



Israel Religious Action Center



Israel Movement for Reform
and Progressive Judaism

Excluded, For God's Sake:

Gender Segregation and the Exclusion of Women in the Public Sphere in Israel

2013-2014



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Women of Reform Judaism

We dedicate this report in loving memory to Carole Chaiken of blessed memory.

”רבות בנות עשו חיל ואת עלית על כולנה” משלי לא 29

'Many daughters have done valiantly, but thou excellest them all' (Proverbs, 31, 29)

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Introduction

The Israel Religious Action Center (IRAC) has taken legal and public action on the issue of gender segregation and the exclusion of women in Israel for over a decade. In addition to submitting petitions and civil suits for compensation following instances of segregation and exclusion, IRAC is in routine contact with official authorities, participates in Knesset committee meetings, and prepares reports on the subject. We also participated in the discussions of the Interministerial Committee headed by Minister Limor Livnat, which led to the formation of a committee in the Attorney General's office to discuss the phenomenon.

In March 2013, the Attorney General's committee submitted its report. Two months later the attorney general adopted the report's recommendations. The report provided a detailed analysis of the phenomenon of gender segregation and the exclusion of women and reached the unequivocal conclusion that these discriminatory practices undermine the very foundations of the democratic system in Israel, which recognizes the inherent value of every human being. The report emphasized that the tolerance that must be shown toward the unique lifestyles of different communities cannot permit the existence in the public sphere of a value system based on the exclusion of women as equal participants in civil life. Moreover, the report established that the prohibition against maintaining segregated arrangements in the public sphere would not impair the ability of the Haredi community to preserve its unique character.

The report's recommendations addressed various areas of public life and public services in which gender segregation or the exclusion of women are known to be present. These include cemeteries, public transportation, HMOs, official and public ceremonies, signs on city streets, and the *Kol Barama* radio station. The report established that all these practices are illegal and stated that they must be eradicated.

Four and a half years have passed since the end of 2010, when IRAC published its first report in the series *Excluded, for God's Sake*. The attorney general's report reflects the official adoption by the state of the positions presented by IRAC in recent years regarding segregation practices in different areas.

IRAC has monitored the implementation of the report since its publication. Two years after its publication, we can report a significant improvement. There has been a dramatic reduction in the number of cases involving the harassment of women who sit in the front of buses, and in most cases bus drivers will now intervene to assist women who face harassment in this context. Segregation signs have been removed from many cemeteries. Segregated entrances, segregation and modesty signs in HMO clinics have been abolished and removed. However, much work remains to be done in order to ensure the full implementation of the report's conclusions. Modesty signs can still be seen on the streets of Beit Shemesh and in the Jerusalem neighborhood of Meah She'arim. *Kol Barama* radio station continues to exclude women from the vast majority of its programs. Many HMO clinics still include segregated waiting areas. On bus lines serving mainly Haredi passengers, women still board the bus by the rear door. Over the past year, many instances of segregation and exclusion have been reported.

Moreover, in areas that were not addressed by the attorney general's report, such as the exclusion of women in the IDF or segregation in Haredi programs in institutions of higher education, IRAC's monitoring shows that women continue to pay the price for the integration of Haredim and the authorities have failed to consider the harm caused by such practices.

The present report covers two years – 2013 and 2014. We will begin by reviewing the main findings of the attorney general's report. We will then summarize the findings regarding gender segregation, the exclusion of women, and the raising of "modesty demands" in various contexts as encountered over the report period. Each section will present the conclusions

of the attorney general's report and review the extent to which these have been implemented on the ground. Lastly we will offer a summary of the current situation and present IRAC's recommendations.

1. Summary of the Attorney General's Report regarding the Exclusion of Women in the Public Sphere

The Committee Addressing the Phenomenon of the Exclusion of Women in the Public Sphere, which was established by the attorney general, submitted its recommendations to the attorney general in March 2013, and the attorney general adopted the recommendations in May 2013. The report did not discuss the legality of segregation in the private domain, but focused solely on segregation or improper distinctions between men and women as imposed by state authorities or under their supervision or regulation. The report establishes that such segregation constitutes discrimination, and that the relevant authorities bear an obligation to act to eradicate this phenomenon.

The report established that gender segregation violates the right to equality and dignity and the right to freedom from religion. While the report recognized that maintaining the unique character of the Haredi community constitutes a valid goal, it found that this goal cannot justify the grave injury caused by gender segregation in the public sphere:

Phenomena of segregation between women and men in the Israeli public domain, as well as other discriminatory arrangements, undermine several of the basic conventions of our shared existence as a society. They are contrary to the need to create a "participatory public domain" that serves as a joint point of connection for all and reflects what is "ours." The common kernel of citizenship requires everyone to accept the right of every man and woman to play a

full and unlimited part in common public life, as distinct from the private domain, where usually people can act in a manner that distinguishes between men and women voluntarily, and without any involvement on the part of the governmental authority or those acting on its behalf.” (section 104).

It was further established that there is no basis to assume that women who belong to the Haredi public are not injured by the introduction of segregation arrangements. Firstly, opposition to segregation can also be found within the Haredi sector. Secondly, the public services in question are open to the general public and not only to the Haredi community. Thirdly, making generalizations about people’s desires on the basis of the communal affiliation is in itself discriminatory. Fourthly, the function of the constitutional norm concerning equality is to uproot discriminatory perceptions, regardless of the subjective perceptions of the victim of discrimination.

The report noted that while the violation of basic rights that can be expected as the result of segregation is serious and grave, the prohibition against introducing segregation arrangements in the public domain is not expected to cause substantive injury to the ability of the Haredi community to maintain its character or to continue to exist as a vital community. The Haredi public’s right to freedom of religion does not include the right to receive segregated public services:

Protection of the constitutional right to freedom of religion should not be considered to oblige the public authority to permit the presence of segregation arrangements or other arrangements distinguishing between women and men on religious grounds. To accept such an argument would imply that the mere presence of a woman or a man in a particular place, lawfully and without causing any disturbance, violates another person’s right to dignity

and freedom of religion. It is difficult to accept that the mere appearance of a woman or her presence in a particular public place causes in conceptual terms the violation of these constitutional rights, within the confines of a legal system that prioritizes the values of human dignity and equality.” (section 93)

The report established that the authorities of the state must act to abolish segregation and gender discrimination. This obligation applies even when the service is not provided directly by the public authority, but by private bodies that receive a license or franchise therefrom. The public authority is responsible for the protection of human rights, and by virtue of this function it must exercise its powers of supervision and enforcement in order to ensure that violations of human rights do not occur within its areas of activity.

Segregation will be permitted only at an event of a clearly religious nature focusing on religious worship or another significant religious ceremony, when the authority believes that the vast majority of those attending the event desire such segregation.

The report examined gender segregation in several settings – cemeteries, official ceremonies and events, HMOs, public transportation, modesty signs, and the exclusion of women on the *Kol Barama* radio station. We will discuss the report’s conclusions regarding each of these areas in the section presenting the factual findings.

Government Decisions concerning the Implementation of the Report

On March 30, 2014, the government adopted a decision to prevent the exclusion of women in the public domain (Government Resolution 1526). The decision noted that the Israeli government recognizes that the

exclusion of women in the public domain is a serious phenomenon that entails discrimination against women per se, and calls for government action to eradicate this practice, which is incompatible with the principle of equality – one of the founding principles of the State of Israel. Neither is this phenomenon consistent with Israel's international undertakings to act by diverse means to prevent gender discrimination.

The decision required the ministers of transportation and road safety, health, the interior, communications, and religious services to report to the government within 90 days regarding their actions to examine and implement the guidelines included in the attorney general's report. The government also decided to hold a follow-up meeting to examine and discuss the reports within 120 days.

On June 29, 2014, the government again discussed the issue. The attorney general and his staff member responsible for the implementation of the report's recommendations updated the ministers on progress relating to the legal aspects of the exclusion of women. It was reported that significant progress had been made in the areas for which the different government ministries are responsible, and that further action would be taken over the remainder of 2014 under the leadership of the attorney general in order to continue the campaign against the exclusion of women in the public domain in Israel. The attorney general stated that he will concentrate on examining and responding to two key issues in 2014: the implications and manifestations of gender segregation in institutions of higher education, and the gender ramifications of the absorption of Haredim in the army and in national service following the introduction of the Equal Burden Law.¹

¹ Update from the attorney general ahead of the discussion: Implementation of the Ministerial Report to Examine the Phenomenon of the Exclusion of Women in the Public Domain: <http://index.justice.gov.il/Publications/News/Documents/Governmenupdatepreventingtheexclusionofwomeninthepublicsphere.pdf>

2. Review of Gender Segregation and the Exclusion of Women in Various Areas

A. Segregation in Places Providing Public Services

Segregation on Buses

Conclusions in the Attorney General's Report

- A. Based on the character and essence of travel in a public bus, there is no substantive justification for requiring that women and men sit separately and in certain seats. Accordingly, the introduction of segregation in which the governmental authority is involved, or actions on its part to encourage such segregation constitute improper discrimination. In addition, the bus company, including the driver, cannot be directly involved in the enforcement of segregation.
- B. In the current reality, opening the rear door to allow passengers to board buses on lines that were defined in the past as lines for Haredim is not a "neutral" action, but one that may deter women from boarding and sitting in the front section of the bus. The continued practice of opening the rear door contributes significantly to perpetuating segregation arrangements in a manner that may also include dimensions of coercion of various forms. Accordingly, the report recommends that on all lines, including lines on which segregation between men and women is practiced, the rear doors will be closed to boarding by passengers. Any passenger, male or female, who wishes to board the bus will be required to do so by the front door and to pay the driver directly. Naturally, each of them is thereafter free to sit wherever they choose. This practice should be followed for as long as no overall policy is implemented in public transportation stating that on all lines passengers may board and pay for the journey via both doors on the bus.

C. The Ministry of Transport should enhance the inspection of transportation companies in this context and act resolutely to ensure the egalitarian and free use of public transportation services by all passengers, male and female. Among other aspects, the ministry should continue to undertake routine and frequent inspections of segregation on buses, including greater use of female inspectors and the focusing of enforcement resources on bus lines which are prone to discrimination. Inspections should also be undertaken at bus stops in order to examine the presence of means of coercion and pressure at this stage.

Incidents of Segregation

- **Young man who calls a woman soldier a “whore” on a “Mehadrin” line is convicted of sexual harassment:** The incident occurred in December 2011 when a woman soldier serving at the Central Command base in the Neve Yaacov neighborhood of Jerusalem boarded a number 49A bus, which in the past operated as a “Mehadrin” line. A Haredi man shouted at the soldier, who was wearing a uniform: “Whore, gentile, you have no respect, you are standing among religious men and this is a disgrace.” The State Prosecutor’s Office prosecuted the man for sexual harassment. The court noted that the incident entailed “behavior that forms part of a structured and ideological approach that excludes women per se from the public domain,” and ruled that this conduct constituted a violation of the Prevention of Sexual Harassment Law. The defendant received a fine and a suspended sentence.²
- **“I was humiliated on a bus full of Haredim”:** In January 2013, a woman boarded a number 555 bus from Jerusalem to Arad. The driver initially refused to open the front door for her. After she entered, the Haredi passengers gave her hostile looks and the driver told her that immediately

² CA (Jerusalem) 53381-12-11, State of Israel v Shlomo Fox, ruling dated March 6, 2014, sentence dated October 7, 2014.

after paying she should enter the bus by the rear door. While she looked for a seat, she was subjected to offensive curses and epithets, such as “gentile” and “pest.” Passengers told her that she was failing to respect the rights of the Haredim and that she was not Jewish. Although she sat in the back of the bus, passengers continued to curse her throughout the journey. She began to cry but no-one came to her defense. The ninety-minute journey passed in this manner until the bus arrived in Arad. Before she alighted from the bus, one of the passengers spat at her and cursed her.³

- **22-year-old woman on bus from Tzfat to Ashdod (line 985) faces harassment by Haredi passengers (February 2013):** “Everyone who boarded the bus told me to move to the back. I didn’t agree. They shouted out that people should recite the prayer for travelers very loudly because there was impurity on the bus.” The driver did not intervene and the passenger had to call the police. While the bus made a stop at Megiddo Intersection, the young woman got off the bus to talk to the police officers. When she returned to her seat, she found a note: “We are all proper Jews, please help us to maintain our propriety and move to the back where the women sit.” At the entrance to Ashdod, police patrol cars were waiting and the passenger gave her testimony.⁴
- **“I was told to move to the back of a bus in Ashdod”:** A Haredi woman who lives in Tzfat reported that two Haredi men shouted at her and another woman and demanded that they move to the back seats on a number 985 bus from Tzfat to Ashdod. The two women refused to do so. “It was a terrible journey, but I am glad that I stood up for myself.” Egged claimed that the incident did not justify intervention by the driver.⁵

³ <http://www.bhol.co.il/Article.aspx?id=49271>

⁴ <http://www.ynet.co.il/articles/0,7340,L-4345900,00.html>

⁵ <http://www.mynet.co.il/articles/0,7340,L-4347506,00.html>

- **Police arrest youths who attempt to force a woman to move to the back seat:** Two minors demanded from a woman passenger on an Egged number 59 bus in Jerusalem to move to the back seat, claiming that this was a “Mehadrin line.” The police arrived on the scene and arrested the two youths.⁶
- **Haredi man asks woman to move to the back seat:** A secular woman boarded a bus on Kanfei Nesharim St. in Jerusalem and sat in the front section. A Haredi man approached her, commented on her action, and demanded that she move to the back seats. A male secular passenger intervened and the incident developed into a scuffle during which the Haredi passenger was injured.⁷
- **Resident of Tzfat assaulted on bus due to “immodest” dress:** A Haredi woman hit another woman passenger after noticing that she was wearing a sleeveless top and jeans. The assailant claimed that this dress had caused the bus driver to sin. The victim was taken to hospital suffering from bruises, and commented: “The driver saw that I was being attacked and kept on driving.”⁸
- **Segregation on a bus line to a segregated beach in Ashdod:** Egged claimed that the line was intended for women and men, but in practice it serves segregated beaches and each bus serves either men or women only.⁹
- **Bus lines skip neighborhoods where women in “immodest” dress are liable to board:** When bus companies are interested in ensuring a “kosher” bus line, they simply skip stations where women in immodest

⁶ <http://www.bhol.co.il/Article.aspx?id=57121>

⁷ http://www.ynet.co.il/articles/0,7340,L-4415385,00.html?utm_source=mivzakimnet&utm_medium=ticker&utm_campaign=mivzakimnet

⁸ <http://www.nrg.co.il/online/54/ART2/513/177.html>

⁹ <http://www.mynet.co.il/articles/0,7340,L-4408684,00.html>

dress are liable to board, such as the bus stops at Bar Ilan University, where “the wrong kind of passengers” are liable to be waiting. This practice has been adopted by Dan number 292 from Petach Tikva to Bnei Brak and by Egged number 319 from Rehovot to Bnei Brak. The Ministry of Transport responded: “The residents enjoy numerous alternative travel options.”¹⁰

- **Segregation signs at a bus stop on the way to Rachel’s Tomb:** A bus stop for a line serving Rachel’s Tomb had signs stating: Men at the front and women at the back.¹¹
- **Harassment on line 972:** In July 2013, a woman boarded a number 972 bus in Haifa and sat in the front section. One of the passengers asked her to move to the back. The bus driver refused to instruct the woman to obey the request, as the male passenger demanded, but he also stated that the laws and regulations instruct him not to intervene in such incidents.
- **Haredi Passengers push a woman off a bus:** A woman soldier serving in the air force boarded a Nativ Express number 980 bus. During the journey she was pushed by several Haredi men after she chose to sit in the front section. The soldier was forced to alight and continue her journey on a different line. She stated: “I am serving two years for the country and its citizens and in return they spit in my face.”¹² Following the incident IRAC contacted Nativ Express and demanded that the company make it clear to its drivers that they must intervene to help a passenger who is facing harassment.

¹⁰ <http://news.nana10.co.il/Article/?ArticleID=999050>

¹¹ http://img2.timimg.co.il/forums/1_172002274.jpg

¹² <http://www.news1.co.il/Archive/001-D-355213-00.html>

The Role of IRAC

The cases reported above revealed that Egged instructs its drivers not to intervene in seating arrangements except in extreme cases of actual coercion verging on violence, when they should take action. This policy is inconsistent with the ruling in HCJ 746/07, *Regan v Ministry of Transport*. Accordingly, IRAC wrote to Egged's legal advisor in February 2013, clarifying that a driver must intervene in any case when a woman passenger is the victim of harassment. Drivers who fail to act in this manner are acting in a way that is completely contrary to the law. We asked Egged to immediately remind drivers that the guidelines unequivocally state that if they notice that a passenger is being harassed about her chosen seat, they must intervene immediately and make it clear to those harassing her that the passenger may sit wherever she wishes on the bus, and that harassment in this context is a criminal offense. We also demanded increased inspection of problematic routes, such as bus lines to Arad (554/555) and to Tzfat (985/954/982) in order to ensure that the drivers on these routes meet their legal requirements, and action against drivers who fail to do so. IRAC also sent a similar letter regarding the incident on the 972 route. We emphasized that the bus driver does not have the status of a neutral "United Nations" observer, but must intervene actively to help women passengers who are the victims of harassment.

In response to reports that buses skip stops where non-Haredi passengers are liable to board the bus, IRAC contacted the Ministry of Transport and noted that skipping stops in response to requests from Haredi passengers who wish to reserve the bus for Haredim only is unlawful. We asked the ministry to instruct the Dan bus company to retract its decision to skip the stop at Bar Ilan University.

Rulings in Small Claims Submitted by Women on Account of Discrimination

- In November 2012, E. wanted to board a Superbus number 11 bus in Beit Shemesh. When the bus stopped, the driver refused to open the front door and gestured that E. should board by the rear door. Eventually the driver opened the front door. As E. entered the bus, the driver shouted at her: "You made me open the front door for 4.10 shekels?!" IRAC helped E. file a claim for compensation against Superbus and the driver. In July 2013 the parties reached a mediation agreement stating that Superbus would apologize to E. for the incident and pay her the sum of NIS 3,500. Superbus also undertook to invest in driver training and to permit E. to give a lecture to the company's drivers. In August 2013, E. and an attorney from IRAC spoke to Superbus drivers and explained their obligation to defend women's right to board by the front door and to sit in the front section of the bus.
- In October 2012, N. boarded a number 480 bus in Jerusalem. She decided to sit in the second row behind the driver. A Haredi man who was sitting nearby began to shout at her and sat down in a way that blocked both seats. He screamed at her: "No woman is going to sit next to me, that's forbidden." N. spoke to the driver several times and asked him to instruct the passenger to vacate the second seat but the driver did not respond. IRAC helped N. file a suit for compensation against Egged and the bus driver. In a hearing in October 2013, the judge suggested that both sides clarify that they had no intention of offending the other and agree regarding the need to respect the law and the court rulings prohibiting gender segregation. Both sides agreed to this suggestion.

Segregation on Flights

Incidents of Segregation

- **Segregation on an El Al flight on the eve of the Jewish New Year:** An El Al flight from New York to Israel on the eve of Rosh Hashanah was delayed for 20 minutes after a Haredi passenger refused to sit next to a woman. The incident caused the woman serious mental anguish and she subsequently wrote extensively about her experience.¹³
- A few hours later on the same day, on another El Al flights from New York to Israel, Haredi passengers refused to sit next to women, stood in the aisle, and delayed takeoff. The Haredi passengers offered other passengers money in return for agreeing to move seats. Meanwhile the pilot announced that the plane would not depart as long as passengers were standing. A woman passenger later stated that it was suggested that she should sit separately from her partner, but she refused to do so. Eventually a Haredi man sat next to her during takeoff. As soon as the seatbelt light was turned off, he stood in the aisle. Passengers stated that during the entire flight the aisles were full of passengers who were praying, which they claimed turned the flight into a “nightmare.”¹⁴
- **Flight delayed after men refuse to sit next to women:** A group of Haredi men created a disturbance on a Delta Airlines flight from the United States to Israel. The men refused to sit next to women and preferred to get off the plane.¹⁵ The plane was delayed while the passengers disembarked since it was necessary to locate their luggage.
- **Another Delta flight delayed after a passenger refuses to sit next to a woman:** On December 20, 2014, a Delta Airlines flight from New York

¹³ <http://tabletmag.com/scroll/185506/orthodox-man-refuses-to-sit-next-to-feminist-activist-on-airplane>

¹⁴ <http://www.ynet.co.il/articles/0,7340,L-4574550,00.html>

¹⁵ <http://www.themarket.com/news/1.2463912>

to Israel was delayed after a Haredi man refused to sit next to a woman. Other passengers refused to switch seats in protest at the man's refusal to sit next to a woman. Eventually one of the passengers agreed to switch places.¹⁶

IRAC's Position

Following the above incidents, and more incidents reported to IRAC by recipients of IRAC's newsletter, IRAC circulated a position paper to the various airlines. In the paper, IRAC pointed out that even if requests by Haredi men not to sit next to women are based on purely Halachic reasons relating to modesty, such demands convey the message to women that they are sexual objects who must be avoided by the men. When receiving a public service such as a flight, women have the right to egalitarian treatment that does not categorize them according to their gender.

Accordingly, we emphasized that flight attendants should ensure that women are not removed from their places due to demands by Haredi passengers, just as a bus driver must defend the right of women passengers to sit wherever they choose on the bus and prevent other passengers from forcing them to move. Flight attendants cannot adopt a policy of non-intervention in such cases: they must take action to ensure that the rights of women on the plane are protected. The position paper added that airlines must clarify to Haredi passengers that they cannot ask to change their seat on the plane after boarding merely because they do not wish to sit next to a woman. The airlines should also remind passengers that anyone who refuses to sit in their allocated seat and thereby delays the plane will be removed from the plane and lose their ticket, without refund. Passengers who act in this way may even be liable for damages in civil suits filed by other passengers for causing delay and for violating safety regulations.

¹⁶ <http://www.timesofisrael.com/flight-delayed-as-haredi-men-refuse-to-sit-next-to-woman/>

Haredi passengers, if they choose, can organize advanced group purchases of airline tickets, thereby reserving seats for passengers next to members of their sex. Or they can purchase a seat in business class, which generally offers more spacious seating arrangements for all passengers.

Segregation in Cemeteries

Directive of the Ministry of Religious Services

In February 2013, following the discussions of the Interministerial Committee to Address the Segregation of Women in the Public Sphere, headed by Minister Limor Livnat, the director-general published a directive on the subject of funeral ceremonies. The directive establishes the following guidelines:

- A. Eulogies by women – burial societies will allow any person who so wishes, male or female, to give a eulogy during the funeral ceremony at any place in the cemetery, subject to the family's agreement.
- B. Accompanying the deceased – burial societies will allow any person, male or female, to follow the deceased in the funeral procession, unless the family has explicitly expressed its desire to adopt a different practice.
- C. There will be no segregation between men and women during any of the stages of the funeral ceremony. Accordingly, no signs will be erected in the cemetery with the goal of instructing women and men to congregate separately. Neither will any other barriers, permanent or temporary, be installed with the goal of creating such segregation.
- D. Notwithstanding the content of section (C) of this directive, when the family has explicitly expressed its desire to maintain segregation between women and men during any or all of the various stages of the

funeral ceremony, the burial society is permitted to assist the family and to direct the mourners in accordance with the family's wishes. Among other means, this may include the use of temporary signs to be removed immediately after the funeral ceremony.

- E. Conduct contrary to this directive may lead to action against the burial society, including the nullification or non-renewal of its burial license, as the case may be.

Conclusions in the Attorney General's Report

In the absence of any clear and unequivocal Halachic reason for ordering the segregation of men and women, segregation constitutes improper discrimination and leads to the imposition on individuals of Halachic norms they do not accept.

- A. The Ministry for Religious Services must ensure that the following steps are taken:
 - B. Burial societies must remove all permanent signs, barriers, or other obstacles intended to direct women and men to stand separately or to accompany the deceased and make eulogies separately. The presence of signs or obstacles may be interpreted as a binding instruction, even if it is accompanied by an explanation that these are merely a recommendation.
 - C. If the family explicitly requests segregation, and as necessary in order to respond to its request, the burial society may address the mourners and request politely that they act in this manner; at most, it may use temporary signs stating that the family has requested segregation. The burial society must pay strict attention to removing these signs immediately after the end of the funeral.

- D. Representatives of the burial society will refrain from instructing the mourners to stand separately during the various stages of the ceremony or to walk separately during the funeral procession. They will also refrain from recommending to the family that it practice segregation – all this out of recognition for the sensitive nature of the occasion and the distress of the mourners.
- E. The burial society will enable any woman who wishes to make a eulogy, with the family's consent, to do so, and will not prevent this at any stage of the funeral.
- F. At the site where the funeral ceremony is conducted, the burial society will not request, encourage, or suggest that women and men stand separately. The burial society will ensure that during the procession to the grave, the participants will be able to act in accordance with their own wishes without any distinction between men and women.

Demand to Remove Segregation Signs in Cemeteries

IRAC and Tel Aviv University's Faculty of Law Human Rights Clinic monitored the instruction to remove segregation signs in cemeteries. We reviewed several cemeteries, and when segregation signs were found we forwarded complaints to the burial societies and to the Ministry for Religious Services.

In some places segregation signs had been removed, but two burial societies (the Jerusalem Community Burial Society and the Rehovot Burial society) refused to remove the signs and used various tactics to evade their obligation in this respect.

In Jerusalem, the burial society added a section to its booking form stating: "In addition, I was informed that I can ask the representative of the Burial Society to conceal the men and women's signs in the funeral house during the funeral, and I have no objection to the presence of these signs." In other

words, this burial society illegally reversed the default option, establishing segregation as the default option, rather than equality.

In Rehovot, signs were displayed bearing the words “Men – for those interested” and “Women – for those interested.” An additional sign explained: “For the attention of the public: any person may stand wherever they choose during the ceremony. The content of the signs does not constitute a guideline or instruction of any kind.” In this case, therefore, rather than removing the signs, the burial society stated that they are not binding.

Following the refusal of these two burial societies to remove the segregation signs as required by the director-general’s directive and the attorney general’s report, IRAC filed suits demanding their removal, in cooperation with the Human Rights Clinic of Tel Aviv University’s Faculty of Law.

During a hearing in the suits held in November 2014 at the Jerusalem District Court, the judge suggested that the burial societies remove the segregation signs and replace them with electronic signs that could indicate the places for women and men in response to explicit requests by the family. The signs would only be activated during a specific funeral ceremony, and the form signed by the family would clarify that segregation is only practiced at the cemetery at the family’s explicit request.

At a hearing held in March 2015, all parties accepted the court’s suggestion and the burial societies were given 45 days to implement the new arrangement.

Application for Permission to Appeal regarding Segregation in a Cemetery

In the previous report we described the small claim submitted by S. following a funeral conducted by a rabbi who demanded that women and men stand separately during the ceremony. Large plant pots were used to separate women and men at the funeral hall, and signs directed women to

one side and men to the other. The claim was transferred to the Magistrate's Court, which rejected the suit without hearing evidence. The court ordered the removal of the signs in the cemetery, but also determined that the rabbi's request for men and women to stand separately did not constitute discrimination. IRAC submitted an appeal against the ruling to the district court. Surprisingly, the district court also rejected the suit and reached conclusions that contradict the attorney general's report, implying that the request for segregation does not constitute discrimination as long as it is not made by way of coercion and as long as the victim of discrimination does not actively object. IRAC submitted an application for permission to appeal against the ruling to the Supreme Court. A hearing in the application is scheduled for June 2015.

Incidents of Segregation

- **“Water fountains for women” in a cemetery:** At the cemetery in Kiryat Gat, signs were hung on water fountains imposing segregation between men and women. The Ministry for Religious Services informed IRAC that “the signs should not be displayed and we have ordered that they be removed.”¹⁷
- **Segregation between women and men at a cemetery in Tzfat:** At the Old Cemetery in Tzfat, separate paths were allocated for men and women. Visitors claimed that the segregation prevents women from visiting some of the graves in the cemetery.¹⁸
- **Segregation between women and men at the cemetery in Yokneam:** In Yokneam Illit, women visiting the ceremony are asked “not to mingle with the men” in order “to add dignity to the deceased.”

¹⁷ <http://www.ynet.co.il/articles/0,7340,L-4343570,00.html>

¹⁸ <http://www.mako.co.il/news-social-news/Article-4063b0065ac4341004.htm>
<http://www.mynet.co.il/articles/0,7340,L-4471939,00.html>



- **On September 3, 2014, a woman attended a funeral at the cemetery. As the mourners gathered in the eulogy plaza before the funeral began, the man running the ceremony shouted: “Men on one side, women on the other.”** Signs were also displayed indicating the men’s and women’s areas. The mourning family is not religious and did not request the segregation. Following this incident, IRAC contacted the religious council, which replied that the burial society employee imposed segregation “in good faith and out of habit,” and that the workers would be instructed not to request segregation at funerals. The council also stated that the segregation signs had been removed.
- **Segregation at a cemetery adjacent to the Knesset:** Barriers were installed at the cemetery in Givat Ram in Jerusalem to separate men and women. The municipality stated that “an instruction has been issued to dismantle the barriers.”¹⁹
- **Segregation at Segula Cemetery in Petach Tikva:** Officials at Segula Cemetery in Petach Tikva found an original way of bypassing the instructions to remove segregation signs. The “men” and “women” signs

¹⁹ <http://www.ynet.co.il/articles/0,7340,L-4459943,00.html>

on either side of the eulogy building were removed. In their place, baskets were placed at the two entrances to the building, one filled with women's headscarves, with a sign stating "Head coverings for **women**" and the other filled with skullcaps, with a sign reading "Head coverings for **men**." Together with the Human Rights clinic at Tel Aviv University, IRAC contacted the burial society, noting that this practice was nothing more than an attempt to circumvent the prohibition against segregation signs, and demanding that the signs be removed immediately.

Segregation and Modesty in HMO Clinics

Conclusions in the Attorney General's Report

1. Segregation in HMOs is intended to prevent women and men from being together in a public place such as an HMO clinic, or from using a shared entrance to such a facility. This practice is based on an extremely strict religious approach to questions of modesty. Accordingly, the demand for segregation in HMO branches would seem to be similar to the demand for segregation in any other public place. Since this segregation is not based on any particular aspect of the character or essence of the HMO branch, the practice of segregation constitutes improper gender discrimination (except in a situation in which a particular medical treatment justifies protecting patients' personal modesty). The principal purpose behind the introduction of the segregation arrangements was to respond to the desire of Haredi clients. The desire for segregation on the part of the Haredi community cannot justify the introduction of segregation in the public sphere when this is not required in accordance with the character and essence of the service. Accordingly, no segregation should be permitted between women and men in HMO branches when this is not required in accordance with the character and essence of the medical treatment in question.

2. The following are the principles of the arrangement that should be introduced in accordance with the report's recommendations:
 - A. The custom of segregated waiting areas should be discontinued. Accordingly, all signs directing women and men to separate seating areas are to be removed.
 - B. Separate entrances are not to be defined for women and men. All entrances to the clinic must be open to everyone who comes to the clinic. The change should be accompanied by information and explanation for the general public.
 - C. Separate reception hours for men and women are not to be permitted, except when this is essential in order to ensure maximum protection of the patients' personal modesty in the case of certain medical treatments (such as separate appointments for physical therapy).
 - D. HMO branches are not to be run in the format of separate, adjacent buildings.
 - E. Any request to deviate from these principles requires a prior and detailed request to the Deputy Director-General for Inspection and Control of the HMOs in the Ministry of Health, who will examine the request and reach a decision after consulting with the attorney general or a person appointed thereby.

Directive of the Health Ministry Regarding Segregation

In June 2013, following the attorney general's report, the Ministry of Health published a directive on the subject of the exclusion of women. The directive established the following guidelines:²⁰

²⁰ http://www.health.gov.il/hozer/SBN03_2013.pdf

- A. HMOs will not provide services in a segregated format between men and women. Any characteristic or manifestation of segregation will be prohibited, including those permitted in accordance with sub-section (B) regarding existing facilities, and subject to the restrictions detailed below.
- B. Regarding services that are currently provided in a segregated format, the HMOs must act as soon as possible as detailed below:
- In any clinic that has segregated waiting areas, a “mixed” waiting area of substantial size will be added. The clinic staff will ensure free access to this waiting area, without any direct or indirect attempt to prevent patients’ access to the area. Suitable signs will note the presence of the mixed waiting area.
 - In clinics with segregated entrances for men and women, men and women will be permitted to use both entrances, with appropriate signs noting the change in the arrangements. Alternatively, a single shared entrance will be established for men and women.
 - In the case of segregated buildings intended for men only or women only – the HMOs must present the Ministry of Health with a plan for the gradual abolition of the segregation, provided that this process will extend over a period of not more than two years from the date of this guideline.
 - Separate reception hours for women and men in the same clinic will not be permitted.
 - An HMO that wishes to receive approval to deviate from this guideline will first submit a request to the Deputy Director-General for Inspection and Control of the HMOs, who will examine the request and reach a decision after consultation with the attorney general or a person

appointed thereby. Such a request will only be approved in exceptional and restricted cases and for restricted periods of time.

- Following the attorney general's report and the subsequent directive issued by the director-general of the Ministry of Health, and after correspondence with IRAC, segregation signs in HMOs in Beit Shemesh and Jerusalem were indeed removed during the period of this report.

Directive of the Health Ministry Regarding Modesty

As described in our previous reports, several HMO branches in Beit Shemesh and Jerusalem display signs requesting that patients dress modestly.

In addition to the modesty signs, patients who come to HMO clinics in Haredi neighborhoods are asked to dress modestly as a condition for receiving medical service, as detailed below:

- **Meuchedet HMO:** Shivtei Yisrael and Bruchim branches in Jerusalem. When scheduling an appointment through the HMO's telephone hotline (*3383), clients are asked to come to the branch in modest dress. We heard of an instance in which a woman who came to the Shivtei Yisrael branch was sharply reprimanded for not being sufficiently modestly dressed. The experience caused the woman considerable mental anguish.
- **Maccabi HMO:** When scheduling appointments through the HMO's hotline (*3555) for Maccabi branches in Ashdod, clients are asked to come to the clinics in modest dress. A recorded message at the Bnei Brak branch (03-5771313) declares: "Hello, this is Maccabi HMO, Bnei Brak branches. In order to respect the lifestyle of the city residents, we thank you for coming to the branch in modest dress."

- In July 2013, the media reported that a female physician at a gynecology clinic in the Clalit HMO branch in Elad refused to treat a woman whom she felt was not dressed sufficiently modestly.²¹
- In December 2013, it was reported that Leumit HMO had opened a new “Mehadrin” branch in Netanya. The promoter of the new facility stated that “it has been agreed that women will be modestly dressed.”²²

Women physicians and assistants employed in HMO branches have also faced modesty demands:

- A woman physician employed at an HMO branch in Modi’in Illit was required to dress modestly as a condition for keeping her job.²³
- A dental assistant reported that Haredi clients had asked that the dentist treat them alone, without her presence.

Following these incidents, IRAC contacted the Ministry of Health and asked the ministry to instruct all the HMOs not to impose modesty requirements on patients or staff. In May 2014, the Deputy Director-General for Inspection of HMOs in the Ministry of Health issued a directive stating:

“Any signs including a request/direction/demand for modest dress are to be removed, and the staff must be instructed not to raise such a demand or to make comments to visitors about their dress.”

In July 2014, the acting head of the Medical Administration in the Ministry of Health issued a similar directive to hospitals.

- IRAC has monitored the implementation of these directives. While modesty signs have been removed, the HMOs continued to present clients

²¹ <http://www.globes.co.il/news/article.aspx?did=1000859365>

²² <http://www.mynet.co.il/articles/0,7340,L-4465391,00.html>

²³ www.haaretz.co.il/news/education/1.1602836

with modesty demands. In June-July 2014, IRAC contacted the HMOs regarding the demand that **patients dress modestly** - In Meuchedet branch in Ramat Beit Shemesh Alef and in Maccabi branch in Bnai Brak (where a patient was required to put on a robe since the staff felt she was immodestly dressed).

- **An automated response at the Maccabi HMO branch in Beitar Illit stated:** "Please note that this branch is located in a Haredi city. Please come in appropriate dress." After IRAC contacted the Deputy Director-General for Inspection of HMOs, the message was changed and the demand to come to the medical center in modest dress was removed. The HMO also promised to reaffirm the guideline prohibiting demands for modest dress in all its facilities.
- **Exclusion of Women at a Lecture in Beit Shemesh Sponsored by Clalit HMO:** On December 30, 2014, a current affairs program on Galei Tzahal Radio reported that an advertisement had been published for a lecture by Yossele Eisenbach on the subject of "The Power of the Word" at the Clalit branch in the Beit Shemesh neighborhood of Ramat Beit Shemesh - Alef. The advertisement, which featured the HMO's emblem, noted that the lecture was for men only. In response, the HMO stated that the advertisement was not in its behalf, and added that it was investigating the matter and that its employees act in accordance with the instructions of the Ministry of Health.

Segregation and Exclusion in Institutions of Higher Education

in 2011, the Council for Higher Education decided to establish special academic tracks for Haredi students at institutions of higher education, including separate tracks for men and women. Since the announcement of

this policy, IRAC has monitored the various frameworks and arrangements that have been introduced. IRAC's position, as expressed in a letter to the minister of education in July 2013, recognizes the importance of integrating Haredim in education and employment, but emphasizes that segregated study frameworks for Haredim should only be permitted on the following conditions:

- The target population for these frameworks will be solely the population that faces academic gaps and will not enter higher education without segregation – i.e. graduates of Haredi schools only. The Council for Higher Education has indeed established that the frameworks will be open only to graduates of Haredi education (although transitional provisions have been established allowing a proportion of up to 15 percent of students who did not graduate these institutions; this proportion will be reduced in subsequent years). In September 2013, the Supreme Court rejected attempts by graduates of the State-Religious education system to demand segregated frameworks, and ruled that the definitions on this matter should be re-examined ahead of the next academic year (HCJ 5851/13).
- Segregation should be permitted only in frontal classes and not in ancillary services (cafeteria, secretarial offices, and library). The Council for Higher Education indeed passed a decision along these lines in response to a petition in this regard (HCJ 6667/14).
- A situation should be avoided whereby female students are directed to stereotypically feminine subjects and male students to “masculine” subjects. All study tracks should be offered to both sexes. According to data of the Council for Higher Education, almost all subjects offered in these tracks are open to female students; male students are able to study less subjects.

- Segregation should be permitted solely during a preparatory year (as is the case in the Hebrew University), or at the very most during undergraduate studies, as determined by the Council for Higher Education.
- Segregation should be permitted only for a restricted time period, since the justification for segregated frameworks is to develop a critical mass of Haredi students in order to facilitate the integration of many more and make academic studies a routine matter. In IRAC's opinion, the segregated frameworks should be abolished after five years. The Council for Higher Education declared before the Supreme Court that it will reconsider the framework in the next multiyear program, to be discussed toward 2016.
- The rights of women lecturers must be protected, including the possibility for women lecturers to teach Haredi men. During the hearing in a petition of a few professors against the segregated tracks (HCJ 6667/14), the Council for Higher Education conceded that women lecturers cannot teach Haredi men, but declared that Universities should not discriminate women while recruiting personnel. As detailed below, IRAC was involved in several cases where women lecturers were harmed.

Exclusion of Female Lecturers

- **Tzfat College and Tel Aviv – Jaffa Academic College:** In March 2013, IRAC learned²⁴ that women lecturers were not allowed to work in the men-only track at Tzfat Academic College. According to the report, the track would operate in a separate classroom in a building off campus, close to the Old City of Tzfat. All the lecturers in the track would be men and a religious coordinator would supervise every aspect of the students' affairs. Tel Aviv Academic College also decided that male lecturers alone would work in the nursing track for men. IRAC contacted the Council for Higher Education and the Equal Opportunities Commissioner in the Ministry of

²⁴ <http://www.zefat.ac.il/?CategoryID=524&ArticleID=569>

Trade, Industry, and Employment and clarified that the refusal to employ women lecturers in these tracks constituted discrimination and violation of dignity, contrary to the Basic Law: Human Dignity and Liberty, and also constituted a violation of the Equal Opportunities in Work Law, 5748-1988. Following IRAC's intervention, the colleges amended their policies.

- **Kibbutz Seminar:** In a Facebook post published in July 2014, a woman stated that she had submitted her candidacy for a part-time position at the Kibbutz Seminar after seeing an advertisement published by the college. The advertisement stated: "Male/female lecturers required to teach in a special program for licensed teachers in the Haredi sector to complete B.Ed. studies in elementary and early childhood education." The advertisement went on to detail the relevant fields and the required degrees, and ended by stating: "The position is intended for both women and men." The woman submitted her candidacy for the position, attaching the required documents. A few hours after sending the email to the address provided in the advertisement, she received the following reply: "Thank you for sending your application and resume. Your knowledge and experience in the field of education and music are certainly important for our early childhood program. However, this program is intended for male teachers / kindergarten teachers from the Haredi sector, and in this context we have a gender restriction on employment with which you are surely familiar." IRAC contacted the Kibbutz Seminar and demanded that it abolish this discriminatory policy. Following our intervention, the Kibbutz Seminar announced that it was amending its policy, and that positions would be open to women and men, including in the case of programs for Haredi men.

Segregation in Cultural, Leisure, and Sports Activities

Segregation in Public Libraries

- **Segregation at a library in Ramat Shlomo:** In March 2013, it was reported that the municipal library in the Ramat Shlomo neighborhood of Jerusalem had introduced separate opening hours for girls and boys, to the displeasure of local residents. The neighborhood community center confirmed the report and claimed that the municipal Libraries Department had instructed it to act in this manner. The municipality responded: "From an examination undertaken by the municipality with the library, it has emerged that there is no impediment for any male or female student to visit the library throughout its opening hours, without any restriction."²⁵
- **Municipal library in Jerusalem open to men only:** A library on Yirimiyahu St. in Jerusalem does not have any opening hours for women. The library is situated in a building that also includes a synagogue, and stocks only religious works. A report by the municipal auditor stated that the closure of the library to women constitutes prohibited discrimination and damages the image of the municipality.²⁶
- **Segregation at the municipal library in Rekhasim:** The municipal library in Rekhasim, a community close to Haifa, imposes a system of double segregation, with separate hours for the Haredi population and the general population, and segregated hours for women and men on the days when the facility is intended for the Haredi population.²⁷ At a session of the Knesset Public Complaints Committee in February 2014, the head of Rekhasim local council claimed that the opening hours of the general

²⁵ <http://www.mynet.co.il/articles/0,7340,L-4358475,00.html>

²⁶ <http://www.ynet.co.il/articles/0,7340,L-4446961,00.html>;
<http://www.nrg.co.il/online/54/ART2/455/697.html>

²⁷ <http://www.mako.co.il/news-israel/education/Article-ba7b6f902522441004.htm>

wing and the Haredi wing in the library are separate due to budgetary and staffing restrictions, but declared that during opening hours there is no restriction on those entering the library: anyone may come to borrow books as they choose. However, he did not respond regarding the gender segregation.

Action by IRAC: In February 2014, following these cases, IRAC wrote to the chairperson of the Public Libraries Council. Our letter noted that gender segregation in the opening hours of libraries impairs the purpose of the libraries, since it restricts the possibility for residents to use the library at their convenience. Imposing segregated opening hours means that families – mothers and sons or brothers and sisters – cannot visit the library together. Reports on the subject show that many Haredi residents oppose segregated opening hours in libraries. We asked the council to clarify to all public libraries in Israel that they must ensure free access to the library without any discrimination on the grounds of sex and that , segregated opening hours for men and women must be abolished.

Exclusion of Girls in Sports

The mini-basketball junior leagues for 10-14 year olds in Israel include some 5,000 children, of whom only 16 are girls. Due to the small number of girls in this age group, they are integrated in the boys' teams. In light of the presence of mixed groups on the one hand and religious groups (from the Elitzur religious sports' organization), on the other, section 23 of the constitution of the Mini-Basketball League for Boys and Girls states as follows:

Inclusion of girls in games

Each boys' mini-basketball team may register and include in each game two girls. In the case of matches against Elitzur

teams, the teams must secure the agreement of the Elitzur teams in advance to the girls' participation.

Girl mini-basketball players will not be able to play in the boys' mini-basketball league in a community in which there are both girls' and boys' teams, unless the association to which the girls' team belongs is willing to permit a girl player to play in the boys' team (written approval, and only with this approval will the girl player be able to register for the boys' mini-basketball).

In December 2012, a match was due to take place between Elitzur Ra'anana and Maccabi Alfei Menashe as part of the regional mini-basketball league. When the coach of the Elitzur Ra'anana team (whose members are mostly religious boys) realized that a girl was due to play in the opposing team (S., aged 10), he demanded that she be removed from the game in accordance with the Halachic principle of preventing physical contact between the sexes. The coach of the Alfei Menashe team refused to do so, and accordingly the match was cancelled. The Basketball Association decided to award a technical victory to Elitzur Ra'anana, and even summonsed the Alfei Menashe team to a disciplinary hearing on the charge of violating the constitution. However, due to the public outcry caused by the incident, the disciplinary hearing regarding the penalty to be imposed on the group was cancelled.²⁸

In January 2013, IRAC contacted the Basketball Association and emphasized that the provision in its constitution restricting the number of girls in a team, and allowing Elitzur teams to veto the participation of girls, is discriminatory, violates women's dignity, and is therefore unlawful. We asked the association to order the immediate nullification of this provision and to ensure that no team would be permitted to disqualify players on the grounds of sex or to refuse to play against a team that includes girls. We also

²⁸ <http://news.nana10.co.il/Article/?ArticleID=947156>
<http://www.nrg.co.il/online/1/ART2/426/258.html?hp=1&cat=402&loc=4>

asked the association to prevent any restriction on the number of girls who can participate in the boys' team in a community where there is no suitable alternative, such as a girls' group for the relevant age group.

In an additional case, Elitzur Hashmonaim refused to play against Hapoel Modi'in since the Hapoel team included an 11-year-old girl. The Basketball Association awarded a technical victory to Elitzur Hashmonaim.²⁹

Due to public criticism of this policy, the Basketball Association held a discussion on the matter and decided that from the 2013/14 season, there would be complete segregation between boys and girls in the mini-basketball leagues and the children's league, with two separate leagues for boys and girls, and without any mixed teams. This decision means that girls living in small communities where there are not enough girls to open a girls' basketball team will not be able to play. The association also decided to hold a poll of all the associations in Israel to examine the possibility of opening a mixed mini-basketball league for boys and girls without any restriction on the number of girls in each team.

The association further decided that a committee for exceptional cases would be authorized to permit the inclusion of girl players in the boys' mini-basketball league and the children's league, subject to the provision in the constitution requiring the agreement of Elitzur teams to the participation of girls in matches with these teams. In this case, the teams and the girl players would be required to sign an affidavit confirming that matches with Elitzur teams will be subject to the teams' agreement to the participation of girls, and promising not to make any claims in this regard. In other words, girls who wish to play in the league are required to agree in advance to their exclusion from certain matches.³⁰

²⁹ <http://www.nrg.co.il/online/3/ART2/436/727.html>

³⁰ <http://www.ibba.one.co.il/General/Print.aspx?siteID=6&id=5259&type=6>

In practice, the Basketball Association attempts to schedule matches in order to ensure that teams that include a girl player are not required to play against Elitzur teams.

Additional Cases

- **Segregated entrances for men and women at an ice-skating rink in Jerusalem:** In March and April 2014, the Yambakerach ice-rink operated at the First Station complex in Jerusalem. The ice-rink imposed segregation between men and woman during part of the opening hours. The municipality responded: "We permitted the opening of the rink with special hours in order to respond to the needs of the entire population of Jerusalem, due to requests from all sectors in the city, and not only from the Haredi sector – just as is the practice in most public swimming pools and gyms."³¹ It should be noted that while swimming pools undoubtedly fall under the terms of the legal exceptions permitting segregation, it is very doubtful whether this is true of an ice-skating rink.
- ***Segregation in after school activities in a community center:** In September 2014, Ginnot Ha'ir Community Center in Jerusalem distributed a booklet detailing after- school activities. The booklet noted that at the Rehavia annex of the community center, all the children's groups would be held in a segregated format for boys and girls. Moreover, the range of groups offered for boys and girls was not identical. Boys were offered electronics, carpentry, chess, mind sport, soccer, sports, and juggling. Girls were offered ballet, modern and classical dance, professional Plasticine modeling, and oil painting. After IRAC contacted the community administration, an amended booklet was distributed stating that all groups were open to boys and girls, and that participants could choose between segregated or mixed groups.

³¹ <http://www.mynet.co.il/articles/0,7340,L-4497810,00.html>

- **Segregation at the entrance to Nabi Samuil National Park:** In May 2014, signs were displayed at the entrance to Nabi Samuil National Park, to the north of Jerusalem, establishing separate entrances for men and women. The signs were displayed during a celebration held at the site to mark the anniversary of the birth of the Prophet Samuel. A few days after the celebration the signs were removed.

Additional Cases of Segregation in Places Providing Public Services

- **Separate lines for men and women at gas mask distribution stations in Ashdod:** In November 2013, gas masks were distributed at four centers in the city, with segregation between men and women.³² The masks were distributed by employees of the Israel Postal Service, under the guidance of the Home Front Command, and in cooperation with the Security Division of Ashdod Municipality. IRAC contacted Home Front Defense Minister Gilad Erdan and the chairperson of the board of the Israel Postal Service and asked them to ensure that the distribution stations operate without any gender segregation. Following media reports on the subject, the segregation was abolished.³³
- **Segregation in a safe zone during Operation Protective Edge:** During Operation Protective Edge, signs were displayed in the rabbinical court in Ashdod directing the public to the safe zone, and stating that this space was intended for men only.³⁴ At the entrance to the safe zone, another sign was displayed emphasizing that entry was for men only. The safe zone allocated for women was situated inside the office of the religious

³² <http://www.nrg.co.il/online/1/ART2/520/103.html>

³³ <http://www.ashdodnet.com/mobile/article/50236>

³⁴ <http://www.inn.co.il/News/News.aspx/280169>

judges, which is accessible only by entering a code. The area was not protected and appeared to be a regular room. Couples who came to the religious court during the course of July 2014 were astonished to find that they would be forced to separate in the event of an alert. One woman reported that while she was at the court, her husband was directed to the safe zone while she and the other women were told to enter one of the courtrooms. The Rabbinate responded: "This was a local initiative and the person responsible will be punished." IRAC contacted the director-general of the Rabbinical Courts, Rabbi Shlomo Dichovsky, and asked him to publish a clarification stating that there is a complete prohibition against gender segregation in safe zones in the rabbinical courts. The reply claimed that it did not appear that segregation had actually been imposed in the court in question. "The signs ordering segregation are from the period of Operation Cast Lead, and no-one has ever paid any attention to them," the reply stated.

- **Segregation in computer centers in Modi'in Illit:** In the early 2000s, the government launched an initiative called Lehava to reduce the digital gap within Israeli society. The project included the establishment of centers providing online computer access for those unable to purchase a computer. A Lehava center in Modi'in Illit operates separate hours for women and men.³⁵ At the end of December 2014, the Municipality of Modi'in Illit announced that residents would be able to register their children for day care centers and child centers of the Ministry of Economics online at the Lehava center in the city. Once again, separate hours were allocated for women and men. IRAC was informed of this matter by a resident of the city who believes that such segregation creates obstacles for Haredi families who wish to access a public service.

³⁵ <http://www.modil.org.il/wp-content/uploads/2014/02/%D7%AA%D7%A8%D7%92%D7%95%D7%9C-%D7%9E%D7%95%D7%93%D7%A8%D7%A9-%D7%9E%D7%95%D7%93%D7%A2%D7%94.pdf>

B. Modesty Demands In the Public Sphere

Conclusions in the Attorney General's Report

- Signs urging women to move to a particular side of the street, or to use a particular part of the sidewalk, as well as signs instructing women to walk on the city streets in modest dress only, seek to restrict women's ability to enjoy the public domain and to move freely therein, merely because they are women. Accordingly, the inherent message of such signs reflects discriminatory and improper attitudes. It should be clarified that although the sign per se does not constitute a physical barrier restricting in practical terms women's ability to enjoy the public sphere equally, or imposing a certain form of dress on them, the placement of such a sign, in social circumstances characterized by social pressure, is liable to lead to obedience and ultimately to the de facto separation of women and men on the city streets. It is also possible that women will adhere to a style of dress they do not usually wear when moving in a particular part of the public sphere, or, more gravely, will refrain completely from going there.
- In light of the gravity of the violation of human rights manifested in a sign urging the exclusion of women from the public domain, or directing women not to use a part of the public sphere, the local council must, as a general rule, refrain from permitting the placement of such signs within its area, and certainly when this is actually placed in the public domain itself. In exercising its authorities of enforcement, the local council must also give considerable weight to the grave violation caused by the placement of such signs and must accordingly act immediately and vigorously not only to remove them from the public domain, but also to prosecute those responsible for the unlawful placement of such signs, in accordance with the provisions of any law.

- In light of the gravity of this phenomenon and concern at its expansion, the Ministry of the Interior must exercise its authority in order to ensure that local authorities maintain their obligations in this matter.

Suit Demanding the Removal of Modesty Signs in Beit Shemesh

In the previous report we noted that IRAC submitted a suit against the Municipality of Beit Shemesh on behalf of four women residents of the city (all Orthodox) demanding that the municipality compensate the plaintiffs for its omission in failing to remove the enormous modesty signs displayed at various locations in the city. In its statement of defense, the municipality argued that it had refrained from removing the signs due to concern about the response of extreme Haredi elements in the city. In other words, in weighing the balance of damages – the damage caused to the women of Beit Shemesh due to the signs against the violence that would be caused by their removal – the municipality had decided to acquiesce to lawbreakers.

Testimonies were heard in June 2014. The plaintiffs testified regarding the injury they had sustained as the result of the signs, including acts of violence, harassment, and humiliation by extremist elements that have effectively led them to see entire sections of their city as no-go zones. The director-general and spokesperson of the municipality testified on the defendants' behalf. Their comments clearly showed that the Municipality of Beit Shemesh does not attach any weight to the violation of the rights of the women of the city, and is more concerned with removing building debris than with preventing instances of violence against women. The municipal spokesperson even claimed that the plaintiffs could have avoided the injury they sustained if they had simply removed the matter from the public agenda. It also emerged during the hearing that the Municipality of Beit Shemesh had not heard of the attorney general's report ordering the removal of modesty signs.

In January 2015, the court granted a ruling that accepted the suit in full and established that the signs in question are discriminatory and gravely violate the rights of the women of the city to dignity, equality, personal liberty, and autonomy. The court established that the municipality had taken a conscious decision not to remove the signs, thereby effectively abandoning the women of the city while rewarding violent elements. The fact that the municipality had done almost nothing to remove signs displayed unlawfully meant that it had been gravely negligent. Accordingly, the court ruled that the municipality must compensate the plaintiffs in the sum of NIS 15,000 each, as well as paying court expenses in the sum of NIS 8,000.



Additional Cases

- Bylaws of Mevo Horon includes detailed instructions regarding permitted dress for women in the community:** The bylaws of the settlement of Mevo Horon demand that women who wish to move to the community accept a strict and detailed modesty code, including full head covering, long-sleeved shirts, skirts covering the knees when sitting and standing, and blouses “up to the neck.”³⁶
- Rabbis urge boycott of mall in Jerusalem neighborhood in order to impose “modesty” demands:** Ten rabbis of the Jerusalem neighborhood of Ramot distributed a letter to residents urging them to refrain from patronizing shops in the neighborhood mall due to what they described as “modesty problems.” The “problems” mentioned by residents included: secular music played in the mall, including singing by women; the content of leaflets distributed in the mall; women’s mannequins displayed in shop windows; and the immodest dress of saleswomen in the mall. The rabbis demanded that the mall adapt itself to the approach of the Haredi public regarding women’s modesty.³⁷ After the Haredi sector boycotted the mall due to claims of “immodesty,” a compromise was reached between the mall management and the Haredi protestors: the background music in the mall will no longer include women singers; the mall management will not run activities for children that have “immodest” content; and an inspector will be appointed to supervise the activities in the mall.³⁸
- Segregation at the inaugural ceremony for a State-Religious school:** A ceremony marking the opening of the Etrog State-Religious School

³⁶ <http://www.nrg.co.il/online/11/ART2/542/602.html>

³⁷ <http://www.nrg.co.il/online/54/ART2/475/510.html>

³⁸ <http://www.kooker.co.il/%D7%90%D7%97%D7%A8%D7%99-%D7%94%D7%97%D7%A8%D7%9D-%D7%A4%D7%A9%D7%A8%D7%94-%D7%91%D7%A7%D7%A0%D7%99%D7%95%D7%9F-%D7%A8%D7%9E%D7%95%D7%AA-%D7%91%D7%9C%D7%99-%D7%A9%D7%99%D7%A8%D7%AA-%D7%A0%D7%A9>

in Givat Ze'ev, near Jerusalem, was run as a segregated event, firstly for mothers and daughters and then for fathers and sons.³⁹ Since the religious population is heterogeneous, the parents who adopt a stricter Halachic line encourage the school management to be more extreme. After complaints from other parents, the principal agreed that mothers could watch their sons, but fathers were not permitted to watch their daughters at the ceremony.

- **Threats against passersby in Givatayim due to modesty demands:** A resident of Givatayim who walked along the street during a gathering of the Haredi public for a religious ceremony in a nearby cemetery, was subjected to curses and threats (“go away fast, whore, or else you will be beaten”) due to the manner in which she was dressed.⁴⁰
- **Car vandalized in Jerusalem in protest at the owners’ “immodest” dress:** Several Haredi men smashed the windscreens of a car in the Beit Yisrael neighborhood of Jerusalem and poured fish oil on it. They then proceeded to hang a sign on the car bearing the slogan “May your camp be holy.” Policemen who were called to the scene were also attacked and their vehicles vandalized.⁴¹
- **Woman attacked in Jerusalem for wearing jeans:** Two Haredi men spat at a young women in Shabbat Square in Jerusalem and threw bags of garbage at her because they considered her dress insufficiently modest. A complaint has been filed.⁴²

³⁹ <http://news.walla.co.il/item/2811938>

⁴⁰ <https://www.facebook.com/photo.php?fbid=585246148182266&set=a.125713877468831.9638.124894077550811&type=1&theater>

⁴¹ <http://www.kikarhashabat.co.il/%D7%99%D7%A8%D7%95%D7%A9%D7%9C%D7%99%D7%9D-%D7%A0%D7%A9%D7%99%D7%9D-%D7%9C%D7%90-%D7%A6%D7%A0%D7%95%D7%A2%D7%95%D7%AA-%D7%94%D7%95%D7%AA%D7%A7%D7%A4%D7%95.html>

⁴² <http://www.ynet.co.il/articles/0,7340,L-4405115,00.html>

- **Haredi man in Ashdod spits at a 15-year-old girl:** The girl collected her sister from a kindergarten in Ashdod and was then allegedly attacked by a Haredi man because she was dressed in a skirt and tank top. The girl stated: "He told me, 'You are not modest. There are people learning Torah here. Go behind the fence.'"⁴³
- **Bus stops renovated by the municipality burned in Jerusalem neighborhood:** Residents of the Jerusalem neighborhood of Geula claimed that the bus stops were burned down because the municipality failed to install folding benches. Sources in the Meah She'arim neighborhood claimed that they had reached an agreement with municipal officials before the work began to upgrade the bus stops so that it would be possible to fold the benches installed at the stops. The reason was to prevent young men and women from sitting in the bus stops on Friday nights, creating a meeting place between the two sexes.⁴⁴

C. Segregation in Events and Conferences Organized by Public Bodies

Conclusions in the Attorney General's Report

- A. A government ministry or other public body is not permitted to organize a governmental, state, or public event during which steps will be taken with the goal of causing segregation between men and women. At such an event, women have a right to participate equally and fully in all aspects of the event, both as spectators and as participants. No signs, barriers, or any other means are to be placed at such events with the intention

⁴³ <http://www.ynet.co.il/articles/0,7340,L-4411332,00.html>

⁴⁴ <http://www.nrg.co.il/online/54/ART2/486/308.html>

of directing the public to segregated seating or any other segregated participation in the public event.

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- B. The above principles also apply to events regarding which it is known that the majority of the participants will be religious or Haredi, or which have religious content. The mere fact that the majority of the public attending an event may prefer segregation does not constitute justification for its imposition.
 - C. A narrow and restricted exception to the above may apply in the case of an event that meets the following cumulative conditions: The event has a clearly religious character focusing primarily on religious worship or another significant religious ceremony, and when the authority is of the opinion that the vast majority of those attending the event desire segregation. In the case of an event meeting this profile, it may be evaluated with a considerable level of probability that the strength of the injury to the religious sentiments of those attending the event if segregation arrangements are not introduced, with attention to the religious character of the event, will exceed the tolerance threshold in a democratic society. It is to be emphasized that an event from which women are completely excluded is absolutely not to be permitted.
 - D. In order to ensure that the violation of the basic right to equality and dignity is proportionate, segregation arrangements should be permitted only at specific, short-term, and time-limited events.
 - E. A government ministry or public body will not sponsor a public event organized by another body that imposes segregation or other discriminatory practices.
 - F. In order to ensure that local authorities also maintain these principles, the Ministry of the Interior must guide the local authorities accordingly.

Additional Directives

It is worth noting that on December 28, 2011, the Civil Service Commission published a **Guideline for Director-Generals of Government Ministries and auxiliary units**, as follows:

The Civil Service Commission will view gravely any instance of discrimination on the grounds of gender, such as: separate lines for men and women, the exclusion of women from state ceremonies, and so forth. The prohibition against such discrimination applies in every area and in any government framework, including:

- A. In the provision of a service to the public by a government ministry / auxiliary unit.
- B. Within government facilities, ministries, and units.
- C. At state ceremonies and government-sponsored events, including the awarding of prizes on behalf of the state or with state funding.

We should also note that in 2011 the Israel Medical Association published a position paper on the subject of the exclusion of women in the health system and in medical services, as follows:⁴⁵

- The exclusion of women is an improper phenomenon that is contrary to the value of equality and to democratic values, and which accordingly violates human dignity.
- The exclusion of women in the medical system may be manifested in receipt of medical treatment, in the provision of a medical service, in medical publications and conferences, in the awarding of prizes for professional achievements, in appointments in the health system, and so forth.

⁴⁵ <http://www.ima.org.il/MainSite/EditClinicalInstruction.aspx?ClinicalInstructionId=167>

- The physician will not acquiesce to manifestations of the exclusion of women in the medical system, including any action causing the discrimination, humiliation, or degradation of a woman, whether a patient or a physician.
- The physician, including the medical director, will do his best to serve as a role model, lead social processes that contribute to gender equality, and refrain from granting recognition or consent, whether by action or by silence, to steps that are contrary to this principle.
- The physician will not participate in any medical or scientific event that imposes the exclusion of women, whether as patients or as physicians.

Incidents of Segregation

- **Conference on gynecology – without women:** The annual conference of the Puah Institute on the subject of gynecology and the Halacha included male lecturers only.⁴⁶ The Coalition against the Exclusion of Women contacted the organizers of the conference and demanded that women experts be included in the program. It should be noted that in 2012, due to public pressure, several physicians decided to withdraw from participating in the Puah conference because of the exclusion of women lecturers.
- **Gender segregation at the Flags March in Jerusalem:** During the traditional dancing with flags march on Jerusalem Day in 2013, women and men were segregated, both at the gathering point and at the entrance to the Old City. IRAC contacted the Municipality of Jerusalem and the

⁴⁶ <http://www.srugim.co.il/63134-%D7%94%D7%A7%D7%A8%D7%9F-%D7%94%D7%97%D7%93%D7%A9%D7%94-%D7%9B%D7%A0%D7%A1-%D7%94%D7%A8%D7%91%D7%A0%D7%99%D7%9D-%D7%A9%D7%9C-%D7%9E%D7%9B%D7%95%D7%9F-%D7%A4%D7%95%D7%A2%D7%94-%D7%9E%D7%93%D7%99?di=1>

police and demanded that municipal publications should not state that the event would be segregated and that private ushers should not impose segregation, as had occurred in previous years. The municipality replied that the event did not violate the principle of equality, since each marcher could walk wherever he or she chose, and there were no barriers or other physical dividers. The police indeed ensured that segregation was not imposed on the marchers at the event.

- **Women demanded to stop dancing at a municipal-sponsored Chabad event in Kfar Sava:** One of the organizers of the event asked women participants to stop dancing. A few minutes later, he again went up on the stage and asked the women not to dance. The third time, he threatened to stop the event immediately if the women continued to dance.⁴⁷
- **Exclusion of women at a candle-lighting ceremony at Ben Gurion University:** At a Hanukkah candle-lighting ceremony at the university in November 2013, women were not allowed to light candles or to join in the singing. IRAC contacted the president of the university to protest this exclusion.⁴⁸ Before Hanukkah in 2014, the president of the university promised that women would not be excluded again and would play an active part in the candle-lighting ceremony, and this was indeed the case.
- **Exclusion of women from the municipal Mimouna celebrations in Ashdod:** The Municipality of Ashdod and the Israel Association of Community Centers held a large-scale event to mark the traditional Mimouna festival at the end of Passover. The publicity material distributed to residents stated that “the event is for men only.”⁴⁹ In response, Deputy Attorney General Attorney Dina Zilber informed the municipality that the

⁴⁷ <http://www.youtube.com/watch?v=mooTNNwwxeM>

⁴⁸ <http://news.nana10.co.il/Article/?ArticleID=1021731>

⁴⁹ <http://news.walla.co.il/item/2739247>

activity was unlawful.⁵⁰ In the end, a partition was erected at the event and the women sat behind it.⁵¹



- **Segregated summer programs for children in Beit Shemesh:** On August 1, 2014, a local newspaper in Beit Shemesh (*Keren Or Beit Shemesh*, issue 1424, pp. 16-17) published an advertisement by the municipal Torah Culture Department. The advertisement invited the children of Beit Shemesh to a movie screening with separate showings for boys and girls. Separate hours were also allocated for the use of facilities in a gymnasium and at a performance. IRAC contacted the mayor of Beit Shemesh and insisted that the event should be held without any segregation, regardless of the fact that it was intended for the Haredi population. In response, the municipality argued that it funds cultural events for the Haredi community in a format suitable for this population, and that without segregation the Haredi public would effectively be excluded from municipal cultural events.
- **Segregation at a Chabad Hanukkah party for youth sponsored by the Municipality of Lod:**⁵² During Hanukkah in 2014, a performance was

⁵⁰ <http://www.haaretz.co.il/news/local/.premium-1.230746>

⁵¹ <http://www.mynet.co.il/articles/0,7340,L-4512764,00.html>

⁵² <https://www.facebook.com/video.php?v=791789337535848&set=vb.100001143662060&type=2&theater>

held at the Culture Center in Lod by the singer Yaniv Ben Mashiach. The logo of the Lod municipality appeared on the ad for the party. The event was organized by Chabad. When residents arrived at the center, they were astonished to find that the seating was segregated. Couples could not sit together, and a father was forced to request special permission from a rabbi at the event to sit next to his daughter. IRAC contacted the Municipality of Lod and clarified that such segregation is prohibited.

D. Prohibition against Women's Singing and Performances

- **National Service women appear on stage – before women and girls only:** The National Service program established a theater group comprising four women. In accordance with the instructions of Rabbi Ariel, only boys up to the age of 13 were able to watch the performances, for reasons of modesty.⁵³
- **Exclusion of women at the Festival of Sounds in the Old City of Jerusalem:** Several instances of the exclusion of women occurred during the festival, which was held in the Old City in March 2013. Production staff from the municipal company Ariel attempted to prevent three women musicians from participating in the festival. A singer in the group Divan of the Heart was asked by a member of the production staff to step down from the stage during the performance, while the manager of the March Dondurma band was asked to find male musicians to replace two female members of the band.⁵⁴ Following the incident, IRAC contacted the municipality's legal advisor and demanded that he issue a clear instruction to workers not to exclude women, and clarifying that any official or implicit prohibition against appearances by groups that include women

⁵³ <http://www.kipa.co.il/tarbut/51198.html>

⁵⁴ <http://www.ynet.co.il/articles/0,7340,L-4360222,00.html>

is unlawful. We asked that all employees be informed both in writing and during in-service training of their duty to ensure gender equality in all their activities, including events run directly by the municipality or through other bodies, and about the illegal nature of discrimination and exclusion of women. The advisor replied that preventing women from appearing is indeed unlawful, and that the municipality and employees of the municipal company had been instructed not to permit such practices. Following our intervention, the municipality circulated the attorney general's report to municipal employees. In the next Festival of Sounds in 2014, women indeed performed in the Old City (although not in the Jewish quarter).

- **Municipality of Netivot refuses to allow women to sing at a memorial ceremony:** For several years, women have not been permitted to sing at the annual ceremony on Memorial Day for Fallen IDF Soldiers, at the request of bereaved families.⁵⁵ After Deputy Attorney General Dina Zilber contacted the municipality, it announced that it would end this discriminatory practice.

E. Exclusion of Women on the *Kol Barama* Radio Station

Since it started operating in 2009, the Sephardi Haredi radio station *Kol Barama* has as a matter of policy refrained from broadcasting women's voices (in song and speech) during its broadcasts. Following public pressure by IRAC and other bodies, the Second Authority of Television and Radio began a gradual process that required the station to broadcast women for a small number of hours a week (at the beginning, one weekly hour, then 4 weekly hours and 8 weekly hours).

⁵⁵ <http://news.walla.co.il/item/2742336>

Conclusions in the Attorney General's Report

1. The station's policy of restricting the possibility of women to participate in all the broadcasted programs violates the basic rights to human dignity and liberty, equality, and freedom of expression. Prohibiting a woman from expressing herself and being heard merely because she is a woman is a grave example of gender discrimination that violates human dignity. It assumes that a woman has no right to be heard like any other person, but solely in accordance with rules as determined by the radio station.
2. This practice damages freedom of expression as a value that seeks to ensure the promotion of a lively, pluralistic public discourse reflecting diverse opinions, voices, and attitudes – an essential condition for a normal and healthy democracy, and a vital component in developing the personality of every man and woman. The existing restrictions prevent women from participating freely and equally in the public discourse on the station, which functions as a key media source for its audience. A distorted picture of reality is created in which women's voices are not full partners in public discussion. Marginalizing women's voices is also contrary to the obligation to ensure pluralism in public broadcasting.
3. The argument that excluding women's voices is required due to the character of the station as one that is intended for the Sephardi Haredi sector, as defined in the franchise, is to be rejected. There is no explicit Halachic prohibition against broadcasting women's speech (beyond the prohibition against broadcasting women's singing). This practice is no more than a "hidur" (a voluntary "adornment" of the compulsory rules). Requiring the *Kol Barama* radio station to remove all the restrictions applying to the broadcasting of women, and to enable women who so wish to participate in audience-participation programs open to men, will not cause profound injury to the unique character of the Sephardi Haredi community. This argument seems even less convincing today, when

women are broadcast on the station, albeit under restrictive conditions, without any dramatic reaction.

4. The argument that requiring the removal of all the restrictions on broadcasting women's speech will lead to a mass exodus of listeners, cause profound economic damage to the station, and ultimately lead to its closure should be rejected. This is both because of factual reasons (the station's ratings have actually increased since women have begun to be heard on the station) and normative reasons (the preferences of the radio station's listeners cannot justify arrangements tantamount to discrimination).
5. The report has instructed that the following should be implemented within six months:
 - A. The station must end any restriction on broadcasting women's voices. Regarding audience participation programs, the default is that all programs are open equally to any listener, male or female, without any gender discrimination. At the most, it may be established that a minority of broadcasting hours will be earmarked for men only, so that during these hours only women's voices will not be broadcast, meeting the needs of the most pious listening public. Naturally such an arrangement must be reasonable and proportionate.
 - B. The station is not permitted to continue to operate on the basis of its current discriminatory employment practices. Broadcasting positions will be opened to women as well as men, and job advertisements will be worded accordingly.

Class Action Suit against *Kol Barama*

In 2012, as noted in our previous report, IRAC submitted, together with attorney Assaf Pink, a request to approve a class action suit on behalf of the

religious feminist organization Kolech. The suit against *Kol Barama* cites the discrimination practiced by the station against women due to the refusal to broadcast their voices since its launching.

In February 2014, the Second Authority instructed the station to end all restrictions against broadcasting women's speech, with the exception of one hour a day when women's voices would not be broadcast.

Although the station has begun to broadcast women's speech, this is still an extreme rarity. Ninety-five percent of the station's broadcasts do not include women. A report by the monitoring company Yifat, submitted to the court, shows that the inspection imposed by the Second Authority on the broadcasting of women's speech on the station has not led to any significant change. On average, just five women can be heard on the station each day, compared to 69 men.⁵⁶ An examination of the station's broadcasts showed that, on average, women's voices were heard for just 2.94 percent of the total broadcast time.⁵⁷

On September 9, 2014, the district court decided to approve the application, thereby recognizing the case as a class action suit. The court ruled that "this case involves gross gender discrimination prohibiting women from expressing themselves and from being heard merely because they are women, thereby violating their right to dignity, equality, and freedom of expression."⁵⁸ Regarding the period from the launching of the station in 2009 through the end of 2011, no women's voices were broadcast at all – a situation that is clearly contrary to the Prohibition of Discrimination in Products, Services, and Entry to Places of Entertainment and Public Places Law. Even during the period since 2011, when the regulatory process with the Second Authority began, two instances have occurred in which the

⁵⁶ <http://www.ynet.co.il/articles/0,7340,L-4462809,00.html>

⁵⁷ <http://www.news1.co.il/Archive/001-D-337796-00.html>

⁵⁸ <http://www.the7eye.org.il/125397>

station violated the Authority's instructions and refused to put women on the air; in these instances, too, discrimination has prima facie been proved.

The court's decision to permit a class action suit on account of the exclusion of women is a groundbreaking and precedent-setting step. Firstly, it implies recognition of Kolech as an organization that represents Haredi women listeners who cannot submit the complaint themselves, since this could have negative consequences for them. Secondly, it establishes that the prohibition against broadcasting women's speech constitutes gross discrimination against all the listeners exposed to the station's "women-free" broadcasts.

Kol Barama has submitted an application for permission to appeal against the decision, which is due to be heard before the Supreme Court in June 2015.

F. Women of the Wall

The Women of the Wall (WOW) is a group of women from diverse Jewish streams (Orthodox, Conservative, and Reform) who have prayed in a women's *minyán* at the Western Wall Plaza on each Hebrew new month for the past 26 years. In the past, the Western Wall Rabbi prevented the women from praying at the site. They petitioned the Supreme Court in the 1990s, and the court recognized WOW's right to freedom of religion and to pray in the plaza. However, due to concern at possible violence and opposition, the Supreme Court ruled in 2003 that WOW should not pray in the Western Wall Plaza itself, but rather at an alternative site satisfactory to the group. The Court instructed the state to prepare a prayer platform at Robinson's Arch, an area that serves as a tourism and archeological site (HCJ 257/89, *Hoffman v Supervisor of the Western Wall*, *Piskei Din* 48(2) 265; HCJ 3359/95, *Anat Hoffman v Director-General of the Prime Minister's Office et al.*, *Piskei Din* 54(2) 345; *Addtl. HCJ Hearing 4128/00, Director-General of the Prime Minister's*

Office v Anat Hoffman, Piskei Din 57(3) 289). The state failed to meet its undertaking and did not prepare the Robinson's Arch area properly for worship; accordingly, WOW continued to pray in the women's section in the Western Wall Plaza. It should be emphasized that WOW's struggle opposes the exclusion of women at the most sacred place of prayer of the Jewish people and at a national site that is a symbol of attachment to Jewish tradition for Jewish men and women from around the world.

Since October 2012, the police and the Western Wall Rabbi began to adopt a stricter policy toward WOW. Members of the group were repeatedly detained for the offense of wearing a Tallit or reading aloud from the Torah, on the grounds that this violates the Supreme Court ruling. In October 2012, Anat Hoffman, chairwoman of WOW, was arrested, subjected to humiliating treatment by the police, and held overnight in a detention cell without a bed.⁵⁹

In February 2013, Western Wall Rabbi Shmuel Rabinowitz instructed the police to arrest 10 women who prayed after wrapping themselves in talitot, claiming that they had violated the Supreme Court ruling, which he argued permitted them to pray only at Robinson's Arch. Rabinowitz argued that the women's prayer was contrary to the "custom of the place" as established in the Holy Places Regulations.⁶⁰ Following an additional arrest in April 2013, the state asked the magistrate's court to condition the release of the women on prohibition to enter the Western Wall over the next three months. However, the court established that the women had not disturbed public order, and accordingly there were no grounds for their detention or for conditioning their release. The state submitted an appeal against this decision to the district court. In a precedent-setting ruling granted in April 2013, Judge Moshe Sobel of the Jerusalem District Court rejected the state's appeal and established that the women's arrest was illegal, and that they were entitled

⁵⁹ <http://www.haaretz.co.il/news/education/1.1889044>

⁶⁰ <http://www.ynet.co.il/articles/0,7340,L-4343507,00.html>

to pray at the Western Wall in accordance with their custom (SI 23834-04-13, *State of Israel v Bonnie Riva Ras et al.*).⁶¹ The ruling established that the Supreme Court had not prohibited WOW from praying in the Western Wall Plaza, and certainly had not imposed any prohibition whose violation constituted a criminal offense. Accordingly, the members of WOW had not committed any offense. The ruling added that the expression “custom of the place” in the Holy Places Regulations should be interpreted in a pluralistic, secular, and national manner; accordingly, WOW had not held a ceremony that was not in accordance with the “custom of the place.”

Since Judge Sobel’s ruling, the members of WOW have prayed in the women’s section at the Western Wall every month, though the Western Wall Rabbi does not allow them to bring in a Torah scroll. The Torah scrolls in the plaza are used solely by men, and worshippers are not permitted to bring in their own scrolls. For two months, WOW managed to bring in a particularly small Torah scroll and read from it in the women’s section.

We should add that following a wave of public outrage at the end of 2012, the prime minister asked Jewish Agency Chairperson Nathan Sharansky to examine the issue. Sharansky proposed that a large area be prepared for mixed prayer of women and men.⁶² A few months later, a committee was established under the chairpersonship of Government Secretary Avichai Mandelblit to propose a solution to the issue. The committee has not yet submitted its recommendations.

⁶¹ <http://e.walla.co.il/?w=/272/2675319>

⁶² <http://www.haaretz.co.il/news/education/1.1990047>

G. Exclusion of Women in the IDF

Incidents of Exclusion

- **Border Guard combat soldier not permitted to eat at a Haredi army base:** A group of Border Guard soldiers arrived to eat a meal at an outpost staffed by soldiers from the Haredi Nahal unit. A woman soldier in the group was not allowed to enter the outpost due to her gender, and accordingly her male comrades also remained with her outside the base.⁶³
- **IDF establishes a women-free base:** In response to the “modesty” demands raised by Haredi soldiers in the Shahar track, the IDF is establishing a special training base for Haredi draftees only, situated within Tzrifin base. The area earmarked for Haredi soldiers will be “free of women.”⁶⁴
- **200 soldiers receive permission to leave an event that includes women’s singing:** The commander of the Kfir Brigade allowed religious soldiers to leave an official brigade event that included women’s singing. The commander reached the decision after consulting with the brigade’s rabbi.⁶⁵
- **IDF weekly Bamachaneh to appear in a Haredi version:** The Haredi version of the army weekly does not include pictures of women. The

⁶³ <http://www.haaretz.co.il/news/politics/1.2084324>

⁶⁴ <http://www.kikarhashabat.co.il/%D7%97%D7%A9%D7%99%D7%A4%D7%94-%D7%A6%D7%94%D7%9C-%D7%9E%D7%A7%D7%99%D7%9D-%D7%91%D7%A1%D7%99%D7%A1-%D7%94%D7%93%D7%A8%D7%9B%D7%94-%D7%A0%D7%A7%D7%99.html>

⁶⁵ <http://www.kipa.co.il/now/52795.html>

magazine is distributed to thousands of Haredi soldiers and potential draftees.⁶⁶

- **Women-free processing for new recruits:** Following pressure from the Haredi leadership, the IDF has decided to establish a women-free processing chain (the process during which new recruits to the army receive army dress and equipment) for the intake of Haredi recruits.⁶⁷

IRAC's Position

Following the above cases, IRAC wrote to the Chief of Staff to emphasize that the process of integrating Haredi men in the army must be thoughtful and sensitive. It is important to address both sides of the equation: on the one hand, to act to create an environment that does not gravely offend the lifestyle of Haredi soldiers; but on the other – to be careful to ensure that women are not the victims of this process of integration. The letter noted that it may be possible to justify guidelines preventing physical contact between Haredi recruits and women, or situations where they are alone together (such as rules stating that a female sports instructor will not work with Haredi soldiers, or rules preventing a Haredi soldier from being required to be alone with a woman when guarding or sharing a room). However, steps such as establishing a women-free base or a women-free processing chain for recruits, a male-only command staff, or efforts to prevent any working relations or eye contact with women – are disproportionate and therefore unlawful.

⁶⁶ <http://www.kooker.co.il/%D7%A6%D7%94%D7%9C-%D7%A4%D7%95%D7%AA%D7%97-%D7%90%D7%AA-%D7%94%D7%93%D7%9C%D7%AA-%D7%9C%D7%97%D7%A8%D7%93%D7%99%D7%9D-%D7%A6%D7%A4%D7%95-%D7%91%D7%9E%D7%95%D7%93%D7%A2%D7%94-%D7%A2%D7%9C-%D7%A4>

⁶⁷ <http://news.walla.co.il/?w=/2689/2736389>,
<http://www.haaretz.co.il/news/politics/.premium-1.2206076>

The army replied that “the plans to integrate Haredim in the IDF have been prepared in a manner that will not impair its status as a national and egalitarian army. Accordingly, no bases will be established that do not include any women at all. Women will not command Haredi soldiers (...), but they will play other roles in the bases where the soldiers serve. Soldiers joining the army in the Shahar framework will not serve in the same room as women, but they will serve in units where women also serve.”

Despite these clarifications, the media have continued to publish reports of damage to the status of women due to the recruitment of Haredi soldiers.

In October 2014, for example, a media report claimed that the IDF was planning to allocate special days for yeshiva students to report for their first draft order, during which there will be an environment “free of women and secular Jews.” According to the report, “in order to encourage Haredim to join the IDF, it has been decided to allow Haredim who are earmarked for recruiting to report en masse to the draft office at specific times. This will enable them to enjoy appropriate conditions during the recruiting process.” The Ministry of Defense promised the heads of the yeshivot that a special recruiting day would be set aside for the yeshivot, when no women would be present. The article added that numerous adaptations had been made to the intake process for Haredi recruits, and that the IDF was willing to make further changes, all with the goal of encouraging them to report for service.⁶⁸

Following these further reports, IRAC again contacted the minister of defense and the chief-of-staff and demanded that segregated recruitment days not be scheduled for male draftees in a manner that effectively creates a male-only process. The reply stated that in order to promote the intake of Haredim in the IDF, the possibility was being considered of arranging a special reporting day. However, women who work in the office would not

⁶⁸ <http://www.ynet.co.il/articles/0,7340,L-4585861,00.html>

be removed and other soldiers would not be prevented from arriving on the same day.

H. Vandalization and Removal of Women's Images from the Public Sphere

- **Television channel without women or girls:** The Meir children's channel, which is broadcast via the internet and is popular among the national-Haredi sector, depicts a world devoid of women and girls.⁶⁹
- **Face of a woman performer blurred in an advertisement for a municipal event:** An advertisement for a performance by Golan Azulai and Rona Ramon blurred Ramon's face, while Azulai's face appeared clearly.⁷⁰
- **Sculpture removed due to complaints about immodest female figure:** An abstract environmental sculpture of a man and woman sitting on a bench was displayed in Kiryat Gat. Following complaints that the female figure was immodest, the sculpture was relocated from the city park to a municipal office.⁷¹
- **Photograph of Pnina Rosenblum covered on her products:** Hair care products by the Israeli cosmetics guru Pnina Rosenblum feature her photograph on the packaging. At a branch of the Machsanei Hashuk chain in a Haredi neighborhood of Ashdod, Rosenblum's photograph was covered with stickers on all her products.⁷²
- **Picture of a female competitor in "Big Brother" removed from advertisements in Jerusalem:** Goldline, a company that markets electric

⁶⁹ <http://www.haaretz.co.il/gallery/kids/.premium-1.2029111>

⁷⁰ http://www.be106.net/news_inner.php?id=3382&city=233&ref=7

⁷¹ <http://www.mynet.co.il/articles/0,7340,L-4375146,00.html>

⁷² <http://news.walla.co.il/?w=/90/2646097>

goods, displayed billboards featuring a photograph of Lihli Greener, a participant in the popular “Big Brother” television program, alongside its products. In Jerusalem, however, Greener’s photograph was removed from the billboards on the grounds of consideration for the sentiments of the Haredi public.⁷³

- **Haredi press censors faces of women in the Warsaw Ghetto:** The Haredi newspaper *Bakehila* published a famous photograph showing a boy in the Warsaw Ghetto raising his hands in the air. The faces of Jewish women in the background were blurred for reasons of “modesty.”⁷⁴
- **Ultra-Orthodox newspaper censors women’s shoes:** *Hamodi’a* published a story about a one-year-old baby who locked himself in his bedroom and fell asleep. The editors chose to obscure some women’s shoes that happened to be included in the accompanying photograph. A source in the newspaper explained that this was done in order to avoid sexual connotations.⁷⁵
- **Photographs of women on bus advertisements:** The Egged bus company refused to display advertisements featuring photographs of women on its buses, due to concern that they might be vandalized by extremists. The local Jerusalem party “Yerushalmim” petitioned the Supreme Court on the grounds of discrimination against women (HCJ 39/12). Responding to the petition, Egged announced that it intended to end the discrimination by introducing a new policy stating that bus advertisements would not include any photographs of humans, male or female. The state and the petitioners both opposed this arrangement, arguing that it was still discriminatory, since the sole reason to refrain from displaying human images was to enable Egged to continue to

⁷³ <http://glz.co.il/1064-21697-HE/Galatz.aspx>

⁷⁴ <http://www.ynet.co.il/articles/0,7340,L-4361315,00.html>

⁷⁵ <http://www.nrg.co.il/online/1/ART2/433/999.html>

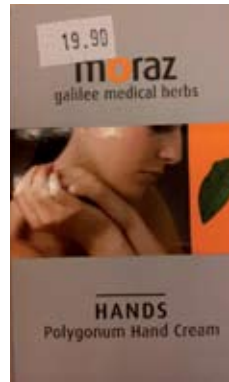
avoid displaying photographs of women. An agreement was eventually reached between “Yerushalmim” and Egged stating that there was no impediment to displaying women’s images in bus advertisements. The state will compensate Egged for any damage caused to Egged due to vandalization.⁷⁶

- **Dairy company’s advertisement depicts a world free of women and girls:** The Tnuva dairy company published an advertisement in the Haredi press featuring a bustling street. The picture shows dozens of men and boys, but not a single woman or girl. By so doing, the advertisement not only banishes the female sex from its advertisement, but creates a public perception that ignores the existence of women and girls. Tnuva responded: “The advertisement is intended for the Haredi public and there is no intention to offend any sector of the population.”⁷⁷
- **Picture of a woman obscured on an advertisement in Jerusalem:** An advertisement for a women’s gym in the German Colony neighborhood of Jerusalem included a photograph of a woman lifting weights. A white sheet was placed over the photograph.⁷⁸
- **Woman’s face obscured on a product in a pharmacy:** At a Maccabi pharmacy in Beit Shemesh, the face of a woman on a hand cream were covered with a sticker. In response to a complaint by one of the doctors, the manager of the HMO branch replied that as a result of a complaint of patients regarding “offensive images”, it was decided to cover them, out of respect to the sentiments of the Haredi sector.

⁷⁶ <http://www.ynet.co.il/articles/0,7340,L-4406251,00.html>
<http://news.walla.co.il/item/2661535>

⁷⁷ <http://www.ynet.co.il/articles/0,7340,L-4409655,00.html>

⁷⁸ <https://www.facebook.com/photo.php?fbid=10151789758509518&set=gm.622599987772057&type=1&theater>



- **Haredi news website obscures image of female interviewee:** The popular Haredi website *Bechadrei Charedim* interviewed Sari Roth, a female journalist, in cooperation with the website *Walla!* Roth answered questions about the political ramifications of the death of the influential Sephardi Rabbi Ovadia Yosef. However, while Roth's voice could be heard, her image did not appear on the screen.⁷⁹
- **Political advertisement vandalized to obscure face of a female candidate:** In Ashdod, billboards were displayed promoting the "Ashdodim" list, which competed in the municipal elections. The advertisement features the list's leading candidates, including one woman. On one sign, the female candidate's face was covered with a sticker for the Haredi party United Torah Judaism. The men's faces were not vandalized.⁸⁰
- **Wall posters in Jerusalem oppose the employment of female bus drivers:** The wall posters state: "... Now they have added a new grave sin to their crimes [...] in a new act of wantonness, acting unwisely to cause sin among the traveling public by replacing bus drivers with wanton female drivers in order to sully and defile the sanctity of the Jewish

⁷⁹ <http://www.kipa.co.il/tarbut/196/53830.html>

⁸⁰ <http://www.mynet.co.il/articles/0,7340,L-4443345,00.html>

people..." The advertisement used the term "licentiousness buses" to refer to buses driven by women.⁸¹

- **Advertisements for a Jerusalem theater featuring a woman actor vandalized:** Billboards advertizing the Khan Theater were vandalized near the entrance to the city. The billboards were placed at a considerable height, so that their vandalization must have required planning and use of a ladder.⁸²
- **Woman's image defaced in a museum advertisement:**⁸³ An advertisement for the Tower of David Museum in Jerusalem featured a photograph of the actress Dana Ivgi. Ivgi was shown wearing a dress and had a modest appearance. Eilat Lieber, the director of the museum, stated that she was very disappointed by the defacing of the advertisement, as the museum had been careful to select the most modest of all the photographs: "We chose a photograph that shows Dana Ivgi in a closed dress, her eyes closed. We know where we live and we choose our images careful. But we will not negate our own presence at an exhibition that draws its inspiration from important and influential women who lived in Jerusalem."
- **Shop window in Tzfat vandalized due to "immodestly-dressed" mannequin:** The manager of a clothes shop in Tzfat was subjected to threats demanding that she change the dress of a mannequin in the shop window. She reported that Haredi elements told her that "the mannequin's dress is too provocative." After she failed to acquiesce to the demands, paint was sprayed on the shop window in a manner that concealed the mannequin's neckline.⁸⁴

⁸¹ <http://www.nrg.co.il/online/1/ART2/463/496.html>

⁸² <http://www.haaretz.co.il/news/local/1.2022162>

⁸³ <http://www.mynet.co.il/articles/0,7340,L-4385275,00.html>

⁸⁴ <http://www.mako.co.il/special-mako-news/Article-db79ede05d40f31006.htm>

- **Billboard featuring model Shirly Buganim torched:** A giant billboard displayed at a major intersection featured the model Shirly Buganim in a swimsuit. The billboard was an advertisement for the Hamashbir Latzarchan chain and cost NIS 135,000. The lower part of the bikini was defaced and the billboard was later torched.⁸⁵
- **Poster for a dance school defaced in Jerusalem:** A poster for the Golden Dance School featured a photograph of a woman dancing. The poster was torn in the section showing the woman.⁸⁶
- **Billboard in Jerusalem featuring a woman politician defaced:** A billboard of the local party "Hitorerut" featured three candidates, one of whom was a woman. The photograph of Einat Bar, a member of the list, was defaced.⁸⁷
- **Billboard of a clothes company vandalized in Jerusalem:** A billboard for the clothes company Castro displayed near Shaare Zedek Hospital in Jerusalem was defaced. The "offending" part of the poster featured the face and fully-clothed body of a female model.⁸⁸
- **Haredim in Haifa protest against a sculpture with a female character:** The city of Beijing offered to give Haifa a copy of the World Peace Sculpture, which features an abstract image of a woman with wings. The original sculpture was displayed at the entrance to the Olympic Village in Beijing and one of the copies was displayed outside the United Nations building in New York.⁸⁹ A Haifa rabbi asked the mayor to abandon the plan to display the statue in the city since it featured a woman and "would

⁸⁵ <http://www.ynet.co.il/articles/0,7340,L-4403381,00.html>

⁸⁶ <https://www.facebook.com/photo.php?fbid=10151773012046708&set=gm.627511367280919&type=1&theater>

⁸⁷ <http://glz.co.il/1064-27147-HE/Galatz.aspx>

⁸⁸ <https://www.facebook.com/photo.php?fbid=491261530995412&set=gm.700921826606539&type=1&theater>

⁸⁹ <http://www.one.co.il/Article/219940.html>

be liable to validate the uncontrolled debasement of the evil urge." The mayor's office responded: "I assume that the venerable rabbi has not seen the image of the sculpture itself, and is basing his comments on rumor. We suggest you return to whoever whispered into your ear and tell him that he must stop seeing abomination in everything around him. Otherwise he may start to see licentiousness in electric poles, trees, and mailboxes."⁹⁰

- **Stickers in a Jerusalem neighborhood blame "immodest" women for terrorist attacks:** Numerous stickers were displayed around the Nachlaot neighborhood of Jerusalem bearing the slogans "modest women prevent disasters" and "Modest clothes prevent terror attacks." The stickers were circulated by an organization called "Modesty Will Vanquish," based in the settlement of Kiryat Arba. In response, local residents banded together to remove the stickers, or to replace them with stickers bearing the opposite message (the stickers in the photograph declare "Superheroines prevent disasters" and "A woman of virtue wears whatever she feels like!")⁹¹



⁹⁰ <http://www.kooker.co.il/%D7%A4%D7%A1%D7%9C-%D7%90%D7%99%D7%A9%D7%94-%D7%99%D7%A7%D7%95%D7%9D-%D7%91%D7%97%D7%99%D7%A4%D7%94-%D7%95%D7%94%D7%A6%D7%99%D7%91%D7%95%D7%A8-%D7%94%D7%97%D7%A8%D7%93%D7%99-%D7%9E%D7%91%D7%99%D7%A2>

⁹¹ <http://www.mynet.co.il/articles/0,7340,L-4536456,00.html>

Attempt to remove posters featuring photographs of female Members of Knesset: In December 2014, during the primaries in the Likud, posters were displayed in Bnei Brak close to a polling station at the Payis Center in the neighborhood of Ramat Elhanan. Some of the posters featured photographs of female Members of Knesset from the Likud. Inspectors from the Municipality of Bnei Brak arrived on the scene and asked that posters featuring photographs of women be taken down, since they offend the character of the neighborhood and the residents' feelings. The inspectors claimed that they were acting on the instructions of the Guard of Sanctity and Education, which is responsible for ensuring modesty in the city, and conveyed an unequivocal demand to remove the offending posters. The chairperson of the Likud's Haredi section refused to remove the posters, arguing that this would constitute the illegal exclusion of women. In response, the manager of the venue threatened that in accordance with the municipality's instructions, the polling station would be closed if the posters were not removed. The police were called to the scene. Initially, the officers claimed that the Municipality of Bnei Brak was entitled to remove the posters, but after consulting with the commander of the Ramat Gan police station, they were informed that the municipality had no authority to interfere in the elections or to remove signs, and certainly not to remove only those posters with photographs of women.⁹²

I. Exclusion of Women from Political Life

During the run-up to the local elections at the end of 2013, several women wished to compete in the elections. These women faced pressure and threats intended to cause them to withdraw their candidacy:

- Racheli Ibenboim, a member of the Gur Hassidic sect who lives in Jerusalem, competed in the municipal elections in the city on behalf

⁹² <http://www.kikar.co.il/mobile/app/#news.160068>

of the Jewish Home party. Ibenboim withdrew her candidacy after receiving threats from members of the Haredi community. She was warned that if she persisted, her children would be removed from their educational institutions and she and her family would face a boycott in their community and synagogue. Ibenboim commented: "They simply took the whole series of threats you can make to a Haredi person and turned them on me. That means expelling your children from their places of study and shunning me and my family at synagogue and in the community. They made it clear that I must choose whether to be Haredi or to go ahead with my candidacy." Racheli decided to withdraw.⁹³

- Massada Porat, a Haredi woman, was selected as a candidate in the "Ometz Lev" list in the Jerusalem municipal elections. Porat reported that she and her partner received anonymous threats demanding that she withdraw her candidacy. An Arab woman candidate faced similar threats.⁹⁴
- A group of Haredi women in the city of Elad formed a list called "Mother City – Mothers for Elad." The woman asked to publish a paid advertisement in the local newspaper, but were told that their request would be forwarded to a special committee, which subsequently disqualified the advertisements. A Haredi radio station held a panel discussion of all the candidates for the city council, but the women were not invited.⁹⁵
- Ruth Kulian, a Haredi law student, submitted a petition to the Supreme Court shortly before the local elections demanding that state funding be denied to parties that do not permit women to be elected as candidates. In October 2014 the Court rejected the petition, establishing that this is a matter for the legislature, and not the Court.⁹⁶

⁹³ <http://www.kipa.co.il/now/53265.html>

⁹⁴ <http://www.nrg.co.il/online/54/ART2/506/192.html>

⁹⁵ <http://www.nrg.co.il/online/11/ART2/514/505.html>

⁹⁶ <http://www.haaretz.co.il/news/law/.premium-1.2451598>

Similar pressure was also seen ahead of the Israeli general elections at the beginning of 2015:

A movement of women from the Haredi sector was formed to demand representatives for women in the Haredi parties. In response, Rabbi Mordechai Blau from the Haredi faction Degel Hatorah threatened women involved in the movement. Blau declared: "Any woman who goes near a party that is not led by the [senior rabbis] will be left without a marriage contract" (in other words – she will be divorced and lose her financial rights). Blau also declared that the woman's children are to be expelled from all the educational institutions, and that "any woman who dares to act in this way will be dealt with accordingly and will pay a heavy price." Blau stated that students must not attend institutions belonging to a woman who stands in elections, or operating under her direction. This comment was clearly directed at Adina Bat-Shalom, the head of a Haredi College, whose name had been raised as a possible candidate for the "Kulanu" party. Ruth Kulian, one of the women activists working to ensure representation for women in the Haredi parties, filed a complaint with the police against Rabbi Blau following his comments.⁹⁷

Following these threats, the deputy attorney general contacted the chairperson of the Central Elections Committee and stated that threats against Haredi women designed to deter them from realizing their right to vote and to be elected must not be tolerated. The deputy attorney general added that the State Prosecutor's Office was considering the criminal dimension of this phenomenon, and asked the chairperson of the Central Elections Committee to condemn this unacceptable practice in the strongest terms, in order to convey a clear and unequivocal message on the subject to the political parties and to the public at large.⁹⁸ The chairperson of the Central Elections Committee subsequently contacted the chairpersons

⁹⁷ <http://www.ynet.co.il/articles/0,7340,L-4600923,00.html>

⁹⁸ <https://sites.google.com/site/acrifiles/22.1.2015.1.pdf>

of the different political parties and factions, warned against this serious phenomenon, and stated that he would not hesitate to exercise the powers invested in him if he received a petition showing that actions had been committed with the goal of preventing Haredi women from voting in accordance with their conscience or from standing for election.⁹⁹

In the 2015 general elections, for the first time a female Haredi party called “Bizchutan – Haredi Women bringing a change”, established by Ruth Kulian, participated in the elections. After Haredi newspapers refused to publish ads of the new party, a civil suit was submitted to court. An order requiring the papers to run the ads before the elections was issued by the district court,¹⁰⁰ but an appeal to the Supreme Court reversed the decision.¹⁰¹ The suit for damages is still pending before the court.

⁹⁹ <https://sites.google.com/site/acrifiles/22.1.2015.2.pdf>

¹⁰⁰ <http://www.haaretz.co.il/news/elections/.premium-1.2589548>

¹⁰¹ <http://www.inn.co.il/News/News.aspx/294610>

3. The Current Situation regarding Segregation in the Public Sphere

Following the publication of the attorney general's report, the government held two discussions on its implementation, in March 2014 and June 2014.¹⁰² In July 2014, the Knesset Committee on the Status of Women held a comprehensive discussion on the implementation of the attorney general's report. Deputy Attorney General Dina Zilber, who is responsible for the implementation of the report, participated in the discussion.

The following sections review the current situation in each of the areas addressed by the attorney general's report, based on the reports submitted to the government and the Knesset regarding the implementation of the report and IRAC's own sources.

Ministry of Transport – Segregation on Buses

In **March**, a report submitted to the government stated that the number of "Mehadrin" lines had fallen since the publication of the attorney general's report and now included three lines in Jerusalem, one in Beit Shemesh, and six lines in the Haredi city of Beitar Illit.

It is important to note that the precise meaning of the term "Mehadrin lines" remains unclear, since there are no longer any special lines explicitly earmarked for the Haredi sector. The only unique feature of these lines is the fact that passengers may board the bus by the back door. According to the report of the Committee Regarding Public Transportation Serving the Haredi Sector, published in 2009, some 50 lines permitted passengers to board by the rear door (the lines are detailed in Appendix L to the committee's

¹⁰² See the report of the Ministry of Justice ahead of the government meeting on June 29, 2014:
<http://index.justice.gov.il/Publications/News/Documents/Governmentupdatepreventingtheexclusionofwomeninthepublicsphere.pdf>

report). To the best of IRAC's knowledge, most of the lines mentioned in the appendix are still active (such as the lines between Jerusalem and Ashdod and between Bnei Brak and Ashdod).

At the March government meeting, the representatives of the Ministry of Transport were asked to increase their inspection of these lines and to ensure that no coercion or violence occurs.

An updated report submitted to the government by the Ministry of Transport in **June 2014** stated that over the coming months, it was planning to introduce a policy of allowing passengers to board buses by the rear door on the main routes in the major metropolises, including those locations where segregated lines are operated. Accordingly, it continued, the practice of opening the rear door on the segregated lines could now be seen as part of the implementation of the ministry's broader policy, and not as a tool encouraging gender segregation. Thus, there was no need to prohibit this practice. If it emerges that this policy is not actually implemented in a broad-based manner, on the one hand, while on the other the practice of opening the rear door continues mainly or only on segregated lines, the minister of transport will be required to order the closing of the rear doors on lines where they are currently opened.

At a discussion in the Knesset Committee on the Status of Women in **July 2014**, the representative of the Ministry of Transport stated that during the first stage of the reform, the rear doors would be opened for boarding on several high-frequency lines in the three major metropolises (800 journeys a day in Tel Aviv; 17 percent of the total volume of public transportation in Jerusalem; and three major lines in Haifa). Later, the rear doors will be opened for boarding in additional lines, through the end of 2016. In the case of lines that formerly imposed segregation, the decision whether to allow passengers to board by the rear door will be taken on the basis of the general parameters applicable to all lines.

Deputy Attorney General Dina Zilber clarified that if the following occurs, it would no longer be necessary to combat rear door boarding on segregated buses, since all buses would permit boarding by two doors. The condition for this is the implementation of a broad-based national reform in which a large mass of bus routes adopt the practice of permitting boarding by both doors, in a manner that does not require the driver to collect payment (other methods of payment will be employed). This will cut waiting times and allow the driver to concentrate on driving. Such a format will serve a range of transportation goals.

Ministry of Religious Services – Segregation in Cemeteries

In **March**, a report was submitted to the government stating that segregation signs had been removed from almost all cemeteries. However, a small number of burial societies continue to refuse to cooperate with the requirements presented in the director-general's directive. The report noted that there is a lack of suitable means of enforcement by the ministry. It was agreed that the ministry will ask all burial societies to submit updates describing their compliance with the directive. The Ministry for Religious Services undertook to forward the results of its inspection to the Ministry of Justice.

In **June**, a report submitted to the government stated that the Ministry for Religious Services had reported that the phenomenon had been almost completely eradicated in cemeteries where it had previously been rife. Two cemeteries continued to impose segregation (these cemeteries are the subject of the suits submitted by IRAC together with the Human Rights Clinic at Tel Aviv University). However, it seems that segregation continues to be imposed at other cemeteries. Accordingly, it was agreed that the Ministry for Religious Services would circulate a questionnaire to all the burial societies examining this issue and submit an update on its findings.

At a discussion held at the Knesset in July 2014, it was reported that the Ministry for Religious Services was in the process of preparing a legislative memorandum for a comprehensive law on the subject of burial services. The proposed law would include a system of sanctions and means of enforcement, including financial penalties, the authority to install approved directors, and so forth, in the event that the burial societies failed to observe the regulations. The memorandum was submitted to the attorney general at the beginning of July, and the Ministry of Justice was supposed to forward its comments to the Ministry for Religious Services by the end of the month, after which the memorandum was to be circulated to the government ministries.

Ministry of Health – Segregation in HMO Clinics

In **March**, it was reported to the government that there are no longer any HMO branches located in segregated buildings, with the exception of a handful of cases that are being addressed. In addition, there are no longer any branches with segregated waiting areas, unless these also have a joint seating area so that the public can choose where to wait. The Ministry of Health also noted that it would continue to work to remove modesty signs in HMO branches.

In **June**, it was reported that the vast majority of branches that had imposed any type of segregation had now ended this practice. Two clinics were still failing to meet the conditions of the directive and they were being taken care of. As of the time of the report, a serious problem remained regarding a branch of Meuchedet HMO in the heart of the Meah She'arim neighborhood of Jerusalem that had maintained segregated entrances.

After IRAC contacted the HMOs, segregation signs were removed at a Clalit branch on Devora Hanevi'a St. in Jerusalem, a Meuchedet branch on Shivtey Israel St. in Jerusalem and segregation and modesty signs were removed at Meuchedet and Leumit branches in Beit Shemesh.



As for segregated waiting areas: the directive of the deputy director-general of the Ministry of Health permitted such areas, provided that a mixed waiting area is also provided. Accordingly, segregated waiting areas continue to exist.

At a discussion **at the Knesset in July 2014**, it was noted that the minister of health would reach a decision about the legality of segregated waiting areas in branches that also have non-segregated areas.

Kol Barama Radio Station

In **March**, a report submitted to the government noted that women were being broadcast on the station at all hours, with the exception of one hour a day devoted to religious content.

In **June**, it was reported that progress regarding the non-employment of women in broadcasting functions at the station was still unsatisfactory.

At a discussion **at the Knesset in July**, it was reported that the broadcasting schedule for 2014 did not impose any restrictions on women's speech. The station is required to take proactive steps to encourage the broadcasting of

women's speech and is doing so. Hosts and reporters receive instructions to attempt to locate women, both public figures and others, from diverse backgrounds. For one hour a day, the station is permitted not to broadcast women's speech; this is a program featuring sermons by rabbis. The station has also been required to employ women as reporters and hosts, in senior management positions, and as deputy directors. On April 1, a new show went on the air hosted by a woman. During the discussion it was noted that there is no program where women and women's opinions are not heard, even if the proportion is unsatisfactory. Statistics were presented showing that in April, 24 women were interviewed and 15 women listeners went on the air. This figure rose to 60 in May and to almost 90 in July, though it was not stated how many male listeners went on the air during the same period.

Despite the declarations that the station was ending the exclusion of women, an **examination of the actual situation** (undertaken as part of our class action suit on behalf of the Kolech association in CA 23955-08-12 at the Jerusalem District Court) reveals that exclusion continues unabated:

- Most of the broadcasting hours are still closed to women. Apart from the daily hour that is officially earmarked for men only, there are many other hours when rabbis (all male, of course) teach lessons, or when music (with male singers only, of course) is broadcast. In total, there is no possibility for women's voices to be heard during 13 broadcasting hours each day.
- The number of women whose voices are heard on the station is tiny compared to the number of men. This is true both regarding listeners and interviewees (invited to speak by the station). A representative sample of one week's output revealed that 458 men were heard over the week, for a total of 4,215 minutes, while just 36 women were heard for a total of 181 minutes. A second sample found that 398 men were heard for a total of 1,560 minutes, and 32 women for a total of 130 minutes.

- Women's speech is heard mainly on "feminine" programs, such as the weekly women's program or a program on consumer issues. Women are very rarely heard on the station's main current affairs programs.
- All the program hosts are men, with the exception of one woman who broadcasts for two hours a week.

Ministry of the Interior

Modesty Signs

In **June**, it was reported that the director-general of the Ministry of the Interior was drafting a directive, in cooperation with the Ministry of Justice, presenting guidelines for municipalities to implement the report regarding the removal of modesty signs.

At a discussion in the **Knesset in July**, it was reported that the wording of the director-general's directive on the subject of modesty signs was being finalized. The directive was supposed to address the difficulties that emerge in removing signs displayed on private, rather than municipal, property.

The current situation is that the directive has not yet been published. Modesty signs continue to be displayed on the streets of cities such as Jerusalem and Beit Shemesh.

We wrote to the municipalities of Jerusalem, Beit Shemesh and Bnei Brak. The Jerusalem Municipality replied that the municipality intends to remove signs, with the assistance of the police, in sensitive areas. New signs will be removed immediately – such as a sign stating "under no circumstances are women allowed to pass" which was removed the same day we complained to the municipality.

The Beit Shemesh municipality replied that the signs will be removed in cooperation with the police.

Segregated Municipal Events

In **June**, the government received a report stating that the attorney general had asked the legal advisor of the Ministry of the Interior to cooperate in the preparation of a director-general's directive that would adopt the report's recommendations regarding segregated municipal events and apply them in a binding manner to local authorities. As noted, the directive has not to date been published.

Exclusion of Women as a Criminal Offense

In the report, the attorney general decided to promote legislation imposing a criminal prohibition against the degradation or humiliation of a person on the grounds of gender (as well as on additional grounds: race, religion, sexual orientation, nationality, country of origin, political beliefs, party political affiliation, personal status, or parenthood), with the goal of denying the person access to and use of a public service, or with the goal of impairing the conditions according to which he or she receives the service.

The government subsequently submitted the Prohibition of Discrimination in Products, Services, and Entry to Places of Entertainment and Public Places Law (Amendment No. 4) (Prohibition of Degradation or Humiliation on Account of Discrimination), 5774-2013.¹⁰³

The explanatory comments note that the goal of the legislative memorandum is to cover cases in which the discrimination in the provision of a service, or in entry to a public place, is committed not by the body providing the service but by a third party attempting to prevent the provision of the service (such as a Haredi passenger threatening a woman who sits in the front section of a bus). The memorandum proposed that an additional offense be established in the Prohibition of Discrimination Law relating to the degradation or humiliation of a person with the goal of denying the

¹⁰³PL 5774, Nov. 11, 2013.

person access to a product or public service, or with the goal of impairing the conditions according to which he or she receives the service, on the basis of the grounds of discrimination stipulated in the Prohibition of Discrimination Law. The comments added that the proposed offense creates an additional tool for combating the social scourge of discrimination rooted in intolerance and prejudice. Accordingly, it was proposed that such conduct be defined as a criminal offense liable to a penalty of imprisonment.

The Knesset approved the proposed law at its First Reading in May 2014, and it was forwarded to the Economics Committee for preparation for its Second and Third Reading. The dissolution of the Nineteenth Knesset at the beginning of 2015 postponed the completion of the legislative process.

4. IRAC's Recommendations

Specific Recommendations regarding Areas Reviewed in the Attorney General's Report

Ministry of Transport – Segregation on Buses

- **Closing the rear door of buses on segregated lines:** It is important to monitor the implementation of the general reform initiated by the Ministry of Transport. When the practice of opening the rear door for boarding is introduced in a critical mass of lines, the special status of segregated lines will be eliminated. However, it must be ensured that permitting the opening of the rear door on formerly-segregated lines does not grant official approval for a reality where male passengers board by the front door and females by the rear door.
- The bus companies should be instructed to issue guidelines for drivers emphasizing that they must intervene in any case when a female passenger faces harassment, in order to protect her right to sit wherever she chooses.
- Heightened inspection should be undertaken on lines where instances of segregation have been reported (such as Egged lines 555 from Arad to Jerusalem, 985 from Tzfat to Ashdod, and 972 from Haifa to Jerusalem, and Nativ Express line 980 from Tzfat to Bnei Brak).
- The routes of formerly-segregated lines should be checked, since in some cases bus stops are being deliberately skipped in order to prevent non-Haredi passengers from boarding.
- The formerly-segregated bus lines do not depart from the central bus stations, but from predominantly Haredi neighborhoods; they do not even stop at the central bus stations. Accordingly, information about

these lines is still not accessible to the general public, since online search engines automatically seek lines that depart from the central bus stations. Accordingly, information about these lines should be made accessible.

- The tariffs on segregated lines (which are usually cheaper) should be brought into line with other routes.

Ministry of Religious Services – Segregation in Cemeteries

- The public is still unaware of the prohibition against the imposition of gender segregation during funerals. The burial societies should be instructed that when ordering burial services, the society's representative will make it clear to the family that the ceremony will not be segregated and that women will play an equal part in the ceremony – unless the family explicitly requests that the ceremony be segregated.
- The ministry should allocate staff positions for visiting all the cemeteries in Israel in order to ensure that there are no segregation signs or barriers. If signs or barriers are found, the staff member will instruct the burial societies to remove these within one week, and will monitor implementation of this instruction.
- A legal memorandum should be formulated providing additional means of enforcement (such as financial sanctions) against burial societies that refuse to comply with the ministry's instructions. The only sanction currently available – non-renewal of the burial society's license – is impractical, since it would effectively prevent burials in the area served by the society.
- Since some Halachic opinions permit women to recite the Kaddish mourners' prayer, it should be clarified that women have an equal right to men to say Kaddish for their loved ones.

Ministry of Health – Segregation in HMO Clinics

- **Segregated waiting areas:** while the attorney general’s report completely prohibited the use of segregated waiting areas, the Ministry of Health directive permits such areas, provided the branch also has a mixed waiting area of substantial size, with appropriate signs. However, just as opening the rear door on buses creates social pressure for women to use this door, so permitting segregated waiting areas creates social pressure to use these facilities, even if a mixed area is also available. As long as a segregated area exists, choosing the mixed area will be seen as provocative or as implying a lower level of religious zeal. Accordingly, it does not constitute a real alternative. The ministry should order the complete abolition of segregated waiting areas and the removal of all signs imposing segregated seating in waiting areas.
- **Segregated entrances:** The Ministry of Health directive states that in clinics with separate entrances for men and women, both sexes will be able to use both doors, or a single joint entrance will be made available. In the case of clinics with two separate entrances, one for men and one for women, it is not enough simply to declare that from now on both sexes may use either entrance. In order to convey a clear message that there is no segregation, the double entrances should be abolished and a single entrance should be offered for all those using the clinic.
- The ministry should inspect compliance with its directive prohibiting modesty requirements – both with regards to signs in the branches and with regards to demands by the branch staff to comply with modesty codes.
- It should be explicitly established that the employment of female physicians or staff members in clinics is not to be conditioned on modest dress.

- It must be ensured that the status of female physicians or staff members is not damaged due to modesty demands (for example, the branch should not cooperate with a demand by a patient not to receive treatment from a woman).

Ministry of the Interior

The publication of a director-general's directive addressing the relevant issues has been delayed for many months. The ministry should act immediately to publish a directive on the following issues:

1. **Modesty signs:** Instructions should be issued to remove modesty signs from streets within a period of one month. The directive should address both signs placed on municipal property and signs on private property (the municipality has the authority to remove signs in accordance with the Municipalities Ordinance (HCJ 6396/96, *Zakin v Mayor of Beersheva*, *Piskei Din* 53(3) 289, 310-311).
2. **Segregated national or municipal Events:**
 - An absolute prohibition should be imposed on holding, funding, or sponsoring events from which women are completely **excluded**.
 - Regarding the holding, funding, or sponsoring of **segregated** events by local authorities: IRAC's position is that it must be ensured that the exception introduced by the attorney general (regarding an event of a clearly religious nature, focusing mainly on worship or another significant religious ceremony, and when the authority believes that the vast majority of the participants are interested in segregation) relates only to clearly religious events, such as prayers. This exception should not be used to approve segregation at events organized by the Torah Culture Department in a given municipality (such as holiday parties or performances by Haredi singers). It should be emphasized

that it must not be assumed that at any event for the Haredi public, the participants are interested in segregation. There are Haredim who oppose such segregation who might be afraid to express their opinion publicly.

- **A special mechanism should be created for approving such events. Authorization will be required from two sources – the legal advisor of the municipality and the municipality’s advisor on the status of women** (similarly to the mechanism used to approve segregation arrangements in the HMOs).
 - **In exceptional cases when segregation is permitted in a context which is not a prayer, it must be ensured that a mixed area is also provided for those who so desire.**
3. Comprehensive action against persons who vandalize advertisements featuring women: The municipality’s inspection division, in cooperation with the police, should take firm action against those who deface women’s images in advertisements in the public sphere. As will be recalled, the issue of advertisements on *buses* was regulated in the framework of HCJ 39/12, *Yerushalmim v State of Israel*. However, the question of *billboards* has not yet been resolved.
 4. Financial sanctions should be imposed on any municipality that fails to observe the procedure. Among other steps, a mechanism should be created for denying government funding to a municipality that deviates from the guidelines. The Ministry of the Interior should be able to withhold funding equal to the sum that the municipality paid for an event that was conducted in violation of the law.

Second Authority for Radio and Television – *Kol Barama*

The *Kol Barama* radio station should be obliged to take real action to ensure the full participation of women in its broadcasts (including actually ensuring that all programs are accessible to women). This should include:

- Inviting women to call the station and go on air **in all programs**.
- Prioritizing female callers over male callers by providing a free call-in number (male listeners will continue to use the regular, paid number).
- An aggressive and ongoing campaign clarifying that women may go on air freely.
- Affirmative action – prioritizing female interviewees.
- “Compensating” women for programs that are closed to them. For example, a woman could host a program featuring male-only singers.
- Actively seeking women listeners who would go on air in listener-participation programs.
- Establishing an expert team to advise the station on ways to increase women’s participation.
- Employing women in on-air functions in a sufficient number (one is not enough).

Recommendations in additional Areas

- **Preventing damage to the status of women soldiers due to the recruitment of Haredim to the IDF:** It may be possible to justify guidelines preventing physical contact between Haredi recruits and women, or situations where they are alone together (such as rules stating that a female sports instructor will not work with Haredi soldiers,

or rules preventing a Haredi soldier from being required to be alone with a woman when guarding or seated in the same room). However, steps such as establishing a women-free base or a women-free processing chain for recruits, a male-only command staff, or efforts to prevent any working relations or eye contact with women – are disproportionate and therefore unlawful.

- **Segregation in higher education frameworks:** It must be ensured that the opening of academic frameworks for Haredim does not harm the status of women. In particular, women lecturers must not be excluded from working in frameworks attended by Haredi men. The state should clarify that institutions of higher education will not be permitted to discriminate against women in recruiting lecturers or in promotion following the opening of these tracks. The special tracks should be open to male and female lecturers alike – both in tracks for women students and in those for men. In addition, the segregated tracks should be available solely to the Haredi sector; segregation should be permitted only in the preparatory year, or at most in undergraduate courses; and it should be established that segregation will be permitted for a limited period, in order to create a critical mass of Haredi students in academia.
- **Preventing arrangements on flights that facilitate segregation:** Airlines must clarify to passengers that they will not be able to change seats due to a refusal to sit next to a woman, and that a passenger who refuses to sit next to a woman will be required to disembark and will not receive reimbursement.
- **Gender segregation in leisure activities:** Gender segregation in leisure activities such as libraries, community center after-school activities, and special activities for children often harms the interests of local residents. One way to encourage non-Haredi residents to leave a neighborhood is to impose segregation in local activities. Moreover, segregation in after-school activities often leads to the channeling of girls to “feminine”

activities and boys to “masculine” ones. Accordingly, segregation should be permitted only in activities that involve physical contact, such as sports and dancing and in any event, segregation must never take the form of completely different activity days for boys and girls. At the very least, it must be ensured that a mixed activity group is also available (i.e., a community center offering segregated groups will be required to offer a parallel mixed group).

General Recommendations

1. One of the main difficulties in combating the exclusion of women is the lack of awareness among decision makers on the national and local levels and among the general public regarding what is permitted and what is prohibited.

Regarding the general public, the recommendations of the interministerial committee from 2012 included a proposal that the Authority for the Governmental Advancement of the Status of Women should run a **media campaign** to raise awareness of the prohibition against the exclusion of women. Such a campaign is extremely important.

Regarding decision makers, in-service training should be provided in **government ministries, municipalities, and the police** in order to clarify the serious nature of segregation and exclusion, the illegality of these phenomena, the need for enforcement, and the enforcement options available to the different authorities.

2. The Ministry of Justice recently allocated a special email address for complaints about the exclusion of women: hadarat-nashim@justice.gov.il. The possibility of contacting this address should be publicized in order to ensure that the public is aware of this service.

3. Consideration should be given to taking different measures against those who discriminate against women:
 - * **disciplinary measures**, e.g. against municipal employees who decided on a segregated municipal event.
 - * **criminal actions**, e.g., against those who vandalize ads with images of women.
 - * **administrative action**, e.g. abolishing a bus line where forced segregation has been detected.
4. A **mechanism should be established for withholding public funding from government or municipal bodies that discriminate against women**, including HMOs, burial societies, and municipalities.
5. **The exception allowing segregation in section 3(D)(3) of the Prohibition of Discrimination in Products, Services, and Entry to Places of Entertainment and Public Places Law, 5761-2000** should be amended. The current wording is vague. It is important to clarify that the clause permits a narrow exception allowing gender segregation only in the case of sports facilities, banqueting halls, houses of prayer, and educational institutions for children.

5. Summary

In the period of this report, great progress has been made in the struggle against exclusion of women and segregation between men and women in the public sphere. The state authorities – headed by the attorney general – adopted the recommendations IRAC has been championing for the past years. But the work is not yet completed. IRAC will continue to monitor the implementation of the Attorney General’s report and to make sure the segregation is not introduced in other areas.

Know Your Rights: Gender Segregation in the Public Sphere

- Public spaces in Israel belong to us all – women and men alike. We all have exactly the same right to be present in the public domain, whether we are in downtown Tel Aviv, Mea She'arim or Ramat Beit Shemesh. It is prohibited and impossible to impose any kind of segregation in these spaces.
- **Israeli law prohibits the segregation of women and men or the imposition of modesty requirements in the public sphere:** Examples of such segregation include separate seating arrangements, separate locations for receiving services, separate entrances, or separate lines. Such segregation is contrary to human equality and violates human dignity and liberty. The Supreme Court has ruled that men and women cannot be ordered to sit separately in buses, and that segregation is a form of discrimination. The Supreme Court has also ruled that in public spaces in the full sense of the word, such as city streets, the segregation of women and men is prohibited. The Attorney General decided that gender segregation and modesty requirements in the public sphere are illegal.
- Segregation is not neutral and does not refer to the equal division of space between men and women. Segregation discriminates against women and seeks to remove them from the public domain.
- Segregation is not part of a longstanding tradition. It is a new and invented “tradition” that is presented in the guise of an old tradition by extremist elements. There is no Halachic justification for segregating women and men in public spaces. Claims that the Halacha justifies segregation in any location (as distinct from a synagogue or private events) is a fiction. This discriminatory practice has only spread in recent years, due to the

increasing extremism in certain factions and the lack of consistent action by the authorities.

- Many members of the Haredi community do not accept segregation and many Haredim oppose it, but are afraid to speak out against the phenomenon.
- The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000, establishes that any body that provides a public service (whether public or private) may not prohibit against any section of the population, including on grounds of gender. Accordingly, segregation of men and women is illegal discrimination.
- According to the law, segregation of men and women is permitted only in special instances, such as cases relating to physical modesty and privacy (swimming pools, beaches or gyms). In any case, segregation is never permitted in a state or public service, even if the service is provided in a Haredi neighborhood, and even if it is provided by a religious organization, such as a *Chevra Kadisha* (burial society). The only exception where segregation is allowed, according to the Attorney General's report, is in the case of a religious ceremony where most of the participants are interested in segregation. **In any event, it is forbidden to hold a men-only event.**

What can I do if I encounter segregation?

- First of all, it is important that you know that segregation is illegal. You have the right to object if you are subjected to a segregation demand.
- It is important that you record exact details of the incident of segregation or exclusion (date, location, details of the person who made the demand – a bus driver, member of the *Chevra Kadisha*, municipal employee, etc.)

- **You can make a complaint to the relevant government ministry or municipal office**, such as the Ministry of Transportation in the case of buses (to fax number 02-6558903, or through the ministry's website); the Ministry of Religious Services regarding issues related to burial (to fax number 02-6535825); to the Ministry of Health regarding the health clinics (public complaints – 02-5655969), or to the municipalities regarding municipal events.
- **You can submit a civil suit for compensation due to discrimination** in accordance with the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2001.
 - In order to submit a suit, all that is required is that the discrimination took place (i.e. a demand was made to a woman but not to a man, or the provision of a service involved a condition that was not presented to men). There is no need to prove that damage was actually caused. We also emphasize that even if the segregation appears to be "equal" (such as separate entrances to a building, or the allocation of the same number of hours' service to men and women), the segregation in itself constitutes discrimination and you can submit a suit.
 - The law applies to any place that provides a service, even a private business that provides a service to the public (such as a shop).
 - You can claim up to NIS 50,000 without proving damage. However, you should be aware that the court usually rules much lower sums in suits against discrimination.
 - The most effective way to submit a suit under the law is to submit a suit to the Small Claims Court, where cases are judged quickly, usually in a single hearing. The maximum sum you can claim in the

Small Claims Court is currently 33,800 NIS. In the Small Claims Court, the plaintiff (the person making the complaint) represents herself – there is no need for an attorney. Special permission is needed from the court to appeal against the decision of the Small Claims Court.

- You can also submit a suit to the magistrate's court. In this case, it is possible to claim a higher sum, but the process is longer and more complicated, and it may take several years until a ruling is given. In this case, you should preferably be represented by an attorney. An appeal against the decision of the magistrate's court can be submitted to the district court.
- **You can make a complaint to the police.** It must be emphasized that a violation of the Prohibition of Discrimination Law constitutes a criminal offense. If one passenger on a bus harasses another in a manner that causes damage or unreasonable inconvenience to the latter passenger, this also constitutes a criminal offense in accordance with the Transportation Regulations.
- **The Israel Religious Action Center** provides assistance and advice for any person (male or female) who has been the victim of segregation. IRAC's services are provided free of charge. IRAC has been working for a decade to combat segregation of women and men, and is one of the leading bodies in the fight against this phenomenon. We will be happy to help anyone who has been the victim of segregation or who wants to help the campaign on this subject. IRAC can be contacted by telephone – 02-6203211, by email – irac@irac.org.il – or through our Facebook page. It is important to us to hear from you, so that together we can fight this phenomenon!