

## Intensification of efforts to eliminate all forms of violence against women and girls

### **Sexual Harassment (A/RES/73/148)**

The Israeli Law for the Prevention of Sexual Harassment marked, in 2020, 22 years since its adoption. In Israel, the laws regarding sexual harassment are quite extensive. The act of sexual harassment is considered both a civil and criminal offence.

According to the law, sexual harassment is punishable by two years' imprisonment and up to four years, if it was accompanied by any mistreatment of the person harassed as retribution for rejecting the harasser's sexual advancements. Under the following circumstances, the harassed person is not obliged to voice an objection to harassment and mere comments or acts of sexual nature in those circumstances are considered punishable harassment: within the workplace between a manager and his/her subordinate, within the army between a soldier and his/her commanding officer, within religious counselling, in case the harassed is a minor, a medical patient, a high school student who is not a minor or a person with disabilities.

The law allows the courts to also order compensation to the victims as part of the criminal procedure to the amount of 120,000 NIS (approx. 30,000 USD) with no demand from the victim to prove damages. This is in addition to the victims' right to sue for damages in civil court.

According to the law, the name and other identifying details of harassment victims are privileged during and after the trial and publication of such details is punishable with one year of imprisonment.

In 2014, the law was extended so as to recognize public distribution and dissemination of sexually explicit videos (including forwarding of such content), without consent, as sexual harassment. This change represented a breakthrough because it grew from an appreciation of the gravity of this phenomenon and an understanding of the significant role media and technology have come to play in all aspects of our daily lives, both good and bad.

The amendment aims to deal with the overwhelming growth in online sexual harassment, which increased further during the COVID-19 crisis. It represents an important stand that distribution of private sexual content, whether taken consensually or non-consensually, is not only an invasion of privacy but also sexual harassment.

Amendment No. 20 of 2017 to the Legal Aid Law 5732-1972 entitles victims of serious sexual offenses to legal counsel from the moment an indictment is filed for the offense through the course of criminal proceedings and related administrative proceedings.

The Israeli Law for the Prevention of Sexual Harassment also, in some cases, reverses the burden of proof so that it is the burden of the employer to prove there was no sexual harassment, rather than the burden of the victim to prove they were harassed. The burden is reversed when an employer does not set out internal workplace regulation for sexual harassment complaints.

All workplaces with 25 employees and more must publish an internal protocol for dealing with sexual harassment complaints. A fine can be imposed on workplaces that fail to publish the protocol.

In July 2014 the Prevention of Sexual Harassment Regulations were amended to require higher education institutions to increase awareness to prevent sexual harassment, including by: notifying students and employees about the regulations and ways to file a complaint; appointing two sexual harassment prevention officers with relevant training in institutions with 2,000 students or more. These institutions are also obligated to file an annual report to the Knesset Committee for the Advancement of the Status of Women and Gender Equality (2014), and to the relevant regulatory body.

To improve enforcement of the law and regulations, the Authority for the Advancement of the Status of Women (AAW), a government authority which is responsible to coordinate, advance, advise and review the government's activity in regards to gender equality, has introduced a new databank relating to sexual harassment complaints at the higher education level (universities and post-high school institutions). This step follows a government plan for reducing the current levels of sexual harassment cases within government. A public campaign was launched to highlight and bring this topic to the attention of the general public. Currently the authority is also training 217 designated supervisors within higher education institutions and will intensify and promote training programs to increase their effectiveness.

Madjiboj Committee:

The #MeToo movement put a spotlight on the extent of sexual harassment in society. In order to address this issue, in 2018 the Ministerial Committee for Gender Equality decided that the AAW would establish a committee that would construct a national plan to combat sexual harassment in Israeli society. This committee, directed by Eva Madjiboj was assigned 10 million NIS for the execution of the plan of action over a period of three years.

In preparation for the establishment of the abovementioned committee, the AAW conducted a national survey in order to better understand the characteristics of this issue in Israel, and conducted a review of best practices used around the world to battle sexual harassment.

After the establishment of the Madjiboj Committee, it conducted research and engaged with many actors in all pillars of Israeli society over a period of six months. The committee engaged in dialogue and "round tables" with NGOs, academics, representatives of the private sector, as well as government officials. The committee also reached out to civic organizations asking for position papers on this subject in order to gain as many perspectives as possible from different pillars of Israeli society.

Following much research, the Madjiboj Committee decided to focus its work on sexual harassment occurring in the work sphere, with a primary focus on prevention. At the end of six months' work the committee published its conclusions and recommendations in January 2019. The national plan contains many goals, which can be classified in 5 main categories: 1) awareness and education; 2) building employer's capacity to effectively prevent and respond to sexual harassment in the workplace; 3) improving enforcement of the related laws; 4) preventing sexual harassment in the civil service; 5) developing better knowledge and research infrastructures for information-based policy development.

### **Sexual harassment and COVID- 19**

The effect of COVID-19 on sexual harassment cases is still to be determined, as we are all still in the mist of pandemic control process.

Obviously, as most working places have closed in Israel from March 15<sup>th</sup> to May 2<sup>nd</sup>, due to compulsory quarantine, the number of workplace harassments and street based harassments will diminish. However we see an increase in online sexual harassment.

Several cases were reported on men crashing online Zoom Classes in schools with explicit videos and images. The Ministry of Education has emphasized the need to block class session with a password and demand approval by host before entry to the session. As the technology was new to most teachers and students, the time it took for everyone to master the technological protection options of the program, left a window for sexual predators to interrupt classes and expose the children to sexual content.

The fact the people spend more time online due to quarantine, especially children and young adults, left them more vulnerable to online sexual harassment. The Aid Center for Victims of sexual assault, have issued on March 24, special instructions for online safety with emphasis on parental guidance to children spending time online to prevent sexual harassment.

In March, as the pandemic peaked in Israel, for a short period in March the special medical centers for victims of sexual assault were closed, along with all non-life saving medical treatments at the hospitals. The centers were closed between 15-30 March and were re-opened by instruction of the Ministry of Health on March 31<sup>st</sup>.

Fear of going out of the home may have also affected the ability of men and women who have been victims of sexual harassment to go to the police and file a complaint.

### **Israel's activity in the International arena**

Israel is very active in the International arena on the promotion of women's rights and the empowerment of women and girls, in compliance with the Sustainable Development Goals with an emphasis on SGD 5: Violence against women and children is a scourge on societies and remains an obstacle in protecting their fundamental freedoms and human rights.

In 2018, Israel spearheaded a UN Resolution on Preventing and Eliminating Sexual Harassment in the Workplace, adopted within the framework of the Commission on the Status of Women (CSW). The Resolution condemns all forms of sexual harassment, especially against women and girls, affirming the need to take all necessary prevention measures. The Resolution, the first of its kind in the UN, emphasizes the important role of member states in eliminating this phenomenon, and places the primary responsibility upon employers. The Resolution also lays out several methods through which countries can combat and handle sexual harassment, including legislation, policies, education, awareness-raising programs and research. Furthermore, Israel's Permanent Mission to the UN in New York collaborated with the International Peace Institute to organize the first side event on the subject of combating sexual harassment in the United Nations in 2018, sponsored by the Permanent Missions of Kenya and Colombia. Following the success of the event Israel initiated and co-founded the "Group of Friends to Eliminate Sexual Harassment" alongside France, Kenya and the Netherlands in the United Nations HQ in New York. Israel continues to be a leader and advocate of this topic in several UN bodies.

Israel is advocating for agreed UN language focusing on the eradication of sexual harassment in the UN system through a UN General Assembly resolution. Israel, France, Kenya and the Netherlands established (2018) a Group of Friends to promote this initiative. Israel recently sponsored the third meeting (2019) of the Group of Friends, with the participation of

representatives from multilateral organizations including the International Labor Organization (ILO) and UN Women.

Furthermore, Israel is involved in discussions held by the ILO on the proposal for a convention, supplemented by a recommendation, concerning violence and harassment in the world of work. During discussions, Israel suggested amending the text to clarify the explicit inclusion of the issue of sexual harassment.