

Parallel Report on Israel *
Regarding the Human Rights of LGBTI persons
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This report is submitted jointly by 'Hoshen' – Education and Change, 'Ha-Aguda' – the National Association of LGBT in Israel, 'Havruta' – Religious Gays, 'Ma'avarim' – Israeli Transgender Community, 'Tehila' – Support for Parents and Families of LGTB, The LGBT House in Be'er Sheva and The Association of Israeli Gay Fathers.¹

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Introduction

Although Israel has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), all of which reaffirm the right to equality and prohibit discrimination inter alia on the basis of sexual orientation or gender identity, Israel falls short of its obligations under international human rights law with respect to lesbian, gay, bisexual, trans, and/or intersex (LGBTI) persons in many areas of life.

Israel has also committed to continue making efforts to eliminate discrimination based on sexual orientation and gender identity in response to the recommendation by Greece in the UPR 17th session in 2014.² However, Israel hasn't taken significant

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¹ For further information on each of the organizations, see the attached **Annex A**.

² Universal Periodic Review, "2RP: Responses to Recommendations and Voluntary Pledges", Israel, Second Review, Session 17 (Review in the Working Group: 29 October 2013 Adoption in the Plenary: 20 March 2014), A-136.56 (Greece): https://www.upr-info.org/sites/default/files/document/israel/session_17_-_october_2013/recommendations_and_pledges_israel_2014.pdf

measures in order to address the essential issues the LGBTI community faces on a daily basis.

This report sheds the light on a few of the many issues involving human rights violations against LGBTI people in Israel. We chose to raise a few issues only, considering the nature of the UPR reporting mechanism and the restrictions on the length of shadow reports as set out in the UPR guidelines.

As elaborated bellow, transgender persons continue to face obstacles in Israel when seeking to change the sex designation clause in their official identity papers to reflect their gender identity, foiling the procedure de facto, and denying transgender people the right to recognition of their gender identity. Discriminatory regulations in Israel deny transgender people access to sex reassignment surgeries that are supposedly state-funded. Israel continues to deny same-sex couples the right to parenthood through adoption both in Israel and overseas, and through surrogacy as well. Israel continues to discriminate against same-sex female couples with regard to registering their children with the authorities, and has failed to address the transphobia that is unfortunately very prevalent in Israel.

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Main Issues:

A. The recognition of gender identity of transgender people

1. The *International Covenant on Civil and Political Rights* ("ICCPR")³ states that all persons are equal before the law. *The Yogyakarta Principles*⁴ state that each person's self-defined gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom.⁵ The principles call on states to take all necessary legislative, administrative and other measures to fully respect and legally recognize each person's self-defined gender identity, and to ensure that all State-issued identity papers reflect the person's profound self-defined gender identity.⁶
2. In Israel, the right to equality, in general, has not been recognized directly in legislation or in Basic Laws that are considered quasi-constitutional legislation.⁷ It has been acknowledged only indirectly by the Supreme Court, as a constitutionally protected right by the Basic Law of Human Dignity and Liberty.⁸ With respect to transgender persons in particular,⁹ the Supreme Court has ruled that the protection within the right to equality (as derived from the basic right to dignity) does not apply only to transgender people who have completed the process of medical gender reassignment, and that non-recognition of one's self-defined gender identity impairs the individual's right to equality.¹⁰
3. Notwithstanding, as further explained below, the Israeli regulations on changing the sex designation clause in the public registry ("**State IDs**") raise many obstacles that de facto foil the procedure and deny transgender people the right to recognition of their gender identity.
4. Until recently, changing the sex designation clause was conditioned on undergoing sex reassignment surgery. Following a petition to the High Court of

³ The International Covenant on Civil and Political Rights, art 26 [ICCPR]. Israel signed the ICCPR on 19.12.1966 and ratified the convention on 3.10.1991. See:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en

⁴ Principles on the application of international human rights law in relation to sexual orientation and gender identity, which affirm binding international legal standards and their application to issues of sexual orientation and gender identity: <http://yogyakartaprinciples.org> [Yogyakarta Principles]

⁵ Yogyakarta Principles, *supra* art 3

⁶ Yogyakarta Principles, *supra* note 4 arts 3(b) and 3(c).

⁷ Basic Law: Human Dignity and Liberty, 1992, art 4.

⁸ HCJ 6427/02 *The Movement for Quality Government in Israel et al. v The Knesset et al.*

⁹ People for whom their self-defined gender identity is different from the one accepted for their sex.

¹⁰ HCJ 5833/12 *Plonit v. the State of Israel*, para 5 of Justice Jubran.

Justice,¹¹ the Population and Immigration Authority amended the regulations in January 2016.¹² The new regulations add another path for changing the sex clause in State IDs without undergoing a surgery. However, this additional path conditions the change of the sex clause on the approval of a Public Committee appointed by the Ministry of Health ("**the Public Committee**").¹³ In November 2015, the Ministry of Health published a circular regarding the composition of the Public Committee, its authorities and the preconditions for its approval ("**the Circular**").¹⁴ As detailed below, the Circular violates several international human rights standards and Israel's obligations under international human rights law.

A. **Requiring hormonal treatment as a condition for gender recognition.** The committee has the authority to require that applicants take hormones as a condition for granting permission to change the sex clause on State IDs without undergoing a surgery.¹⁵ Such compulsion violates the right to self-determination, and the rights to bodily integrity, fertility and family. It also contravenes the principles of *the Universal Declaration of Human Rights* ("**UDHR**"), Israel's obligations under international treaty law,¹⁶ the rulings of the Human Rights Committee,¹⁷ the Yogyakarta Principles,¹⁸ and the guidelines of the World Health Organization.¹⁹

¹¹ HCJ 6035/14 *Ronit Liran-Shaked v. The Ministry of Interior*

¹² Regulation 2.6.0001 regarding changing/amending sex registration details, the Population and Immigration Authority (10.01.2016): https://www.gov.il/BlobFolder/policy/policy_change_gender_registration/he/13.pdf [**The Regulation**].

¹³ The Regulation, *supra* art 1.2.

¹⁴ The circular of the ministry of health 17/2015: The Committee for Examining the Approval of Sex Reassignment Without Surgery (1/11/2015), art 1: http://www.health.gov.il/hozer/mr17_2015.pdf. [**The Circular**].

¹⁵ The Circular, *supra* art 4.

¹⁶ The Universal Declaration of Human Rights, art 16 [**UDHR**]; ICCPR, art 23; The International Covenant on Economic, Social and Cultural Rights, art 10 [**ICESCR**]. Israel signed the ICESCR on 19.12.1966 and ratified it on 3.10.1991.

¹⁷ The Human Rights Committee has determined that imposing medical and hormonal treatment as a precondition for recognizing gender reassignment violates international human rights standards. See: U.N. human rights council, *Discrimination and violence against individuals based on their sexual orientation and gender identity*, report of the United Nations high commissioner for human rights, U.N. doc. A/hrc/29/23, para.79, 70 (2015).

¹⁸ Yogyakarta Principles, *supra* note 4 art 3.

¹⁹ Ma'avarim's position paper, "Recognition of Gender Identity", November 2015 (Hebrew) [**Ma'avarim: Recognition of Gender Identity**]; World health organization, *eliminating forced, coercive and otherwise involuntary sterilization*, an interagency statement 7-8,13 (2014): http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325_eng.pdf?ua=1.

B. Medicalization of gender identity. The Public Committee, which became the exclusive authority for changing the sex clause in State IDs without undergoing surgery, is appointed by the Ministry of Health, and comprises a psychologist, a psychiatrist and an endocrinologist.²⁰ The three professionals examine the applicant's gender identity from a medical and psychological perspective, even though it is a social and civil issue. Moreover, according to the Circular²¹ it examines requests based on professional criteria published in the DSM5²² and the ICD10²³ Manuals, despite the fact that these manuals no longer define transgenderism as a mental disorder. Requiring the approval of experts in the fields of medicine and mental health as a condition to the recognition of gender identity is humiliating and violates human dignity and the right to autonomy.

C. Unreasonable waiting condition. One of the Public Committee's preconditions for the approval of the sex-clause change is the requirement that the applicant has lived under his or her requested gender identity for at least two years from the date of the application.²⁴ This compels transgender people to live a long time in a gender identity that is not compatible with their sex clause in the identity papers, raising disproportionate difficulties and exposing transgender people to exclusion, discrimination and violence.²⁵ It also severely impairs their rights to self-determination, autonomy, liberty and personal security.²⁶

D. Lack of transparency, efficiency, and privacy violations. The Public Committee does not operate transparently, and does not publicize its decisions and its internal acting guidance and procedure.²⁷ It is not accessible and has

²⁰ The Circular, *supra* note 14 art 5.

²¹ The Circular, *supra* note 14 art 5.1.3.1.

²² Diagnostic Guide of the American Psychiatric Association:

<https://www.psychiatry.org/psychiatrists/practice/dsm>

²³ Diagnostic Guide of the World Health Organization:

<http://apps.who.int/classifications/icd10/browse/2010/en>

²⁴ The Circular, *supra* note 14 art 3.2.

²⁵ Ma'avarim: Recognition of Gender Identity, *supra* note 19.

²⁶ State Control Committee of the Knesset, Protocol 121 (30.05.2016):

http://fs.knesset.gov.il/20/Committees/20_ptv_369923.doc [SCC Protocol 121]. See also ICCPR art 9 and UDHR art 3.

²⁷ State Control Committee of the Knesset, Concluding Remarks (22.11.2016), available at:

http://fs.knesset.gov.il/20/Committees/20_cs_dec_363683.pdf [SCC Concluding Remarks]

not congregated even once.²⁸ These create an unnecessarily long, cumbersome, and complicated procedure,²⁹ imposing a heavy, disproportionate and unjustified burden on applicants.³⁰ Additionally, in formulating its decision, the Committee is entitled to contact any person from the applicant's surrounding, violating his/her right to privacy.³¹

E. Non-recognition of the gender identity of minors. Even though Israel issues State IDs to individuals at the age of 16, and despite the fact that gender identity crystallizes at a relatively young age - at the latest in adolescence – the Public Committee's prerequisite for approval of the sex-clause change is that the applicant is above 18 years old.³² This precondition exposes transgender youths to at least four years of incompatibility between their gender identity and the sex clause in their identity papers,³³ during which they are exposed to discrimination and violence, especially when they encounter state authorities and the IDF placement and recruitment processes. This precondition contravenes *the International Convention on the Rights of the Child (CRC)*,³⁴ according to which the State must take all appropriate measures to ensure that the child is protected against all forms of discrimination.³⁵

5. The inconsistency between transgender people's sex clause and their self-defined gender identity has severe consequences in almost all aspects of their lives. It causes authorities and other social agents to accuse them of carrying fake documents. They are very often forced to reveal their identities as transgender people, which leads to violence and discrimination against them. Their constant

²⁸ The Public Committee did not convene even once in the six months following the publication of the Circular in November 2015. See SCC Protocol 121, *supra* note 26.

²⁹ State Control Committee of the Knesset, Protocol (23.02.2016): http://fs.knesset.gov.il/20/Committees/20_cs_dec_341897.pdf [SCC Protocol 23.02.2016]; SCC Protocol 121, *supra* note 26.

³⁰ Ma'avarim: Recognition of Gender Identity, *supra* note 19.

³¹ UDHR art 12; ICCPR art 17; The Committee's performance violates also the Yogyakarta Principles, art 3(d) which requires states to ensure that such procedures be efficient, fair, and non-discriminatory, and respect the dignity and privacy of the person concerned.

³² The Circular, *supra* note 14 art 3.1.

³³ Two years prior to submission of the application and two additional years of living in the requested gender identity from the date of submission.

³⁴ Israel ratified the CRC on 3.10.1991. Information on the treaty's signature and ratification is available at:

https://web.archive.org/web/20140211151110/https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtsg_no=iv-11&chapter=4&lang=en.

³⁵ CRC, arts 1 and 2.

fear of such exposure causes anxiety, depression and suicidal tendencies.³⁶ There is no justification for the cumbersome, offensive and time-consuming procedure for changing the sex clause in one's State IDs.³⁷

Recommendations

The government of Israel should:

6. Amend its regulations with respect to changing the sex clause in State IDs to allow transgender people to change the sex clause based on their declarations,³⁸ supported by an external, objective and reasonable set of criteria, which aims at indicating that the applicant lives in the gender identity that he or she wishes to feature on the official identity papers.
7. Ensure that the regulations on changing the sex clause in State IDs are efficient, transparent, accessible, and respectful of privacy rights and do not have as a precondition medical treatment or medical/mental diagnosis.

B. Gender Adjustment Treatments

8. Gender Adjustment Treatments ("GAT"s) enables one to align the individual's physical appearance with one's desired gender. Such treatments include, for example, genital reconstruction, chest/breast surgeries, hormones, etc. GATs are essential for the mental well-being of transgender people and reduce the rate of suicide in the community.³⁹

³⁶ Ma'avarim and Gila Project for Transgender Empowerment, "The Israeli Authorities' Coping with Suicide Occurrences in the Transgender Community", January 2016 (Hebrew) [**Ma'avarim and Gila Project**]; Letter from LGBTI organizations to Ms. Dina Zilber, Israel's Deputy Attorney General regarding "Recognition of the gender identity of transgender people (changing the sex designation clause in the Israeli registry), 5.2.17.

³⁷ See U.N. Human Rights Council, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, A report of the United Nations High Commissioner for Human Rights, U.N. doc. A/HRC/19/41, para 71-72 (2011): http://www.ohchr.org/documents/issues/discrimination/a.hrc.19.41_english.pdf [UN High Commissioner Report]

³⁸ Many States, such as Argentina, Ireland, Denmark, Norway, Malta, Bolivia, Nepal and New Zealand, allow making changes to the sex clause in official identity papers based solely on the applicant's declaration, i.e. without the need to present any documents. Several states in the United States opt for an interim solution whereby a general statement by a doctor or psychologist is sufficient as a condition for changing the sex clause in the driver's license.

³⁹ The State Control Committee of the Knesset, Protocol 222 on State's treatment of transgender people (8.03.2017): http://fs.knesset.gov.il/20/Committees/20_ptv_382062.doc [SCC Protocol 222]; Levinsky

9. In Israel, GATs are classified into 'primary' treatments⁴⁰ and 'complementary' treatments.⁴¹ Those treatments classified as 'complementary' include, for example, facial feminization surgeries, voice surgeries, laser hair removal, and so on. Despite their classification as 'complementary', those treatments are essential, even lifesaving for some.⁴² Sometimes, transgender people may opt for complementary treatments solely, to alter certain sexual characteristics, without undergoing any primary treatment.
10. In Israel, "sex reassignment surgeries from female to male and from male to female" are state-funded.⁴³ However, they are not accessible to transgender people due to several regulatory failures in this domain.
11. Firstly, access to state-funded GAT in Israel is conditioned on the approval of a National Medical Committee ("**the Committee**").⁴⁴ For transgender people who cannot afford to receive treatments overseas, this committee is the only option available for GAT. De facto, the committee permits treatments classified as "complementary" only if the applicant agrees to undergo a genital reconstruction surgery.⁴⁵ In other words, the Committee stipulates a life-risking medical treatment as a condition for approving a life-saving medical treatment, thereby impairing the patient's right to autonomy. This stipulation reduces the gender identity of transgender people to a binary definition based on their genitalia, and contravenes the Circular,⁴⁶ as well as the international procedures for medical and mental treatment of transgender people, according to which there is no uniform

Community Clinic "Report on Treatments for Transgender People from the view point of the LGBTI staff", 4.3.2017 [**Levinsky Report**].

⁴⁰ Primary treatments refer mainly to genital reconstruction surgeries.

⁴¹ Ma'avarim and Gila Project, *supra* note 36.

⁴² SCC Protocol 222, *supra* note 39.

⁴³ Letter from the Ministry of Health's Director of Medical Affairs to the Committees' Directors regarding sex reassignment surgeries, 24.3.2014 (Hebrew):

https://www.health.gov.il/PublicationsFiles/SRS_instructions.pdf

⁴⁴ A multi-professional committee for sex reassignment appointed by the Ministry of Health in accordance with the Medicine Administration Circular 16/2014, 12.5.2014, art 4.3: https://www.health.gov.il/hozer/mr16_2014.pdf [**GAT Circular**]; See also: Eden Arazi, Tal Dahan and Ido Katri, Trans rights summary for Inco, December 2016 (Hebrew).

⁴⁵ A letter from LGBTI organizations to the Minister of Health with respect to the severe injury sustained by transgender people because of the limited scope of services provided by the multi-professional committee for sex reassignment, 15.1.2017.

⁴⁶ GAT Circular, *supra* note 44 art 4.3.2.2.

GAT for transgender people and the procedures for each patient should be determined individually, in consultation with him or her.⁴⁷

12. Secondly, even when the Committee approves the applications for treatments, the public health funds often refuse to finance the approved treatments, especially in the case of "complementary" treatment,⁴⁸ in part due to the considerable amount of ambiguity surrounding the regulations defining the treatments included in the state-funded sex reassignment surgeries.⁴⁹ Moreover, even when the public health funds agree to finance the treatments, the execution takes a long time because of the funds' priority policy with respect to the allocation of beds and operating rooms and assignment of medical staff that do not meet the demand.⁵⁰
13. Thirdly, the Committee operates without a clear procedure, defined criteria or transparency, as it has not published an internal procedure for its operation, contrary to the guidelines of the Circular.⁵¹ The Committee also does not convene for long periods, and it is very difficult to set appointments with the Committee, in part due to the Committee's coordinator's unavailability.⁵² The waiting time from the moment of approaching the Committee until the time when the operation is performed is from 3 to 5 years.⁵³ These various difficulties prevent transgender people from receiving state-funded GAT, and many are often pushed into prostitution in order to raise the funds required for receiving the treatments overseas.⁵⁴

⁴⁷ World Professional Association for Transgender Health (WPATH) standard of medical care for transgender people:

[https://s3.amazonaws.com/amo_hub_content/Association140/files/Standards%20of%20Care%20V7%20-%202011%20WPATH%20\(2\)\(1\).pdf](https://s3.amazonaws.com/amo_hub_content/Association140/files/Standards%20of%20Care%20V7%20-%202011%20WPATH%20(2)(1).pdf)

⁴⁸ Ma'avarim and Gila Project, *supra* note 36.

⁴⁹ SCC Protocol 222, *supra* note 39.

⁵⁰ According to information provided in response to parliament question no. 475 of Knesset Member Yael German, between the years 2013 to 2015, 192 transgender persons approached the Committee for approval of GAT whereas until 2017 only 24 surgeries were conducted every year. Recently an additional day a month was assigned for surgeries, increasing the potential number of surgeries to 48 a year, however, even after the increase, the supply is still short of meeting the demand for those treatments. See also: SCC Protocol 222, *supra* note 39; Ma'avarim and Gila Project, *supra* note 36.

⁵¹ Ma'avarim and Gila Project, *supra* note 36.

⁵² The State Control Committee of the Knesset, Protocol 166 (22.11.2016): http://fs.knesset.gov.il/20/Committees/20_ptv_369923.doc; Ma'avarim and Gila Project, *supra* note 36.

⁵³ Ma'avarim and Gila Project, *supra* note 36.

⁵⁴ Levinsky Report, *Supra* note 39.

14. Israel's failures as regards the transgender community are contrary to its obligations under international human rights law. According to Article 12(1) of *the International Covenant on Economic, Social and Cultural Rights* (ICESCR), ratified by Israel, the States recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health without discrimination. Furthermore, according to the Yogyakarta Principles⁵⁵ everyone has the right to the highest attainable standard of physical and mental health, without discrimination based on gender identity.

Recommendations

15. The government of Israel should facilitate the access to treatments for gender adjustment, and provide them on a transparent, timely, and non-discriminatory basis.

C. Discrimination against same-sex couples in the adoption process in Israel

16. Under Israeli law, the adoption process for a child who is not a biological child of one of the parents is available only to heterosexual couples.⁵⁶ Therefore, the law explicitly discriminates against same-sex couples who wish to adopt a child, solely on the basis of their sexual orientation.

17. Furthermore, the discrimination against same-sex couples occurs not only in the case of children adopted within Israel under domestic laws, but also in the case of children adopted in foreign countries by potential Israeli parents. Under Israeli law, parents who are interested in adopting children from foreign countries can do so only via two organizations,⁵⁷ both of which work solely with Russia and Ukraine. However, the law in both Russia and Ukraine does not permit same-sex couples to adopt children. In this way, Israel effectively prevents same-sex couples from accessing any options to adopt children, whether inside or outside of the country.

⁵⁵ Yogyakarta Principles, *supra* note 4 art 17.

⁵⁶ The Child Adoption Law, 1981, art 3.

⁵⁷ The Child Adoption Law, 1981, art 7.

18. Precluding same-sex couples from adopting children not only discriminates against same-sex couples, but also against children living in same-sex families, and therefore violates Israel's obligations under the CRC that requires States to protect children from discrimination based on the status of their parents' race, color, sex, language, religion, political or other status.⁵⁸ According to the UNHRC, 'other status' includes sexual orientation.⁵⁹
19. It is important to note that according to the CRC the best interests of the child is the only factor that should be considered in the adoption process, and obviously, the sexual orientation of the parents is irrelevant for that matter.

Recommendations

20. The government of Israel should reform the Israeli adoption law to grant same-sex couples the eligibility to adopt, and should apply the test of the best interests of the child regardless of the sexual orientation of the potential parents.
21. The government of Israel should require organizations through which same-sex couples can adopt children from foreign countries, to work with countries with laws that allow same-sex couples to adopt children.

D. Discrimination against same-sex couples in access to surrogacy

22. Same-sex male couples who are interested in giving birth to their own biological child via surrogate motherhood need a surrogate mother and an egg donation. There are two Israeli laws that regulate egg donation and the surrogacy process and both discriminate against same-sex male couples: The surrogacy law permits access to surrogacy only to heterosexual married individuals by defining 'parents' as individuals in a marriage between a man and a woman.⁶⁰ Besides having this narrow definition of 'parents', the surrogacy law prohibits individuals who do not fall into this definition from engaging in agreements that aim at bypassing the

⁵⁸ The Convention on the Rights of Child, art 2(1) [CRC]. Israel signed the CRC on 3.7.1990 and ratified the convention on 3.10.1991.

⁵⁹ *X v. Colombia*, UNHRC, 2007, Unreported.

⁶⁰ The Surrogacy Agreements' Law (Approval of Agreement and Status of the Newborn), 1996, art 1 [The Surrogacy Law]

prohibitions in the law.⁶¹ On the other hand, the egg donation law excludes men from access established by the law to egg donations.⁶² The combination of the two laws results in same-sex male couples being unable to obtain an egg donation, and even if they did they are banned from accessing surrogacy arrangements.

23. As a result, many same-sex couples choose to pursue surrogacy in developing countries, where the process is not properly protected by the law and the protections for the surrogate mother are often inadequate.
24. The discrimination against same-sex male couples violates the ICCPR⁶³ which requires states to ensure equality to all individuals regardless of race, colour or sex.

Recommendations

25. The government of Israel should expand the circle of parents allowed to access surrogacy arrangements and egg donations, and include same-sex couples in that circle.

E. Discrimination against same-sex couple in registering their children with the authorities

26. The law in Israel discriminates against same-sex female couples who wish to register children that they have together brought into the world by sperm donation. While the law allows heterosexual couples to register both parents as the legal parents of a child based on their statement alone, the law does not avail the same process to same-sex female couples.⁶⁴ In that case, the law forces the non-biological mother to undergo a long and exhausting legal process to legally adopt the child.⁶⁵

⁶¹ *Supra*; A petition to the High Court of Justice has been filed in 2015 to enable surrogacy arrangements for same-sex couples: HCJ 781/15 *Arad Pinkas v. The Committee for Surrogacy Arrangements' Approval*. The petition is still pending before the court.

After the legislation of the Surrogacy Law, several bills were proposed to enable surrogacy arrangements for same-sex couples, but those did not get sufficient support in the Knesset.

⁶² The Egg Donation Law, 2010, art 11.

⁶³ ICCPR art 2. Israel signed the convention in 19.12.1966, and ratified on 3.10.1966.

⁶⁴ Birth registration procedure in Israel, 2.2.0001:

https://www.gov.il/BlobFolder/policy/birth_registry_in_israel_procedure/he/2.2.0001.pdf

; Civil Registry law, 1965.

⁶⁵ A petition against the procedure has been filed with the High Court of Justice and is still pending before the court: HCJ 4635/16 *Ravit Tsur-Wiselburg v. The Civil Administration*.

27. Aside from the fact that the legal process for registration of the non-biological parent is expensive and involves hiring lawyers, it is first and foremost humiliating. The couple is required to justify in court their capability of raising their own children. In addition, throughout the duration of the proceedings, the unregistered mother is not able to take care of the daily, medical and educational needs of the child.
28. The law in Israel that discriminates against same-sex women couples based on gender identity and sexual orientation is in violation of the ICCPR and the CRC.

Recommendations

29. The government of Israel should make the procedure for registration of parenthood for adopted children for same-sex female couples consistent with the registration procedure of heterosexual couples.

F. LGBTI-phobia

30. LGBTI-phobia is unfortunately prevalent in Israel. LGBTI people in Israel experience disproportionately high rates of structural, institutional and interpersonal discrimination, harassment and violence. Yet, Israel continues to refrain from addressing this phenomenon appropriately through direct legislation and allocating proper resources.
31. LGBTI-phobia is present in all circles of life, particularly in the public sphere, the education system, the army, the health services, and in official institutions⁶⁶ supposedly in charge of providing public service to all citizens and residents of Israel.
32. To illustrate: in one particularly severe incident, on 30 July 2015, a 16-year-old girl, Shira Banki, was stabbed and killed while marching in the Pride Parade, when another six participants were injured in the same incident.⁶⁷ In 2016, the

⁶⁶ Nir Katz Center, Annual Report no. 4, 1.8.2015-1.8.2016:
<https://drive.google.com/file/d/0BywqYvtg2ksMUVhOcGFxRkdyMFczNllaa2dONmlLNfJ4Sm9n/view> [Nir Katz Annual Report 4]

⁶⁷ Grave Criminal Case (Jerusalem) 44503-08-15 *The State of Israel v. Yishai Schlissel*

Israeli police did not approve the original route for the Pride Parade in the city of Bnei Brak due to serious concerns of potential shooting incidents against the participants.⁶⁸ In the last two years, several violent incidents against LGBTI people took place in public transportation, where a few passengers and the driver attacked and humiliated LGBTI passengers.⁶⁹

33. Alongside concrete incidents, social media has become an arena for hate discourse against LGBTI people. According to Nir Katz Center⁷⁰ which reports violence against LGBTI individuals, hate discourse against LGBTI people in social media is very common, as thousands of hate expressions are identified on social media platforms every month.⁷¹
34. Lastly but not least importantly, the education system in Israel does not include any mandatory educational or informative content regarding LGBTI people.⁷² It only offers a refund for educational activities voluntarily initiated by schools. Unfortunately, when schools present pupils with such content, they sometimes face violent resistance on the part of pupils and their parents.⁷³ As a result, no LGBTI educational initiatives take place in these schools, despite it being the place where they are most needed.

Recommendations:

35. Israel should address the LGBTI-phobia phenomenon in all circles of life, by adjusting education programs to be more inclusive of different gender identities, amending criminal legislation regarding hate crimes in order to provide protection to the vulnerable LGBTI community, and allocate adequate resources for addressing the problem.

⁶⁸ HCJ 5546/16 *Bayet Ge'eh v. The Police Commander of the Southern District*

⁶⁹ Nir Katz Annual Report 4, *supra* note 66.

⁷⁰ Nir Katz center for reporting violence against LGBT receives reports of LGBT incidents and analyzes them in order to approach the authorities.

⁷¹ For more information on hate discourse on media platforms see:
<https://www.i24news.tv/en/news/israel/society/103861-160223-knesset-marks-first-ever-lgbt-rights-day-as-homophobia-in-israel-soar> ; <http://awiderbridge.org/the-knesset-talks-lgbt-hate-crimes/>;
<http://www.ynetnews.com/articles/0,7340,L-4740313,00.html>.

⁷² The Information and Research Center of the Knesset, "Programs for teaching about different gender identities in the Israeli education system" (27.10.2015) (Hebrew):
<https://www.knesset.gov.il/mmm/data/pdf/m03729.pdf>

⁷³ Oren Pismony-Levy, Guy Shilo and Avner Rogel, "IGY Israeli School Climate Survey 2016" (Hebrew):
<file:///C:/Users/Hani/Downloads/IGY%20Israeli%20School%20Climate%20Survey%202016%20full.pdf>

