



STATEMENT UPR Pre-session on Israel
Geneva, April 3-6, 2023
Delivered by Ma'avarim - Israeli Trans Community

Presentation of the Organisation

Ma'avarim - Israeli Trans Community is an independent, non-profit organization promoting the rights of trans and gender diverse people in Israel. Ma'avarim prepared a joint report on LGBTI rights submitted on behalf of 9 civil society organizations. Ma'avarim has participated in the UPR processes at the national level since 2017.

National consultations for the drafting of the national report

On December 1, 2022, LGBTI CSOs and representatives of several ministries took part in a roundtable on LGBTI youth.

Plan of the Statement

This statement addresses the following issues: (1) Discrimination against trans and gender diverse people, (2) violence and hate speech, (3) Threats to civil society and LGBTI rights.

1. Discrimination against trans and gender diverse people

Follow up to the last review

Under the 3rd UPR cycle, Israel accepted two recommendations on LGBTI rights (118.64 Chile and 118.65 Greece).

Despite some positive developments, discrimination against LGBTI people is pervasive. Trans people face the highest rates of exclusion: 1 in 3 Israelis is unwilling to work or study alongside a trans person; only 25% of trans people have full-time jobs;¹ and 75% of trans students in the education system reported they could not use school bathrooms aligned with their gender identity.

One contributing factor is the precarious state of trans rights. Only one law explicitly prohibits discrimination on the grounds of gender identity (the Pupil's Rights Act). Most legal provisions for trans rights, including legal gender recognition and access to gender affirmative healthcare, are addressed in internal government regulations.

¹ <https://www.davar1.co.il/384119/>

New developments

In 2020, an inter-ministerial task force was established to improve government services to trans people.² Yet the implementation of the task force's recommendations was contingent on the support and capacities of the relevant ministers.

To illustrate, the task force recommended issuing a Social Work Order on Working with Transgender People. It took nearly 2 years until the order was finally issued, in October 2022. The welfare minister's commitment to the issue was critical in overcoming barriers along the way.

The Health Minister supported the task force's recommendation on improving access to gender affirmative treatments. Yet, when a draft directive updating current procedures was published for public comments, anti-trans groups launched a campaign attacking the right to gender affirmative healthcare. Subsequently, the new directive was not implemented.

The task force also recommended adopting a procedure for gender recognition based on self-identification and adding a non-binary option, but the minister of justice did not adopt the recommendations. To this day, legal gender recognition requires the approval of a medical committee, which is authorized to condition its approval on consent to hormone replacement therapy.

Recommendations

- Amend anti-discrimination legislation to include gender identity among prohibited grounds and ensure anti-discrimination protections are effectively enforced;
- Ensure free and timely access to quality gender affirmative care for all who need it;
- Adopt an administrative procedure for legal recognition of gender identity based on self-identification.

2. Violence and hate speech

Follow up to the last review

Violence was mentioned in one recommendation on LGBTI rights.

New developments

Hate and violence against LGBTI people is rising. A record number of 3,309 incidents were reported to the LGBTQ-phobia Report Center in 2022, an 11% increase from 2021. Transphobic incidents increased by 53%.³ Hate speech and hate crimes have become part of our daily

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<https://www.thepinknews.com/2020/12/22/israel-trans-rights-committee-self-id-non-binary-gender-transgender-youth/>

³ Aguda LGBT-phobia reports: <https://user-1723486.cld.bz/aguda-lgbtphobia>

reality: we are harassed on the bus, bullied in school, and attacked on the street. My colleague was physically assaulted to the point of needing medical care twice within 18 months.

This surge in violence is a result of sustained, coordinated and concerted campaigns by anti-rights groups, religious leaders and “gender critical” proponents. The trend of politicians attacking LGBTI people has grown significantly. Several Members of Knesset supported a 6-months long campaign against a 3rd grade trans student and MK Michal Woldiger participated in a protest outside his school saying kids should not be exposed to such ‘abnormal phenomena’.⁴

Recommendations

- Take effective measures to combat hate speech and violence against LGBTI people, including legislation in relation to hate speech on the grounds of gender identity and awareness-raising campaigns to eliminate the stigma associated with gender diversity;
- Expand LGBTI educational programs in schools (the Tolerance Education Ordinance) and implement guidelines and a monitoring mechanism to ensure safe and inclusive school environments for LGBTI individuals.

3. Threats to civil society and LGBTI rights

Follow up to previous review

In the previous cycle, Israel supported 10 recommendations concerning human rights defenders, yet these were not implemented.

New developments

An increasingly hostile environment encroaches on our ability to defend human rights: LGBTQ rights defenders and organizations are subject to harassment, smear campaigns, intimidations and abusive litigation - our own advocacy coordinator was sued for libel by a leading anti-trans actor. Threats increasingly arrive from the government, for example, Finance Minister Bezalel Smotrich, a self-identified ‘fascist homophobe’,⁵ said human rights organizations are an ‘existential threat’.⁶

Under these conditions, we face unprecedented challenges as new legislation currently underway threatens human rights protections. The UN human rights chief expressed concern that the legislative changes “pose serious risks to the effectiveness of the judiciary to defend the rule of law, human rights and judicial independence.”⁷

⁴ <https://www.inn.co.il/news/576899>

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<https://www.timesofisrael.com/smotrich-my-voters-dont-care-im-a-homophobic-fascist-but-my-word-is-my-word/>

⁶ <https://www.timesofisrael.com/smotrich-says-human-rights-organizations-are-existential-threat-to-israel/>

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<https://www.ohchr.org/en/press-releases/2023/02/israel-un-human-rights-chief-expresses-concern-over-proposed-legislative>

Plans to roll back LGBTI rights are evident in coalition agreements and proposed legislation. Anti-LGBTI proposed bills submitted in the Knesset would, if passed, permit 'faith-based' discrimination,⁸ and severely restrict discussions on sexual orientation and gender identity at school.⁹

Question for review:

What mechanisms are being developed and implemented, under the new legislative framework, to protect and promote human rights especially for vulnerable groups, including LGBTI people, Arab citizens, asylum seekers and undocumented children?

Thank you for your attention.

Please check our factsheet and website maavarim.org/upr4 for additional information.

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<https://www.timesofisrael.com/wont-back-down-discrimination-law-stays-in-coalition-deal-religious-zionism-mk/>

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<https://www.timesofisrael.com/far-right-deputy-ministers-bill-would-bar-teaching-sex-orientation-before-9th-grade/>