



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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<b>The Board</b>		
About the Board	<b>ISR102750.E</b>	29 February 2008
Biographies		
Organization Chart	Israel: Protection available to female victims of sexual harassment in the workplace, including legal mechanisms; whether there are any reports of police refusing to process complaints of sexual harassment from immigrant women who are from the former Soviet Union	
Employment		
Legal and Policy		
References	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Publications		
<b>Tribunal</b>	<b>Legislation</b>	
Refugee Protection Division	<i>The Prevention of Sexual Harassment Law, 5758-1998</i> is the primary legal instrument in place to deal with cases of sexual harassment in the workplace although it is not limited to employer-employee relations (AI June 2005, 2; IWN n.d.). The stated purpose of the law is "to prohibit sexual harassment in order to protect human dignity, liberty and privacy and to promote equality between the sexes" (Israel 1998; IWN n.d.). The law defines sexual harassment and adverse treatment in cases that could occur both within and outside the workplace, including situations where a person in a position of power exploits his or her authority to harass an employee (Israel 1998, Art. 3).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
<b>Research</b>		
Research Program	The law categorizes sexual harassment and adverse treatment as "offences," making the perpetrator subject to imprisonment (Israel 1998, Art. 5). In addition, such harassment may fall under the Civil Wrongs Ordinance and victims may be awarded compensation (ibid., Art. 6). The law also compels employers to take reasonable steps to prevent harassment and to prescribe procedures for employees to file a complaint (ibid., Art. 7 and 8). Where more than 25 workers are employed, a code of practice which includes these procedures and the main provisions of the <i>Prevention of Sexual Harassment Law, 5758-1998</i> must be published (ibid.). Recourse for violations of the law may be sought through civil, criminal or labour courts (ibid., Art. 5, 6 and 10; AI June 2005, 2; Israel 2 June 2005; IWN n.d.).	
National Documentation Packages		
Issue Papers and Country Fact Sheets		
Responses to Information Requests	Victims who seek recourse are protected from discrimination and/or dismissal by the <i>Employment (Equal Opportunities) Law</i> and employers who are found guilty of sexual harassment are liable to imprisonment for a term of up to four years (Israel 1988, Art. 7 and 15; ibid. 1998, Art. 5). Further protection is offered by the <i>Victims of Offences' Rights Regulations</i> , promulgated in 2002 (ibid. 2 June 2005, Para. 97), and by a new law entitled <i>Limitations on the Return of a Sex Offender to the Victim of the Offence Surrounding Law</i> , which prohibits an offender from residing or working near the home or workplace of the victim (ibid. 2 June 2005, Para. 101).	
Recent Research		
<b>Media Centre</b>	<b>Government Assistance and Information</b>	
News	The government provides additional assistance through the Ministry of Industry, Trade and Labor's Division for Employment and Status of Women as well as through legal aid from the Ministry of Justice (ibid., Para. 53). Public sector employees have access to legal help through the Discipline Superintendent in the Civil Service and the Department for the Advancement and Integration of Women in Civil Service (ibid.).	
Information Sheets		
Media Relations		
Proactive Disclosure		

The Authority for the Advancement of the Status of Women, a government advisory body established in 1998 (Israel 20 Aug. 2001), has published a 36-page document on women's rights in the workplace available in Hebrew, Arabic and Russian (Israel 2 June 2005, Para. 55-3).

### Statistics

No accurate statistics exist as to the extent of sexual harassment in the workplace although the number of reported incidents has apparently risen significantly since the implementation of the *Prevention of Sexual Harassment Law* in 1998 (IWN n.d.). Statistical data on the numbers of official complaints of sexual harassment are not reliable indicators of actual numbers of incidents because victims are often reluctant to report harassment (AI June 2005, 2). Sources indicate that victims have nowhere to turn to in the workplace to file a complaint (NIF 5 Sept. 2007; *Haaretz* 22 Nov. 2007) and have little faith in the police (ibid.; Na'Amat Jan. 2008). Concerns about reporting incidents include fear of job loss (AI June 2005, 2), lack of evidence (ibid.) and employer efforts to conceal complaints (*Haaretz* 22 Nov. 2007). Police ineffectiveness (Na'Amat Jan. 2008), disbelief (New Israel Fund 5 Sep. 2007), negligence (ibid.) and lack of follow-through (*Haaretz* 22 Nov. 2007) in addition to the length of the criminal process (AI June 2005, 2) are factors which may prevent women from pursuing criminal complaints.

In its 2 June 2005 report to the United Nations Committee on the Elimination of Discrimination against Women, Israel presented the following statistics:

- 1) The public complaints commissioner handled 160 complaints pertaining to women's issues between 30 September 2000 and 31 December 2003 - including an unspecified number of sexual harassment complaints (Israel 2 June 2005, Para. 49)
- 2) The Department for the Advancement and Integration of Women within the Civil Service received 119 complaints in 2003, approximately half of which involved sexual harassment (ibid., Para. 63)
- 3) The police investigated 188 sexual harassment cases, 141 of which were closed due to lack of evidence (ibid., Para. 96)
- 4) Between January 2003 and June 2004, the Department of Police Officer's Investigation in the Ministry of Justice brought criminal charges in 38 sexual harassment cases while 22 cases were referred to the police disciplinary department (ibid., Para. 221)

In the same report, a chart detailing sexual harassment complaints within the Israel Defense Forces (IDF) shows that the number of cases fluctuated between 217 and 436 during the period between 1998 and 2003 (ibid., Chart 4, 48). Following a 2002 study, the IDF concluded that only a few of such cases have been reported and it has since taken measures to combat the problem through education and training of personnel (ibid., Para. 214-215).

#### Private Sector Employees

Several sources report that the problem of sexual harassment is more acute in the private sector (AI June 2005, 2; *Haaretz* 22 Nov. 2007; Na'Amat Jan. 2008). New Israel Fund (NIF), an organization dedicated to democratic change (NIF n.d.), maintains that the private sector has "largely ignored the legislation" (5 Sept. 2007). In the public sector, complaints of sexual harassment are handled by a tribunal of the Civil Service Commission, which has the authority to impose sanctions or dismiss an offending employee (*Haaretz* 22 Nov. 2007; Na'Amat Jan. 2008). In the private sector, no such body exists, and there is a lack of response to complaints (AI June 2005, 2; *Haaretz* 22 Nov. 2007; Na'Amat Jan. 2008). According to a private sector poll on sexual harassment conducted by Na'Amat, an international Jewish women's organization that works with Soviet and Ethiopian immigrants (Jewish Virtual Library n.d.a.), 61 percent of respondents said that colleagues who had been harassed did not complain (Na'Amat Jan. 2008).

Israel's 2 June 2005 report to CEDAW notes that 1,326 workplace inspections were carried out in 2003-2004 to ensure that employers were publishing a code of practice as required by the *Prevention of Sexual Harassment Law, 5758-1998* (Para. 312). Other reports indicate that further steps are being taken to address complaints in the private sector, including "Operation Harassment," an initiative undertaken by the Ministry of Industry, Trade and Labor to expose sexual harassment in the workplace (NIF 5 Sept. 2007). The plan involves training inspectors to visit worksites and encourage dialogue on the subject (ibid.). In addition, Histradut, a worker's advocacy organization (Jewish Virtual Library n.d.b.) and Na'Amat have joined forces to set up a tribunal similar to that of the Civil Service Commission in the public sector that will deal with sexual harassment in the private sector (*Haaretz* 22 Nov. 2007; Na'Amat Jan. 2008).

#### Organizations

Victims of sexual harassment may also seek assistance from a number of women's support organizations such as the Israeli Women's Network (IWN n.d.) or through one of the ten crisis centres operated by the Association of Rape Crisis Centers in Israel (Association of Rape Crisis Centers in Israel n.d.a.). For example, the IWN offers free legal advice on its hotline three evenings per week (IWN n.d.). The Association of Rape Crisis Centers in Israel has a 24-hour hotline offering services in several languages including Russian, and offers support and accompaniment in medical and legal procedures to sexual assault victims (Association of Rape Crisis Centers in Israel n.d.a.). In 2004, it recorded 602 sexual attacks in the workplace (ibid. n.d.b.)

In its annual report for the year 2006, the Haifa Rape Crisis Center (HRCC), a non-profit organization focussed on opposing sexual violence, states that it assisted 27 victims of sexual assault in the workplace (HRCC 2006). The HRCC provides services such as telephone support, face-to-face counselling and accompaniments through legal procedures to survivors of sexual crime (ibid.). The HRCC also trains volunteers to assist those who choose to press criminal charges to navigate the justice process (ibid.) and offers training and support to investigators, with attention given to specific populations such as new immigrants (ibid.). Other special projects operated by the centre in Haifa include a support group for Russian-speaking sexual abuse survivors, and two related projects: the New Immigrant Outreach and Support Project and the Sexual Harassment Prevention Project (ibid.).

#### Police Treatment

Reports of police refusal to process or investigate complaints of sexual harassment from immigrant women from the former Soviet Union could not be found among the sources consulted within the time constraints of this Response. However, the Israel Ministry of Foreign Affairs website has posted a 2001 article on the status of women on its website, which acknowledges that particular groups, including immigrants from the former Soviet Union, are vulnerable to certain disadvantages including "abuse of basic rights," and that women as a group are "subject to harassment" (Israel 20 Aug. 2001).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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### Additional Sources Consulted

**Internet sites, including:** Arab Association for Human Rights, Association for Middle East Women's Studies, British Broadcasting Corporation (BBC) News, Boloji.com, Forward.com, Global List of Women's Organizations, Hagshama, International Labour Organization (ILO), Jewish Agency for Israel, Law Library of Congress, Maslan Rape Crisis Center, *New York Times*, New Zionist, Office of the United Nations High Commissioner for Human Rights (OHCHR) Committee on the Elimination of Racial Discrimination (CERD), OHCHR Human Rights Committee (HRC), Shiluv (Israeli Society and Culture for New Olim), Stop Violence Against Women (StopVAW), *World Law Bulletin*.

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