

EQUAL SPACE

**Practical proposals for addressing the exclusion
of women in Israel**

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Practical proposals for addressing the exclusion of women in Israel

Author: Miriam Zelkind, Esq.

Consultation and Editing: Ruth Carmi, Esq., Riki Shapira-Rosenberg, Esq., The Reform Center for Religion and State

Language Editing and Executive Summary: Yonit Naaman

Consulting: Orly Erez-Lachovski, Esq., the Reform Center for Religion and State; Sharon Cherkasky, WIZO; Laura Wharton, Member of the Jerusalem City Council (Meretz); Rabbi Uri Regev and Michal Rabinovich, Hiddush; Avi Dabush, Einat Rubin, Shimon Malka, Shay Cherpanov and Tammy Katsabian, Esq., Shatil

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The Left Pushes Away while the Right Brings Close

Summary of the report on government policy vis-à-vis segregation of men and women, and the exclusion of women in Israel

The demands to separate men and women, and to exclude women from the public sphere, are relative new phenomena in Israeli society. Since 1997 the situation has gradually grown more severe, spreading from insular elements of Haredi communities into Israeli society at large, going beyond the accepted standards of Jewish law. The first demand sought bus lines with separation of the sexes, and from there the phenomenon expanded to other locations in public life such as: health clinics, municipal events, conventions, sidewalks, private business and ceremonies. Toward the end of 2011, following extensive media coverage of the phenomenon, the Ministerial Committee for the Advancement of the Status of Women decided to form an Interministry Staff, headed by Culture and Sport Minister Limor Livnat, to examine ways to address these developments. The staff's work addressed a variety of issues related to exclusion and segregation, and a number of its recommendations show the way toward the government actually beginning to address the subject. A number of critical issues were nevertheless omitted from the staff's discussions. Moreover, despite the Interministry Staff's work, the segregation and exclusion have not slowed, and it appears that large segments of Israeli society have not internalized the values of respect and equality.

The following are the main points of the report by the Coalition against the Exclusion of Women (hereinafter: "the Coalition") established by Shatil in October 2011. The Coalition, which includes Jewish pluralism and feminist organizations, studied the materials examined by the Interministry Staff, as well as the Staff's recommendations and the extent of their implementation. This report proposes concrete, operative steps to cope with the disturbing phenomenon of women's exclusion in Israel. With the understanding that only a unified, unequivocal government policy against the exclusion of women will lead to change, and in order to facilitate this change, **it is fitting that a different government body, the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, coordinate the activity.** That body must set priorities, grant authority to subsidiary bodies (the Ministry of the Interior, Ministry of Justice, Local Authorities, Religious Services, et al.), allocate resources for the necessary activities and monitor the implementation of the Interministry Staff's recommendations. The Coalition believes that each government ministry should publish detailed internal guidelines to prevent the exclusion of women and to address these phenomena – and even to appoint a supervisory body within each ministry to enforce those guidelines. In addition, sweeping directives should be published in each ministry to clarify the grave nature of exclusion and segregation, its illegality and the enforcement options at the disposal of the various authorities. It is recommended that workshops be conducted among these target audiences to instill the desired norms. The Interministry Staff called for a media campaign to raise public awareness of the prohibition against excluding women from the public sphere and of the need to treat the sexes equally. This recommendation has yet to be implemented, and it is best done soon.

Segregation on public transportation: Despite a Supreme Court ruling in May 2011, the forced segregation of men and women on buses continues. In addition to the Interministry Staff's recommendations regarding guidelines for drivers, an effective complaints mechanism and the maintenance of signs warning against forced segregation, the Coalition calls for an absolute prohibition against any passengers boarding at the rear doors, and for implementing changes in

public transportation to clarify to the public at large that there are no bus lines on which it is possible to force separation of the sexes, while simultaneously conducting a broad PR campaign on the issue.

Segregation and exclusion condoned by government entities: Harmful modesty requirements have made their way in recent years into events run in a government framework, such as an awards ceremony at which the women awardees were absent; such incidents have become daily occurrences in many areas such as public health. Segregation condoned and funded by the government takes place at many health clinics throughout the country, which puts women in an especially vulnerable position, whether as consumers of medical services or employees at clinics. The Coalition calls on the Commissioner to publish detailed guidelines regarding segregation, and to stress that the prohibitions against excluding women and segregating the sexes applies to all public bodies and every event supported by the government. The guidelines should delineate as much as possible the types of institutions and the sanctions that would be applied to any violators, including the cessation of government support and funding if necessary. The detailed guidelines should be published both in the ministries subject to the Commissioner and among the public at large.

Segregation at funeral homes and cemeteries: The Coalition welcomes the Interministry committee's decision to direct burial societies to end the exclusion of women at eulogies and funeral processions, and regrets the Chief Rabbinate Council's ruling, which goes against the agreement that was reached. The Coalition suggests establishing a timeframe for its endorsement by the Ministry of Justice vis-à-vis the new guidelines, as well as setting a reasonably close date to publish them among the burial societies and the public at large. The guidelines should include the explicit prohibition against placing signs or barriers indicating segregation at cemeteries, and the requirement to implement an organized mechanism for public inquiries to be operated by the Ministry of Religious Affairs to address efficiency and complaints about burial societies overstepping their authority.

Segregation in Local Government: In its recommendations the Coalition calls on the Ministry of the Interior to formulate a circular with detailed directives for the heads of local authorities regarding the prohibition against segregating the sexes or excluding women, and to distribute it as soon as possible. The circular must note the recommended enforcement methods to be used in case the directives are violated, and deterrent disciplinary measures to be taken against violators. Additionally, they must be provided with specific contact information for complaints from the public about exclusion or segregation in local government. There must also be a suitable mechanism for investigating and addressing the complaints promptly. The Ministry of the Interior must make clear that no municipal event or municipally funded or supported event may take place if there is a concern that prohibited segregation may occur there. The local government and the police must act against streets blocked to men or women, and against signs directing people to segregated portions of public space – and against the use of barriers or ushers to maintain segregation. Similarly, the local governments and police must be directed to take the severest possible measures against those violating the prohibition, including levying municipal fines and bringing those responsible to trial. Regarding advertising directed at Haredim, the local authorities must make any advertising company license conditional on a commitment not to discriminate based on sex.

Exclusion of women from the media – the case of Kol B'rama radio: Since its founding, the Kol B'rama radio station has never employed women as broadcasters, and it has never broadcast women's voices. The Interministry Staff discussed the issue and even severely criticized the

arrangement the station had reached with the Second Broadcast Authority, but in the end transferred further treatment of the issue to the Ministry of Justice. The Coalition believes that without setting a date for the staff's submission of recommendations, or a mechanism for action, any additional examination by the Ministry of Justice merely allows the station to continue excluding women unimpeded. Therefore the Coalition calls on the authorities to order the station to allow without delay the broadcast of women's voices unconditionally and without restricting them to particular hours or days – and the Second Authority must employ the necessary sanctions in the face of the station's behavior.

Segregation and exclusion in private businesses: While the Interministry Staff did not discuss the widening phenomenon of male-female segregation in private businesses, the Coalition believes that without public discourse on the matter and comprehensive public policy, the demands for segregation and “modesty” will become more extreme. In addition to discussion and examining ways to eliminate this phenomenon, a government campaign must take place to encourage civic enforcement and the stress the possibility of lawsuits under the Antidiscrimination Law, as it applies to exclusion and segregation even in private businesses.

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1. Introduction

*“The policeman arrived...to ask me if I was prepared to respect them and move to the back part of the bus. He repeated the question twice. He was also the first one to actually speak directly to me the whole time. I answered him that I respected them enough...and that I couldn’t debase myself just to honor somebody else. **They have to ask themselves how debasing a woman honors them.**”*

(From an op-ed by Tania Ronsenblit published on Ynet on 18 December 2011)

On 13 December 2011, following broad media exposure of the phenomenon of excluding women throughout the country, the Ministerial Committee for the Advancement of the Status of Women, headed by Minister of Culture and Sport Limor Livnat, decided to establish an Interministry Staff led by the minister herself, which would examine ways to address the various manifestations of sex segregation and the exclusion of women from the public sphere in Israel. The decision to form the staff went into force with a governmental decision on 29 December. The staff included the Minister of Science and Technology, MK Daniel Hershkovitz; representatives of government authorities, social and feminist organizations; and many other public representatives. On 11 March 2012 its recommendations were published.

The Interministry Staff’s activities deserve praise, in that this was the first institutional attempt to address sex segregation and the exclusion of women in the public sphere. The staff’s work spanned a number of issues related to exclusion and segregation, and a number of its recommendations point toward focused government action in this arena; nevertheless, the staff’s discussions omitted several critical subjects. The staff discussed segregation and the exclusion of women at government ceremonies and cemeteries, public transportation, local authorities and the media. Some of the manifestations were only partially discussed, and the subject of segregation and exclusion of women at health clinics and private businesses was not discussed at all. Additionally, the issue of women’s exclusion and segregation of the sexes in local government, one of the main manifestations of the phenomenon in Israel, was discussed in the staff meetings but was absent from the final recommendations; therefore no policy was outlined for its elimination. The issue of excluding women in the IDF was also completely absent from the staff’s discussions, and of course from its recommendations. Finally, the recommendations do not include a timeframe for publishing conclusions, and the question of monitoring the recommendations themselves has not been addressed.

The demands for segregation of the sexes and the exclusion of women from the public sphere are relatively new phenomena in Israeli society. The first instances of segregation and the exclusion of women can be found in the Women of the Wall’s campaign 23 years ago. Those phenomena spread; though they originated in insular segments of the Haredi population, they have penetrated into society at large and far exceed the standards of Jewish law. Thus, at first a demand arose for separate bus lines for men and women, and from there the phenomenon spread to other areas of public life: health clinics, municipal events, conventions, sidewalks, private businesses and ceremonies. If initially the demands stopped at physical separation between men and women, with the men in front and the women behind, by 2012 the segregation demands had reached an unprecedented extent— often women would be excluded entirely from the public space, whether out of concern they would be heard or that they might be seen.ⁱ

At the same time that the severity of the segregation grew, voices began to be heard among the Haredi and religious population against that segregation and exclusion; they saw in those phenomena excessive extremism and coercion of the majority by a vocal fringe minority.ⁱⁱ Among large swaths of the public, both religious and secular, the prevailing understanding was that the parameters of the public sphere in Israel were not suitable for a segregation regime, even if only for the Haredim. The public space in a liberal state must reflect the values of liberty and equality, and to be equally accessible to all. In the face of the increasing severity of “modesty” norms, it appears that the lack of comprehensive, decisive action to stem the segregation and exclusion not only maintains the status quo but contributes to greater extremism vis-à-vis women in Israeli society.

Discrimination against any group, including sex, debases the victim and undermines the freedom of choice and autonomy of the individual.ⁱⁱⁱ The message conveyed through such action is that the mingling of the sexes is to be rejected, and that the need for segregation derives from an innate base characteristic of women.^{iv} Moreover, distinguishing between men and women in public spaces where the distinction is irrelevant compromises the basic right to equal treatment, a fundamental principle in Israeli society. The Supreme Court has already ruled that collective discrimination (e.g. by sex) contradicts the Basic Law of Human Dignity and Liberty, whether it involves debasement of the individual or denies him his freedom of choice and autonomy.^v

The principle of equality is also specifically enshrined in the 2000 law prohibiting discrimination of products, services or admittance to places of leisure and public areas (hereinafter: “the antidiscrimination law”). The law stipulates that: *“Whoever’s occupation is in supplying a product or public service, or operates a public venue, may not discriminate in the supply of that product, service or operation of that public venue, not in supplying the product, service or admittance to the venue on the basis of race, creed or religious association, nationality, country of origin, sex, sexual orientation...”*^{vi} The law does accept certain exceptions for the separation of men and women, but the application of those exceptions is very narrow, and is directed at physical activities the nature and character of which may justify that separation, such as in public bathrooms or swimming pools, as well at cultural activities in the Haredi sector – not at various services provided to the community or private stores.^{vii}

The report below is presented by the Coalition against the exclusion of Women (hereinafter: “the Coalition”). The Coalition was established by Shatil toward the end of October 2011, and includes Jewish pluralism organizations and feminist organizations that banded together to raise awareness of the phenomena of excluding women in Israeli society and to act to eliminate it. This report surveys a variety of types of exclusion in the religious sphere, in arenas that in our assessment carry great importance and special visibility in the Israeli polity. In each arena we will present especially egregious cases of segregation and exclusion, the position of the Interministry Staff on the matter and its recommendations, and finally, the Coalition’s own conclusions and recommendations. The report concludes with a section of general conclusions with system-wide importance.

The following report is based on data collected by the Reform Center for Religion and State, and were published by that body in 2010-11 as part of their report “Glatt Exclusion – Segregation of the Sexes and Exclusion of Women in the Public Sphere in Israel.” The Reform Center for Religion and State has monitored the demands for segregation of the sexes in the public space for years, and has submitted the principal petition to the court on the matter of segregation on public transportation.

The report's infrastructure features data collected by Jewish pluralism organizations and feminist organizations in the Coalition against the Exclusion of Women, including official data and reports, protocols of Interministry Staff meetings, letters exchanged between the Coalition and government ministries, local authorities and other entities, as well as information on media publicity.

The phenomena of excluding women, discriminating against them and threatening their safety are not unique to Haredi or religious populations in Israel. In other sectors these phenomena manifest such that women are excluded from decision-making positions and from public visibility, suffer discrimination in the job market and fall victim to sexual harassment and violence because of their sex. To all these can be added the structural inequality in family law in Israel as a significant source of discrimination against and exclusion of women. Nevertheless, this report will zero in on the unique aspects of excluding women and segregating the sexes which emerge from the religion-state context in Israel. This choice stems from the very fact that this was the initial mandate given to the staff under Limor Livnat, whose recommendations this report discusses – as well as the unique interface of pluralism and feminism that grows out of this issue. It bears mentioning that the report will not cover the exclusion of, or harm to, women in issues of family law in Israel, because of the issue's complexity and the fact that it was not discussed by the Interministry Staff. Neither will the report examine issues of exclusion and segregation in the IDF, both because Livnat's committee chose not to discuss the matter at all, so there are no recommendations in that regard, and because that issue is so broad in scope that it deserves separate treatment.

In our opinion, the Interministry Staff's recommendations are insufficient to stop the ever-increasing segregation of the sexes in Israel's public spaces and the worsening exclusion of women. This report's goal is to propose a supplementary framework that provides concrete, operative steps to address this affliction. To ensure that such steps are indeed taken, it would be best for one government body to coordinate these activities and ensure that the Interministry Staff's recommendations – and those in this report – are indeed put into practice and not left dead on paper. In our opinion the most suitable entity for this role is the Authority for the Advancement of the Status of Women in the Office of the Prime Minister, or some other professional government entity.

2. Exclusion of Women on Public Transportation

Background

In 1997 public transportation companies, chief among them Egged, began operating special bus lines for the Haredi community (hereinafter: “the segregated lines”). On those lines women are required to board from the rear door while the men board up front, and the seating arrangement during travel is that women must sit in the rear of the bus while men sit in the front. Over the years the phenomenon has spread,^{viii} and as of this writing dozens of local bus lines all over the country are operating according to this formula. On the segregated lines the cost of the trip is significantly lower than on regular local buses, and sometimes the women are required to dress modestly on these buses. Resistance by a woman to the seating or dress rules on segregated lines can generate verbal violence, threats, harassment and curses from other passengers. In several cases the verbal violence escalated into the physical, directed at women who did not wish to follow the modesty rules.^{ix}

At the end of a protracted social and legal protest, a petition was submitted to the Supreme Court by the Reform Center for Religion and State (Or the Center for Jewish Pluralism) against the segregated lines, and in May 2011 the Court gave its ruling.^x The Court ruled that the arrangement practiced on the segregated lines, or any other arrangement requiring separation of men and women, is illegal. The Court also found that forcing segregation of the sexes on public transportation opens the way to legal claims for discrimination damages and prosecution for the violation of constitutional rights. Similarly, the Court found that the State must adopt oversight measures regarding public transportation, and to consider canceling the operation of those lines on which forced segregation or violence took place, and in suitable cases to take legal action in criminal court against those responsible. The Court further found that the ruling applies not just to buses, but to the light rail system and other places.^{xi}

In its ruling the court ordered a group of actions aimed at preventing forced segregation on buses, including posting signs on buses stressing the right of any passenger to sit where s/he sees fit, and making clear that violating that right constitutes a criminal offense; posting ads in the press announcing the cancellation of the segregation and instruction for drivers regarding their obligation to protect the rights of female passengers.^{xii} As to the opening of the rear door to allow women to board, the Court set a one-year trial period (ending February 2012) to test whether using the rear door leads to forced segregation. It was decided that after the trial period the Minister of Transportation would whether to allow bus companies to continue operating the rear doors for boarding, or to order that only the front doors be used for boarding.^{xiii} The Minister of Transportation has yet to publish his conclusions regarding the trial period.

Summary of the Interministry Staff discussions

During the Interministry Staff’s discussions, attorney Orli Erez-Lachovski, representing the Reform Center for Religion and State, presented the Center’s findings regarding the implementation of the Court’s ruling prohibiting forced segregation on buses. The findings indicate that the segregation has continued since the Court’s ruling. Of the 101 sampled bus trips the Center conducted in 2011, in 65 cases remarks were made to women sitting in the front of the bus, or trying to board up front. In 22 of these cases the driver participated in enforcing the segregation, or the women who refused to follow the segregation rules became targets of verbal violence.^{xiv} The Center’s test also indicated that despite the Court’s ruling directing drivers to protect the rights of women passengers, the drivers were instructed by Egged not to interfere in disputes between passengers about segregation.^{xv} In addition to

the Center's findings, a mere half year after the Court gave its ruling, the story of Tania Rosenblit was taken up by the media; she became the target of harsh verbal harassment on an intercity bus she took, after refusing to acquiesce to the demands of other passengers to sit in the rear.^{xvi}

Attorney Rikki Shapira, as well, who works at the Reform Center for Religion and State and serves on the board of Kolech, presented to the Interministry Staff the results of an inspection her organization conducted: on the bus lines that allow boarding at the rear, it always results in segregation. The organization therefore recommended closing the rear doors on those lines for boarding, a proposal also supported by Science and Technology Minister Daniel Hershkovitz and the Center. The latter two contended that using both sets of doors deters women from sitting in front. At the Interministry Staff meeting on 4 January 2012, Minister Livnat declared that, "*A directive should be considered banning boarding through the rear doors on all buses, especially those on which this practice occurs.*" The minister further announced that she was considering inviting the Minister of Transportation to a special session on the matter and presenting him with the findings that arose during that staff's discussions. However, the joint meeting with the Minister of Transportation never occurred, prompting the staff not to make an official determination on the matter, but to wait for the Minister of Transportation's conclusions that were meant to be released at the end of the trial period set by the Supreme Court. As of this writing in July 2012 the conclusion had not yet been published.

The Interministry Staff recommended setting up a special hotline for women harassed while on public transportation, and to advertise the service's availability publicly; to require transportation companies to affix non-removable signs establishing that every passenger has the right to sit wherever s/he wishes; to periodically ascertain the signs' continued visibility; and to publish guidelines directing the drivers to protect the rights of passengers to sit where they please. The staff also announced that it will not release recommendations regarding the low fares on the buses that serve the Haredi community, since a class action suit on the matter was pending in the Supreme Court.^{xvii} It should also be noted that at that second meeting the staff directed the Ministry of Transportation to post on its web site the rights of passengers vis-à-vis seats, but this recommendation was not implemented.^{xviii}

Conclusions

The Interministry Staff's recommendations regarding the segregated lines stressed, as mentioned, the importance of an effective complaints mechanism in the form of a hotline, giving guidelines to drivers regarding their obligations toward the passengers and the need to maintain signs warning against coerced segregation. Nevertheless, those recommendations do not provide a sufficient response to the phenomenon. Taking into consideration the worrisome data presented to the staff, according to which, despite the Court's ruling on the matter, coerced segregation continues, and in light of the fact that the trial period set by the Court vis-à-vis the rear door as a boarding point has ended, it is most appropriate that a joint meeting take place, without delay, with the Minister of Transportation, and to direct that operative measures be taken by that ministry to stop the phenomenon of sex segregation on public transportation. The reluctance to arrive at substantive decisions on the matter contributes to preservation and cementing of the status quo in which women are victims of discrimination, debasement and harassment because of their sex – when their sole desire is to travel on public transportation as equal citizens. Since the Court's ruling, the Reform Center for Religion and State has provided legal consultation to women interested in submitting claims against the bus companies and their drivers for illegal discrimination on their buses. Recently a number of cases in small claims court granted monetary compensation to women because the bus driver did not prevent their removal to the rear of the bus.

Recommendations

In order to end segregation of the sexes on public transportation, the Coalition found that in addition to the Interministry Staff's recommendations, the following steps should also be taken:^{xix}

- **A ban on boarding all buses from the rear doors.**
- **Ushers to ascertain that segregation is not taking place.**
- **Criminal indictments against passengers who sought to coerce segregation of the sexes.**
- **Instilling the above arrangements through guidelines and workshops for transportation company employees, as well as local government employees and relevant government ministry workers.**
- **Implementing a significant change in the transportation formula such that the public at large will be clearly aware that there will no longer be bus lines on which it is possible to coerce segregation. On lines that there had been two parallel sets of buses, one segregated and one regular, all that is necessary is the cancelation of the segregated set, and augmentation of the regular buses. On other lines in which segregation was practiced, the route number should be changed to reflect the fact that segregation has ended.**
- **An extensive public campaign should take place announcing the cancelation of the segregated buses, for example through brochures emphasizing each passenger's right to sit anywhere on the bus. This step is especially critical in light of a false campaign underway in Haredi circles to convince the community that segregation is still in force.**
- **Advertisement on buses, using stickers, offering information regarding the prohibition against coercing segregation of the sexes and providing contact information to report violations. Additionally, the manner in which the Ministry of Transportation will address complaints should be publicized.**
- **Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body to oversee implementation of the recommendations appearing in this chapter.**

3. Segregation of the Sexes and Exclusion of Women Endorsed by Government Bodies^{xx}

Background

On 25 September 2011 the Ministry of Health held a ceremony honoring quality compositions on the subject of health and Jewish law. Two of the honorees were women, but at the awards ceremony the women, including the winners, were asked to sit a side room. Further, the names of the female winners were not mentioned – just their surnames – and they were denied the honor of ascending the stage to accept the awards. The two winners, Professor Chani Maayan and Mrs. Naama Holtzer, were not called to accept the awards; in their stead, a male coworker was called. One of the women present at the event alerted Kolech, which in turn reported the incident to the Ministry of Justice. As of the Interministry Staff's discussions the government had yet to respond regarding how such a government-sponsored event could be conducted with segregation of the sexes and the exclusion of the women present, including the award winners.

Summary of the Interministry Staff's discussion

Following the incident the staff discussed the exclusion of women at government events. The Director-General of the Ministry of Health was called to attend; he claimed the exclusion of women

happened at a location not officially belonging to the government. The staff stressed to him that any position that allows for the exclusion of women was not acceptable. Minister Livnat later demanded that the Director-General publish a circular on the matter. It said:

“The Commissioner of Public Service views grimly – and will treat with all the necessary measures – any discrimination based on gender, such as: separate lines for men and women; the exclusion of women from government ceremonies, et al. The prohibition against discrimination applies in every arena and every government framework, including: A. in the provision of services by an authorized body. B. Inside government facilities and offices. C. At government ceremonies or events sponsored by the government, including the presentation of awards by the State or through its funding.”

In addition to distribution of the circular the staff recommended that the Commissioner publish directives prohibiting the exclusion of women from government ceremonies. However, more than two months have passed since the release of those recommendations and such directives have yet to be published.

Test Case - Segregation of the Sexes and the Exclusion of Women Sponsored by the Ministry of Health: Health Clinics and Public Events

The Interministry Staff discussed segregation and exclusion at a government ceremony by the Ministry of Health, but did not see fit to explore the broader phenomenon of segregating the sexes in public health and at clinics, even though the representatives of the organizations sitting on that staff emphasized the scale of that phenomenon and the importance of addressing it.

Such phenomena, as well as requiring women entering a clinic to dress modestly, are especially troublesome, as the women excluded are already in a vulnerable position, whether as clients of the health service or clinic employees. In such situations the women confronted by the exclusion have no choice but to obey those demands if they wish to receive service or treatment, or to continue working there, as the case may be. Moreover, at clinics where segregation is enforced, the patients must forgo the company of an escort if that person is the opposite sex – with all the hardship that entails.

Thus, for example, the Meuhedet sick fund implemented forced segregation at its clinic in the Romema neighborhood of Jerusalem; signs direct men and women to separate seating sections in the waiting room. Klalit inaugurated separate clinics in Beit Shemesh, one for men and one for women. Inquiries by the Reform Center for Religion and State elicited that the sick fund is responding “to the demands of modesty customary in the Haredi sector.”^{xxi}

In addition to the segregation, in recent years the health clinics have begun to post strict modesty requirements for women visiting or working there. For example, a Klalit clinic on Straus Street in Jerusalem requests that customers arrive in modest dress, and another clinic of the same sick fund in Tiberias announced that all women doctors working there must dress modestly.^{xxii} The Meuhedet clinics in Modiin-Ilit, as well, makes the same demands of the women doctors, and when one protested against the coercion, management informed her that she must obey the requirements or leave the clinic.^{xxiii}

As the entity that oversees all the sick funds in Israel, the Ministry of Health determines policy in health services, and is tasked with supervising planning, oversight, licensing and coordination of services throughout the health care system. As such, even if the initiatives that restricted women came from the specific sick funds, as the supervisory body the Ministry of Health is obligated to prevent and eliminate unfit phenomena such as these. Aside from the methodical segregation and exclusion at the health clinics, for a number of years there have been conferences on fertility and childbirth run by the Puah organization, which receives some funding from the Ministry of Health. The conferences take place under total segregation of the sexes, and only male doctors are invited to speak. In the past year, faced with the organizers' intention to once again exclude female lecturers from holding forth at an event dedicated entirely to women's health, and because of the debasing connotations that would result, the Coalition addressed the Prime Minister and Minister of Health Binyamin Netanyahu, and the Ministry of Health Director-General, Professor Roni Gimzo, and demanded that they change the conference formula.^{xxiv} As a result of the public criticism, as well as thanks to the activities of pluralism and feminist organizations such as Kolech, Yisral Chofsheet, Yerushalmim and the Reform Center for Religion and State, most of the participating doctors canceled their attendance at the conference.^{xxv} In response to these serious developments the Ethics Committee of the Medical Association published a position paper establishing that doctors will not be permitted to attend medical or scientific events at which exclusion of women takes place.

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The case of the Ministry of Health serves as but one example that government-sponsored segregation takes place with a variety of levels of government involvement. The Interministry Staff did not confront all the dimensions of exclusion in which the Ministry of Health participates; it only addressed the question of official ceremonies that were brought to its attention as a result of the awards ceremony for compositions. Many other cases of segregation of the sexes taking place under the aegis of government ministries were not discussed at all by that committee.^{xxvii}

Conclusions

The many cases of segregation and exclusion under the aegis of government bodies attests both to the severity of the phenomenon and its complexity. Treatment of it must therefore be broad, deep and determined. In our view the recommendations of the Interministry Staff in this arena do not meet those requirements.

The Coalition maintains the position that the circular published by the Public Service Commission is formulated vaguely, as it does not sufficiently clarify the measures to be taken if a case of excluding women occurs, or the definition of "events sponsored by the government," in the circular's language. The vague phraseology may allow the phenomena to continue at events that status of which the circular leaves unclear.

Recommendations

- **Given the fact that the many public events and ceremonies mentioned earlier (such as the Puah conference) are not directly organized by government ministries and are funded by them only partially, the Commission must publish detailed guidelines on the issues of segregation. The Commission's guidelines must specify that the prohibition against excluding women or segregating the sexes applies to every public body and every event that receives government support, with as much detail as possible concerning the types of government bodies and the punitive measures to be taken against violators, including the cessation of government funding if necessary. The detailed guidelines should be published**

both within the government ministries subject to the Commission and among the public at large.

- The Commission should establish and maintain an efficient mechanism to handle complaints of violations.
- Each ministry should formulate clear guidelines regarding the prohibition against excluding women or segregating the sexes, and decide who will oversee enforcement of the guidelines and where to turn in case enforcement is lacking. The government must direct the ministries to implement these recommendations immediately.
- Regarding the exclusion of women in public health services, it should be stressed that the sick funds operate under the Governmental Health Law and constitute public bodies under the supervision of the Ministry of Health. In light of the many cases of sex segregation and posted modesty requirements for women, the Public Complaints Commission at the ministry should be directed regarding the absolute prohibition against excluding women; it must formulate clear procedures on the matter, provide contact information for complaints about such phenomena and determine what substantive steps to take against managers whose clinics practice segregation.
- The Coalition believes that in order to efficiently combat the exclusion of women in the Third Sector there should be an additional oversight mechanism that includes in the examination of an organization for Best Practices certification a check of its performance vis-à-vis the exclusion of women in its internal conduct. If an organization is found to exclude women or conduct events at which segregation of the sexes takes place illegally, where that separation is not by nature of the activity necessary, the organization will not receive the certification and will be subject to punitive measures.
- Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, to oversee implementation of the recommendations appearing in this chapter.

4. The Exclusion of Women and Segregation of the Sexes at Funeral Homes and Cemeteries

Background

For some time, exclusion of women and segregation have been the order of the day at funeral homes and cemeteries all over the country. Segregation is frequently forced on the attendees where eulogies are given, via signs directing men and women to separate areas, via physical barriers (fences or railings) or by direct instruction of burial society personnel. In some cases women were even prevented from delivering eulogies or reciting *Kaddish*, or their entrance into the hall was forbidden outright. During the funeral procession itself, as well, segregation often takes place, with the men in front and the women behind. In certain cases women are entirely prohibited from participating in the procession, and they may approach the grave only after the ceremony has concluded.

The bereaved family finds it difficult to oppose the segregation and the other restrictions placed upon the women, primarily as a result of the sensitive situation and their desire to avoid conflict under such harsh circumstances. Cases of the exclusion of women and segregation of the sexes have

been documented at cemeteries and funeral homes in Jerusalem, Hertzeliya, Petach-Tikva, Natanya, Rechovot, Yavne, Ofakim, Yerocham, Migdal HaEmek, Kiryat Malachi and Elichin.^{xxviii}

Summary of Interministry Staff discussions

The staff dealt at length with the issue of exclusion at cemeteries, for example the need to stress that a Supreme Court ruling bars local religious council Rabbis from determining the arrangement at a funeral, and that the binding guidelines are those of the Chief Rabbinate.^{xxix} Minister Daniel HersHKovitz and the Justice Ministry representative stressed that the authority of the burial society is limited to the burial itself and they have no say in the funeral ceremony or other aspects of the procession and funeral.^{xxx} During the staff's discussions it also came to light that there is significant difficulty enforcing the rules with burial societies that violate them.^{xxxi}

The Interministry Staff also discussed the signs directing attendees to segregated areas at cemeteries and determined that a ban on their placement should be considered.^{xxxii} The Ministry of Justice representative stressed that it would be preferable not to force the bereaved families to take the initiative and demand an egalitarian ceremony, as there is a concern that families will avoid standing up for their rights; it is therefore better to focus on formulating guidelines that will obligate the burial society to conduct an egalitarian ceremony.^{xxxiii}

The Interministry Staff's recommendations include the provision that the Director-General of the Ministry of Religious Services, Mr. Avigdor Ohana, will publish detailed guidelines for burial societies and religious councils, directing them to allow women to eulogize their relatives at burial ceremonies and to escort the deceased to burial. As of the completion of this report, no such guidelines had been published. The staff also determined that the Minister of Religious Services will ask the Rabbinical Council for a ruling regarding the status of women at burial ceremonies, to be delivered within 60 days of the recommendations' publication. In June 2012 the Chief Rabbinate Council published its ruling, stating there was no barrier to women delivering eulogies at funerals, but if there is a concern that the family's feelings will be hurt, the local Rabbi will give his ruling on the matter.^{xxxiv}

Although the suggestion was raised at the Interministry Staff meetings of making burial societies' licenses contingent on preserving equality of the sexes, Minister Livnat decided that such a move would be considered only if later on it became clear that the societies continue to overstep their authority. The recommendations do not include treatment of the signs directing people to segregated areas at cemeteries.

Conclusions

It appears that the Interministry Staff gave special attention to the issue of excluding women at cemeteries and funeral homes and dealt with it thoroughly. The Coalition welcomes the decision to direct burial societies to end the exclusion of women at eulogies and processions, and views positively the intention of the Ministry of Religious Affairs Director-General to include in the circular directed at the burial societies a section emphasizing that *'any behavior not in the spirit of the circular will be taken into consideration when their licenses come up for renewal.'*^{xxxv}

Nevertheless, the Coalition regrets that the issue of signs directing attendees to segregated areas was not mentioned in the Interministry Staff's recommendations, despite being discussed at length during the proceedings, and even though Ministers Livnat and HersHKovitz harshly criticized the phenomenon.^{xxxvi} In the Coalition's view, even without an explicit requirement by the burial society to congregate separately by sex, the very existence of the signs or physical dividers constitute an order to separate

men and women such that the bereaved families are prevented from opposing, considering the sensitivity of the occasion.^{xxxvii}

The Coalition finds that the Chief Rabbinical Council's ruling, given as a result of the Interministry Staff's recommendations, stands in conflict with the staff's conclusion. The staff determined that only the Chief Rabbinate's guidelines are binding on burial societies, and that local Rabbis must not be given the authority to rule on issues of funeral and burial ceremonies.

The Coalition also believes that the Interministry Staff's recommendations regarding the exclusion of women at funeral homes and cemeteries, as comprehensive as they may be, are not sufficient in the absence of monitoring their implementation. The staff should have determined a schedule for receiving Ministry of Justice approval for the new guidelines, as well as a reasonably close date for their publication among burial societies and the public at large.

Recommendations

- **The Director-General's circular aimed at burial societies must explicitly prohibit the placement of signs or physical dividers directing men and women to gather separately at cemeteries.**
- **The Chief Rabbinate Council must be directed to amend its ruling regarding the status of women at burial ceremonies in keeping with the agreement reached by the interministry committee, and to explicitly state that local Rabbis do not have the authority to rule on questions of Jewish law pertaining to the burial rite.**
- **An orderly mechanism for public complaints must be set up through the Ministry of Religious Affairs; it must efficiently address cases in which burial societies overstep their authority.**
- **The Director-General of the Ministry of Religious Affairs must publish without delay the guidelines for the burial societies and religious councils regarding the status of women at funerals.**
- **Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, to oversee implementation of the recommendations appearing in this chapter.**

5. Segregation of the Sexes and Exclusion of Women in Local Government

Background

A survey of cases in which men and women were segregated, or women were excluded, was included in the Reform Center for Religion and State's report "Glatt Exclusion" in 2011 shows that a significant portion of the segregation and exclusion cases occurred in the context of local government functions. In many cases the heads of the local authorities are not actively trying to eliminate the phenomenon in their jurisdiction, and sometimes even play a hefty role in initiating the segregation or exclusion.

Similarly, the government ministries that oversee local government, such as the Ministry of the Interior, have avoided action on this matter and thus allow it to continue to grow in severity.^{xxxviii}

Summary of the Interministry Staff discussion

Over several meetings the staff discussed the phenomenon of the exclusion of women in local government, and mentioned many cases of exclusion such as segregated sidewalks, lines, municipal

events, and the destruction of advertisements featuring women. At its fourth meeting, on 1 February 2012, representatives of the Ministry of the Interior presented, at the request of Minister Livnat, a circular directed at the local authorities; but Minister Livnat determined that the circular presented was too general and does not provide enough of a response to the growing severity of the status of women in local government. As a result, it was concluded that the Ministry of the Interior, with the Ministry of Justice, would put together another circular to include guidelines regarding the prevention of the exclusion of women in the local authorities. As of the report's release the circular had yet to be published, nor was any answer received when the Coalition asked when to expect its publication.^{xxxix}

The Interministry Staff's recommendations were published without treatment of any additional steps to be taken beyond the circular in order to combat the exclusion of women in local government. The recommendations to mention the exclusion of women from advertising on public transportation, but also mention that since a petition is pending before the Supreme Court on the matter, the staff did not discuss it.

As we will discuss below, the phenomenon of excluding women from municipal functions has increased in intensity in recent years; it includes countless severe cases. Hence, the Interministry Staff's recommendations should have explicitly discussed this evil, and included clear, concrete recommendations for wiping it out.

Exclusion of Women and Segregation of the Sexes at Municipal Events

At an event saluting the security forces, run by the Jerusalem Municipality, forced segregation of the sexes took place; men sat in the front of the hall, and women in the balcony;^{xl} a Passover event of the Jerusalem Municipality took place at separate facilities for men and women;^{xli} religious cultural events run by the Haifa Municipality took place at different times for men and women, and under total segregation, including separate entrances;^{xlii} at a conference of the newspaper *Hamodia* at the International Convention Center in Jerusalem, women were barred from entering the building, and were forced to watch the event in a side room through closed-circuit TV. That event was attended by Minister of Finance Yuval Steinitz, Jerusalem Mayor Nir Barkat and Bank HaPoalim President Zion Keinan;^{xliii} at a "Personal Commitment" project sponsored by the Tel-Aviv Municipality, the organizers allowed performances only by male artists, while performances by women were relegated to a women-only event;^{xliv} the Petach-Tikva Municipality held separate Hanukka events for boys and girls;^{xlv} and reports of many additional cases of exclusion of women or segregation of the sexes at municipal events.^{xlvi}

Segregation of the Sexes on Sidewalks

The trend toward creating segregated sidewalks and streets in cities with a large Haredi population – notably Jerusalem and Beit Shemesh – began several years ago and has progressively become more pervasive. In 2010, in the Meah Shearim neighborhood of Jerusalem, dividers were set up in the street during Sukkot to create separate sides for men and women, and women were barred from certain neighborhood streets entirely. The event generated intense public objection,^{xlvii} as a result of which a petition to the Supreme Court elicited the ruling that the segregation was prohibited.^{xlviii} Nevertheless, as Sukkot approached in October 2011, signs were posted in Jerusalem calling on women not to enter Meah Shearim Street during the Simchat Beit Hashoeva events, and to use alternative arteries.^{xlix} During the festival dividers were put up in the street to separate men and women, and ushers directed men to the street and women to the sidewalks.

Policemen present at the site to prevent disruptions of order did nothing to remove the dividers, despite the Supreme Court ruling that prohibited their use. As a result of these findings another petition was submitted to the Court; during the proceedings the judges criticized the police for not enforcing the prohibition.¹

Violence against Women in the Streets

Already in September 2011 a number of organizations approached Minister of Education Gideon Saar and Beit Shemesh Mayor Moshe Abutbul to report that the girls at the Orot Neriah elementary school in Beit Shemesh were suffering harassment, spitting and stone-throwing at the hands of local residents who claimed the girls' presence harmed the neighborhood's modesty.^{li} The mayor did not respond at all, and the Ministry of Education gave a gentle, insufficient response, in which it was said, "The incidents are decreasing." Just three months later, in December 2011, when the media publicized the story of eight-year-old Naama Margolis, who is afraid to go to school alone because of the harassment and violence directed toward her, the police took action, escorting the girls to school – and clashed with the local Haredi population. Many attempts to exclude women from the public sphere in Beit Shemesh have also been made using signs instructing women to move to different sidewalks and not to remain in the streets.^{lii} Even after the Interministry Staff published its recommendations the trend toward exclusion in Beit Shemesh continued; in June 2012 extremist Haredim stoned a woman and her infant daughter in one of the neighborhoods of the city because, they claimed, she dressed immodestly.^{liii}

Removal of Women's Images from the Public Sphere

In recent years, parallel with other exclusion phenomena, images of women and girls have started disappearing from billboards and advertising spaces in Jerusalem and other cities. Advertising companies have begun to create two separate systems, one for cities with a Haredi population, in which they do not use images of women or girls, and the other for the rest of the country, where the images are used. In other cases the companies used the same campaign, but in Jerusalem and Bnei Brak the images were cropped to remove the women and girls, or leave only certain parts of them. As of the writing of the report, pictures of women and girls had been thus censored in Jerusalem from campaigns for the Adi Association, fashion retailers Honigman, Castro and Fox, fitness club Studio C and the local radio station. The phenomenon began to spread to other cities, such that in Rechovot the face of journalist Sivan Rahav Meir was blurred in an official photo of her at a municipal event.^{liv}

The advertising companies blame the policies of the billboard owners, while some say they are being "sensitive to the sensibilities of the Haredi population." Some companies explain the absence of women from their ads by invoking the losses that accrue when the advertising space containing the image is vandalized. Other sign companies blame the absence of women's pictures on the Jerusalem municipality, which they say prohibits the use of women's images in advertising, while the city utterly rejects that accusation. As a result of each entity's evasion of responsibility, the phenomenon has gained steam unimpeded.^{lv}

In January 2012 the Yerushalmim movement and a number of Jerusalem residents petitioned the Supreme Court regarding the refusal of the advertising company K'naan to run a campaign that featured women, to be displayed on the sides of buses.^{lvi} In July 2012 the State presented its response to the petition. In its response the State accepted the petitioners' position that Egged and

K'naan may not refuse to run an ad because it features a woman, and they do not have the power to make running the ads conditional on the client accepting liability in case of physical damage. The State also noted that the Ministry of Transportation would be required to address complaints of discrimination or the violation of other rights in advertising once the avenues through Egged have been exhausted. As a result of the petition the Chief Inspector of transportation decided that the license to operate public transportation is conditional "on the license holder not discriminating in the provision of services, including advertising posted on buses, based on race, creed, religious affiliation, nationality, origin, **sex**, sexual orientation..."^{lvii}

It is interesting to cite the State's statement to the Court in this regard: "The exclusion of women from advertising boards solely because of their sex, eliminating any mention of the female sex on billboards, harms the dignity of women, their right to equality and freedom of expression, and even conserves, reinforces and gives a stronger foundation to an unworthy societal stereotype that excludes women and weakens their societal position, instead of contributing to its elimination specifically by featuring women in advertisements borne on such a public stage."^{lviii}

In fact the elimination of women's images in advertising attests more than anything else to the severity of the exclusion of women in Israel. The avoidance of feminine representation in the public sphere is an attempt to make women invisible not just to an isolationist minority, but to the public as a whole. The exclusion in advertising that applies to women from the cradle to old age conveys the extremist message that a woman is nothing more than a sex object.^{lix}

Conclusions

Despite the fact that many cases of excluding women take place in areas under the supervision of local authorities and at their initiative, the Interministry Staff did not issue recommendations for avenues of activity that would change the situation. Its only action on the matter amounted to a general decision to formulate a circular sometime in the future with guidelines on preventing the exclusion of women in local government; it did not set a time frame or targets, and it has not happened.^{lx} **The Coalition's position is that the lack of recommendations on the matter of the local authorities constitutes substantial harm to the Interministry Staff's activities.** Avoiding addressing this critical issue allows the reality of segregation to spread to more areas of life. Recommendations for comprehensive, determined, immediate activity regarding the local authorities are what is needed right away.

Recommendations

The Recommendations section appears in two parts: the first will discuss recommendations of system-wide importance for eliminating the phenomena of exclusion and segregation at the local government level, while the second will address the recommendations for specific treatment of each of the phenomena described above.

General Recommendations

- **The Ministry of the Interior must formulate detailed directives to the heads of the local authorities regarding the prohibition against segregating the sexes and excluding women, and distribute them at once. The circular must include an exact explanation of the extent of the prohibition and a closed, short list of possible exceptions.**

- The circular must specify the enforcement methods recommended in case of violations, the sufficiently deterrent disciplinary measures to be used against violators.
- The Ministry of the Interior must provide contact information for public complaints regarding exclusion and segregation in local government, and set up a standardized mechanism to examine the complaints and address them promptly.
- It is recommended to instill the directives among the local authorities through workshops to familiarize them with the law, as well as classes for refreshing the knowledge, as well as to appoint a body entrusted with the matter to provide solutions in case of difficulty the local authorities might have in enforcing the circular.
- It is important to emphasize that most of the time the police and local authorities are aware beforehand of the intent to conduct segregated events illegally or to exclude women; they must act to prevent such incidents beforehand.
- The local authorities and police should be encouraged to levy fines for prohibited segregation of the sexes or excluding women. In that regard, it is recommended that an enforcement mechanism be set up, including fines levied by local inspectors and police officers.
- Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, to oversee implementation of the recommendations appearing in this chapter.

Specific Recommendations

Exclusion and segregation at events

- The Coalition Against the Exclusion of Women believes that in order to put an end to the unacceptable phenomena of exclusion and segregation at municipal events, the Ministry of the Interior must make clear in the circular (as above) that no municipal event funded or otherwise supported by the local authorities may be conducted or approved if there is a concern that prohibited segregation of the sexes, or exclusion of women, will take place there.

Segregated sidewalks

- The local authorities and police must act decisively to prevent public sidewalks from segregation, which includes blocking streets to women/men, or the posting of signs directing people to segregated sections or dividers/ushers to maintain segregation. This applies especially during times when the municipality and police know beforehand that extremist groups wish to create segregated sections in sensitive areas, as mentioned in the general recommendations. It is only proper that the local authorities act to preserve the rights of their female residents to move freely and with dignity, and take all the measures at their disposal to fight this phenomenon.
- The local authorities and police should be directed to prosecute violators to the fullest extent of the law, including the levying of fines and criminal procedures.

Removing images of women from the public sphere

- The Interministry Staff did not discuss this topic at all in its proceedings, though it should have. The local authorities and police are obligated to combat with full force the phenomenon of consistent, wonton destruction of advertisements, and eliminate it. The Coalition believes that the Interministry Staff, together with the Ministry of the

Interior, must find ways to assist the local authorities in the fight and direct them accordingly.

- **As per the Coalition's stance against the exclusion of women, the local authorities must make advertising companies' licenses conditional on not discriminating on the basis of sex (similar to the licenses of the public bus companies by the Ministry of Transportation under these terms).**

6. Exclusion of Women in Media: Kol B'rama Radio

Background

The *Kol B'rama* radio station began operating in 2009, with its target audience the Haredi-Sephardi demographic. Since its establishment it has not employed women as broadcasters, and broadcast no women's voices – not as singers or speakers, in keeping with the station's Halachic oversight committee. In the context of the ban on women's voice, the station has avoided putting female listeners and professional or political interviewees on the air. Nor did the station report on events live, lest women's voices be heard.^{lxi} As a result of public criticism of the exclusion of women by the station, the Second Television and Radio Broadcast Authority conducted a lengthy hearings procedure, at the conclusion of which in October 2011 it ordered the station to immediately begin broadcasting news events live, unedited, and to permit women to address certain issues on the air when they occupy relevant positions. The Authority also determined that the station must dedicate one hour each week, out of 144 broadcast hours, during which women may go on the air. This ruling took effect at the beginning of November 2011.^{lxii}

The radio station did not fulfill the terms of the ruling, and continued to refuse to let women be heard; "it is forbidden to let women interviewees go on the air," they claimed, even when the woman in question was speaking in a professional capacity. As a result of further complaints against the station to the Second Authority's council, the latter decide to initiate action against the alleged violation, which would result in a substantial monetary fine.^{lxiii} On 22 December 2011 the Second Authority ordered the station to schedule a daily women's segment as of February 2012, but the station again did not meet this condition.

On 29 March 2012 the media published the news that in the end the Second Authority decided not to open the alleged violation process despite the station's failure to meet the conditions of the Authority regarding a daily hour of women broadcasting. The news item also reported that the Second Authority had elected to amend its previous decision, and ruled that the station must allocate only four hours per week, instead of six, as had been originally decided.^{lxiv}

Summary of the Interministry Staff discussions

The Interministry Staff discussed the initial arrangement that the Authority had reached with Radio Kol B'rama. Minister Livnat harshly criticized the station's behavior, and expressed astonishment that the Authority would grant a license and frequencies to a radio station that excludes half the population. The minister also asked whether the station's tender terms, which mentioned a Rabbinic oversight committee, trump the law of the land.^{lxv}

In answer to Minister Livnat's questions, Second Authority Director-General Menashe Samira answered that, "Because of the station's unique character there is a need for a gradual process, at the end of which women will be 100% integrated in to the station." In answer to Minister Livnat's question when the end of that process might occur, Samira answered, "We hope by the end of 2012, but that's not etched in stone." In answer to the representative of the Reform Center for Religion and State's contention that a gradual process was improper and would not be implemented for any other population in Israel, the head of the Second Authority legal office answered, "Rights are relative." Minister Hershkovitz added that the Second Authority's authority to use a "gradual process" to violate the law was doubtful.

In answer to Minister Livnat's question whether the Ministry of Communication should get involved in cases where the Second Authority might be acting unlawfully, Ministry of Communications Director-General Eden Bar-Tal said that his ministry does not interfere with the Second Authority's decisions regarding content. Minister Livnat criticized that position, and the representative of the Ministry of Justice, Attorney Zandberg, noted that even if a conservative approach was warranted in terms of content, the position that the Ministry of Communications does not interfere with Second Authority content decisions that violate the law is problematic.

At the conclusion of the meeting it was decided that the Ministry of Justice would examine the legality of Radio Kol B'rama's no-women-on-the-air policy, and give direction to the Ministry of Communications, if necessary, how to proceed regarding Kol B'rama and other media under its regulatory jurisdiction.^{lxvi}

Conclusions

In April 2012 the Coalition and the Reform Center for Religion and State asked that Minister of Communications Moshe Kachalon and Chairman of the Second Authority Dr. Ilan Avisar order Radio Kol B'rama to cease its exclusion of women, but the request went unanswered.

While the Interministry Staff did discuss Kol B'rama extensively, even harshly criticizing the arrangement the Second Authority had reached with the station, the matter was eventually transferred to the care of the Ministry of Justice. No date has been determined for when the Ministry of Justice staff will submit its recommendations, nor has any mechanism for future action of the Interministry Staff following the submission of those recommendations. As of late July 2012, despite the passage of several months since the staff issued its conclusions, the Ministry of Justice has not released its recommendations, including those regarding Kol B'rama radio.

The Coalition finds this solution utterly insufficient. Radio Kol B'rama uses a public frequency, a bona fide public resource. Nevertheless, the station has operated for four years without authority and against the law by excluding women in a harmful, degrading fashion. The station does not answer to the Second Authority's power and goes against proper administrative practices. The Second Authority council, for its part, has taken only the softest measures against the station, and has not invoked the necessary sanctions against it. In light of all this, transferring the matter to the Ministry of Justice for further legal analysis allows the station to continue excluding women unimpeded, as it has done for many years, and a clear and present concern exists that it will maintain that behavior for quite some time.

It should be emphasized that the Second Authority is a public body obligated to the principle of equality. Adopting a "gradual process" to stopping the exclusion of women contradicts the principle of equality, as in fact it means the Authority allows, as of now, the continuation of that practice.

Recommendations

- **Kol B'rama Radio must be ordered to permit the broadcast of women's voices, without delay, without preconditions and without limits on number of hours or days.**
- **Women must be allowed to work at the station in any capacity, in keeping with the principles of equality and dignity.**

- **Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, to oversee implementation of the recommendations appearing in this chapter.**

7. Segregation of the Sexes and Exclusion of Women in Private Businesses

The Interministry Staff did not discuss this increasing phenomenon, while enforcement is nonexistent in preventing this illegal act.

Background

The ills of exclusion and segregation have not spared private businesses, which, for economic reasons, or under pressure or threats from extremist Haredim, elect not to employ women, as well as mandating separate entrances, lines or hours for men and women, or to mandate certain modesty requirements in women's dress. Thus, for example, the Rami Levy supermarket chain allocated separate checkout lanes for men and women in its Beitar Illit store;^{lxvii} similarly, the Zol Uv'gadol chain began employing only men in its Sanhedria, Jerusalem branch, in order to meet modesty requirements.^{lxviii}

Conclusions

The Coalition believes that if public discourse does not take place regarding these phenomena, and no immediate, comprehensive action is taken to stop them, the exclusion of women from private businesses will expand, and the segregation and modesty requirements will get more and more extreme.

It should be stressed that artificial segregation between Haredi groups and the rest of Israeli society is impossible; the norms that take root in those groups quickly impact the rest of society. Therefore the phenomena of excluding women and segregating the sexes in private businesses, which embody the disgraceful notion that women are sex objects, harms the status of women in every stripe of the population, and causes damage to the fabric of Israel's social existence.

Excluding women and segregating the sexes are illegal even in private business if they serve the public, as that policy does not stem from the type of service. As is known, these businesses do not conduct religious activity – such as prayer in a synagogue – in which the segregation is permitted under freedom of worship and the right to preserve culture; they are secular activities that do not justify segregation or exclusion.

Recommendations

- **The Interministry Staff must discuss the phenomena of exclusion and segregation in private businesses, and examine ways to eliminate them.**
- **As part of the government campaign the Interministry Staff recommended, civic enforcement should be encouraged, emphasizing that the possibility of prosecution under the antidiscrimination statute applies to private businesses, as well (for more detail see General Recommendations, below).**

- **Appoint the Authority for the Advancement of the Status of Women in the Prime Minister's Office, or some other professional government body, to oversee implementation of the recommendations appearing in this chapter.**

8. General Recommendations

Beyond the specific recommendations presented above, systematic action by the government is required to stem the continuing deterioration of the status of women in Israeli society. This action must include the following components:

- **One governmental body should oversee the campaign against the exclusion of women. It should set priorities, grant authority to subsidiary bodies (Ministry of the Interior, Justice, local authorities, Religious Affairs, etc.), allocate resources for the necessary activities and monitor implementation of the Interministry Staff's recommendations. As mentioned, the Coalition finds that the most suitable candidate for this role is the Authority for the Advancement of the Status of Women in the Office of the Prime Minister, or some other professional government body.**
- **In addition to the appointment of an entity to coordinate the issue of excluding women, each government ministry should issue detailed internal procedures to prevent the exclusion of women and address these phenomena, as well as designating a person or group within each ministry to enforce the procedures.**
- **The Interministry Staff recommended a media campaign aimed at raising public awareness of the prohibition against excluding women from public space and maintaining gender equality. This recommendation has yet to be implemented and should be implemented at once. As part of the campaign it is recommended to augment enforcement and awareness of civic enforcement, by encouraging women to submit civil complaints regarding the violation of their rights under the antidiscrimination statute.**
- **Publication of unequivocal directives in each government ministry to make clear the serious wrongdoing involved in exclusion and segregation, its illegality and the enforcement options at the disposal of the various authorities. Workshops are also recommended for the target population in order to instill the desired behavioral norms.**
- **The Ministry of Internal Security must sharpen and broaden its procedures regarding enforcement of the law against entities that act to exclude women or create prohibited segregation of the sexes, to conduct workshops nationally on the matter and increase enforcement.**
- **It must be established that public monies not be given to entities that illegally discriminate against women, and ascertained that at events funded by public money, no segregation takes place.**
- **Entities that consistently discriminate against women, such as Kol B'rama Radio, will be targeted with disciplinary, criminal and administrative measures accordingly. This enforcement must take place even without receipt of specific complaints.**

9. Conclusion

Despite the Interministry Staff's activities under Minister Livnat, the phenomena of excluding women and segregation of the sexes have not been halted, and it appears that dignity and equality have yet to be internalized by large sections of the Israeli public. It seems that the government of Israel has adopted a policy on this matter of the left hand pushing away while the right draws close: it declares its intention to eliminate the incidence of exclusion of women and segregation, even setting up the Interministry Staff; yet at the same time it permits the phenomena to continue under the aegis of its ministries. The only option that will bring change is a unified, unequivocal government policy against the exclusion of women. We hope that an integrated effort that unifies the Interministry Staff recommendations and the Coalition's recommendations will succeed in stamping out exclusion and segregation, and assist in establishing a liberal society founded on the values of mutual respect and equality.

ⁱ The Reform Center for Religion and State, Report: **Glatt Exclusion: Segregation of the Sexes and the Exclusion of Women from the Public Sphere in Israel 2** (2011), p. 11.

ⁱⁱ P. 13.

ⁱⁱⁱ Chief Justice Aharon Barak, Court Decision 6427/02, in **The Government Quality Movement v the Knesset**, par. 35, 38 (not yet published).

^{iv} Distancing women from the public sphere stems from a patriarchal-conservative orientation that sees the public sphere as male territory, whereas the woman's place is the private domain, the home. This orientation is meant to preserve women's modesty, to keep them from seducing men in the space the latter view as "theirs". Whereas a liberal society strives to create a shared space that neutralizes the view of women as sex objects or of men as sexual beings who cannot control their desires; Reform Center report, *Ibid.*, p. 54.

^v 98/69 **Bergman v Minister of Justice**, 27 (1) 693, 698.

^{vi} Section 3(a) of the law; emphasis ours.

^{vii} Same.

^{viii} Report on the segregated buses by Chiddush – for Freedom of Religion and Equality, 2 March 2010:

http://hiddush.org.il/%D7%9E%D7%90%D7%9E%D7%A8-2386-0-2500-%D7%A0%D7%A1%D7%99%D7%A2%D7%95%D7%AA-%D7%94%D7%A4%D7%A8%D7%93%D7%94-%D7%91%D7%99%D7%95%D7%9D.aspx#FrameWork/Upload/gallery_uclfmGallery_e542b861-1c75-49ae-b014-385b7ef01d9e.JPG

^{ix} Reform Center report (see note 1), p. 6.

^x Supreme Court case 746/07, **Naomi Ragen v Ministry of Transportation** not yet published.

^{xi} *Ibid.*, section 32-35 of Judge Rubinstein's decision.

^{xii} *Ibid.*, section 36 of Judge Rubinstein's decision.

^{xiii} *Ibid.*, sections 37-41 of Judge Rubinstein's decision.

^{xiv} Reform Center report, p.1 (see note 1).

^{xv} Same.

^{xvi} **Ynet**, 18 December 2011 <http://www.ynet.co.il/articles/0,7340,L-4162870,00.html>

^{xvii} Interministry Staff recommendations, published 11 March 2012.

^{xviii} Minutes of the Interministry Staff's second meeting, 4 January 2012, p. 3: "*Attorney Dina Harel of the State Prosecutor's Office, who was then a member of the Ministry of Transportation committee on segregated bus lines gave an account of that committee's proceedings. During the discussion awareness arose of the need for the Ministry to post on its web site not only a passenger's general obligations, but also specific mention of female passengers' rights regarding where to sit. The staff adopted that proposal.*"

^{xix} Taken from the Reform Center for Religion and State letter to the Minister of Transportation, 26 January 2012.

^{xx} Owing to particular characteristics of the exclusion of women that takes place in local government, that phenomenon will be treated in a separate section.

^{xxi} Reform Center report (see note 1), p. 26.

^{xxii} P. 44.

^{xxiii} "Ofir Bar-Zohar, Physician with the Meuhedet Sick Fund: 'They Won't Let Me Wear Short Sleeves.'" *Haaretz online*, 28 December 2011: <http://www.haaretz.co.il/news/education/1.1602836>.

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- ^{xxiv} Kobi Nachshoni, "An Appeal to Litzman: Prevent the Exclusion of Women at the Puah Conference" –ynet, 8 January 2012: <http://www.ynet.co.il/articles/0,7340,L-4172629,00.html>.
- ^{xxv} Uri Pollak, "As a Result of Excluding Women: Doctors Canceled Their Participation in the Puah Conference" 5 January 2012: 5.1.12 <http://www.kipa.co.il/now/47238.html>.
- ^{xxvi} Roni Linder-Ganz, "Doctors Will Not Participate in Medical or Scientific Events that Exclude Women" **The Marker**, 9 January 2012 <http://www.themarker.com/consumer/health/1.1612588>.
- ^{xxvii} For further treatment of government-sponsored exclusion of women see the report in note 1, pp. 26-30.
- ^{xxviii} Reform Center report (see note 1), p. 27; reports received by Shatil.
- ^{xxix} Minutes of the staff's third session, 11 January 2012.
- ^{xxx} Minutes of the second Interministry Staff meeting, 4 January 2012 and the third meeting, 11 January 2012; see also 6024/97, **Fredericka Shavit v. GHSA Burial Society, Rishon L'tziyon**, 84:53(3), 600.
- ^{xxxi} Minutes of the second Interministry Staff meeting, 4 January 2012 and the third meeting, 11 January 2012.
- ^{xxxii} Minutes of the Interministry Staff's fourth session, 1 February 2012.
- ^{xxxiii} Same.
- ^{xxxiv} Yair Ettinger, "Israel Chief Rabbinical Council: No Barrier to a Woman Delivering a Eulogy," **Haaretz** online, 11 June 2012: <http://www.haaretz.co.il/news/education/1.1728423>; correspondence with attorney Rikki Shapira.
- ^{xxxv} Letter from the Director-General of the Ministry of Religious Affairs Avigdor Ohana to Minister of Education and Sport Limor Livnat, dated 6 March 2012; attached to the Committee recommendations as Attachment C.
- ^{xxxvi} Minutes of the Interministry Staff's fourth meeting, 1 February 2012; correspondence with Attorney Rikki Shapira.
- ^{xxxvii} Reform Center report (see note 1), p. 27.
- ^{xxxviii} For further information on cases of segregation or exclusion of women in local government see the Reform Center report (note 1).
- ^{xxxix} Letter of the Coalition to Dr Amrani regarding the circular for the local authorities; attached at Attachment D.
- ^{xl} Reform Center report (see note 1), p. 31.
- p. 32.
- ^{xli} Same.
- ^{xlii} Same.
- ^{xliii} p. 33.
- ^{xliv} Gili Cohen and Ilan Lior, "The Prohibition Against Women Singing – Even at a Project for Tel Aviv High Schoolers" **Haaretz Online**, 1 November 2011: <http://www.haaretz.co.il/news/education/1.1536190>.
- ^{xlv} Gili Cohen, "Petach-Tikva Municipality Segregates Boys and Girls at Hanukka Event" **Haaretz Online**, 22 December 2011: <http://www.haaretz.co.il/news/education/1.1598005>.
- ^{xlvi} For further treatment see the report in note 1, pp. 30-35.
- ^{xlvii} Case 6953/10 **Meretz et al. v Jerusalem Precinct Commander, Commissioner Aharon Franko et al.**, not yet published; Ronen Madzini, "Supreme Court: Women Will Walk in Meah Shearim – the Segregation Will Be Removed" Ynet, 28 September 2010: <http://www.ynet.co.il/articles/0,7340,L-3961333,00.html>.
- ^{xlviii} Case 6986/10 **Jerusalem City Council Member Rachel Azaria v Israel Police et al.**, not yet published.
- ^{xlix} Reform Center report (see note 1), p. 33.
- ^l Case 7521/11, **Jerusalem City Council Member Rachel Azaria v Israel Police**, not yet published.
- ^{li} The rhetoric around the violence against the girls was that the public space belongs to men, who are sexual creatures; therefore a woman, even a girl, who enters that space serves as a forbidden enticement who threatens the public order. According to this view, the very essence of women and girls is sexual temptation that is dangerous to men, and the females must be removed from the public space to eliminate the danger. Following this argument, that goal justifies almost any means, including violence against little girls. – Letter from Shatil, 12 Cheshvan, Kolech and Mimizrach Shemesh dated 26 September 2011, and the Ministry of Education's response (see Attachments B and C).
- ^{lii} Dafna Liel and Rina Matzliach, "In the Middle of Beit Shemesh: a 'Women, Cross the Street' Sign" **Mako- Channel 2 News**, 21 December 2011: <http://www.mako.co.il/news-israel/local/Article-ed2d260c8816431017.htm>.
- ^{liii} Noam Dvir, "Stoned Because of Her Dress: 'I Feared for My Daughter'" Ynet, 20 June 2012: <http://www.ynet.co.il/articles/0,7340,L-4245135,00.html>.

^{liv} Gili Cohen, "Rechovot Municipality Blurs Rahav Meir's Face" **Haaretz Online**, 26 January 2012: <http://www.haaretz.co.il/news/education/1.1626247>.

^{lv} Reform Center report (see note 1), p. 41.

^{lvi} Case 39/12 **Yerushalmim v Ministry of Transportation et al.**; Avigdor Glickman, "Petition to the Supreme Court: Prevent the Exclusion of Women from Advertisements in the Capital" **Ynet**, 1 January 2012: <http://www.ynet.co.il/articles/0,7340,L-4169547,00.html>.

^{lvii} Aviel Magenzi, "State to Bar Exclusion of Women from Bus Ads" **Ynet**, 11 July 2012: <http://www.ynet.co.il/articles/0,7340,L-4254110,00.html> (emphasis ours).

^{lviii} Case 39/12, **Yerushalmim v the State of Israel – Ministry of Transportation, Israel Police, Egged Cooperative**

Transportation Union, Ltd., K'naan Media Transportation Advertising, Ltd.

^{lix} It should be mentioned here that the secular advertising world continually sins in this regard, portraying women degradingly as sex objects. But it is nevertheless clear to any intelligent person that the solution does not lie in making women disappear, but as a human subject, not a sex object.

^{lx} At the Interministry Staff meeting it was decided that the circular would include directives for the local authorities, but its content was not further elaborated.

^{lxi} Ofir Bar-Zohar, "Claims against Radio Kol B'rama: They Won't Let Women on the Air" **The Marker**, 16 December 2012: <http://www.themarker.com/advertising/1.593314>.

^{lxii} Reform Center report (see note 1), p. 37.

^{lxiii} Nati Toker, Roni Linder-Ganz, "Exclusion of Women from Kol B'rama Radio: We Want to Interview a Male Doctor, Not a Woman" **The Marker**, 14 December 2012: <http://www.themarker.com/advertising/1.1591031>.

^{lxiv} Nati Toker, "Radio Kol B'Rama Gets a Discount: Permitted to Let Fewer Women on the Air" **The Marker**, 29 March 2012: <http://www.themarker.com/advertising/1.1675404>.

^{lxv} Minutes of the fourth Interministry Staff meeting.

^{lxvi} Interministry Staff recommendations (see note lvi).

^{lxvii} Ari Galhar, "Segregation of Men and Women at the Rami Levy Cash Registers in Beitar Illit" **Yediot Yerushalayim** 30 December 2011.

^{lxviii} Moshe Heller, "Excluding Checkout Women: Haredim Boycott Supermarket that Employs Women" **Maariv-NRG** 23 December 2011.