Date: March 14, 2022

Adar B' 11, 5782

To: Mr. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Subject: **The State of Israel's Submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity's Report on the realization of the right of persons affected by violence and discrimination based on sexual orientation and gender identity to the enjoyment of the highest attainable standard of physical and mental health, in relation to SDG3**

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

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.

**Healthcare needs of LGBTQ and Gender Non-Conforming persons**

In February 2022, the Ministry of Health published Director General Circular No. 3/2022 to ban Conversion Therapy by medical professionals, which claims to reorient LBGTQ patients toward heterosexuality. The Ministry of Health declared that it does not recognize Conversion Therapy as a legitimate or acceptable medical practice, rejecting altogether the notion of intervening in a person's sexual orientation or gender identity and the premise they are a medical or mental health problem, requiring treatment. The Director General Circular emphasizes the lack of evidence regarding the efficiency of Conversion Therapy, and therefore bans medical professionals from offering, advertising or conducting it. Alongside, there are substantial evidence of harm caused by Conversion Therapy, which poses mental health risks. According to the Director General Circular, Medical professionals who still offer and carry out such practices will be exposed to sanctions, including the loss of their professional licenses and disciplinary procedures.

Inter-Ministerial Team for the Promotion of the Transgender Community in Israel

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 varied 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 Ministries of Welfare and Social Affairs, Justice and Health. The team received submissions by members of the Academia, representatives of the transgender community organizations and other official representatives. On December 20, 2020, the interim conclusions and recommendations of the team were submitted to the said Ministers. The recommendations 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 by the team: 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 Ministries involved.

In November 2021, the Minister of Justice decided to implement the recommendation in the Report regarding 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.

**LGBTQ and Gender Non-Conforming Persons’ Inclusion in the Decision-Making Process**

In 2017, the Ministries of Justice and Foreign Affairs have initiated the "*Round Tables"* project. This project consisted of six sessions, which took place in different academic institutes around Israel. The sessions were a unique platform, which created an exchange and further cooperation between NGO members, academics and representatives from the Government, on core human right issues, including, *inter alia,* LGBTQ rights and women's rights. The session on LGBTQ rights was composed of three (3) panels, each dedicated to one of the following topics: challenges relating to parenthood, surrogacy and legal status; education and community; and the transgender community.

**Ensuring that LGBTQ and Gender Non-Conforming Persons have Access to Healthcare**

According to the *National Health Insurance Law* 5754-1994, every Israeli resident enjoys comprehensive health insurance coverage that provides good quality healthcare corresponding to international standards. The health tax which funds the National Health Insurance is a progressive tax linked to income-level, and not to the range of required health services. The enjoyment of medical services is not conditional upon payment of the health tax. There is a requirement for a minimal co-payment for certain services, but in order to avoid harming the least capable socio-economic groups, residents who have HIV/AIDS are exempt from the co-payment requirement.

Case Law

In July 2021, the High Court of Justice ruled that *Agreements for Carrying of Embryos (Approval of the Agreement and Status of the Infant) Law* 5756-1996 is discriminatory against same-sex couples and single men, and therefore cancelled its authority. The Court first offered the Respondent a period of time to amend the Law, however after the period passed and no amendment was enacted, the Court ruled for the Law's cancellation (HCJ 781/15 *Arad-Pinkas v. The Board for Approval of Embryo Carrying Agreements under the Embryo. Carrying Agreements Law,* 11.07.21). The cancellation took effect on January 11, 2022. In December 2021, the Ministry of Health published a Director General Circular updating the procedure in place, which requires all surrogacy agreements to be conducted in a manner that does not allow for discrimination against same-sex couples or single men, pursuant to the Court's ruling.

Raising Awareness of HIV/AIDS

The Ministry of Health has guidelines strictly forbidding any kind of discrimination against HIV/AIDS patients in all health facilities. All cases brought to the attention of the Ministry are addressed and actively dealt with. In addition, the Ministry of Welfare and Social Affairs has developed a long-term program for the prevention and treatment of infections that includes training teams, developing educational software, developing modules for caregivers training courses, and guidelines for all personnel involved in these facilities.

Services for LGBTQ Youth

The LGBTQ circles program includes specialized social workers who have been placed in forty (40) localities, charged with the identification and treatment of at-risk youth from the LGBTQ community. The budget for these social workers was 1,400,000 NIS (398,825 USD) in 2019. In the first half of 2019, this program has treated 147 youths in 28 localities.

Prevention plans and response to at-risk situationsoffers guidance, and personal individualized and group support for youth members of the LGBTQ community. In addition, the program offers solutions for specific groups such as transgenders, members of the ultra-Orthodox community and the Arab population. The program is run by the NGO IGY - Organization for LGBTQ youth. The annual budget for this program in 2019 was 1,435,000 NIS (408,975 USD). In the first half of 2019 there were 290 participants in the program, in 15 different groups.

The program for the treatment and instruction of LGBTQ youth at-risk includes psychosocial treatment as well as group therapy. The training and organization of volunteers and the operation of a 24/7 response line is conducted by the Association for LGBTQ Equality in Israel. The annual budget for the program in 2019 was 1,600,000 NIS (456,208 USD). The program has been operating since March 2019.

Additional information on the distribution of these programs:

Emergency shelters for LGBTQ youth ("The Pink Roof" in Tel Aviv-Jaffa)provides for temporary accommodation for youth who were rejected by their families. In the shelter the youth may receive a warm meal, shower, personal aid with the view of exhausting rights, and additional services to mitigate damage caused. The program operates all year long, 24/7, and can house twelve (12) youths at a time. The annual budget for this program in 2019 was 1,540,000 NIS (439,131 USD).

A Hostel for LGBTQ youth ("Milestones" in Holon)operates to assist youth who were rejected by their families by providing them with shelter, protection, supervision, food, rehabilitative treatment and professional training, aimed at assisting them in reintegrating into society. The program operates all year long, 24/7.A participant may stay in the hostel for twelve (12) months, with an option to extend the stay to eighteen (18) months when deemed necessary, pending the approval of Ministry of Welfare and Social Affairs.The annual budget for this program in 2019 was 1,240,000 NIS (353,549USD).

Half-way houses for transgenders in Tel Aviv-Jaffa are designated to single transgenders without family support, who are able and willing to live together in a common house. Additionally, they are required to partake in either work or educational program, and participate in the house expenses. The stay in the house and the therapy provided therein is intended to empower the participants and prepare them for independent life in the community. The annual budget for this program in 2019 was 533,000 NIS (151,886 USD).

LGBTQ Persons with Disabilities

The Commission for Equal Rights of Persons with Disabilities (hereinafter: the "Commission") at the Ministry of Justice has conducted several conferences on the dual exclusion of LGBTQ Persons with Disabilities experience in recent years. Further activities are run by "Izzy Shapira House for Education" on the subject of disabilities and sexuality. LGBTQ apartment operators have won the "Unique Communities” tender of the Ministry of Welfare and Social Affairs and offer mixed home-facilities apartments to ensure that LGBTQ Persons with Disabilities receive equal care and treatment.

On January 1, 2021, the Ministry of Health published the Mental Health Division Procedure No. 90.01 on the subject of Cultural Accessibility of Mental Health Services for Persons on the Transgender Spectrum, in order to make culturally accessible mental health services to patients on the Trans spectrum.

The Ministry of Welfare and Social Affairs operates centres for education, counselling and treatment in the sexual-social area, in all districts across the country. The centres offer both group and individual therapy for LGBTQ Persons with Disabilities, or those are in various stages of questioning their sexual identity. Recently, the Ministry of Welfare and Social Affairs took part in an inter-ministry team on promoting knowledge about transgender persons.

**Training and Education**

Israel Police

A Unit for Gender Equality and Cultural Diversity was established in October 2019, with the aim of coordinating all aspects of gender equality and cultural diversity within the Police. In addition, a special police officer position in charge of implementing the unit's goals was added to each district. Every police officer who is part of the investigation of sexual offences apparatus, goes through two (2) sessions of designated training courses every year at the National Police Academy which includes lectures regarding relevant issues and sensitivities of the LGBTQ community.

Education

The 'Nir Program', in cooperation with the Israeli LGBTQ Youth Organization, aimed to promote a dialogue on acceptance, equality and tolerance in schools, while focusing on topics such as homophobia, racism and the importance of social solidarity. Furthermore, the Ministry of Health conducts seminars for teachers and kindergarten staff on rights of LGBTQ.

In 2019, The Tel Aviv municipality allocated about 30 million NIS (roughly 9 Million USD) for the constructions of a new LGBTQ center that will facilitate an auditorium, activity rooms, studios, a day care, a communal space for the elderly, and a LGBTQ-oriented health clinic on its third floor, including new offices and medical treatment rooms.