prohibition of Discrimination in Products, Services and in Entry to Public Places Law*, 5761-2000and the *Patient's Rights Law* 5756-1996.

Therein, persons belonging to the LGBTQI community, including transgender persons, are protected and in no manner criminalized.

On October 12, 2020, the former Minister of Justice and Minister of Welfare and Social Affairs announced the commissioning of an inter-ministerial team for the promotion of the transgender community in Israel. The team was appointed in order to examine the interfaces between the transgender community and governmental public services and to offer solutions to the various challenges faced by transgender persons in Israel. The team was headed by the former Deputy to the Attorney-General (Administrative Law) and the Deputy to the Director-General of the Ministry of Welfare and Social Affairs. The team included representatives from the Ministry of Welfare and Social Affairs, the Ministry of Justice and the Ministry of Health. The team received submissions from members of the Academia, representatives of transgender community organizations and other official representatives.

On December 20, 2020, the team’s interim conclusions and recommendations were submitted to the said Ministers. They were based on the view that gender identity is a profound, inner and individual experience, and that everyone should be allowed to live safely in their gender, as they personally perceive it. The premise upon which the recommendations were made was that recognition and respect for one's gender identity ought to be the default in the provision of governmental services, in light of the understanding that this requirement lies at the very core of human dignity. The following general interim recommendations were made: stepping up the efforts to enhance the representation of the transgender community in the Civil Service; improving the accessibility of governmental forms to the transgender community by employing a gender-neutral language and adding an "other" alternative to the options available under the gender identity section in the form; conducting professional training for civil servants in order to raise awareness to the transgender community and its hardships; and so forth. The team also made specific interim recommendations to each of the three (3) Ministries involved.

In November 2021 the Minister of Justice decided to implement the recommendation in the Report regarding the promotion of accessibility of the transgender community to the public sector. Therefore, a call center on legal issues, regarding to discrimination, exclusion and other legal questions devoted to the transgender community was established in the Ministry of Justice.

Abortion

According to Sections 312-321 of the *Penal Law*, each termination of pregnancy requires the approval of a committee consisting of two (2) physicians and a social worker (one of whom must be a woman). The Law specifies a few legal grounds for termination of pregnancy, including if the woman is underage, or unmarried (at all ages), or if the pregnancy might cause her severe mental harm. Girls are authorized to decide on the termination of pregnancy by themselves and there is no requirement for informing or receiving the approval of their parents. There is no necessary presence of a parent or a partner at the committee as they have no legal status or any other status there. The committee is shall ensure that the woman or the girl requesting to carry out the termination of pregnancy has received the relevant information and gives her informed consent to the procedure. Termination of Pregnancy until age 33, for all reasons in the Law, is covered by the National Health Insurance. The Ministry of Health initiated a special social-work program designed to engage with girls and adolescents after abortion, to help prevent recurrence of teen-pregnancies.

In the appropriate cases (such as statutory rape, an at-risk girl, or domestic violence), the medical institutions involve certified representatives from the social welfare system. These rules apply for every woman or girl, regardless of whether she has a disability.

Drugs

On February 7, 2018, the *Authority for the Prevention of Violence, Drugs and Alcohol Abuse Law* 5777-2017 entered into force. The Law established the Israeli Authority for the Prevention of Violence, Drugs and Alcohol Abuse (hereinafter: the Authority). The Authority further acts, among others, to raise public awareness to violence, sexual and general child abuse, by increasing the ability of the local authorities and community to identify, prevent and respond to events of sexual abuse in children.The Authority conducts several programs such as: "School Safety Counselors", training “Gatekeepers” in localities, recruiting, training and guiding parents etc.

Female Genital Mutilation

While the *Penal Law* 5737-1977 does not specifically prohibit female genital mutilation, cases may be prosecuted under sections regarding assault, aggravated assault or bodily harm. The High Court of Justice recently expounded on this, in a precedential ruling which declared that the petitioners, a family of asylum seekers, would be granted refugee status due to their well-found fear of FGM in their origin country (Rq.Ad.A. 5040/18 *Anonymous v. The Population and Immigration Authority* (10.62019)).

**Health and other responses for victims of violence**

Pursuant to *Patients' Rights Law* 1996-5756, all persons in Israel are entitled to urgent medical care in a situation of medical emergency. According to the *National Health Insurance Law* 5754-1994, all citizens and residents, including victims of violence, are eligible to a variety of health services offered through the Ministry of Health, HMOs and hospitals. Furthermore, victims of violence may be eligible for grants pursuant to the *National Insurance [Consolidated Version] Law* 5755–1995, in relevant cases (unemployment, rehabilitation, disability, etc.).

Therein, both the Ministry of Health and the Ministry of Welfare and Social Affairs offer a wide variety services for victims of all types of violence, including physical, medical, psychological and rehabilitative.

Protection for victims of domestic violence

Centers for domestic violence victims, which will offer protection and treatment, as well as legal assistance and relevant social services were established in Acre, Haifa, Tel Aviv-Jaffa and Be'er-Sheva. Several initiatives for improving the protection of victims are in advanced planning stages. The Police is evaluating the use of electronic monitoring of persons with restraining orders against them in the context of domestic violence, as a means to protect potential victims. A pilot program was conducted in 2018, and the legal questions are currently under examination.

Furthermore, pursuant to *Welfare Service (Rights of Women who stayed at a Shelter for Battered Women) Law* 5773-2012, a woman who leaves a shelter is eligible for an acclimation grant in accordance with the rehabilitative treatment program designed for her (Section 2); additionally, she is eligible to a series of services tailored to her needs by a social worker, which may include, *inter alia*, accompaniment, assistance with rights extraction, employment assistance, subsidized vocational training, assistance with health services and more (Section 4A).

The 'Magen' Unit operating in Ichilov Hospital, opened in 2016, offers specialized first-response health services to women who have suffered sexual violence, with an emphasis on emotional regulation, respect, support and stability. The unit offers, *inter alia*¸one-on-one treatments for post-trauma, psychiatric evaluations and connections with rehabilitative service providers in the community.[[2]](#footnote-2)

Persons involved in Prostitution

Government Resolution No. 4462, dated January 13, 2019 adopts the main points of the program for implementation of the recommendations of the inter-ministerial team for reducing prostitution consumption (the “Program”). This Resolution concerns aspects of rehabilitation, treatment, education and public awareness alongside the enforcement. Enforcement will take place according to priorities and capabilities as determined by the Israel Police within the existing resources. The Resolution allocates thirty (30) Million NIS (8,724,400 USD) annually for the Program for 2019-2021, in the Ministry of Welfare and Social Affairs budget. It also orders the preparation of a supporting study, under the responsibility of the Ministry of Welfare and Social Affairs and with support of the Ministry of Public Security. The study’s findings will be submitted to the Government no later than one (1) year before the law’s expiration.

**Promising practices**

Combating violence and crime is a top priority of the State of Israel, and it receives the outmost priority in all ranks of the Government. Regarding victims of domestic violence, Procedure No. 2016-0002-81 (Ministry of Welfare and Social Affairs Special Director General Circular No. 92) for improving the cooperation between the Police and Social Services has been implemented effectively; the administration receives regular positive feedback from both investigatory units as well as Social Services representatives. The procedure allows for a variety of measures to be undertaken:

Tracking and evaluating the woman's cooperation with the protection plan established by the Social Services; a close channel of communication between the woman and both Police and Social Services representatives; referral for a Court protection order; shortening the length of time between the submission of the complaint and the investigation and the submission of an indictment; adding the woman's phone number to the emergency hotline system; assisting the woman in downloading the Police emergency application; and high-level meetings between Police and Social Services representatives regarding cases with particular circumstances.

The Child Online Protection Bureau

The Child Online Protection Bureau is a national program for the prevention of violence and crime against children and teenagers online. The program, includes representatives of the Police, the Ministries of Public Security, Education, Justice, Welfare and Social Affairs and Health, started its operations in February 2018. This, as part of Government Resolution No. 1006, from January 17, 2016 and Government Resolution No. 1972, from September 27, 2016. The program includes, among other things:

* 1. The establishment of a dedicated police unit for crime against children on the internet, including pedophilia and prostitution;
  2. A national center for child protection, to receive and coordinate inquiries 24/7 on bullying and cyber-crimes;
  3. A prevention and advocacy division, to promote and work to raise public awareness;
  4. An immediate hotline providing toll-free calls from all over the country and from any phone. The hotline, which can be reached by dialing 105, was launched in a limited capacity in February 2018, and was launched to the public and transferred to a full working format (24/7), in November 2018.

Reducing violence in Arab society

On October 24, 2021, the Israeli Government approved Resolution No. 459, entitled "Program for dealing with the phenomenon of crime and violence among the Arab population for the years 2022-2026". This Resolution established a five-year plan, which aims first and foremost, at raising the sense of personal security and safety of all Israeli citizens and of Arab citizens and residents in particular. Additional goals of this program include the reduction of crime and violence in the Arab society; significant reduction of illegally held weapons in Arab society; increasing the cooperation and partnership in the implementation of this plan with leading representatives of the Arab society and the Arab public; and finally strengthening and empowering of the Arab population to deal with violence in the community and condemning violence and crime. In order to ensure efficient and successful implementation of the program, approximately 2.4 Billion NIS (762 Million USD) were allocated by the Government for its implementation.

In order to further strengthen the Arab population in Israel, also on October 24, 2021, the Israeli Government approved Its Resolution No. 550, which established a new five-year plan (for the years 2022-2026), entitled "Tkadum – Progress", for the Arab population in Israel, with a total budget of roughly 30 Billion NIS (9.6 Billion USD). This plan is aimed at further reducing gaps between the Arab minority and the general Israeli population, and it will address all fields of life, including: welfare, employment, health, housing, education, transportation, infrastructures and more.

1. According to the Knesset Research and Information Center - <https://fs.knesset.gov.il/globaldocs/MMM/05b5403a-66bc-eb11-8112-00155d0aee38/2_05b5403a-66bc-eb11-8112-00155d0aee38_11_18239.pdf>. [↑](#footnote-ref-1)
2. <https://www.tasmc.org.il/Articles/Psychiatry/Pages/magen.aspx> [↑](#footnote-ref-2)