



The Clinics for Law and Social Change

2017-2018 Academic Year

Introduction

This report includes a detailed description of the activities of the legal clinics at the University of Haifa Faculty of Law in the 2017-2018 academic year. The reports begins by describing activities common to all clinics and then moves on to provide a detailed report on each of the Seven Clinics that operated in the academic year.

The legal clinics vary greatly with regard to their activity. Some Clinics deal with a large number of individual cases; some Clinics focus on writing policy papers and applied research; and other Clinics participate in community organizing and cooperate with grassroots organizations, and provide assistance that is sociolegal in its nature. We are proud of this rich diversity, and believe that all of these strategies, and others, can promote positive social change and can provide valuable educational opportunities for our students. Because of this diversity, quantitative measures of the activity can provide only a partial picture of the Clinics' action. In order to get a full picture, one must read the detailed report bellow. Nonetheless, some numbers are now provided, and these can give a snapshot of the sheer scope and variety of the Clinics' , we now provide some numbers.

Seven Clinics operated this year (The Marine Environment Legal Clinic was on a break this year), enrolling over 100 students. The Clinics, all together, treated over 500 cases; were involved in about 30 court cases, drafted 15 policy papers, some of which have already been presented to decision makers, and others are in different stages of preparation. Students in the Public Defender's Clinic attended tens of criminal proceedings. Students and Clinical staff



participated in tens of Knesset committee meetings and drafted some 10 bills and legislative amendments. Students and Clinical staff also gave tens of lectures in the Clinics' different areas of activity. The Clinics also participated and spearheaded community activities meant to empower disadvantaged communities and to help them organize and advocate for their rights.

In the coming academic year (2018-2019), the following Clinics are taking a break: The Legal Clinic for the Rights of the Elderly; The Marine Environment Clinic; and the Legal Clinic for the Rights of the Arab Palestinian Minority. Ongoing court cases will be represented by other Clinics. Two new Clinics will open in October 2018: the Clinic for Dispute Resolution in Marginalized Communities and the Clinic for Realization of Rights through Civil Litigation.

General

I. Prizes and Scholarships

The Clinics awarded scholarships to eight students, one from each of the clinics for outstanding clinical work (2,000 NIS per scholarship). The Clinics also awarded a total of 17,000 NIS in financial aid scholarships.

Adv. Vardit Avidan was awarded the Yafa London Ya'ari prize for her activity on behalf of marginalized women. The monetary award of 15,000 NIS will be used for sociolegal aid for women.

II. Events and Conferences

The Clinics held several events, conferences and roundtables. The shared events this year were: (a) A lecture given by Prof. Steve Wise on the Struggle to Recognize The Legal Status of Non-Human Persons (April 11, 2018);(b) Presentation of the Clinical activity.

III. Exhibition in the Library Windows



The University of Haifa library presents exhibitions in its windows in which different units of the University, chosen for the task, may showcase their activities and research. The Clinic staff, together with Maya Korbuly (with the support of the Faculty's management), undertook the challenge of planning, designing, and producing an exhibition that aims to give a visually express one of the leading principle of legal clinical work, namely giving voice and breaking barriers that prevent individuals from marginalized groups from realizing their rights and flourishing.

IV. Involvement in the National Clinical Community

- a. The annual clinicians conference was held in February 2018. Adv. Vardit Avidan and Dr. Tammy Harel Ben Shahr were on the organizing committee of the conference and Haifa's clinical team was prominent in the various panels throughout the conference.
- b. Policy paper database: Policy papers are one of the main outcomes of clinical legal work. Often, policy papers are directed to specific government agencies and do not receive any further publicity or exposure. The Clinics in Haifa have initiated a policy paper database in which clinics (and perhaps other legal NGOs) will be invited to publish their policy papers so that they can be available for the public and broaden their influence. The database has been approved by the faculty and library and is now undergoing technological design.
- c. The Clinics in Haifa are involved in the National Clinicians Union (adv. Vardit Avidan is our representative); and the directors of the Clinical Center (Dr. Tammy Harel Ben-Shahar and Adv. Haran Reichman) are leading participants in the National Clinical Directors' Forum.

V. Clinical Research

One of the main targets of the Clinics at Haifa University in the past few years is to develop clinical research – research that is based upon insights



and information created in the clinical activity. Clinical research can be created by students, Clinicians, and faculty members. In order to encourage and facilitate clinical research we have undertaken the following actions:

- a. Clinicians: The faculty has decided to award clinicians a financial incentive for publishing a scholarly article. Additionally, the publication of academic scholarship is a consideration in Clinicians' promotion procedures. At the moment several Clinicians are working on clinical research.
- b. Students: A new experimental project was initiated this year in which excellent seminar student papers are chosen from all the Clinics, on topics related to the clinical work. The Academic director of the Clinics, Dr. Tammy Harel Ben Shahr is working closely with the students in order to transform the papers into academic articles that will be submitted for publication in refereed Israeli law journals. The three papers chosen this year concern sex education (Law and Education Polict Clinic); Criminalizing Sex Crimes in the Family in Adult Victims (Legal Feminism Clinic), and Ethical Dilemmas of Representing the Elderly (Elderly Law Clinic). Additionally, the Clinical center awards monetary prizes for best student clinical research (4,000 NIS for each research). This reward is given once every two years.

The Human Rights in Society Clinic

Clinical Director: Adv. Samar Qudha

Academic supervisor: Prof. Sandy Kedar



The Human Rights in Society Clinic engages in legal action aimed at promoting human rights, empowering marginalized groups and preventing social exclusion. In the 2017-2018 academic year the Clinic engaged in several topics: housing and planning rights in the Arab neighborhoods in Haifa; rights of people with disabilities; the right to civic burial; and legal aid and legal translation to refugees on the Greek island of Chios.

The Clinic enrolled 17 students in the 2017-2018 academic year.

I. Housing Rights in Haifa

The Clinic completed the third year of the housing rights project in Haifa, a project that is supported also by a European Union grant. The project is operated jointly by the Clinic and two partner organizations, the Society for Distributive Justice (SDJ) and the Organization for Social Development in Haifa (OSDH), that are well embedded in the local community and are in charge of the community organizing. The first year of the project was dedicated to organizing and training the local activists, and mapping the challenges and interests of the local population. In the second year the Clinic, together with teams of activists, began actual legal and public work including applications according to the freedom of information act; letters to the town of Haifa and government agencies. In the past year, the projects have progressed as answers are being received, and legal actions taken to promote the goals of the project.

1. Individual Legal Aid:

As a part of the project, the Clinic offers legal aid for individuals from the neighborhoods included in the project concerning issues of housing, planning, eviction, public housing, protected tenancy, etc. This year the Clinic provided individual legal aid to 9 residents.



From these 9 cases, two developed into court cases in which the Clinic is representing the residents. Both cases concern eviction orders from public housing. In both cases the Clinic submitted statements of defense and injunctions to postpone the evictions. The cases are pending.

2. Planning projects

In addition to offering legal and representing individual cases, the housing project aims to promote planning and housing rights in the Arab neighborhoods. In order to promote the interests, needs and preferences of the local community, as well as to empower the community and to enable them to participate in decision making, the Clinic together with the partnering organizations have invested great efforts in creating and maintaining a group of community activists, educating them and offering them professional and social support in promoting their own goals. In the first stages of the project the activists defined their goals in terms of improving housing, planning and infrastructure in their neighborhoods. At this stage, after three years, these goals are slowly materializing:

- Hiwar school

Hiwar school, located in Wadi Nisnas, is a State Elementary School that focuses on Arts. It suffers from severe lack of space, facilities and basic infrastructure, meaning that it can't provide even the most basic of educational services let alone the full range of possibilities that an arts school should provide. Eight years ago, the parents, together with Mossawa organization, filed a legal petition in order to rectify these serious deficiencies. At the time, the city promised to make the necessary changes so the petition was withdrawn. However, the city reneged on their promise, and the situation has not improved in the years since. Improving the conditions in Hiwar was set as an important goal by the activists in the project. In July 2017, the Clinic sent a



letter to the Haifa Municipality, the Ministry of Education and the Municipal Comptroller outlining their demands. Following the letter and some media attention, a meeting was held in which the municipality took full responsibility for all of the school's deficiencies, however no concrete commitments were made. The Clinic prepared a petition to the administrative court, however just before the petition was filed the city decided to perform significant improvements in the school's conditions, including renovating a building adjacent to the school thus enlarging the school's space according to our demands. The Clinic will continue following the work to ensure adequate conditions at Hiwar school.

Another educational issue of concern involves Haifa's municipal funding for Arab schools. The Clinic submitted a Freedom of Information Petition seeking to understand how Haifa allocates budgets for Arab schools. Specifically, the petition required information concerning the relative proportion of municipal budgets invested in Arab schools over the last decade and the way in which monies are allocated between Arab and Jewish schools. This request will prepare the groundwork for a possible legal petition on this issue.

- Absentees' Properties Tenders

The Clinic filed a Freedom of Information Petition concerning empty properties in Haifa. In reply the Clinic received detailed information concerning properties in Haifa, and learned that the Absentees' Properties in Haifa are undergoing a process of public tenders that will lead to significant changes in their status in the near future. In order to plan how (and whether) to act in reaction to these changes, the Clinic organized a closed roundtable for NGOs and partners. The roundtable took place on 28.5.2018 and aimed to explore different legal strategies to react to the recent developments and to ensure that these properties are not taken from the Arab-Palestinian community. As a basis for



discussion the Clinic wrote a paper surveying the legal and factual situation concerning absentees' properties. The participants in the roundtable were lawyers, planners, sociologists and activists, alongside the Clinic's staff and students.

- Transportation

The team working on public transportation has made progress in its work with the Ministry of Transportation and the town of Haifa, and there has been improvement in public transportation to Abas and Wadi Nisnas neighborhoods and especially surrounding the schools.

- Translation into Arabic of Tenders Issued by Amidar

Following a previous freedom of information application to Amidar (public housing agency), the Clinic learned that Amidar are publishing numerous tenders for selling public housing, a vast majority of which are located in Arab neighborhoods. Israeli law mandates that tenders be published in both Hebrew and Arabic on their official website, as well as in both Hebrew and Arabic language newspapers. Linguistic accessibility is particularly important because presenting these tenders to the Arab public could somewhat alleviate housing shortages faced by Haifa's Arab residents. Despite the legal requirement, we found that the tenders were published in Hebrew only on Amidar's website, thus discriminating against the Arab population. The Clinic prepared a policy paper stressing the importance of linguistic accessibility and the legal duty to publish the tenders in Arabic. In addition a letter was sent to Amidar requiring the publication of tenders in Arabic alongside the Hebrew. We also demanded that deadlines for pending tenders would be postponed so that Arab applicants would have sufficient opportunity to apply. As a result of these actions



Amidar has begun complying with the law and advertising the tenders in Arabic. The Clinic continues to monitor Amidar's practices.

II. Housing in Acre

In past years the Clinic was involved in a three year housing rights project in Acre (similar to the housing project in Haifa). The Clinic has remained in close contact with the community and grassroots organizations in Acre, and this year the Clinic undertook the following activities:

a. Evacuation Orders in Han Al-Shuni

During the Spring Semester, the Clinic gave legal aid to 20 tenants that received collective evacuation orders in the area of Han Al-Shuni in Old Acre. The Clinic sent Amidar letters stressing that the evacuation orders were illegal and had procedural flaws. Following these letters Amidar withdrew the evacuation orders.

b. Lecture concerning Housing Rights

In June, the Clinic held a lecture concerning the rights and obligations of tenants in public housing.

c. Han El-Omdan

The Ministry of Tourism and the Society for the Development of Old-Acre published a tender for the lease of the area in order to transform it into a tourist and commercial area. The Clinic is examining the tender in order to ascertain whether it sufficiently includes the local residents (and especially the protected tenants) in the development process to ensure that their interests and rights are taken into consideration. The



Clinic will also examine whether the residents will be able to participate in future commercial activity in Han El-Omdan.

III. Legal Aid to Asylum Seekers in Chios, Greece

In 2017 the Clinic initiated a project in partnership with a German Refugee Clinic that gives legal aid to asylum seekers in the Greek island of Chios, which is an entry point for asylum seekers. Chios is one of the places in which the Greek government and the EU created “hotspots” – namely, refugee camps in which asylum applications are supposed to be processed. The German refugee Clinic is located on the Island and its members help asylum seekers in the process of application for asylum, inform them of their rights and about the procedure, help them prepare their documents and application, and escort them to the interview. The German clinic was faced with a severe language barrier, since their staff and volunteers do not speak Arabic, and the asylum seekers know little English. The German Clinic sought our help in bringing Arab speaking students to translate and give legal aid in Arabic.

After a process of preparation in Israel, two students, accompanied by Adv. Samar Qudha, the director of the legal clinic and Dr. Itamar Mann of the Faculty of Law, an expert on immigration law, set off in August to Chios, for 14 days and gave legal translation and legal aid for the asylum seekers. The experience was highly successful, and in February 2018, two new students embarked on another trip (with Adv. Samar Qudha accompanying and supervising). A third trip is underway at the moment (July 2018).

IV. Civic Burial

In March 2017 the Clinic filed a petition requiring the town of Hod-Hasharon to allocate land for civic burial. In the case, the town of Hod-Hasharon allocated land only

for Jewish orthodox burial. After the Clinic approached the town, the allocation was changed and some land was allocated for civic burial however the allocation was insufficient and was not done according to the legal requirements. The court gave an interim order to prevent the allocation and commented that the allocation contradicted the law. Following this decision, the Clinic negotiated with the town, and eventually the town accepted most of the clinic's demands, and the petition was withdrawn.

V. People with Disabilities

1. Accessibility to Courts

During the year the students performed a survey of accessibility to courts in Haifa and the area. The survey examined both physical access and access to service. Following the survey, and in order to complete the picture, the Clinic filed two Freedom of Information petitions, one concerning the courts in Haifa and the other concerning the courts in the Krayot. The findings of the survey and freedom of information petitions were that generally speaking, the Courts in Haifa were accessible according to the regulations, whereas the court in the Krayot had several deficiencies. The Clinic wrote to the court's management stating these deficiencies and requiring their speedy amendment.

2. Pension Cuts for People with Disabilities Who Work

The Clinic is representing an individual whose disability pension was cut as a result of him getting paid for work. Specifically, the cut was especially large because the workplace was far from home and he received significant travel reimbursement. In addition to representing the individual case the Clinic is working on policy change or legislative change in order to address this general issue.



The Clinic for Law and Education Policy

Clinical Director: Adv. Haran Reichman

Academic supervisor: Dr. Tammy Harel Ben Shahar

Education has a profound effect on the opportunities that individuals have in life. Many practices within Israel's education system have created and perpetuated inequality between social groups and classes. The Clinic aims to play a role in promoting educational justice, by engaging in litigation, advocacy and policy change.

Since its establishment, the clinic has become a leading force in reforming the Israeli education system, handling hundreds of cases. In the academic year 2018, 18 students participated in the Law and Education Policy Clinic and were involved in the following activities and projects:

The Clinic deals with over 200 individual cases each year that arrive through the Equal Opportunity in Education Hotline, through social media and through direct communication to the clinic director, adv. Haran Reichman. Every year from mid-August to mid-September, around the beginning of the school year, the Clinic operates also a telephone hotline for parents and students. The cases the Clinic deals with include breaches of the right to free education, discrimination in education, entitlements in special education, etc. The clients who approach the Clinic are from all groups in Israeli society, and the Clinic is especially minded to granting legal assistance to members of disadvantaged and marginalized groups. When cases are not solved by writing letters or advocating to the education authorities, the Clinic files lawsuits on behalf of our clients. This year the Clinic filed 12(!) lawsuits to the different courts.



Additionally, in relevant cases the Clinic drafts and promotes legislation, takes part in Knesset committees, and writes Policy Papers directed to decision makers and government officials, all in order to promote positive change in policy that will promote educational justice.

In the 2017-2018 academic year 18 students participated in the Clinic.

I. Parents' Payments in the Public Education System

In the past years the Clinic has been involved in a comprehensive nationwide struggle to restrict parents' payments in the public education system. The Clinic filed a petition to the HCJ on behalf of a wide coalition of organizations concerning a regulation that allows extensive parents' payments. The petition argues that the regulation has no legal basis, as it contradicts the 1949 Compulsory Education Act, and also that it violates the right to free education. Finally, the petition argues that by allowing some schools to charge excessive payments, the regulation allows for the creation of stratified education system that includes schools for the rich and schools for the poor. In May this year the Clinic submitted an amended petition that has been updated to address a new regulation, and some of the new data that has been collected concerning class segregation in schools in the years since the parents' payments regulation came into force.

The struggle against parents' payments also includes giving legal aid to tens of parents who were charged excessive payments in their children's schools. In one case the Clinic is handling a civil lawsuit concerning illegal parents' payments in Zora Kibbutz. In this case the clinic also filed a petition concerning the dispersing of the Parent Association of the school which occurred because of the dispute concerning the payments.

II. Enrollment of Refugee Children in Schools and Kindergartens

אוניברסיטת חיפה, שד' אבא חושי 199, חיפה 3498838 טל': 04-8249056 פקס: 04-8249247
University of Haifa, 199 Abba Khoushy Ave., Haifa 3498838, Israel
Tel: +972-4-8288139 Fax: +972-4-8249247
E-mail: tharel@univ.haifa.ac.il



In the past several years the Clinic has treated several cases in which local education authorities have illegally refused to enroll refugee children to schools and kindergartens. In previous years the Clinic has had to file petitions to ensure access to public education. In 2018 the Clinic dealt with cases in Tel Aviv, Ashdod, Netanya and Kiryat Malachi however no petitions were required and the problems were dissolved. The Clinic is currently taking care of a case in which refugee children are segregated into a separate kindergarten, and if segregation isn't discontinued, the Clinic will petition the Administrative Court.

III. Admission Policy and Student Selection

According to the law, public schools are not allowed to select their students, and enrollment to schools are supposed to either follow catchment areas, or in cases of school choice, parents choose the school they prefer, and over-enrollment is solved through. Nonetheless in previous years there were numerous public schools that sorted their students. In the past years the Clinic has been engaged in an ongoing struggle against this phenomenon, which causes severe inequality. The struggle has been extremely successful, both in the specific cases the Clinic litigated, and in the change in the Ministry of Education's approach to student selection. The Ministry now does not allow student sorting in any elementary and middle state schools.

In 2016 the Clinic represented two five-year-old children who were rejected from the Nature School in Tel Aviv, a public selective school. The school performed selection against the instructions of the Ministry, however the ministry turned a blind eye. The Administrative court in TA found the school's practice illegal, and ordered the two children be admitted to the school. Following the case, the Ministry of Education decided that selection was not allowed and that the school would have to perform a lottery to determine enrollment to the school. Parents of students from the Nature School petitioned this decision to the Administrative court in Tel Aviv. The Clinic filed



an Amicus Curiae brief supporting the Ministry of Education's position against selection. The Court rejected the petition, and the parents appealed this decision to the Supreme Court. The Clinic wrote a detailed notice to the Supreme Court, once again supporting the position that selection to elementary school was both unsupportable in educational terms and discriminatory. The Supreme Court rejected the appeal in March 2018.

IV. Advisory Committee for the Arab Education System

In September 2017 the HCJ accepted the petition the Clinic filed on behalf of MK Hassan Jabarin, Prof. Muhamad Amarah and Dirassat Center concerning the Ministry of Education's failure to establish an advisory committee for the Arab education system despite the legal obligation to do so. Unfortunately, the Ministry of Education has still not established the committee in compliance with the law and court order, and the Clinic is beginning to work on a petition to hold the state in contempt of the court.

V. Transportation to School via Toll roads

The Clinic filed a petition to the HCJ on behalf of children learning in special education who had to be transported to a relatively distant school (the children were from the "Krayot" area, and the school was in Haifa town). The shortest way to get to school is through the Carmel tunnel – a toll road – and the Ministry of Education refused to pay the toll. Following the Clinic's petition the state changed its policy not only concerning this case but in general so that student transportation would choose the shortest route to school, including by paying for toll roads.

VI. The right to winter matriculation



All students in Israel have the possibility to take the Winter matriculation examinations in addition to the main exams that take place in the Summer. For no evident reason this option was not available for students in vocational education tracks. This disparity is extremely problematic given the fact that students in vocational education already face obstacles in their less likely to complete the examinations necessary to ensure access to higher education. The Clinic filed a petition to the HCJ on behalf of a student in a vocational school to allow him to take the Winter exams. Following the petition the student was allowed to participate in the exam, and a few days later the Ministry of Education notified the Clinic that the policy was changed allowing all students in vocational tracks to take the Winter examinations.

VII. Free Education for Sick Children

According to the Free Education for Sick Children Act, children who cannot attend school for an excess of 21 days due to an illness are eligible by law for education services in their homes. This service was privatized by the Ministry of Education to a private company and there have been many complaints concerning the service – its quality and scope. In the past three years the Clinic has given legal aid in tens of cases of sick students whose right to education was not adequately fulfilled. The Clinic has also dealt with several general issues concerning sick children. This year the activity focused on the following:

- a. Petition to the Administrative Court concerning discontinuing services for a sick child: the contractor decided to discontinue educational services to a child with autism, arguing that the child was violent. The petition argued that the contractor could not legally discontinue educational services, and also that the decision was made while breaching the petitioner's procedural rights, and

without a sound factual basis. Following the petition, the educational service was resumed.

- b. Program for Sick Children: The Education for Sick Children Regulations compel the state to present to the Knesset Education Committee a comprehensive plan for the educational treatment of sick children. Despite this explicit duty, the state has not done so in the 15 years since the enactment of the law. Moreover, at the beginning of the 2017-2018 school year the Ministry of Education cut the budget of the program for sick children. The petition demands that the Ministry design such a plan that will ensure adequate education for sick children. We also asked to reverse the budget cuts. The petition is pending.
- c. Privatization of Sick children services: The sheer amount of problems with the implementation of the law makes it clear that the privatization of educational services for sick children in Israel has failed. One of the main problems is with the current contractor, however there are also failings in the way the Ministry of Education supervises the services. The Clinic has approached the Ministry of Education repeatedly with these concerns, and we are awaiting their decision whether to publish a new tender. The clinic will then consider any required action in order to ensure adequate education for sick children according to the law.

VIII. Students with Allergies in Schools

In the last 18 months the Ministry of Health is gradually decreasing the medical aids for students with allergies from schools. In the last summer (2017) the ministry decided not to allow medical aids for children in day care centers. The decision was to take effect immediately, despite the lack of any alternative solution. The result of this decision was that children with allergies would not be able to attend day care centers

safely. The Clinic approached the attorney general and to several Ministers to create new and comprehensive regulations concerning children with allergies. Until the new regulations are published, the Clinic argued that the existing rules would be upheld so that allergic children would not be excluded from education institutions. Following this intervention the state notified that the existing rules would apply until September 2018. During the school year, the Ministries of education and health have not taken action to prepare a new regulation concerning medical aids. At the same time, the budget for medical aids is being cut, so it is becoming clear that parents will have to fund the medical aids for their children. Alternative solutions such as training teachers in schools to be able to contend with medical emergencies are facing objections from teachers' unions. In the absence of a solution for the coming school year, the Clinic is now preparing a petition on behalf of "Yahel", an organization of Children with Allergies, and some 100 parents of children with allergies.

IX. Rights and Entitlements in Special Education

The Clinic regularly gives legal aid concerning rights and entitlements in special education and issues of inclusion of children with disabilities in integrated classes. The Clinic represented a student in a case in which the family wanted to continue the student's inclusion, whereas the Ministry of Education wanted to place the child in a segregated special education school. Unfortunately the Court rejected the petition and the parents decided not to appeal.

X. Expulsion from a Boarding School

The Clinic represented a student in the 12th grade who was expelled from a boarding school because of claims concerning his psychological condition. Following an appeal the Clinic filed on his behalf, the student was returned to the School, however was not allowed to sleep in the school. The Clinic filed a petition to challenge this decision.



The court struck down the decision, stating that the procedure was inadequate, and the Ministry of Education was instructed to reconsider the case. At this stage our client decided to waive his demand to continue sleeping in the boarding school in order to minimize conflict with the school, and also because continuing the procedure would require that he undergo a psychiatric examination.

The Legal Feminism Clinic

Clinical Director: Adv. Vardit Avidan

Academic supervisor: Dr. Arianne Renan Barzilay

The Legal Feminism Clinic aims to stand at the forefront of feminist activism and to engage in a variety of sociolegal strategies to empower women and promote their rights. The Clinic stands out from other women's organizations by choosing especially complex and cutting-edge issues that have not been dealt with by others, and by adopting a unique combination of sociolegal strategies.

Adv. Vardin Avidan, the Clinical director won the Yaffa London Ya'ari award for promoting marginalized women's rights. The prize includes a monetary award of 15,000 NIS that will go toward further sociolegal aid for women.

In the 2017-2018 academic year, the Clinic enrolled 13 students, and engaged in the following activities:

I.

1q Sociolegal Services for Victims of Sexual Assault

Victims of sexual assault and rape have various points of contact with public services – in the criminal procedure, in receiving medical treatment, and in



approaching social services for assistance. The Clinic is performing a thorough examination of these services and victim's rights in the process.

a. The Institute of Social Security (ISS)

Together with the Haifa Rape Crisis Center, the Clinic is preparing a guide concerning disability pensions for victims of sexual assault and rape. The guide will be made public through different platforms including the ISS website.

b. Acute Rooms in ERs

Last year the Clinic prepared a questionnaire that was distributed on social media regarding the services given rape victims in the designated rooms in the ERs. The information gleaned in the questionnaires led to a report that was later presented to the Ministry of Health, who have already taken steps in order to improve the service. The work on this has continued this year: It has been discovered that according to a regulation issued by the Ministry of Health, rape kits are disposed of after three months. This contradicts the Limitations Act and also standard procedure with other evidence including forensic evidence, and severely impinges on the ability to successfully prosecute offenders. This is especially pertinent in sex offences because of the time it takes victims to muster the strength to go to the police. The Clinic (together with additional women's organizations) wrote a policy paper on the topic and students presented it in the Knesset. Following the policy paper, it was decided not to destroy rape kits until new regulations are issued on this topic. The Clinic will continue following this issue.

c. The Complaint Procedure

The press and individuals on social media often criticize the way the police handles complaints concerning sex offences. In order to gain a more comprehensive picture of the current problems that occur at the stage of filing a complaint, the Clinic prepared an anonymous questionnaire and distributed it

through women's organizations and social media. The findings are currently being analyzed by the Clinic and next year a report will be written and relevant legal actions will follow.

d. Publishing Names and Photographs of Victims

According to section 352 of the Criminal Code, it is prohibited to publish the name and photograph of victims of rape and other sex crimes. However, a growing number of victims want to speak up and expose their names and photographs, in order to stress the fact that they are not to blame and should not be ashamed. According to section 352, it is possible to obtain a court order allowing the publication, however the fees for this court order are relatively high (1500 NIS). The Clinic approached the Court Manager stating this problem and requesting that it be decided that all procedures under this section be exempt from court fees. The Clinic, together with several women MKs, is now working to amend the legislation so that the section maintains its protective aspect but does not prevent victims from expressing themselves.

e. Victim Privacy in Court Proceedings

Following a sexual harassment in the workplace case, the Labor Court ordered that the victim's psychologist hand in all the files and reports concerning the case. A petition to the HCJ was filed concerning the case, and the Clinic, together with another organization (Tmura) filed an Amicus Curiae brief on behalf of the Psychologist Association, arguing that such an order severely violates the victim's privacy and violates the ethical and professional duties of psychologists and other therapists. The case is pending.

Adv. Vardit Avidan participated in an emergency conference on this topic with social workers, psychologists, psychiatrists, lawyers, MKs and activists.

II. Legal Aid for Women in Prostitution



At the end of the 2017 academic year the Clinic partnered with “Ofek Nashi” (women’s horizon),” an NGO that gives social help to women in prostitution and women who are trying to exit prostitution. Students in the Clinic arrive at Women’s Horizon and give free legal aid to women. The cases involve legal issues that are associated with poverty: debt, social security, housing, and also challenges that are unique to women in prostitution. The Clinic has now accumulated enough experience to map the main issues that women in prostitution face, and next year the Clinic will distribute an information pamphlet that can help the women realize their rights. A workshop for the women will be held in “Women’s Horizon

III. Economic Violence

Economic violence is when one of the partners forcefully controls the financial resources of the family, does not allow access to money, and generally uses money to dominate his partner. Economic violence is not yet recognized as a form of violence by the law. Following a clinical project several years ago, and a research published Dr. Arianne Renan Barzilay, the concept of economic violence is gradually becoming more familiar to professionals. The Clinic is currently working on making the phenomenon recognized by law. This year the clinic wrote a study on the place of economic violence in Rabbinic courts and is preparing information pamphlets to be available for distribution in the court, in order to raise awareness to this evasive form of violence and domination.

IV. Harassment-Free Environment

The Clinic is involved in an initiative to promote new, harassment-free norms of behavior in bars and clubs. The Clinic has created a group of club owners and is working together with the town of Haifa to promote taxation policy that grants exemptions for businesses that join the initiative.

VI. Responsibility of Domain Owners and Social Media for Distribution of Sexual Content

The Clinic prepared a policy paper concerning the responsibility of domain owners and social media operators for sexual content disseminated on the platforms. This is a pressing issue that law has not yet addressed. The paper presented the challenges that social media presents and possible legal tools to address them. The Clinic will now partner with the Law, Technology and Cyber Clinic in order to draft legislation meant to regulate the issue.

VII. Women's Day

Every year the Clinic undertakes the celebration of Women's day on campus making use of the festivities to raise funds to help women and raise awareness to the Feminist cause. This year the Clinic organized a used book sale. All books were donated, and the funds raised (as well as the books not sold) were donated to "Women's Horizon". The Clinic also printed and distributed book-markers with feminist content.

VIII. Legal Representation

a. Appealing a decision not to press charges

The Clinic appealed a decision not to press charges against a minor who performed sexual crimes against three young girls. The decision not to prosecute was because of the Statute of Limitation. The Clinic argued that the decision was based on a negligent mistake by the prosecution in calculating the time passed from the crime.

b. Job Discrimination

- The Clinic represented a client who was dismissed due to pregnancy. The Clinic filed a lawsuit for damages in labor court which was settled for a sum of 70,000 NIS.



- The Clinic represented a client who, upon giving notice that she was undergoing fertility treatment, was harassed, allegedly to make her quit. After negotiation, the client agreed to settle in exchange for damages.

c. Civic Law Suit in Sex Crimes

The Clinic is representing a woman who was victim to sexual assault under the influence of drugs. We sent the perpetrator a letter in which we detail our intention to sue him, and we are awaiting his response. We are also helping the victim to receive disability pension from the ISS.

d. Privacy of victims

The Clinic is representing a woman who is a victim of sexual abuse in the family. She was sued in a small claims court (unrelated to the sexual abuse) however the litigants threatened they would reveal her history at her workplace (a kindergarten).

e. Legal aid concerning rent

The Clinic assisted a woman survivor of prostitution in a small claims court in which she was sued for rent for a period of time in which she did not live in the relevant property.

The Legal Clinic for the Rights of the Elderly

Clinic director: Adv. Carmit Toledano (Shai)

The legal clinic for the rights of the elderly aims to use law to promote the rights of the elderly and to combat ageism – the discrimination of elderly people. The clinic



utilizes a wide range of legal strategies in order to do so, including representing specific clients, drafting policy papers, creating legislative change, advocacy, coalitions with grassroots organizations of elderly people, and educating and disseminating knowledge about legal rights of the elderly.

In the academic year of 2017-2018 17 students participated in the Clinic.

I. Legal aid hotline

A large share of the cases the clinic handles are received through the legal aid hotline (operated jointly with the NGO “The Law in Service of the Elderly”). The legal aid hotline receives approximately 30 calls each month (over 300 a year) from elderly people and their family members, which are all taken care of by the clinic. The legal topics that arise in these cases are of a wide variety and include: rights and entitlements in homes for the elderly, social security rights, legal guardianship, legal planning, rights of family caregivers, wills, ageism and employment in old age, and more. In addition to granting legal aid to hundreds of elderly people each year, the hotline gives the clinic a unique expertise and insight as to the legal challenges that face the elderly in Israel. Specific cases often expose the clinic to general legal problems that concern many elderly people, in which case the clinic will use legal strategies such as litigation or legislation in order to promote a wider solution.

In addition to the cases received from the hotline, the Clinic receives cases from several organizations that the Clinic has longstanding cooperation with, including organization for Olim from Central Europe, elderly homes, other legal clinics, ISS, and others.

II. Policy change

a. Elderly Gay Rights



The Clinic has partnered with the LGBTQ center in Tel Aviv in order to address the special challenges that elderly members of the LGBTQ community face. In April, we gave a lecture in the center, and an information pamphlet which was prepared especially by the Clinic was handed out to the participants. Following the lecture, the Clinic was approached by several individuals to receive aid concerning legal planning for the old age that is sensitive to the issues of personal and familial status of gay individuals. Another lecture is planned for a women's group in the LGBTQ center in the summer.

b. Elderly people as employers

(Continued from last year) Following repeated requests on behalf of elderly people and their family members, the Clinic has created an easy to understand guide concerning the obligations elderly people have as employers of care givers. The preparation of the guide has been concluded and will be distributed and be made available to the public this summer. The clinic has also partnered with a coalition of family members in order to promote policy change that may ease some of the problems concerning employment of care-givers. The Clinic wrote a letter to the supervisor of foreign workers detailing the challenges that elderly people (and their families) face as employers of care givers, and requested a meeting with the supervisor in order to examine possible policy changes.

c. Bereaved grandparents (continued from last year)

The Clinic prepared an amendment to the 1950 Families of Soldiers Killed in Action (Pensions and Rehabilitation) Act, in which grandparents of soldiers killed in duty will be recognized as bereaved families so that they



are eligible for support from the state. This year a complete draft was prepared and shared with bereaved grandparents in order to receive their input. Following this feedback, the policy paper and the bill (along with its explanatory notes) was updated. The Clinic is now in the process of meeting with Minister Gila Gamliel and Knesset member Tally Ploskov in order to promote the legislation.

III. Representation and Litigation

The Clinic represents clients in cases that involve infringement on elderly rights and ageism.

a. Advisory Committee to the Minister of Social Equality

Although the Elderly Citizens Act requires the Minister of Social Equality to establish a Public Advisory Committee for Elderly Rights, this committee has not been established. After a lengthy process of writing to the ministry in order to demand compliance with the duty, the Clinic has prepared a petition to the HCJ which will be filed in the coming weeks.

b. Age Discrimination

The clinic represented 2 cases of age discrimination in employment this year:

- A 72 year old psychologist working in a company owned by the Jerusalem municipality received a notice that he was about to be fired because he was above the retirement age. The Clinic represented the worker in the hearing and argued that the company's behavior was discriminatory. Following this

intervention the worker was not fired, however he has not been given a new contract. The Clinic will continue following this case.

- A social worker was hired at the age of 67 by an NGO and was fired at the age of 70 due to “company’s policy not to employ people over 70”. The Clinic wrote a letter arguing this policy was discriminatory, however the Clinic will probably not file a lawsuit in this case.

c. Old Age and Disability

- The Clinic represented a 60 year old individual with a Psychiatric disability who lives in a special home that specializes in elderly people with psychiatric disabilities. After living there for a while, the Ministry of Social Services (MSS) informed the individual that he could not continue living there as the place was only open for residents over the age of 67. Following the clinic’s intervention the client was allowed to remain in the home.
- The Clinic represented a disabled elderly man who uses a wheelchair and has a caregiver (related to disability and not old age). According to MSS regulations, protected homes that are intended for independent individuals cannot admit residents with full time caregivers, and therefore several protected homes rejected the individual. The Clinic approached the MSS on the client’s behalf and stated that the regulation was discriminatory (on the grounds of disability), and the MSS accepted these arguments.

d. Forced Recognition as Common Law Spouses



The Clinic represented two elderly individuals (a man and a woman) who live together in a non-romantic companionship relationship. The Institute for Social Security (ISS), against their wishes and statements, declared the two were common law spouses which resulted in a decline in their pensions, and even a retroactive debt. The Clinic wrote a letter to the ISS, and the two will be represented by a Public Attorney in their appeal.

e. Consumer Exploitation

The Clinic assisted an elderly woman who was exploited by 32 telemarketing companies, in a total sum of 200,000 NIS, using 4 credit cards and tens of checks. The Clinic aided the client and her daughter in several ways: filing a small claims suit; filing a complaint with the Consumer Protection Agency; and cancelling the different transactions performed by the companies.

IV. Education and Outreach

a. Power of Attorney

After previous changes in the field of legal capacity in Israeli law (2015), the Legal Capacity Law was amended in April 2017 creating significant changes concerning Medical Power of Attorney. In order to ensure that these rules are accessible to the elderly, the Clinic wrote an information pamphlet and prepared a lecture concerning Legal Capacity, Guardianship and Power of Attorney. Students from the Clinic gave lectures in day centers, clubs, homes, social security groups, in order to make this legal information accessible to elderly people.



b. Rights Questionnaire with “Adopt a Grandfather” organization

The Clinic partnered with the Haifa branch of “Adopt a Grandfather”, an organization that creates connections between students and elderly people. The students in the clinic designed a questionnaire meant to inquire whether elderly rights were realized in a range of areas such as health care, social security housing, local taxes, etc. Then, the students in the Clinic joined volunteer students from the organization and interviewed elderly people in Haifa. When appropriate, the students directed the elderly people to the Clinic’s hotline for specific legal aid.

V. Miscellaneous

- a. Adv. Carmit Toledano (Shai), the director of the clinic, together with a student, participated in the Knesset in the sub-committee for the master plan for old age.
- b. Adv. Carmit Shai Toledano participated in numerous conferences and given lectures on topics concerning elderly law in Israel.
- c. The Clinic is involved in two Coalitions of organizations, the first working on guardianship reform, aimed at ensuring the maximal autonomy of elderly people. The second coalition aims to ensure state funding for care giving at home or in institutional housing.

The Clinic for Law, Technology and Cyber

Clinical Director: Dr. Adv. Dalit Ken-Dror Feldman



Academic supervisor: Prof. Niva Elkin-Koren

The Law, Technology and Cyber Legal Clinic focuses on the legal challenges that emerge in the digital ecosystem. The digital era creates new opportunities to enhance social and economic welfare. At the same time, however, information technology may raise new challenges concerning free speech, privacy, cybersecurity, consumer protection, intellectual property and law enforcement. The Clinic addresses these policy challenges from a public interest perspective, by initiating policy papers, performing applied research, drafting bills, leading coalitions, providing initial legal assistance to entrepreneurs and nonprofit organizations, and engaging in public policy debates pertaining to IT policy.

19 students were enrolled in the Clinic in the 2017-2018 academic year.

I. Access to Knowledge in Higher Education

In recent years, copyright laws have formed one of the major barriers to accessing educational materials for teaching and research in higher education institutions. This is due, in part, to a lack of legal certainty regarding the scope of permissible use. The aim of the project is to remove these barriers by formulating rules of fair use tailored to the needs and goals of these institutions.

In previous years the clinic, together with partners from the law school from the college of management, initiated and lead a forum comprised of representatives from most of the institutions of higher education in Israel. The forum formulated a set of agreed principles of fair use.

Following growing need, the forum re-convened in February 2018 in order to examine the implementation of the principles that were decided upon in the forum, their interpretation and any new challenges that arised. The clinic also updated the members of the forum regarding legal developments in the field

both in Israel and other jurisdictions. In the meeting, three sub-committees were established. The clinic will accompany their work.

- a. Creating access to theses: The clinic examined the existing rules in the various institutions and suggested unifying the forms. A draft form was suggested for depositing theses that includes an agreement to make the theses as widely and quickly accessible to the public as possible.
- b. Interlibrary loaning: The clinic surveyed some 70 legal decisions in the field of fair use and created guidelines as to what would be recognized as fair use for research and study. The sub-committee has yet to reach decisions.
- c. Online courses: The Clinic presented the main legal challenges that arise in the area of online courses to the head of the sub-committee, as a basis for the sub-committee's work. The group has yet to convene.

II. The regulation of Drones

The regulation of drones in Israel is severely lacking. The most crucial aspect missing is the regulation of non-commercial drones (recreative and home use). The challenges that arise in this context include insurance, torts, supervision of products, import and export and the protection of privacy. The Clinic performed a comparative study of the regulation of drones, and then initiated a forum of stakeholders in order to agree upon a set of self-regulations instead of imposing regulations. In June 2018 the Clinic held a roundtable at the Faculty of Law with representatives from insurance companies, developers, government officials, researchers and private lawyers. The roundtable addressed issues of tort law, privacy, cyber security and import and export. The



group decided to continue meeting in smaller sub-groups dedicated to each of the topics, and to continue developing the suggested rules. The insights of the roundtable together with the Clinic's survey of regulation were also presented in the end of June in the Knesset.

III. Entrepreneur Legal Aid

The Law, Technology and Cyber Clinic is a partner in iLINC – the European Network of Law Incubators. The main goal of the project is that legal clinics will give advice to ICT entrepreneurs and start-ups in their early stage, when they can't afford legal counsel. The Clinic wrote a guide for beginner entrepreneur, that focuses on Intellectual Property, Funding, Privacy, and other issues. The guide is currently going through revisions after being read and commented on by experts in the various fields. When finalized the guide will be made public on the Clinic's website and distributed to relevant communities.

Additionally, the Clinic has been writing a policy paper concerning privacy in applications. The paper alludes, among other things, to the implications of the new Israeli regulations on data protection that came into force in June 2018, and the GDPR – the European regulations on Privacy – that came into force in May 2018. When completed, the policy paper will be sent to the Privacy Protection Agency with recommendations for implementation.

The Clinic also gave legal assistance in three cases in areas of tax law, protection of privacy and Intellectual Property.

IV. Autonomous Vehicles

Autonomous vehicles are now entering the experimental stage in Israel, and it is expected that they will be in use in the coming years. The project aims to map and address the different legal challenges that autonomous vehicles raise, including issues of Tort liability (who is responsible for accidents involving

autonomous cars? The driver? programmer? manufacturer?) Criminal Law (what is the standard of care for autonomous vehicles and who is criminally liable in case of negligence or worse), and Privacy Law. The policy papers concerning Tort and Criminal Law are in final stages of editing, and the paper on privacy is in its initial stage and work on it will continue next year.

V. Online Freedom of Speech

In the last two years there have been several attempts to legislate restrictions on online speech by blocking websites and content. With the goal of protecting online free speech, the Clinic, together with the Israel Internet Association has initiated and lead a coalition of organizations (including ACRI, The Israeli Democracy Institute, Wikimedia-Israel, and others) to push back against these attempts. Over the last academic year, the Clinic has prepared 6 commentaries on several bills and participated in 8 Knesset committee meetings. Following these interventions, some of the bills were amended. The Clinic also participated in writing entries concerning online freedom of expression and the current attacks on it, for Wikimedia-Israel.

VI. Conferences and Roundtables

The Clinic director, Dr. Adv. Dalit Ken-Dror-Feldman, participated in numerous (over 15) conferences, roundtables and gave lectures on topics related to the Clinic's activity.

1.

The Legal Clinic for the rights of the Arab-Palestinian Minority

Clinic Director (professional and academic): Dr. Ilan Saban

The clinic's mission is to explore the legal issues related to the national schism in Israel, and to promote the rights of the Arab Palestinian minority. Recognizing



that some of the issues related to this issue are deeply contested within Israeli society, the Clinic aims to enable a peaceful and respectful discussion between Jewish and Arab students regarding these sensitive issues. The projects in the Clinic pertain to cases of discrimination and exclusion of members of the Arab minority in Israel. By choosing discrimination cases, the Clinic functions within a shared middle ground of values according to Israel's Declaration of Independence, that Israel "will ensure complete equality of social and political rights to all its inhabitants irrespective of religion race or sex".

As stated above, Dr. Saban is both the professional and academic director, therefore the Clinic enrolls half the number of students that other clinics enroll, and this year 8 students participated in the clinic and were involved in the following projects:

I. Legal Status in Israel of Palestinian Teens in Welfare Institutions

This past year the Clinic represented three cases concerning the legal status of Palestinian youngsters living in Israel in welfare institutions.

- a. The Clinic represented a teenage girl living in a welfare institution. The girl moved to Israel after her father was killed for allegedly cooperating with the IDF. The girl is estranged from her mother who is also in Israel without legal status, and has multiple problems. Upon reaching the age of 18 she will be forced to leave the institution she is currently living in, and since she does not have legal status in Israel, she faces deportation. After letters written by the Clinic did not help ensure her status, the Clinic filed a petition to the HCJ, and following the petition the Ministry of Interior declared she would be granted temporary residency.
- b. The Clinic is representing four siblings whose mother was an Israeli resident and moved to Jordan upon remarrying. When she divorced she

moved back to Israel and her children were removed to a boarding school. The clinic is now filing on their behalf for legal status.

- c. The Clinic is representing a 19 year old woman without legal status. Her father is a resident of the West Bank, and her mother is a resident of Eastern Jerusalem. The clinic is filing on her behalf for legal status.

II. Discrimination in Government Advertising Agency (GAA)

The GAA is a governmental unit that is in charge of advertising important information to citizens concerning rights and entitlements, preparations for emergency, safety and other important topics. The data shows that the GAA severely underinvests in advertising in Arabic, so that only 3-4% of its budget go toward advertising in Arabic. Together with NGO partners, the Clinic wrote repeatedly to the GAA, demanding it invests more in advertising directed to the Arab population. The GAA's replies were insufficient, and therefore the Clinic began writing a petition to the HCJ. In the meantime, however, the GAA did change their policy and increased their advertising in Arabic. The Clinic is following the developments and will decide whether a petition is still necessary.

An additional issue concerning the GAA is their policy to place pressure on Arab media to publish content that is controversial in the Arab-Palestinian community such as encouraging national service (an option instead of Army service that is relevant to the Arab community), and celebrations of Israeli Independence Day. The Clinic sent a letter on the matter to the GAA (in June 2018) and we are awaiting their answer.

III. Special Lawyers Bill

Confidential evidence, especially in security cases, poses a special challenge in terms of defendants' rights. In order to alleviate the problem, several MKs (from different political parties) drafted a bill that will designate "Special

Lawyers” who will be able to represent in these cases and be exposed to evidence. The Clinic wrote an opinion on this bill, which includes also a comparative survey of similar rules in other jurisdictions. The opinion has been sent to MK Michal Rozin who is one of the drafters of the bill, and the Clinic will meet with her.

IV. Representation of Arab-Palestinian in the Legal Department of the Knesset.

The Clinic wrote to the legal advisor of the Knesset (November 2017 and December 2017) urging him to ensure representation of Arab-Palestinian interns in the legal department of the Knesset.

V. Further issues:

- a. Loyalty and the “freedom to finance” in culture: The Clinic is involved together with Adala in the representation of Al-Meidan theater in Haifa, in both an Administrative Petition and a petition to the HCJ concerning public finance of the theater. The Clinic also prepared an opinion paper concerning the constitutionality of a law that grants the Minister of Culture the authority to refuse public funding on the grounds that the content of a show or play shows disloyalty to the state.
- b. Names of streets: Following a case in the town of Jat, in which the Minister of Interior ordered the mayor to change the name of a street from Yasser Arafat road, the Clinic wrote a policy paper to the Minister of Interior, the legal advisor of the Ministry and to the Attorney General concerning the authority to name streets and its limitations.
- c. Political Viewpoint Discrimination: The clinic assisted in the representation of an editor of a local newspaper that was fired



allegedly die to his political opinions (Fish-Ben Ari-Saban Law Firm represented the case pro-bono). The editor initiated an article in the newspaper concerning the death of a Bedouine citizen during Operation "Protective Edge". The Regional Labor Court dismissed the editors lawsuit, and in May this year the High Labor Court dismissed the appeal.

- d. Notary Translation of Documents in Public Housing: The Clinic wrote to Public Housing companies arguing that their requirement for Notary translation of forms and documents from Arabic to Hebrew is discriminatory and places an undue burden on residents. Following the letter *Amidar* changed its policy.

The Public Defender Clinic

Clinical Director: Adv. Sharon Ringer

Academic supervisor: Dr. Rabeea Assy

The Public Defender Clinic operates in cooperation with the Haifa office of Israel Public Defender. The law students team with public defenders and assist them in representing suspects and defendants in all criminal procedures. The students meet with clients of the Public defenders, many of them from marginalized communities, disabled, and poor. The students of the clinic become a part of the larger social mission of creating access to justice to all people thus promoting social justice. The Clinic begins operating in the Spring semester every year. The Clinic beginning this spring consisted of 15 students.