

## Joint Submission to the UN Universal Periodic Review of Israel 43rd Session of the UPR Working Group

SUBMITTED BY THE FOLLOWING ORGANIZATIONS:



**Ma'avarim - Israeli Transgender Community** is a trans-led NGO, founded in 2014, promoting the rights of trans and gender diverse people in Israel through capacity building, advocacy, and sensitivity-training to service providers.

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**Gila Project - Transgender for Social Justice** is a trans-led NGO, founded in 2011, promoting human rights and social justice for trans and gender-non-conforming individuals through self-empowerment, the exercise of legal rights, and access to resources and opportunities. Email: [ceo@gilaproject.org](mailto:ceo@gilaproject.org) | web: [www.gilaproject.org](http://www.gilaproject.org)



**Pride of the Lionesses** is a network of families with trans and gender diverse kids, founded in 2016, promoting the rights and wellbeing of transgender and gender diverse children.

Email: [alliancelioness@gmail.com](mailto:alliancelioness@gmail.com) | web: [leviot.org.il](http://leviot.org.il)



**The Association for LGBTQ Equality in Israel (Ha'Aguda)**, founded in 1975, is a national volunteer-based NGO promoting equal rights for LGBTQ people and a public climate of acceptance and respect towards the community. Email: [aguda@lgbt.org.il](mailto:aguda@lgbt.org.il) | web:

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**Trans Israel NGO** was founded in 2020 by transgender women from marginalized communities to empower transgender women through social activities in the Trans Home and advocate for housing and welfare rights. Email: [Linor.israeltrans@gmail.com](mailto:Linor.israeltrans@gmail.com)

**Hoshen - Education & Change** is the education center of the LGBTQ community in Israel, founded in 2004. We conduct workshops on sexual orientation and gender identity, serving as the main provider of LGBTQ-training for the Education Ministry. Email: [ceo@hoshen.org.il](mailto:ceo@hoshen.org.il) | web: <https://www.hoshen.org>

**Havruta - Religious Gays** - a community organization of religiously-inclined LGBT people, founded in 2007, promoting tolerance and acceptance of LGBT people in religious Jewish communities. Email: [ceo@havruta.org.il](mailto:ceo@havruta.org.il) | web: <https://havruta.org.il>

**IGY (Israeli LGBTQ Youth)**- the professional organization in Israel dedicated to serving all LGBTQ youth and young adults in the country. IGY works to empower more than 4000 youth and young adults within the formal and informal education systems and local municipalities, creating a meaningful social youth leadership and help design a better community and eventually a better Israeli society.

IGY operates more than 120 groups, youth centers and communities, with the help of 400 volunteers every year. Email: [office@igy.org.il](mailto:office@igy.org.il) | web: <https://igy.org.il>



**The Civil Litigation Clinic at Haifa University**, established in 2002, promotes human rights, especially issues concerning poverty and social exclusion, through legal action, advocacy, research and capacity building. Email: [hrcl.haifa@gmail.com](mailto:hrcl.haifa@gmail.com) | web: <https://law.haifa.ac.il/2017/11/16/civilclinic>

## I. INTRODUCTION

1. This joint submission has been prepared by, and in consultation with, 9 leading civil society organizations (CSOs) working in the field of LGBTI rights.
2. The submission presents information on Israel's implementation of its commitment to LGBTI rights, focusing, in particular, on the rights of transgender and gender diverse (TGD) persons.
3. Under the 3rd UPR cycle, the government of Israel accepted recommendations 118.64 and 118.65 of the Working Group's report (A/HRC/38/15, para. par. 19) to continue to strengthen measures to combat violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons.<sup>1</sup>
4. Positive developments since the previous cycle include the Welfare Ministry's Social Work Order on Working with Transgender People, drafted in consultation with CSOs and implemented in September 2022; government funding, allocated through the Social Equality Ministry, for new LGBTI centers in over 70 municipalities and support for LGBTI programs; and The Health Ministry is in the process of amending the procedures for publicly funded gender affirming treatments.
5. However, efforts to eliminate prejudice and discrimination through legislation, education, and training to public officials and service providers have been halting. As noted by S6 in the 3rd cycle stakeholders report, LGBTI persons in Israel continue to experience disproportionately high rates of discrimination and violence in all domains of life, particularly in the public sphere, the education system, and health services,<sup>2</sup> with TGD individuals most severely affected.

## II. KEY ISSUES AND RECOMMENDATIONS

### A. Equality and Non-discrimination

6. Israel did not amend anti-discrimination laws to include gender identity, expression, and sex characteristics among the prohibited grounds of discrimination in the Employment (Equal Opportunities) Law, 1988, the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000, and other laws.

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<sup>1</sup> Israel UPR 3rd cycle: <https://www.ohchr.org/en/hr-bodies/upr/il-index>

<sup>2</sup> A/HRC/WG.6/29/ISR/3, para 9 in Israel UPR *supra*.

The only law that includes gender identity is the Pupil's Rights Law 2000, with the 2014 adoption of Amendment No. 4, adding sexual orientation and gender identity to the list of grounds upon which discrimination against pupils is prohibited.

7. Israel has not yet implemented 3rd cycle review recommendations 118.36 (Thailand) and 118.46 (Rwanda) on establishing an independent national human rights institution (A/HRC/38/15, para. 10). There is no national equality body, ombudsman or human rights commission in charge of enforcing legal protections for LGBTI individuals.
8. On 12 October 2020, the Justice Minister and Welfare Minister appointed an inter-ministerial committee to identify and address barriers to public services for transgender individuals. On 20 December 2020, the committee submitted an interim report with policy recommendations, but these were only partially implemented. The committee's report highlighted cross-cutting issues and recommended appointing Transgender Liaison Officers in government departments to coordinate the work with different public offices and CSOs.<sup>3</sup>

### **Recommendations**

- Amend anti-discrimination laws to ensure equal treatment and non-discrimination on the grounds of sexual orientation, gender identity, expression and sex characteristics (hereinafter SOGIESC) by passing, within 2 years, one of several proposed bills that add SOGIESC as prohibited grounds for discrimination to multiple laws;
- Conduct anti-discrimination training for state employees on how to serve TGD people, ensuring both compliance with the law and greater access to public services; and intensify measures to reduce prejudice and discrimination through educational initiatives and awareness raising for all society;
- Enhance efforts to establish an independent national human rights institution in line with the Paris Principles.
- Ensure equal access to public services for LGBTI individuals by appointing SOGI Officers across state agencies who shall be responsible for removing barriers to public services, collecting SOGI data and liaising between state agencies and LGBTI CSOs.

## **B. Right to Health**

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<sup>3</sup> Report of the Inter-ministerial Committee on Advancement of the Transgender Population (12.2020) [http://www.lgbtlaw.tau.ac.il/sites/default/files/field/literature/file/%E2%80%8E%E2%81%A8%D7%98%D7%A8%D7%A0%D7%A1%2A%D7%A4%D7%95%D7%A8%D7%9E%D7%A6%D7%99%D7%94%20%D7%9E%D7%9E%D7%A9%D7%9C%D7%AA%D7%99%D7%AA%20-%20%D7%93%D7%95%D7%97%20%D7%91%D7%99%D7%A0%D7%99%D7%99%D7%9D%E2%81%A9\\_0.pdf](http://www.lgbtlaw.tau.ac.il/sites/default/files/field/literature/file/%E2%80%8E%E2%81%A8%D7%98%D7%A8%D7%A0%D7%A1%2A%D7%A4%D7%95%D7%A8%D7%9E%D7%A6%D7%99%D7%94%20%D7%9E%D7%9E%D7%A9%D7%9C%D7%AA%D7%99%D7%AA%20-%20%D7%93%D7%95%D7%97%20%D7%91%D7%99%D7%A0%D7%99%D7%99%D7%9D%E2%81%A9_0.pdf)

9. Most transgender individuals experienced discrimination in health care settings because of their gender identity or expression, including verbal and physical abuse. A 2019 National Transgender Survey indicates that negative experiences with healthcare providers deters transgender individuals from seeking medical treatment when necessary.<sup>4</sup> The study reported that 64% of participants endured at least one negative experience with a healthcare provider as a result of their gender identity, and 57% refrained from seeking medical treatment when necessary due to fear of mistreatment.<sup>5</sup>
10. Gender-affirming surgeries are included in the health services basket (services covered by the National Health Insurance), yet regulatory and other constraints make them unavailable to many individuals. Firstly, access to state-funded gender-affirming treatments (hereafter GAT) in Israel is conditioned on the approval of a National Medical Committee of Sex Reassignment.<sup>6</sup> The requirements for approval do not comply with WPATH Standards of Care, and include, for example, psychological recommendation, psychiatric diagnosis, and 12 months waiting period. A new directive on gender affirming surgeries drafted by the Ministry of Health in consultation with trans CSOs simplifies the process, yet the new directive has not been issued by the time of submission of this report. Secondly, due to regulatory restrictions combined with shortage in medical experts, gender-affirming vaginoplasty is performed only in Sheba Hospital. In addition, only 2 days a month were allocated to gender-affirming surgeries in Sheba, resulting in a waiting period of 3 to 5 years for public-funded gender-affirming vaginoplasty.
11. In the last three months (July-September 2022), the number of gender-affirming vaginoplasty surgeries performed in Sheba Hospital doubled from two monthly surgeries to four. However, it is not clear whether the increase in surgeries will continue, and how this increase affects the waiting time for surgeries.
12. Gender affirming medical care for TGD youth is only available in two medical centers, both located in Tel Aviv and entails long waiting time. Eligibility for publicly funded gender affirming top surgeries is conditioned on a minimum age of 18 whereas privately funded surgeries are available for 15 years old. These conditions increase disparities in health care based on socio-economic inequalities.
13. Although Israel recognizes GAT as life saving, these are not accessible to people who are not covered by National Health Insurance, such as asylum seekers and

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<sup>4</sup> Sigal Goldin (2020) Characteristics and Needs of the Trans\* Community in Israel with Emphasis on Health and Welfare: Report from a national research survey. Tel Aviv: Levinsky Clinic, Tel Aviv Department of Health. Online: <https://safe-sex.co.il/wp-content/uploads/2021/02/%D7%93%D7%95%D7%97-%D7%A1%D7%99%D7%9B%D7%95%D7%9D-%D7%9E%D7%97%D7%A7%D7%A8-%D7%90%D7%A8%D7%A6%D7%99-%D7%9C%D7%95%D7%99%D7%A0%D7%A1%D7%A7%D7%99-%D7%98%D7%A8%D7%A0%D7%A1-%D7%A1%D7%A7%D7%A8-2019.pdf>

<sup>5</sup> Sigal Goldin, *supra*.

<sup>6</sup> Medical Administration Circular 16/2014 regarding sex reassignment surgery (Hebrew): [https://www.health.gov.il/hozer/mr16\\_2014.pdf](https://www.health.gov.il/hozer/mr16_2014.pdf)

undocumented persons. Health care for prisoners is provided by the healthcare system of the Israel Prison Service (IPS), which operates independently of the Israeli public health system. The IPS healthcare service does not provide all the gender affirming medical services that are included in the health services basket and are available to the general population. The Legal Clinic in Haifa University is currently representing a transgender woman who is transitioning while in prison. The IPS healthcare provides her with hormonal treatments but refuses to cover gender affirming surgeries scheduled for her by the National Medical Committee of Sex Reassignment. The IPS also refused her request for gender affirming voice therapy. These gender affirming surgeries and voice therapy are available for the general population as part of the health services basket.

14. Trans women also face bureaucratic and other barriers in admission to mental health facilities. One barrier is the regulative restriction that allows individuals to be admitted only to the mental health facilities assigned to their official residence. This requirement disproportionately affects TGD individuals, since many TGD persons move to the Tel Aviv metropoline without changing their residency in state registry (ID). We know of several trans women who were refused admission in mental health facilities despite being in a psychotic state and were required to travel several hours to a facility in the vicinity of the birth home, which they left many years ago.

### ***Recommendations***

- Ensure gender affirming treatments (GAT) are accessible and available to individuals who seek these treatments within a reasonable distance and waiting period by a) removing gatekeeping requirements on individuals seeking GAT, and unnecessary regulatory constraints that prohibit medical facilities from performing GAT, and b) allocating resources to open gender clinics nationwide, increase the availability of operation rooms, and the number of medical experts qualified for performing gender-affirming procedures;
- Take the necessary measures to guarantee GAT are accessible to all including prisoners, asylum seekers and undocumented persons;
- Enhance efforts to eliminate implicit and explicit discrimination of TGD individuals in healthcare by training healthcare providers on transgender health care, incorporating transgender health into medical school curriculum.

### **C. Conversion Therapy**

15. Conversion practices are not prohibited by law. Since 2016, several bills seeking to ban conversion therapy have been proposed but attempts to ban conversion practices through legislation have thus far failed. The latest legislation attempt was in June 2020, when the Knesset plenum passed in its preliminary reading the "Psychologists Bill"

(Amendment - Prohibition on Conversion Therapy) submitted by MK Horowitz. Yet the bill only sought to bar psychotherapists from performing conversion therapy and did not address other individuals and organizations that engage in conversion. In December, 2020, the government fell, putting an end to the legislation process.

16. On 14 February 2022, the Health Ministry issued a Directive warning medical and mental health professionals engaging in so-called conversion therapy aimed at changing a person's SOGI with punitive action.
17. In 2016, Havruta submitted to the Israel Psychological Association 2 complaints concerning psychologists engaging in conversion practices, but we were not informed of any disciplinary or other sanctions. In 2022, following the adoption of the Health Ministry's ban on conversion, Havruta submitted two additional complaints to the Health Ministry concerning mental health professionals engaging in conversion practices, yet they did not receive a formal reply and have no indication of any punitive action.
18. Conversion therapy continues to take place in religious communities. Social workers also continue to engage in conversion practices. Anti-gender groups are actively promoting conversion. On 27 February 2022, the hate group "Gender Critical Israel" sent an open letter to the Health Ministry demanding the removal of gender identity from the ban on "conversion therapy". On 30 May 2022, MKs Michal Woldiger and Idit Silman organized a discussion in the Knesset that criticized the Health Ministry's ban on conversion therapy. On 28 September 2022, Tal Croitoro, anti-trans proponent from "Gender Critical Israel" and licensed therapist (MSW) advocating against gender affirming treatments for transgender youth, participated in a conference in Givat Shmuel, organized by anti-gender activists from the religious right.

### ***Recommendation***

- Take the necessary legislative, administrative and other measures to ban conversion practices, in specific, adopt, within one year, a Welfare Ministry Directive prohibiting social workers from engaging in conversion practices; make further effort to pass a bill outlawing conversion practices within four years.

## **D. Right to Education**

19. During the 3rd cycle, the High Commissioner encouraged Israel to "take further steps to improve equitable access to education and adopt additional measures directed at fostering education opportunities for disadvantaged and marginalized groups,"<sup>7</sup>

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<sup>7</sup> Israel UPR *supra*, Letter by the High Commissioner to the Foreign Minister (7.8.2018), p. 5.

endorsing UNESCO's recommendations in the 3rd cycle UNHCR Report.<sup>8</sup>

20. Yet no substantive progress, in policies or legislation, has been made to improve equitable access to education for LGBTI children and youth. LGBTI kids and youth endure high rates of discrimination, exclusion, bullying and violence in school environments, with TGD kids most severely affected. On 16 April 2019, Haaretz published the story of a 15-years old trans girl who stopped attending school after on-going bullying and violence - including an attack that resulted in her hospitalization with concussion.<sup>9</sup> This story sheds light on the experiences of many trans youth in schools across the country.
21. The education system in Israel did not incorporate any mandatory educational or informative content regarding LGBTI in educational curricula, as noted by J6 in the 3rd cycle Summary of Stakeholders' submissions.<sup>10</sup> Israel has not implemented the measures to address violence based on SOGIE - measures Israel endorsed in signing the UNESCO-sponsored 2016 "Call for Action by Ministers: Inclusive and equitable education for all learners in an environment free from discrimination and violence".<sup>11</sup>
22. In 2016, the Education Ministry issued the "Tolerance Ordinance" (Ordinance no. 20-46-03-11) that includes funding for LGBTI-sensitivity training in schools by LGBTI CSOs. However, the demand for training exceeds the allocated budget of 1.4 million NIS. In 2019, the government allocated extra-budgetary funds, adding 1.5 million NIS to the Sep. 2020-2021 school year and 2 million NIS to the Sep. 2021-2022 school year. However, the budget for LGBTI training programs set in the Tolerance Ordinance remains 1.4 million NIS, whereas the annual budget required in order to provide LGBTI training programs to school staff and students nationwide is estimated at 8 million NIS.<sup>12</sup>
23. Four years ago, under the former Education Minister, Naftali Benet, the Education Ministry's Psychological Services Unit began drafting guidelines on LGBTI-inclusive schools, yet the guidelines were never published. After the appointment of the new Education Minister, Dr. Yifat Sasa-Biton, the Education Ministry reaffirmed its commitment to adopt the guidelines. In a meeting of the Knesset Education, Culture and Sports Committee, on 1 March 2022, representatives of the Education Ministry confirmed that in April they will share the final draft of the guidelines with LGBTI organizations for consultation, and in June, they will publish the guidelines to the public, so schools can implement the guidelines by the start of the school year in September,

<sup>8</sup> Israel UPR *supra*, A/HRC/WG.6/29/ISR/2, para. 55.

<sup>9</sup> Haaretz (16.4.2019) "15 years-old transgender attacked in school, hospitalized," <https://www.haaretz.co.il/news/education/2019-04-16/ty-article/.premium/0000017f-f611-ddde-abff-fe752c1b0000>

<sup>10</sup> Israel UPR *supra*, A/HRC/WG.6/29/ISR/3, para. 55.

<sup>11</sup> "Call for Action by Ministers: Inclusive and equitable Education for All learners in an environment free from discrimination and violence" (2016): <https://unesdoc.unesco.org/ark:/48223/pf0000246247>

<sup>12</sup> Chair of the Knesset Education, Culture and Sports Committee (1.3.2022) Letter to the Education Minister on Challenges in Tolerance Education: [https://fs.knesset.gov.il/24/Committees/24\\_cs\\_dec\\_621447.docx](https://fs.knesset.gov.il/24/Committees/24_cs_dec_621447.docx)



2022.<sup>13</sup> Yet the Education Ministry did not share the draft with CSOs nor publish the guidelines to the public by the date of this submission (10 October 2022).

### **Recommendations**

- Adopt and implement, within 6 months, LGBTI-inclusive school guidelines that protect and affirm students' SOGIESC and ensure respect to pronouns and chosen names, access to facilities according to a student's gender identity and students' participation in school activities in a manner consistent with their gender identity;
- Ensure that anti-bullying policies enumerate protections for LGBTI students through data-collection on SOGIESC-based violence, appraisal of non-discrimination and anti-violence mechanisms in schools, and awareness raising campaigns that ensure laws addressing discrimination and privacy are widely known and understood by educators, school staff, students, and families;
- Ensure students, school staff and parents have access to non-judgmental, human rights-based and accurate SOGIESC information through LGBTI-inclusive curricula, information campaigns and partnerships with civil society;
- Implement LGBTI-sensitivity training for school staff and students nationwide by increasing the budget of the "Tolerance Education" (Ordinance no. 20-46-03-11).

### **E. Legal Gender Recognition**

24. The 3rd cycle review noted that legal gender recognition (LGR) in Israel depends on the approval of a medical committee, falling short from human rights standards. Yet no progress has been made to amend the mechanism for LGR. Changing the sex designation clause in the public registry ("State IDs") requires a Public Certificate issued by a Public Committee appointed by the Ministry of Health and composed of a psychiatrist, endocrinologist and psychologist. Prerequisites for approval by the Public Committee include: minimum age of 16, psycho-medical diagnosis, and at least 6 months living in the gender identity prior to applying to the Public Committee.
25. The Inter-ministerial Committee recommended the Justice Ministry establishes a procedure for issuing a Public Certificate for changing the sex designation clause in the public registry based on self-identification.<sup>14</sup> However, the Minister of Justice did not adopt the recommendation and did not engage with LGBTI CSOs on the issue.

### **Recommendations**

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<sup>13</sup> Knesset Education, Culture and Sports Committee, protocol 123 (1.3.2022) <https://m.knesset.gov.il/Activity/committees/Education/Pages/CommitteeAgenda.aspx?tab=3&ItemID=2190128>; Chair of the Knesset Education, *supra*, recommendation 12.

<sup>14</sup> Report of the Interministerial Committee, *supra*, pp. 31-32.



- Abolish the requirement of approval by a medical committee for LGR by implementing, within one year, a procedure in the Ministry of Justice for issuing a Public Certificate to change one's sex marker in state registry based on self-identification, as recommended by the inter-ministerial committee.
- Take all necessary measures to amend laws and policies to guarantee the right to legal gender recognition through a simple and accessible administrative procedure, on the basis of self-identification and with no other eligibility requirements, such as medical assessments, mental health diagnosis, minimum age requirements, or other third party opinion, as prerequisites for legal recognition of a person's gender identity.

## **F. Hate Speech and Hate Crimes**

26. Hate speech and violence against LGBTI individuals has been rising, with an alarming increase in anti-trans hate. The annual LGBT-phobia report recorded 1,336 reports on transphobia in 2021 - more than double the number of transphobic incidents reported in 2020.<sup>15</sup>

27. Kerem Landman, Deputy Director of Ma'avirim, suffered two violent assaults within two years because of her gender identity. In November, 2020, a man attacked Landman in the street in Givataim and threatened to kill her. Landman suffered injuries in her face and neck and was taken by ambulance to the hospital. After Landman reported the assault to the Police, the perpetrator filed a counter-complaint. Consequently, Landman was treated as a criminal: she was interrogated under warning, her mugshot and fingerprints were taken. The police prosecutor charged Landman's assailant with aggravated assault. The trial ended in 2022 with a conviction on lesser charges. The counterclaim filed against Landman was dismissed yet it remains in her criminal records. Landman has been struggling with police bureaucracy to remove the record but has not succeeded yet. The second assault took place on 27 February 2022 in Tel Aviv. Two high school students assaulted Landman and sprayed her face with pepper spray. A police officer who happened to be in the vicinity stopped the perpetrators when they ran away from the site and arrested them. After a few months the police decided to dismiss the charges against them. In this case, the perpetrators also submitted counterclaims, and Landman, again, was treated as a criminal. In this case, the charges were dismissed without records.

28. Anti-trans activities are becoming more organized and increasingly target kids. Recently, Ronni Sassover, of the anti-gender group "Family Forum," and a political candidate of Yemina Party, instigated public outcries against the inclusion of trans kids in schools. On July 4, Sassover joined a Herzliya City Council member in organizing a

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<sup>15</sup> Aguda 2022 LGBT-phobia report (Hebrew): <https://www.lgbt.org.il/lgbt-phobia>

protest against the acceptance of a 3rd grade trans kid in school.<sup>16</sup> On September 9, 2022, Sassover staged another protest with MK Michal Woldiger from the Religious Zionist Party outside an elementary school where a 3rd grade trans kid was outed without consent.<sup>17</sup> The child and his mother were the target of smear campaigns and harassments, and anti-trans activists tried to incite the school community against them, endangering the wellbeing of a 9-years old.

### **Recommendations**

- Amend the Penal Law to define hate speech and hate crimes based on SOGIESC among the categories of punishable offenses; and intensify the fight against hate crime through training to law enforcement and legal professionals, and awareness-raising campaigns aimed at the wider public.

### **G. Civil Society and Human Rights Defenders**

29. Israel accepted 3rd cycle recommendations to take necessary measures to ensure that human rights defenders and civil society actors can carry out their legitimate work in a safe environment without threats and harassment (118.91, 118.92, 118.93, 118.94, 118.95, 118.96, 118.97, 118.98, 118.99, 118.100, A/HRC/38/15, para. 43). However, we have not identified any positive developments in implementing these recommendations.

30. We witness the spread of intolerance and shrinking space for civil society. Trans rights activists and CSOs endure increasing attacks from anti-gender groups, which include circulating disinformation, targeted harassment, cyber-bullying and smear campaigns. Dr. Nily Gorin from Ma'avarim, serving as advocacy coordinator for trans community NGOs, has recently agreed to a settlement in a defamation lawsuit filed by a prominent anti-trans advocate, co-founder of the anti-gender group "Gender Critical Israel". The claimant also threatened other activists and the independant feminist media platform, Politically Corret, with legal action. Dr. Gorin was sued after criticizing the silencing of HRDs in a Knesset discussion and the tolerance for transphobia among politicians, as part of her human rights work. The legal proceedings enabled the claimant to legally harass Dr. Gorin. After more than a year, Dr. Gorin was unable to continue with the legal procedures due to PTSD. The settlement included paying the claimant ILS 23,000 in compensation and a commitment not to say the defamation lawsuit was SLAPP. The claimant continues to threaten Dr. Gorin and other HRDs with legal action. The use of litigation to threaten and harass activists had a chilling effect on trans rights defenders and on the feminist community.

<sup>16</sup> MyNet (5.7.2022) "Gender incident in a school in Harzliya" (Hebrew):

[https://herzliya.mynet.co.il/local\\_news/article/hjx1bs11o5](https://herzliya.mynet.co.il/local_news/article/hjx1bs11o5)

<sup>17</sup> JPost (9.9.2022) "Right-wing MK holds protest against transgender boy in religious school":

<https://www.jpost.com/israel-news/article-716775>

31. Anti-trans advocates also try to influence policies under the guise of promoting women's rights. On August 24, 2020, co-founder of "Gender Critical Israel" spoke in a meeting of the Knesset Committee for the Advancement of Women & Gender Equity, while representatives of a coalition of 15 LGBTI and feminist CSOs were not given a right to speak. On 8 March 2022, a panel in a conference on the sex industry (Zefat Academic College) was dedicated to extreme transphobic hate speech. Several MKs participated in the conference, yet they later claimed they were not aware of the transphobic content. On Sep. 5, 2022, trans rights NGOs were alarmed to see a leading anti-trans voice from "Gender Criticla Israel" - an active supporter of conversion therapy to trans youth - in a meeting with the Ministry of Education on sexuality education in schools. As noted in a recent Equal Rights Coalition report, these tactics characteristic of anti-gender groups undermine the capacity of HRDs and organizations to promote human rights and gender justice, and reduce the possibilities for civic and political participation.<sup>18</sup>

### ***Recommendations***

- Take the necessary measures to ensure that HRDs and CSOs can carry out their legitimate work in a safe environment without threats and harassment by adopting anti-SLAPP legislation within two years;
- Ensure public officials and judges recognize the positive and legitimate role of HRDs in a democratic society and guarantee full respect for the UN Declaration on Human Rights Defenders;
- Ensure CSOs advancing LGBTI rights and gender justice have the resources necessary to carry out their work by allocating funds to support CSOs under attack from anti-gender groups.

### **H. Right to Privacy**

32. The right to privacy is enshrined in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, which state that no one should be subjected to "arbitrary or unlawful interference with his privacy, family, home or correspondence".

33. The right to privacy of individuals involved in commercial and transactional sex has been violated following the adoption of the Law Prohibiting the Consumption of

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<sup>18</sup> Equal Rights Coalition (8.9.2022) Research on and Responses to Contemporary Anti-Gender Movements: Briefing Note to the Equal Rights Coalition Conference, Buenos Aires, Argentina, 8-9 September 2022. <https://equalrightscoalition.org/documents/anti-gender-movement-background-paper/>

Prostitution (Temporary Order and Amendment of Legislation), 2019.

34. UNAIDS and numerous studies confirm criminalization of any aspect of sex work, including the criminalization of clients, negatively affects sex workers' safety and health and has been proven to impede access to health-care services, including effective HIV prevention and treatment.<sup>19</sup> UNAIDS stress the need to integrate partnership with sex worker-led organizations in all aspects of HIV prevention and treatment in order to ensure effective HIV programs that respect and promote human rights.<sup>20</sup>
35. In Israel, as elsewhere, criminalization strengthened sex workers' reluctance to access government-run HIV prevention services, while increasing clients' refusal to use condoms. Sex workers also report of confiscation of condoms by the police. Instead of making HIV services available through sex worker-led outreach (in line with UNAIDS best practices), the Israeli Health Ministry contracted a private investigator to track down sex workers for the Ministry's mobile HIV and STD tests. While tests remain voluntary, the activities of covert surveillance and data collection violate the fundamental rights to privacy and data protection. According to the Health Ministry's Bid, the private investigator is required to produce a database of telephone numbers and addresses associated with prostitution sites, which includes saunas and private residences, through methods of covert surveillance, deception, data collection and taking discrete photographs on-site to verify the data.<sup>21</sup> In 2021, the Health Ministry reported that the private investigator uncovered 60 new "prostitution sites" in Tel Aviv and Haifa.<sup>22</sup>

### **Recommendations**

- Consider not extending the Law Prohibiting the Consumption of Prostitution (Temporary Order and Amendment of Legislation), 2019, beyond its expiration date in 2025, in line with the call of human rights bodies and UN agencies to end sex workers' criminalization and the UN 2025 Global AIDS Societal Enabler Target - less than 10% of countries have laws criminalizing any aspect of sex work.<sup>23</sup>
- Ensure the meaningful engagement and participation of sex workers in all their diversity in the design and implementation of policies and programs; investigate actions, by the state or private individuals, that violate the basic rights and dignity of sex workers, ensuring that those responsible are held accountable and that

<sup>19</sup> UNAIDS (2021) HIV and Sex Work, Human Rights Fact Sheet Series:

[https://www.unaids.org/sites/default/files/media\\_asset/05-hiv-human-rights-factsheet-sex-work\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/05-hiv-human-rights-factsheet-sex-work_en.pdf)

<sup>20</sup> UNAIDS (2012) Guidance note on HIV and sex work. Geneva: UNAIDS.

<sup>21</sup> Health Ministry's Bid no. 9/2021 for locating prostitution sites for the Ministry's mobile clinics:

[https://www.health.gov.il/Services/Tenders/Documents/m09\\_2021.pdf](https://www.health.gov.il/Services/Tenders/Documents/m09_2021.pdf)

<sup>22</sup> Health Ministry (19.08.2021) Report on the Implementation of Gov. Decision 4462:

<https://www.gov.il/he/Departments/publications/reports/treatment-people-involved-prostitution>

<sup>23</sup> UNAIDS, HIV and Sex Work, *supra*.

victims are compensated.