Date: 29 June 2021

19 Tamuz 5781

To: Mr. Ahmed Shaheed, Special Rapporteur on Freedom of Religion or Belief

Subject: **The State of Israel's Submission to the Special Rapporteur on Freedom of Religion or Belief's Report on Respecting, Protecting and Fulfilling the Right to Freedom of Thought**

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

**Freedom of Thought in the Israeli Legal System**

Freedom of thought, as differentiated from the freedom of religion or freedom of expression, is protected under Israeli law. While freedom of thought is not explicitly anchored in Israel's constitutional law, it is recognized in various forms through both legislation and recent jurisprudence.

Legislation

The following are examples of legislation prohibiting discrimination on the basis of view, or promoting the free expression of thought.

The *Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law* 5761-2000 (hereinafter: *Prohibition of Discrimination in Products, Services and Entry Law)* prohibits discrimination in providing products or public service, or operating a public place, the delays of which, or the entrance to a public place, *inter alia*, based on a person's views. The Law is presumed to be violated, where it has been proven that a person whose business is providing products or public service, or operating a public place, delays the provision of a public service or product in a business place, or the entrance to a public place – on the basis of race, religion or religious affiliation, nationality, country of origin, gender, sexual orientation, views, political affiliation, age, personal status, parenthood, place of residence or wearing uniforms of security and rescue forces or their symbols – while providing it without delay, in similar circumstances, to persons not related to that group.

The *Equal Employment Opportunitie*s *Law* 5748-1988 also prohibits discrimination of an employee by his/her employer on the basis of a long list of criteria and characteristics, including the employee's views.

The *Students' Rights Law* 5767-2007 protects students' freedom of expression, including by prohibiting an institute of higher education to discriminate in their admission of applicants. Moreover, this law anchors all students' right to freely express their opinions, stances and perspectives regarding the material they are taught in the framework of their studies, as well as the values ingrained.

The *Patients' Rights Law* 5756-1996 prohibits caregivers or medical institutions to discriminate against patients on the basis of religion, race, gender, nationality, country of origin, sexual orientation, age or any other reason. Additionally, the law protects a patient's freedom of thought in such cases where the patient is unsatisfied with the initial medical assessment, by way of ensuring their right to seek a second professional opinion regarding their situation.

Jurisprudence

On 22 May 2021, the prohibition to discriminate on the basis of political opinion was upheld by the Bat Yam Magistrate's Court in the case of 33089-07-20 *Eran Vered v. Dan Hotels Ltd*. During an event of the Israeli Bar Association at a hotel in Eilat in 2017, in attendance of the Association's chair, the plaintiffs protested outside the premises, handing out flyers claiming the chair was corrupt. Hotel security called the Police, that arrived at the place but soon after left the premises finding that the plaintiffs were not committing any crimes. When the protest subsided, the plaintiffs attempted to check into the hotel but were barred entry; the plaintiffs were asked to submit their flyers to hotel security and when they refused their reservations were cancelled and refunded.

In 2020, the plaintiffs submitted their suit to the Court pursuant to the *Prohibition of Discrimination in Products, Services and Entry Law*, stipulating they were discriminated against on the basis of their political opinion. Moreover, the plaintiffs submitted to the Court that the hotel security lacked authority to conduct the search, as the search was conducted for the purposes of censuring the plaintiffs, and not based on security considerations. On 22 May 2021, the Court found in favor of the plaintiffs, who were awarded 30,000 NIS (9,225 USD).