

The Clinics for Law and Social Change

2020-2021 Annual Report

In the 2021 academic year, seven legal clinics operated in the University of Haifa, Faculty of Law, in which about 90 students took part.

The clinics undertook the treatment of many hundreds of clients, represented clients in about 25 cases in different court instances, participated in about twenty mediations, drafted legislative bills, initiated multiple changes in public policy, and participated in public outreach and education concerning human rights and legal entitlements.

The legal clinics are also used as a “laboratory in law”, where experience and expertise are translated into research that is later published in leading academic journals, both Israeli and international. In addition to the contribution to the creation of knowledge, clinical legal research is a way to amplify the clinics’ impact and to voice criticism in cases where clinical activity did not yield the anticipated legal change. Papers by almost all our clinicians have been written and accepted for publication this year, on a diversity of topics including Haredi public education, non-gendered public bathrooms and transgender individuals, deep fake and sexual harassment law.

The Law, Technology and Cyber Clinic

Clinical Director: Dr. Dalit Ken-Dror Feldman

The Law, Technology and Cyber Clinic provides students with a unique academic and professional opportunity to gain expertise in the cutting-edge field of Technology Law. The ongoing and rapid technological developments create constant challenges in terms of human rights and social interest. The law is expected to regulate technology and thus contend with these challenges; however, the law often lags behind technology. The Clinic aims to utilize its dual expertise – in law and in technology – to promote the necessary legal changes. The students participating in the Clinic engage in applied legal research, write policy papers, legislative bills, participate in committees in the Knesset, make legal knowledge widely accessible to the public, and much more.

The Clinic is the only one of its kind in Israel. Among the legal clinics, it is especially academically challenging, as almost all the research is conducted in English, and involves complicated technological material alongside cutting edge and multidisciplinary legal fields (including human rights, intellectual property, torts, criminal law, and more). The effort, however, is extremely rewarding. In addition to the fact that the work is fascinating and satisfying, the students in the Clinic develop skills that enable them to compete for jobs in the most prestigious law firms, in the public service, and Academia.

Every year the clinic works on 5-7 projects. The projects respond to the changing reality of law and technology and vary in their timeline according to need. The 16 students enrolled in the clinic each year work on these projects in diverse teams (we try to ensure teams include Arab and Jewish students, male and female students). We especially encourage students to recognize topics for clinical projects and to be as active as they can in all stages of the project including, research, analysis, writing, and presentation of the work to recipients.

I. Algorithms Transparency and Explainability

Using algorithms has important benefits; they help governments make more effective and accurate decisions. Alongside these benefits, however, the use of algorithms raises various challenges in terms of human rights. First, they create some significant worries in terms of the protection of data and privacy. Second, research shows that algorithms may be biased against marginalized groups. Additionally, algorithms are often not explainable and transparent, creating problems of due process. Sometimes the public is even not aware of the existence of the algorithm or of what information about us was used for making the decision. This project is in its initial stages and has several ambitious goals:

- To map all the fields of government that currently use algorithms (we already know that they are in use in tax collection, education, and others), and make this information publicly available.
- To encourage governmental units to make algorithms available and/or explainable, by filing Freedom of Information requests.

- To file petitions to courts demanding the state reveal its use of algorithms and provide details concerning the criteria for the algorithms' decisions. Our first court case was litigated this year. The clinic, together with partnering organizations, filed an Amicus Curiae brief in an appeal challenging a tax audit that was generated by an algorithm. The brief argued that the government was under a legal duty to disclose the criteria leading to the decision. The case was successful, although the decision explicitly stated it applied to the specific case and did not set precedent.

II. Online free speech

The clinic is involved in ensuring and promoting online free speech. This ongoing project includes several different actions, and is planned to continue in the upcoming year:

- In the 2019 elections the clinic initiated a hotline for locating and reporting fake social media profiles operated by political parties to amplify specific political content. The Clinic received over 500 alerts, and followed a protocol designed by the clinic for diagnosing whether the profiles belonged to real humans or were "bots". Fake profiles were reported to social media platforms and removed.
- The clinic together with Israel Internet Association (ISOC-IL) wrote a policy paper concerning the use of "deep fake" technology in political campaigns, in order to mislead social media users. The policy paper included an in-depth explanation of the technology, and recommendations for contending with it and was sent to the chair of the elections committee.
- The clinic is involved in drafting and promoting legislation that will obligate political speech during campaigns to be marked so that citizens know who is behind the speech.
- The clinic wrote a policy paper that proposes voluntary regulation on blocking users from political figures' social media profiles.

III. Covid-19 Challenges

Since the outbreak of Covid-19, one of the greatest challenges to human rights was the issue of privacy in light of the technological measures used to track people and minimize infection. The challenges to privacy have changed throughout the past year, including the use of cellular

tracking, surveillance in Covid hospital wards, and more recently issues of medical privacy concerning reporting employees' vaccination status. The clinic joined a coalition of organizations monitoring the emergency legislation and regulation in this field, activity which included writing numerous policy papers and reactions to legislation, and participating in dozens of Knesset committee meetings.

The shift to online learning has also created challenges related to Privacy and Intellectual Property. For example, the lockdown restricted access to libraries, and libraries began offering scanning services, raising questions of IP. Additionally, universities face issues concerning the IP of recorded lectures and questions concerning the permissibility of rules mandating opening cameras in online classes. The Clinic is preparing a policy paper on these issues, as it is clear that these questions will be of importance even after the end of the pandemic.

IV. Access to online services

As governmental services are increasingly moving online, the clinic is involved in ensuring access to these services to people who face barriers to online services. For example, in 2021 Israel Mail transitioned to making appointments through an online application. The application is not accessible for people who are not proficient in Hebrew, English or Arabic (such as Russian speaking individuals or Amharic speaking individuals) and especially problematic for people who are not technologically literate. The phone service, aimed at helping people who do not have access to the online application, is offered only in Hebrew.

In April 2021 the clinic wrote a letter to the Israel mail agency, and after the response was insufficient, wrote again in July 2021. In August 2021 the mail agency responded that they will improve the accessibility of the service. The clinic will monitor the developments.

The Leon Charney Dispute Resolution Clinic

Clinical Director: Adv., Social Worker, and Mediator Dana Gilo

The Dispute Resolution Clinic, which has completed its second year of activity, is a unique and innovative clinical program that aims to promote human rights and positive social change using

the tools of alternative dispute resolution (ADR). The underlying belief is that mediation and other dispute resolution tools benefit both sides of conflicts, and therefore the Clinic aims to raise awareness of the ADR approach and principles, both among students and among the general population and to promote access to quality mediation services by providing pro-bono mediation services.

Under the Clinic's approach, a significant share of conflicts can be resolved through conversation and cooperation instead of through courts. Mediation can also maintain and even rehabilitate relationships that have been affected by conflict. Additionally, mediation can empower the parties because they maintain control over the proceedings and their voices are heard throughout. By learning and practicing mediation, people acquire interpersonal tools that improve communications and relationships and can eventually prevent further conflicts from arising.

Before the beginning of the academic year all students participate in a mediation course and are certified as mediators.

I. Pro-bono mediations

The Clinic provides pro bono mediation to people who may otherwise not have access to quality mediation services. Some of these cases are referred by courts in the Haifa area, and others reach the Clinic through various connections in the community including other Clinics. For example, in the past year the clinic conducted a successful mediation between a person with a psychiatric disability and the non-profit organization that gave him services and was the owner of the apartment he was renting. Additionally, the clinic conducted several mediations between victims of sexual assault and their alleged attackers. In some of the cases this prevented lengthy and traumatic litigation in courts.

II. Mediation Workshops

In addition to providing access to quality mediation the Clinic believes that dispute resolution tools can empower marginalized populations and enable them to promote their interests while conserving meaningful relationships. Therefore, the Clinic facilitates mediation workshops in

various communities, such as housing in the community for people with disabilities, at-risk youth boarding schools, and women’s community centers. This year the clinic facilitated 8 workshops of two meetings each (some of them online due to Covid-19 restrictions).

III. Promoting policy to facilitate mediation

The Clinic is involved in several projects to promote policy that will improve access to mediation, including projects for funding community mediation centers, and amending regulations to allow Law Clinic students to participate as mediators in mediation referred by courts (the current regulations allow students to observe, despite the fact that all students are certified mediators).

The Legal Feminism Clinic

Clinical Director: Adv. Vardit Avidan

The Legal Feminism Clinic aims to stand at the forefront of feminist activism and employ a variety of socio–legal strategies to empower women and promote their rights. The Clinic stands out in comparison to other women’s organizations because it chooses especially complex and cutting-edge issues that have not been dealt with by others and because of its adoption of a unique combination of socio–legal strategies.

13 students enrolled in the Clinic this year and were involved in numerous projects including the following:

I. Socio–legal Services for Victims of Sex Crimes

Among other projects the clinic is involved in, the clinic, together with partners aims to contend with various barriers that victims of sexual violence face when accessing the justice system and auxiliary services. One important issue the Clinic has been promoting for several years is improving access and services provided in “acute rooms” designated rooms in ERs in which survivors of rape and sexual assault are treated. One of the most important achievements of the project is changing the policy according to which rape kits were destroyed within three months of collection. The clinic also represents women in the process of applying for disability pensions

in the Israel National Insurance Institute (NII). The experience the clinic has accumulated from representing women in these committees led the clinic to write a guide explaining victim's rights and eligibilities. The guide was recently adopted by the NII and uploaded to the official NII website.

Last year the clinic disseminated an online survey concerning the complaint procedure in the policy. The findings show various problems with the process of filing a complaint with the police. For example, about half of the respondents reported being asked irrelevant questions about past sexual behavior, a vast majority were not informed by the police that they were allowed to be accompanied by a friend or a volunteer from the rape crisis center; many reported that people who were not related to the half of the respondents reported that during their investigation people who were unrelated to the investigation entered the room (other policemen – to send a fax, to take something, to ask a question). All in all most of the respondents reported that the experience was a negative one, and that they were. Not given all the information needed. Following the survey the clinic initiated a preparation service for women who plan to file a complaint with the police. The preparation includes informing the client regarding her rights and entitlements, the different stages of the investigation, the kind of questions she may be asked and why they are important, and more. The clinic has already provided this service to three clients this year and plans to continue this project next year.

II. Domestic violence

The clinic is committed to combatting all forms of violence against women – physical, sexual, economic and emotional.

As one of the side effects of the Covid-19 crisis, there has been a dramatic increase in reports of domestic violence. The Clinic gives socio-legal aid to victims of domestic violence, including in obtaining restraining orders and protection warrants, help in securing places in shelters. The clinic also offers survivors of domestic violence legal aid in related legal problems such as debt, social services or family law. For example, this year the Clinic represented a woman who was hospitalized after her ex-partner attacked her. The Clinic met with the woman while she was hospitalized and helped her prepare for the police investigation, and helped her obtain a

restraining order. Additionally, the clinic filed on her behalf a request to update the Family court in which her ex-husband had previously asked for joint custody of the couple's children.

III. Women's health

One of the interesting ways in which women's marginalization is expressed in society is through disadvantages in healthcare. It is already well documented in literature that bodily conditions that are unique to women receive less attention by the health care community and that medical science tends to treat the male body as the typical human, a tendency that results in inferior health care for women.

As one aspect of this project, the clinic partnered with an organization dedicated to raising awareness of Endometriosis (a condition where tissue similar to the lining of the womb grows in other places such as the ovaries and fallopian tubes, and causes debilitating pain and difficulties related to reproduction). This year the clinic researched the illness and the data concerning diagnosis and care in Israel, and found several problems. For example, the average time it takes to diagnose Endometriosis is especially high, which in addition to causing prolonged pain, means that women suffering from this condition are not referred to state-funded fertility treatment. The clinic wrote a policy paper addressing these issues and presented it to the Ministry of Health.

The Law and Education Policy Clinic

Clinical Director: Adv. Haran Reichman

The Clinic for Law and Education Policy has been operating for ten years at the University of Haifa. Since its establishment, the Clinic has become a leading force in reforming the Israeli education system and promoting equal educational opportunity. The clinic gives legal aid and representation in hundreds of cases every year and files about 15 court cases to the administrative and supreme courts. Many of these cases have broad impact, setting precedent that then helps thousands of children all around Israel. Here are several examples.

I. Education of asylum seekers in Israel

According to Israeli law, as well as Israel's international obligations, all children residing in Israel, regardless of their legal status in Israel are entitled to free public education. Despite this obligation, many cities in Israel try to prevent asylum seeker children from enrolling in schools and kindergartens, or illegally assign them to kindergartens and schools that are segregated – meaning that they create separate schools for asylum seeker children and for Israeli citizens.

Since 2014 the Law and Education Policy has represented hundreds of asylum seeker children and their parents in multiple cities in Israel (including Kiryat Malachi, Netanya, Petah Tiqva, Lod, Bnei Barak, Tel Aviv, and more) and filed multiple petitions on behalf of them. Since the law mandates their equal enrolment, the Clinic has been successful every time, yet this has not deterred the cities that continue discriminating against asylum seekers and placing barriers to their integration to schools. For example, the Clinic has had to file three separate petitions against the city of Petah Tiqva (in 2016, 2019, 2020) as well as two requests (one in 2020 and one in 2021) to find the city in contempt of the court for not complying with the court's orders.

Most recently, on August 3rd 2021, the Clinic filed a petition against the city of Tel-Aviv's policy to enroll asylum seeker children in segregated kindergartens and schools. Of Tel Aviv's large asylum seeker population, a vast majority attend schools and kindergartens that are "ghetto schools", in other words, schools that serve only black children. The petition, filed on behalf of hundreds of asylum seeker children as well as several human rights' organizations, and carries the symbolic name "Brown v. Tel Aviv" (because the first petitioner's surname is Brown) is supported by briefs from education and psychology experts detailing the irreparable damage caused to children by school segregation. A preliminary hearing was held in which the court urged the city to find immediate solutions for the petitioners. The town agreed to enroll some of the petitioners in schools in which vacancies still exist, however refused to fund busing from the children's homes. This interim agreement depends, therefore, on the ministry of education funding. The main issue, however, namely segregation as a general policy in Tel Aviv will be discussed in a hearing to be held in December 2021.

In addition to the petition in Tel Aviv, the clinic is currently representing groups of asylum seekers in the cities of Lod, Bene-Beraq, and Kiryat Malachi, in which they encounter barriers in enrolment or are educated in segregated schools and kindergartens.

Additionally, the clinic, together with partnering organizations approached several governmental units demanding that they provide asylum seeker children with the required resources to

overcome environmental disadvantage that causes educational deficit. As opposed to disadvantaged children who are citizens of Israel, who are allocated additional resources for remedial education, asylum seeker children suffer from institutional neglect (including segregation) that prevents them from fulfilling their potential. The letter included an expert opinion stating that many asylum seeker children demonstrate delayed development and educational underachievement despite the fact that they do not have organic impairments. Therefore the state has a responsibility to support their development regardless of their immigration status. We are awaiting the response and will consider legal action if needed.

II. The right to a free education

Since its establishment, the clinic has been involved in the struggle to ensure accessible and free education for all children. This year the clinic has continued a lawsuit against “Revava” high school for charging excessive payments from parents, above and beyond what is permitted by law. Not only did the school charge more than they were allowed, they also did not provide the educational services the fees were designated for. In March 2021 the clinic filed a petition on behalf of parents of students in the school demanding the school return payments paid between the years 2017-2020.

III. The education of children with disabilities

The clinic is involved in numerous projects to ensure adequate education for children with disabilities. Apart from giving legal aid and representation in tens of cases annually (including three petitions with administrative courts this year), the clinic is also involved in policy change and impact litigation aimed at ensuring rights of all children with disabilities.

In the past year, for example, a petition filed by the clinic made an important change in the Ministry of Education policy concerning inclusion for children with disabilities in kindergartens. The special education act states that inclusion of students with disabilities in “regular” classrooms should be prioritized and funded. Ten years ago compulsory and free education was widened to include children from the age of 3 (down from five years of age). Despite the years that passed the Ministry of Education did not fund inclusion in kindergarten for three and four year old children. After approaching the Ministry of Education several times arguing that the law mandated funding inclusion for all children within the age of compulsory education, the Clinic

(together with “Bizchut”, an organization devoted to promoting the rights of people with disabilities) filed a petition to the High Court of Justice. Following the petition the Ministry of Education notified the court that it will amend its policy and fund the costs of inclusion for children beginning at the age of three. This is an important decision that will affect thousands of children every year and enable them to access adequate education in inclusive settings at an early age crucial for their development and the realization of their potential.

Additionally, the clinic is involved in improving the regulation of special education, following a reform in special education provision initiated three years ago. Last year the clinic petitioned the Supreme Court arguing that the reform was implemented in a way that imposed significant restrictions on children’s eligibility for services in inclusive settings. Following the petition, the Ministry of Education agreed to revise the regulations, and the court adopted the agreement in its decision. However, the Ministry of Education did not follow through on their agreement, and in February 2021 the clinic filed a motion to hold the ministry in contempt of the court. In April the Ministry of Education published new regulations and the motion was withdrawn. Unfortunately, the new regulations limited the committee’s discretion in providing services and resources, resulting in decisions that do not fully respond to children’s needs. The clinic has filed another motion and the case is pending.

The Civil Litigation Clinic

Clinical Director: Adv. Reut Cohen

Traditionally, legal strategies for promotion of human rights primarily involved constitutional and administrative law. While these strategies are important, the effect they have on human rights is sometimes limited due to poor implementation and insufficient enforcement. Civil litigation offers effective tools for ensuring ongoing compliance with human rights norms. Moreover, in a world where corporations are increasingly powerful—owning information about us and influencing our rights at least as much as governments—new legal strategies must be developed to safeguard human rights.

The Civil Litigation Clinic was founded three years ago to address these needs. It gives legal aid and representation to about 70 clients, has represented about 10 cases in courts and further dozens of motions in the execution office. The clinic also drafted responses to legislative bills in

the areas of law of the clinic, and participated in the governmental committee for the rights of transgender people.

I. Debt and poverty law

One of the central issues the clinic is involved in is giving legal aid and representation to people in poverty and debt. The clinic provides holistic legal services to people in poverty, who are often also people with disabilities, immigrants, the elderly and members of minority groups. Our clients often have multiple legal problems including debt, social security issues, housing, banking and others. The representation includes representation in motions to remove confiscations, civil courts, and mediation.

In addition to legal aid in individual cases, the clinic is involved in several projects to promote policy that safeguards the rights of people in poverty while realizing the aims of debt collection. For example, the clinic wrote a policy paper in response to the Insolvency Regulations that set high fees for opening an insolvency procedure with almost no exceptions. Following the paper the chair of the Knesset committee discontinued the legislative process and asked the Ministry of Justice to correct the regulations so that they are constitutional.

Another policy issue the clinic addressed is default interest. Last year the clinic presented a policy paper to the committee in the Ministry of Finance tasked with examining debt interest. The clinic's position was that default interest should not be used as a punitive measure but rather to encourage timely payment. When default interest is too high, it makes it impossible for people in poverty to repay their debt and is therefore ineffective. Recently, the committee published an interim report in which it recommends decreasing default interest, and the new Minister of Justice, Gidon Sa'ar stated that a new mechanism will be created for erasing default interest in suitable cases.

The Clinic was also invited to participate in the civil society advisory forum that was recently established by the debt collection agency. The first meeting took place in June 2021.

The Clinic drafted a bill to put an end to the incarceration of people who cannot pay their debt. 80% of people who are sent to jail instead of paying their debt, are imprisoned because of debt

under 5,000 NIS (about \$1,500), which means that it is used by people in poverty. The clinic's position is that imprisonment as a means for repaying debt infringes on people's constitutional right to liberty. The bill has been endorsed by new MK Na'ama Lazimi and the legislation process has begun.

II. Monitoring class actions settlements

The clinic initiated a project in which the students monitor settlement agreements in class actions (that are publicly available) to find cases in which the settlement compromises the rights and wellbeing of members of the class and the public. In suitable cases the clinic files an objection to settlements. This year the clinic, together with an "AI-spam" an organization dedicated to fighting spam, filed an objection in a class action against a company that sent commercial text messages soliciting loans for people hit by the Covid-19 related financial crisis. The settlement was disadvantageous for members of the class and beneficial only for the plaintiff, and the damages awarded were too low and would not deter future infringements of anti-spam legislation. The Clinic participated in two hearings after which the damages were increased by 50%, and the settlement was approved by the court.

In another case the clinic filed an objection to a settlement in a class action against a hotel that sent commercial spam. According to the settlement the hotel gave members of the class a discount on future reservations in the hotel. The clinic argued that the hotel provided the same discounts universally and therefore the settlement does not benefit members of the class. The clinic is waiting for a decision.

III. LGBTQ legal aid

Although there are various human rights organizations aimed at promoting the rights of LGBTQ people, they usually focus on anti-discrimination law and issues of status and family law. LGBTQ people, however, face diverse legal problems that are mistakenly treated as unrelated to their belonging to the LGBTQ community. The clinic's view is that marginalization caused by people's sexual orientation leads to disadvantage and marginalization in many life domains such as poverty and debt, being unable to realize one's rights in areas of healthcare, housing, social security. The clinic therefore, provides legal aid to LGBTQ people and through individual cases also exposes the structural barriers to the realization of rights. The clinic also engages in projects for policy change.

This year, for example, the clinic was involved in promoting access to quality healthcare for transgender individuals, together with Project Gila for Trans Empowerment. The clinic represented trans people in the Gender Transition Committees and helped them navigate their needs vis-à-vis health care providers and insurance companies.

In May 2021 the clinic wrote a letter to health care providers in Israel and to the Ministry of Health concerning the long waiting periods for sex reassignment surgery for trans women that can be as long as four to five years. In August the new Minister of Health notified that additional slots would be allocated for sex reassignment surgeries that would shorten waiting times. The Clinic will monitor this issue.

The clinic director, adv. Reut Cohen participated this year in the inter-governmental committee for the promotion of the transgender community in Israel. The committee's interim report was published recently and some of the recommendations were implemented.

The Human Rights Clinic

Clinical Director: Adv. Samar Oudha

The Human Rights in Society Clinic engages in legal action aimed at promoting human rights, empowering marginalized groups, and preventing social exclusion. These populations include people with disabilities, refugees and undocumented individuals, members of the Arab-Palestinian minority and people living in poverty. The clinic runs a walk-in rights center in Hadar neighborhood in Haifa in which legal aid is provided in various areas of law, and students gain the experience of meeting clients and giving them holistic legal aid, thus developing their skills in client intake and interview, the "translation" of clients' stories into legal claims, legal research and action on behalf of clients. In the past year the clinic was involved in the various projects, including the following:

I. Legal aid for refugees and asylum seekers

One of the groups who are most severely excluded and whose rights are least ensured are refugees and other undocumented groups. In the past years the Clinic was involved in promoting the rights of refugees both in Israel and abroad. Before the outbreak of Covid-19 Arab-speaking

students from the Clinic travelled twice a year to Greece to provide legal aid and translation to asylum seekers and refugees in various stages of their asylum application. We hope to renew this project when traveling becomes safe.

One of the groups who are most severely excluded and whose rights are least ensured are refugees and other undocumented groups. For the past three years the Clinic has run a walk-in legal clinic providing legal aid and representation for undocumented individuals in the Hadar neighborhood in Haifa (in partnership with the Legal Feminism Clinic and the Civil Litigation Clinic). The legal clinic is located in a pro-bono student led health care clinic established by the Technion Medical School, and serves undocumented individuals. The legal clinic is open twice a week (Covid-19 restrictions permitting) and serves undocumented people including asylum seekers and Palestinian undocumented people, some of whom have been living in Israel for many years and have families. The clients receive holistic legal aid in various areas of law (usually having several legal problems) including legal status, debt, health care insurance, housing, employment, social security and more.

For example, the Clinic is representing a man whose niece, a nine year old girl, was born in Israel to Palestinian parents who were legal residents in Israel at the time. Her parents abandoned her and left Israel to the West Bank and her uncle took her in, also a resident in Israel. The uncle has been taking care of her ever since, with the help of his mother, the child's grandmother. The two caregivers are now requesting to become her legal guardians as well as to be recognized as her foster family, which will also grant her legal status in Israel. This has several very important practical implications including eliminating the risk of expulsion, granting health insurance and allowing her uncle and grandmother to make medical decisions on her behalf, and being eligible for child support and services that foster families receive. After the family's request to the overseer of foster care was rejected, the Clinic filed an appeal to the Family court and the case is pending.

II. Housing rights in Haifa

Another project the clinic has been involved in for the past several years is a project to promote housing and planning rights for the Arab-Palestinian communities in Haifa and old-Acre. The clinic partnered in this project with local grassroots organizations providing legal aid as well as

organizing and training local activists with regard to their planning rights so that they can be effective participants in planning processes.

In the past year the clinic represented two court cases involving objection to evacuation orders. In the first case, the clients are protected tenants in a house in Halissa neighborhood in Haifa. The clinic filed a statement of defense on behalf of the family, and represented them in a preliminary hearing in July 2021. Another hearing is planned for September 2021. The second case involves an evacuation order against tenants in an Amidar public housing apartment. After prolonged proceedings since 2017, a hearing was held in April 2021, in which the judge recommended that the public housing agency and Israel Land Authority reach an agreement in which the tenants will be able to purchase their apartment. The clinic is now negotiating this agreement on behalf of the clients.

III. Renovating Hiwar School

As a part of the clinic's involvement in planning and urban development in Haifa, the clinic is representing parents of children in Hiwar public school in Wadi Nisnass neighborhood. The parents argue that the school is suffering from severe neglect that results in the physical conditions in school being inadequate. In the past years the city has committed to renovating the school and building additional space for the school however these promises have resulted in nothing. In an attempt to receive answers from the city, the clinic filed a request under the Freedom of Information Act. The request included questions involving the allocation of resources for educational infrastructures in the city in general and in Arab schools including Hiwar specifically. After the request was not answered, the Clinic filed a petition to the District Court in Haifa. The city's response to the petition was insufficient and a hearing will be held in November 2021.

The Public Defender and Criminal Justice Clinic

Clinical Director: Adv. Sharon Ringer

The Public Defender's office was established according to the 1995 Public Defender Act and is in charge of ensuring legal representation in criminal procedures for suspects and defendants who do not have access to legal representation.

The Public Defender Clinic operates in cooperation with the Israel Public Defender's office in Haifa. The students participating in the Clinic team with public defenders and assist them in representing suspects and defendants in criminal proceedings. The students meet with public defender office clients, many of whom are people from marginalized communities, people with disabilities, and people living in poverty. The students participating in the Clinic become part of the larger mission of creating access to justice for all people, thereby promoting social justice.

The students write detailed reports regarding their work and the insights they gained from it and participate in a weekly class.

Following the Covid-19 crisis, many of the hearings in criminal cases were performed via video conference (VC), and suspects and defendants were not present in the court. The Clinic participated in a study aimed at comparing detention hearings with the suspect present in court and hearings with the suspect participating via video conference. Last summer students from the clinic observed tens of hearings in the Haifa and Acre courts and filled out reports concerning the hearings. This year the students performed research related to the research in four teams that considered the following questions: a. is the suspect's agreement needed for VC detention hearings; b. are all different kinds of hearings suitable for VC hearings; c. what are the considerations judges have to take into account in deciding whether to hold hearings via VC; d. what is the optimal way to conduct the communication between the defender and the suspect when the latter is not in the courtroom.

The output that the teams created will be incorporated in the research and has also been passed on to the National Public Defenders Office and will be used in drafting legislation on video conference in criminal proceedings.

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