



## **The Clinics for Law and Social Change - Annual Report**

### **2021-2022 Academic Year**

We are delighted to share with you the Legal Clinics' annual report for the 2021-2022 academic year. The seven legal clinics operating in the faculty this year engaged in over 500 cases and projects in various areas of law, making use of all the tools available to a lawyer, including legal aid and representation, high impact litigation, mediation, drafting legislation, policy papers, advocacy, public outreach, legal research, and more, to promote human rights and access to justice.

While the seven clinics focus on different legal issues, all share three common aims: First, to promote human rights and access to justice. Each clinic, in its area of expertise, aims to contend with the most pressing challenges to human rights in Israeli society. The clinics purport to offer our clients, often members of marginalized groups, quality legal services, and to address systemic injustice by advancing high impact policy change.

The second aim involves providing quality legal education to our students. The clinics offer unique opportunities for experiential learning, under the guidance of the clinics' superb directors. The insights gained in the field are then processed in class and connected to legal theory, encouraging critical reflection on law and the social relations it embodies. The clinics also aim to instill in future lawyers high ethical standards, and a commitment to promoting social justice.

The third and final aim of the clinics involves disseminating the valuable knowledge created in the clinics through clinical legal research. To this end students write research papers and the clinic directors, alone or in cooperation with researchers from the faculty, write scholarly articles, contributing their unique voice to local and international legal research.

The report below provides a detailed account of the work done in the clinics toward realizing these goals and demonstrates the broad scope and volume of the activity in

the past year. We hope you enjoy reading the report and invite you to become involved in our work.

### **Executive summary**

**The Human Rights Clinic** provided legal aid for undocumented individuals in our ‘walk-in’ clinic in Hadar neighborhood, Haifa. In addition to giving preliminary legal aid to clients, the clinic offered advanced legal treatment to 25 individuals, including approaching governmental units, employers, health care providers, and others on their behalf. In four cases the clinic represented clients in court proceedings concerning legal status in Israel. The clinic is also involved in a project to ensure the state and local authorities provide social services to families of incarcerated individuals, and in several cases concerning housing rights of Arab families in Haifa.

**The Legal Feminism Clinic** provided legal aid and representation to about 200 clients in the 2021-2022 academic year. The cases involved employment discrimination and sexual harassment, appeals against DA decisions not to press charges in sex crimes, eligibility for social security pensions for survivors of sex crimes, defense against SLAPP, protection warrants in cases of domestic violence, preparing victims of sex crimes who plan to file a complaint with the police, and more. The clinic was also involved in several projects for policy change relating to abortion committees, treatment of victims of sex crimes in hospitals, exclusion of women from the public sphere, and a new initiative to conduct mediation between victims of sexual harassment and the alleged perpetrators (with the Dispute Resolution Clinic).

**The Civil Litigation Clinic** provided legal aid and representation to 130 clients, offering pro bono legal aid in areas including debt, social security issues, housing, banking and SLAPP. The clinic also provided legal aid to LGBTQ individuals in various areas of law and especially access to health-care. Five of the cases involved representation in Courts, several more involved representation in proceedings in the Execution Office, and one case involved a petition for pardon filed with the president of the state of Israel on behalf of a client with a criminal fine debt, The clinic was also involved in projects for policy change including lowering the fees charged for filing

insolvency applications, ensuring access to health care for transgender individuals, and more.

**The Leon Charney Clinic for Dispute Resolution** provided pro bono mediation in about twenty cases, in small claims cases, family cases and mediation between victims of sexual harassment and the alleged perpetrators (with the Legal Feminism Clinic). Additionally, the clinic facilitated mediation workshops for individuals from marginalized groups, providing them with tools from the world of ADR (alternative dispute resolution) to manage their conflicts. The clinic was also involved in promoting policy related to mediation and participated in a study concerning the violent riots in Haifa in 2021.

**The Clinic for Law and Education Policy** provided legal aid and representation to about 500 clients in the 2021-2022 academic year, of which 15 involved representation in courts, and several projects of policy change. The cases all involved ensuring all children in Israel are provided an adequate and equal education, including, among others, a petition against racial segregation of asylum seekers in Tel Aviv; an ongoing legal struggle to prevent charging illegal fees in public schools; representing ultra-Orthodox parents from Safed in their demand for appropriate state school for their children; promoting access to online education for Bedouin children; a petition on behalf of a child with autism who did not receive the services and accommodations he needed in school.

**The Clinic for Law, Technology and Cyber** combines technological understanding with legal expertise to promote policy aimed at ensuring human rights in the digital era. To this end, the clinic carried out ten projects, including the following: writing a policy paper concerning the desirable regulation of smart cities; approaching the Israel postal services demanding they ensure access for elderly people, after the post shifted to online appointment setting; filing over 20 letters and requests according to the Free Information Act requesting transparency regarding the use of algorithms by state actors, and preparing a comprehensive report of such use; taking part in legislation process (writing

comments and participating in numerous Knesset committee meetings) concerning the shift to email instead of paper mail in state-citizen correspondence.

**The Public Defender and Criminal Justice Clinic** partners with the Haifa public defender's office in providing legal representation to suspects and defendants in criminal proceedings. The public defender office clients are typically people from marginalized communities, people with disabilities, and people living in poverty. The representation involves all stages of criminal procedure: legal representation in interrogation, detention hearings, the trial itself including witness examination and motions throughout the trial.

## **The Human Rights Clinic**

Clinic director: Adv. Abeer Baker

Academic Director: Prof. Itamar Mann

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 refugees and undocumented individuals, members of the Arab-Palestinian minority, prisoners and incarcerated people and their families, and people living in poverty. The clinic runs a walk-in rights center in the Hadar neighborhood of 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 addition to giving individual legal services, the clinic aims to promote broad change, through coalitions with other organizations, promoting policy change and legislative change, and more. In the past year, 12 students enrolled in the clinic and participated in various projects, including the following:

### **I. Legal aid for undocumented individuals**

One of the groups who are most severely excluded and whose rights are least ensured are refugees and other undocumented individuals, such as Palestinian people who live in Israel, sometimes for many years, without obtaining legal status. Without legal status they do not have access to adequate health and social services, and they are exposed to abuse and exploitation in other areas as well such as labor and housing. The clinic runs a walk-in legal clinic providing legal aid and representation for undocumented individuals in the Hadar neighborhood of Haifa. The legal clinic is located in the same building as a pro bono student led health care clinic established by the Technion Medical School and serves undocumented individuals. 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. Here are some examples of the cases:

- In January 2022 the clinic filed a petition to the District Court on behalf of a Palestinian man from the west bank whose permit to stay in Israel was discontinued. The man received a permit to live in Israel after his life was threatened in the West bank and has been living in Israel for the past 20 years. Recently his permit was discontinued, yet he still fears for his life, and has built a life for himself in Israel. The court issued a temporary order preventing his expulsion and we are awaiting a hearing.
- In June 2022 the clinic filed a petition on behalf of an undocumented man whose request for a permit to remain in Israel because his life is threatened in the west bank was denied. The client is also married to an Israeli citizen, however their request for family reunification was declined because the procedure requires presenting a valid Palestinian ID, which he cannot obtain because he cannot enter the Palestinian authority territory without risking his life. In this case too, the court issued a temporary order preventing his expulsion and we are awaiting a hearing.
- The clinic, together with the Association for LGBTQ Equality in Israel, represented a young Palestinian who was threatened by his family in the west bank because of his sexual orientation in the effort to obtain a working permit.
- The clinic provided legal aid to an undocumented Australian-Palestinian woman whose employer held back wages she was entitled to. Following the clinic's intervention, the employer paid the client her wages. This case demonstrates that undocumented individuals not only suffer from the direct consequences of lack of legal status (and all the entitlements this entails), but are also especially vulnerable to infringement on their rights by private agents

such as employers, landlords, etc. After helping her obtain her wages, the clinic is representing the client in the petition to be granted legal status in Israel due to being threatened because of her LGBTQ status.

- In another similar case, the clinic provided legal aid to an asylum seeker from Eritrea who was denied his wages. The clinic approached his employer, a building contractor, who consequently paid the client's wages.
- The clinic is representing an Israeli citizen and his Palestinian wife whose child was not listed upon birth. The child was born in Carmel hospital in Haifa, and the registrar at the hospital refused to register the child as required, despite the fact that the child's father is an Israeli citizen. Following the clinic's intervention, the child has been issued a temporary ID, and the clinic is helping them obtain a permanent one.
- For the past two years the clinic has been representing a family in the process of obtaining legal status for a child whose Palestinian biological parents abandoned her and she lives with her uncle, a permanent resident in Israel. Last year the clinic filed an appeal to the Family Court according to the Adoption Act and the Foster Care Act, this year the state contacted the Palestinian Authority who confirmed that the child's parents were not competent to raise her and notified the family that their request for being recognized as the child's foster parents would be processed. As a result, the clinic withdrew the appeal. After the uncle is recognized as a foster parent, the clinic will request providing the child with residency in Israel.
- The clinic provided legal aid to two undocumented individuals to gain access to Covid vaccinations. The first case involved a Palestinian man whose legal status was revoked and therefore could not receive the booster vaccination. Following the clinic's intervention, he was provided a vaccination. The second case involved a Palestinian woman who is married to an Israeli citizen, and who

the health care provider wrongly argued did not have legal status in Israel, and consequently her medical insurance was discontinued, and she was refused the vaccination. After letters to the health care provider were ineffective, the clinic prepared a petition on her behalf, and just before it was filed to the District Court, in December 2021, the health care provider notified the clinic that her insurance was renewed and she could receive the vaccination.

- The clinic is representing a young man who immigrated to Israel with his family from Ethiopia when he was a minor in his request for citizenship. As opposed to many immigrants from Ethiopia, including other members of his family, he was not converted to Judaism upon his arrival to Israel and therefore was not granted citizenship. His request for naturalization is currently denied because the Ministry of Interior requires he obtain certain documents from Ethiopia, and these have been denied by the Ethiopian embassy. Attempts to solve the problem with the help of the Jewish Agency also failed. The clinic approached the Ministry of Interior on his behalf arguing that they were creating unreasonable barriers, and required granting the client citizenship, however we received no response. The clinic is now preparing a petition to the District court.
- The clinic is representing a woman from Ukraine, whose children are Israeli citizens, who is currently in a drug rehabilitation center in Haifa. The woman suffered from violence from her former partner and as a part of that abusive relationship, her partner filed a complaint with the police against her for threatening him. The police complaint was cited by the Ministry of Interior as the reason for refusing to grant her residency in Israel, and without residency she will not be able to continue receiving rehabilitation services. The clinic approached the Ministry of Interior on her behalf, who then required a list of documents that the client is unable to procure, especially given the war in Ukraine. The clinic is continuing



the representation and if needed, will petition the District Court on her behalf.

- The clinic recently completed the representation of an undocumented Palestinian young woman whom the clinic has been representing for several years. Two years ago, following a petition to the HCJ, the client received temporary legal status in Israel, however this year the clinic was able to help her be recognized as a victim of human trafficking, a status that will provide her with much needed rehabilitation services.

## **II. Rights of incarcerated individuals and their families**

The clinic began a project meant to address various rights of incarcerated individuals in Israel and their families. First, the clinic is examining the issue of preventing prisoners from meeting their lawyers, in prisons inside the state of Israel as well as in the west bank. The clinic prepared a freedom of information request concerning the cases of meeting prevention which will be filed in the near future.

Many prisoners in Israel have debt, and as a part of the process of repaying this debt, their accounts in the prison canteen are seized. This, we argue, constitutes a violation of basic dignity, since the canteen provides necessities that are otherwise insufficiently available in prison such as toothpaste, soap, shaving cream, toilet paper, coffee, tea, and more. During the Jewish holiday of Passover, the clinic approached the Israel Prison Service on behalf of several observant inmates, arguing that seizing their canteen money prevented them from obtaining Kosher food for Passover. Following the intervention, the prisoners were ensured sufficient Kosher food, however the broader problem remains. The clinic, together with partner organizations, are promoting legislation to ensure that inmates are ensured sufficient food and dignity.

Another issue the clinic dealt with this year concerns the fact that there is no institutional treatment of children of inmates. First, the social services in local authorities are not notified when a person is imprisoned, and they do not have any accepted practice regarding children and families of prisoners. Further, there is no official data concerning the number of children whose parent is imprisoned, nor any training for social workers concerning the special challenges that families face when a family member is incarcerated. The clinic is working to get the Ministry of Welfare and Social Affairs involved in policy change in this regard and is also preparing a letter requiring the Prison service to collect information regarding new inmates' children, to pass over to the social services in the inmates' local authority.

### **The Clinic for Legal Feminism**

Clinical Director: Adv. Vardit Avidan

Academic Director: Dr. Arianne Renan Barzilay

The Clinic for Legal Feminism 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, gave legal services to about 200 clients, and was involved in various projects for policy change, including the following:

#### **I. Appealing DA decisions**

The clinic filed appeals on behalf of women concerning DA Decisions to not press criminal charges in sex crimes. For example, the clinic represented a woman with a physical and cognitive disability from Um Al-Fahem, who was raped by the driver in

charge of taking her to her day care center. The woman filed a complaint with the police, however this did not lead to filing an indictment. The appeal is pending, and involves also interpreting the police's duty to accommodate the client's disability.

## **II. Discrimination and sexual harassment lawsuits**

The clinic represents women in civil lawsuits in cases of discrimination in the workplace, sexual harassment, and other cases. For example, this year the clinic represented a woman who was allegedly discriminated against by her employer on account of her undergoing fertility treatment. The clinic is currently preparing a letter to her employer before filing the lawsuit.

In another case the clinic is representing a transgender man who was shot and injured by a former partner and suffers from severe post-trauma. The assault happened after our client complained repeatedly to the police and required protection, to no avail. The clinic is currently examining the possibility of reaching an agreement with the police.

## **III. Restorative justice procedures in sex crimes**

The clinic, together with the Dispute Resolution Clinic was involved in the past few years in alternative dispute resolution (ADR) processes between victims of sexual harassment and the perpetrators. The experience gained from these processes has led the two clinics to begin developing a model for such mediation, and in addition to dealing with specific cases the clinics are meeting with experts, practitioners, and officials, including the Haifa and North District DAs, to develop the model and contend with the various challenges it poses.

This year the clinics performed mediation between a woman and her therapist. The woman accused the therapist of sexually harassing her, and after confronting him, he apologized for his action. For this and other reasons, it seemed an appropriate case for restorative justice. The mediation is currently in its final stage, and will, if all goes well, end in an agreement. The process itself has been empowering for the victim.

## **IV. Defense against SLAPP lawsuits**

The clinic is representing a social worker who was sued for libel following content she posted on Facebook about a case of negligent treatment of sexual harassment. The client was on an excursion with at-risk young women she works with, at a beach in the Kinneret. While waiting in the entrance, the social worker was approached by another person at the beach who told her that she was sexually harassed by one of the workers at the beach. The social worker tried to talk to the owner of the facility who refused to talk to her, and an unpleasant argument ensued, after which the social worker left the place with the young women in her care. Later on, she posted on Facebook about the experience, criticizing the management of the beach for their treatment. The owner of the facility filed a libel lawsuit against her. The case is now close to resolution after the sides have reached an agreement that the lawsuit will be retracted if the client will apologize for stating the owner's name in the post.

In addition to representing cases of SLAPP, the students in the clinic are preparing a video that explains the legal rules concerning publishing cases of sexual harassment on social media – what is allowed and when people might be under legal risk.

## **V. Acute rooms**

An important issue the clinic has been involved with 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.

In January this year the clinic filed a petition with the HCJ on behalf of Yael Sherer, CEO of the Lobby Against Sexual Violence, demanding that the Ministry of Justice formalize new regulations that implemented some of the comments the clinic and our partners raised concerning the operation of acute rooms and improve the service given to victims of sexual violence. While the draft of the new regulations was drawn many months ago, they were not published and therefore did not come into force. Following the petition, the Ministry of Health published the regulations. The HCJ's decision

criticized the long time it took to publish the regulations and awarded the petitioner trial expenses.

#### **VI. Disability pensions for survivors of sexual violence**

The clinic represents women in the process of applying for disability pensions with the Israel National Insurance Institute (NII). This year students from the clinic represented a woman who petitioned for disability pension following a case of sexual violence. The committee awarded her the highest possible eligibility.

#### **VII. Preparing survivors of sex crimes for the complaint procedure**

After performing a survey concerning the complaint procedure in the police in previous years, the clinic now is involved in a project providing 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. This year we were involved in four main cases, one of which was a high-profile case which involved a woman who was attacked by her Gynecologist. Following her complaint, other patients came forward, and the DA decided to press charges.

#### **VIII. 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.

This year the clinic partnered with the two organizations ('Open Door' and 'Choosing Right') to begin treatment of various aspects of Israel's abortion committee. Students from the clinic will accompany women to the committee, offering them support and aid. Additionally, the project is collecting a list of psychiatrists who are willing to provide pro bono psychiatric opinions, to help women obtain an abortion for mental

health related reasons. Finally, the students have prepared a guide that explains the procedure and rights of women in the abortion committee. The guide will be disseminated online and with various organizations.

#### **IX. Sexual Harassment Online**

The clinic, together with the Israel Internet Association and the Law Technology and Cyber Clinic, is engaged in a project to contend with online sexual harassment. The association referred three cases to the clinic for legal aid in which men had uploaded videos and photographs of women without their consent. The clinic represented the women and sent warnings that using this content without consent is a criminal offense.

#### **X. Exclusion of women from the public sphere**

The clinic was involved in two cases in which women were excluded from the public sphere. In the first, the Tel Aviv-Jaffa municipality decided to change the name of a bridge that was named after a woman (Ruth Montefiore), to be named after a man, Yizhak Navon, despite the legal requirement to prioritize naming streets after women because of the lack of balance between the genders in street names in Israel. The clinic wrote a letter to the municipality, and since there has been no response, the clinic is considering filing an administrative petition.

In the second case, the clinic approached the municipality of Haifa requesting that the municipality take down from the billboard signs published by “Efrat” which is a pro-life organization. The clinic argued that the signs infringe upon women’s rights.

#### **The Clinic for Civil Litigation**

Clinical Directors: Adv. Efrat Lupo-Moskovitch & 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 compliance with human rights norms. Moreover, in a world where corporations are increasingly

powerful—owning information about us and influencing our rights as much as governments—new legal strategies must be developed to safeguard human rights.

The clinic for Civil Litigation was founded four years ago to address these needs. This year the clinic provided legal aid and representation to about 130 clients, represented about 5 cases in courts, several cases in the Execution Office and even a petition to the president of the state of Israel for pardon. The clinic also drafted responses to legislative bills and regulations and participated in several projects for policy change.

### **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 treatment includes representation in motions to remove seizures, civil courts, and mediation. Here are a few examples of cases the clinic treated this year.

- The clinic provided legal aid to a young ultra-Orthodox man who is estranged from his family. He lives in a Yeshiva that supplies his basic needs, however he incurred debt that he is unable to pay. The clinic filed a request in his behalf to the Law Enforcement and Collection System Authority, following which the interest and penalties were pardoned.
- The clinic is representing a single mother with a large debt created during her marriage. The clinic is helping the client file for bankruptcy. The case raises a legal challenge that is typical of single mothers in poverty, namely that they are unable to work full time because of childcare responsibilities and therefore do not satisfy a necessary condition for eligibility for bankruptcy: that they exhaust their earning potential. Since this has broader implications for many cases, the

clinic addressed this issue in a policy paper filed to the Ministry of Justice (described below).

- The clinic represented an elderly man living in poverty and who receives social security pensions, who has old alimony debt to the National Insurance Institute. According to legal doctrine, such circumstances usually justify absolving people of their debt in a bankruptcy procedure, however alimony debt is an exception to that rule. The clinic is preparing an application for bankruptcy in which we are requesting absolving the client from the debt, arguing that the same rationale applies in the client's case, namely that the client is elderly, and the debt is in favor of the NII which is also the institution that grants the client his pensions.

In addition to representing individual clients, the clinic was involved in policy promotion in areas of poverty law. Here are two examples.

**Sustenance regulations** In 2019, the new bankruptcy law came into effect, stating that payment schemes for people who are declared insolvent will be determined according to a formula that will be detailed in regulations. The clinic, with the ACRI (Association for Civil Rights Israel) submitted a written opinion in 2020 to the committee that was charged with drafting the regulations. During the Spring semester, the regulations draft was published, and we submitted our comments in April 2022. For example, the regulations state that the resources needed for a dignified life should be determined according to the NII minimal income pension. However, this pension has not been updated in years, and is too low to enable a dignified life. Therefore, the clinic recommended setting a higher threshold. Additionally, the regulations do not detail the criteria for determining whether the debtor has exhausted their potential for generating income. Thus, the regulations should explicitly address cases such as single mothers who cannot work full time because of childcare responsibilities, stating that they satisfy the condition for bankruptcy.



The clinic will continue following the process, including participating in the Knesset committee deliberations.

**Insolvency Regulations** Last year 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 regulations were amended so that the fees were reduced from 1400 NIS to 900 NIS, and a waiver was added for petitioners eligible for state legal aid. Despite this important improvement, the fees are still prohibitively high for debtors, and therefore this year the clinic, together with ACRI and “New Leaf” organization filed a proposal to the Ministry of Justice to amend the regulations so that insolvency fees will be deducted from the insolvency budget, if there will be enough money in it, rather than in advance. The clinic explained that filing a petition for insolvency constitutes prima facie evidence that the petitioner is unable to pay the fee. Therefore, the fee is an unjustified barrier to justice.

## **II. Monitoring class actions settlements**

The clinic was involved in 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 continued representing “Al-Spam” an organization dedicated to fighting spam in two objections to settlements. The first involved 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. In July 2022 a hearing was held and the settlement was significantly improved, and the clinic and Al-Spam were awarded legal expenses.

In the second case, the clinic filed an appeal to the Supreme Court after the District Court ordered that the damages would be paid by the defendant to an

NGO that was not related to the class action, rather than to the class action fund, as we argued was required by law. In the preliminary stages of the appeal, the defendant argued that the clinic and Al-Spam had no standing in this issue, an argument that was rejected by the court. The appeal is pending.

### **III. LGBTQ access to health care**

In the academic year 2022, the clinic, together with a coalition of organizations, won an 18-month EU aid grant aimed at promoting transgenders' access to health care. The project involves giving legal aid and representation to trans people in various health care needs.

One issue the clinic dealt with concerns the long waiting periods for sex reassignment surgery. 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 trans women that can be as long as four to five years. In August the new Minister of Health notified that two additional days each week would be allocated for sex reassignment surgeries.

Still, waiting periods are very long, and therefore the clinic represented two clients who requested public funding for sex reassignment surgery abroad. The health care provider denied the application, and the clinic represented them in the appeal. We are waiting for a decision. Three further clients have approached the clinic with a similar problem.

The clinic is representing a trans man who is denied access to a gynecologist because the computing system of his health care provider is unable to set an appointment if the patient is identified in the system as male. The client wishes to begin fertility treatment and has thus far been unable to access this treatment because of his classification as male. Following the clinic's intervention, the Ministry of Health has ensured us that the client will get the required treatment, however the clinic is following the case. Additionally, the clinic has alerted the Ministry to the fact that this is a broad issue that affects transgender individuals and therefore a systemic solution is required.

## **XI. SLAPP**

The clinic represented a defendant in a libel case. The client is an activist involved in the high-profile struggle for public access to the Assi river. The client wrote several posts on Facebook related to the struggle, and the kibbutz in which the Assi river flows filed a lawsuit against her. The Clinic argued on her behalf that the lawsuit was a SLAPP, meant to intimidate the activists and chill free speech. During the Spring semester, the parties were directed to mediation that failed, and all the preliminary proceedings of the trial took place. In the hearing, the judge seemed sympathetic to our argument that the lawsuit was a SLAPP, and was critical toward the plaintiff, and asked difficult questions concerning the motivation behind the lawsuit. The sides then resumed the negotiation which resulted in the removal of the lawsuit.

This is an important success in the struggle for the protection of free speech and especially protecting activists and the public in the face of powerful political and financial forces.

## **XII. Presidential pardon**

The clinic is representing a client who was convicted of numerous traffic violations while he was mentally unwell. In the past few years he has been trying to rehabilitate, however he has had further health issues, and is unable to work. In February 2022, the clinic petitioned for a presidential pardon on his behalf, arguing that his special circumstances justify pardoning his convictions. The petition is pending.

## **XIII. Protecting rights in criminal procedure**

The clinic represented a young man who was caught speeding on a motorcycle. The police officer also found a pocketknife in his possession, which the client explained was used for fixing the motorbike. The police charged him with possession of a knife, even though possessing a pocketknife is allowed. The judge dismissed the case while commenting that the police had been negligent in their treatment of the client. The clinic wrote a letter to the police on his behalf before filing a lawsuit and following this letter

the police offered the client compensation to settle the case. The client agreed and was awarded 1500 NIS compensation.

### **The Leon Charney Clinic for Dispute Resolution**

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

Academic director: Prof. Orna Rabinovich-Einy

The Clinic for Dispute Resolution, which has completed its fourth 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 them pro bono.

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.

15 students participated in the clinic, and like previous years all students participate in a mediation course before the beginning of the academic year and are certified as mediators. During the year the students participate in pro bono mediation and several projects aimed at making mediation tools accessible to members of marginalized communities.

#### **I. Mediations**

- Family Mediations

The clinic offers pro bono family mediations. During the year the clinic was involved in five of these proceedings.

For example, in November 2020, the clinic started a divorce mediation between a couple from northern Israel. Seven meetings were held with both sides, the mediation process was stopped twice and took longer than expected because of the COVID lockdowns. The sides came to an agreement concerning all topics that disagreed: child custody, division of property, and alimony, and the agreement was signed in December 2021 (and approved by the family court in Nazareth in May 2022). The parties were extremely grateful for the service, and though they had doubts concerning the presence of a student in such a sensitive proceeding, they were ultimately happy with it and thanked him for his presence.

In December 2021, a meditation took place in the clinic, between a woman from northern Israel, a clean drug and alcohol addict in a rehabilitation process, and her ex-partner, who is raising their daughter and lives in the south of Israel. The parties reached out for the clinic's help through the non-profit organization "Ariella's Way", that accompanies women through the process of their rehabilitation. The woman asked to renew her contact with her daughter, after being out of touch for two years. Two meditation meetings were held between the parties accompanied by a social worker from the organization. The sides came to an agreement concerning all topics that were in disagreement: child custody, forms of communication with the daughter and between the parents. In addition, the parties reached an agreement concerning how they would resolve any future disputes should they arise. The agreement was drafted, and the sides are expected to sign it.

During the second semester the clinic received three more requests for divorce mediations that involve disadvantaged populations, and these are in preliminary stages. One of these cases is especially sensitive as it involves a case of domestic violence.

- Meditation in cases of sexual harassment

During the academic year 2021, the clinic started a project to hold mediation procedures between the abuser and the victim in cases of sexual abuse, some during a civil lawsuit, and some as an alternative to legal proceedings. Towards the end of the second semester a request was received through the clinic for Legal Feminism from a woman who was harassed by a therapist who treated her and both parties expressed willingness to have a mediation process. The mediation was conducted by the director of the clinic, attorney Dana Gilo, together with another mediator, Abigail Dora, an expert in restorative justice proceedings, and two students participated as observers. So far meetings of the mediators were held with each party, a joint meeting of the parties and a meeting with the lawyers of the parties. The negotiation has advanced and an offer was made by one of the parties, and we are waiting for the answer of the second party.

The clinics are promoting a broader project to develop a model for restorative justice proceedings in cases of sexual offenses. See details below.

- Small claims mediation

Due to the introduction of the court regulations (lists of mediators) 2017, the clinic's position as an official body that accepts cases for mediation from the court and allows students to observe, was settled for the first time. During the year, the clinic took care of 26 small claim cases that were directed to us from the court in Haifa. In 18 of them, the parties refused to take part in the mediation process, and in the rest mediations were held. When agreements were obtained, they were validated by the court.

The students held "intake" talks during which they presented the mediation process to the parties, explained the main points of the process, coordinated with them the dates for mediation, and in the cases where the parties agreed to it, a mediation process took place.

## **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. The students write the lessons based on the content learned in the mediation course and adapt each plan to the specific target audience for the workshop, accompanied and guided by the clinic director. The clinic mediated six workshops, each consisting of three meetings.

## **III. Observing mediation proceedings at the Labor Court in Haifa**

During 2021, the students started a project that includes participating in mediation proceedings at the Labor Court as observers. The mediation is performed by mediators on behalf of the court.

All through the year, the students came to the Labor Court in Haifa, watched meditations, and at the end of each mediation, the students filled out a report on the proceeding for learning and reflection purposes.

The students participating in the project watched 26 mediation proceedings and filled out reports about them. A meeting is planned with the Vice President of the Labor Court, Judge Gili Glam, during the summer, to present to him the students' impressions and conclusions, in the hope of improving the service provided to the populations served by the court in general and members of disadvantaged groups in particular.

## **IV. Research on the violent riots in Haifa in May 2021**

During the summer semester 2021, the clinic's students took part in a study led by Dr. Ran Kutner and Dr. Roli Rosen from the Department of Peace Studies and Conflict Management at the University of Haifa. The purpose of the research is to understand how different parties experienced the violent riots that occurred in May 2021, during

Operation "Guardian of the Walls", as well as what can be learned from the experiences of people from the violent riots, and how similar events can be prevented in the future.

This year, the students continued to interview people who witnessed what happened in the riots. At the beginning of the year, the research received funding from the Abraham Initiatives Fund, and next year the clinic is expected to participate in a conference on the subject organized by the Peace and Conflict Resolution Program at the University of Haifa.

### **The Clinic for Law and Education Policy**

Clinical Director: Adv. Haran Reichman

Academic Director: Dr. Tammy Harel Ben Shahar

The Clinic for Law and Education Policy has been operating for eleven 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 precedents that then help thousands of children all around Israel. Here are several examples of the clinics activities in the past year.

#### **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 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 thousands 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. For example, the clinic has had to file three separate petitions against the city of Petah Tiqva (in 2016, 2019, and 2020) to get them to enroll children in schools, as well as two requests to find the city in contempt of the court for not complying with the court's orders (one in 2020 and one in 2021).

Last year, on August 3<sup>rd</sup> 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) was supported by briefs from education and psychology experts detailing the irreparable damage caused to children by school segregation.

In a preliminary hearing, the court urged the city to find immediate solutions for the petitioners. The city agreed to enroll some of the petitioners in schools in which vacancies still exist, however refused to fund busing from the children's homes. Since the Ministry of Education was not willing to fund transportation either, the interim agreement could not be carried out.

The main hearing in the petition took place in March 2022, and the courthouse was filled with tens of the petitioners' parents. The petition was ultimately declined in a ruling published on July 26<sup>th</sup>, stating that the municipality had followed the enrolment regulations, stating that children were entitled to be enrolled to schools near their home. The court found that separation in schools resulted from the segregated housing patterns rather than discriminatory policy. The clinic is preparing an appeal to the Supreme Court, arguing that the District court failed to address the main arguments in the

petition, namely that separate educational facilities are inherently unequal, and that educational segregation was not an inevitable reality but rather the result of policy.

In addition to the petition in Tel Aviv, this year the clinic represented groups of asylum seekers in the cities of Lod, Bene-Beraq, and Petah Tiqva, helping them remove barriers concerning enrollment to educational institutions as well as other problems.

Additionally, last year, 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 although they do not have organic impairments. Therefore, the state has a responsibility to support their development regardless of their immigration status. Since we received no response, the clinic prepared a petition to H CJ, which will be filed next year.

The clinic also represented several asylum seeker children who live with their mothers in a women's shelter in Isfiya, a Druze village near Haifa. The children, all Hebrew speakers, were enrolled to schools in Isfiya, in which the schools teach in Arabic, despite the requests to be transferred to Hebrew speaking schools in Haifa. Following our intervention, four of the cases were solved and the children were enrolled to Haifa schools. A fifth case, involving a child in need of special education, is now being addressed.

## **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, especially in light of the prevalent practice of charging high fees in public schools.

This year, the clinic was involved in several cases concerning the right to free education. The first involved a section in the parental payment regulations stating that

religious public schools that charge payments for extra Jewish studies are only allowed if parents have a free alternative in the municipality (a similar provision applies to other types of schools with unique curricula). In this case, the clinic represented parents from Giv'at Shmuel who demanded that the only religious public school in town make available a track that does not teach additional Jewish studies and does not charge fees. The parents' request was denied, and the clinic filed a petition on their behalf to the district court. In the hearing the judge commented that the parents had other educational options (outside but close to Giv'at Shmuel), and although we think that this position is legally mistaken, the petitioners decided to withdraw their petition.

In the past few years, the clinic represented parents who were charged illegal fees. This year, we won a partial success in the ongoing "Revava" high school case. Last year, the clinic filed a petition demanding the school reimburse parents for these payments and consequently the Ministry of Education committed to perform a new examination of the payments charged by December 2021. Unfortunately, the Ministry of Education did not complete the examination on time, and in March 2022, the clinic filed a motion to find the Ministry in contempt of the court. In May, the Ministry responded, stating that their examination found the clinic's accusations accurate and that the school was obligated to return the money to the parents.

The school, however, did not comply, and instead filed a petition of its own against the Ministry of Education following its decision. The clinic is currently working to be added as a respondent to that petition.

In another case this year the clinic represented a family from Kiryat Shmona who were sued by the execution office after they were unable to pay the public-school fees. The clinic filed an objection to the lawsuit arguing that the municipality could not, under law, use this administrative procedure to procure elective school fees.

### **III. Establishing public ultra-Orthodox schools**

The clinic is involved in the struggle to establish public ultra-Orthodox schools, namely schools that will provide free and adequate education for all ultra-Orthodox children,

which is suited to their way of life. In 2019, a petition filed by the clinic on behalf of a group of parents from Mevaseret who wanted to establish a public ultra-Orthodox school was denied, as was the appeal to the Supreme Court. The reasoning was that the Ministry of Education and local authority were not under a duty to open a school when the number of students was insufficient. Following the decision in this case, the clinic approached the Minister of Education on behalf of parents and organizations requesting that regulations be published providing criteria for opening ultra-Orthodox public schools. The Ministry of Education has not responded to this, however a new head of ultra-Orthodox education in the Ministry of Education has been appointed, and we hope that the regulations will be drafted. If they will not, we will consider petitioning the Supreme Court.

The clinic filed a petition on behalf of ultra-Orthodox parents in Safed who wanted to establish a public ultra-Orthodox school for girls. In this case, as opposed to the Mevaseret case, there are a sufficient number of students to justify opening a school according to Ministry of Education's rules.

Adv. Haran Reichman, together with Dr. Tammy Harel Ben Shahr, published an article entitled "The private school is dead, long live privatization", in which a chapter is dedicated to ultra-Orthodox public schools.

During the past year, the clinic represented parents in cases of illegal selection in ultra-Orthodox schools. In one case, children from a newly religious family were dissatisfied with the schools their children were attending, because they realized their children were not being taught any secular studies. As a result, they tried to transfer the children to one of the publicly funded schools but were rejected. The parents' appeals to the Ministry of Education appeal committee, as well as repeated meetings with officials in the local authority were unsuccessful, and the parents were even notified that they were being prosecuted for truancy. The clinic represented the parents in the hearing and following the hearing, the transfer was approved.

In another case, the clinic represented a family who pulled their children out of an ultra-Orthodox school after cases of child abuse. When they tried to transfer to another ultra-

Orthodox school near their home they were rejected without any explanation, and the parents were notified they would be prosecuted for truancy. The alternative schools the local authority offered the family were unsuitable for their way of life. The clinic represented them in the hearing, and as a result a hearing was held in the Ministry of Education appeal committee (that until that point failed to respond to the parents), following which the children were accepted to the school.

The clinic is currently representing another case in which a girl was rejected from an ultra-Orthodox school after failing an academic selection test. This case has the potential to address a broad issue of academic selection in ultra-Orthodox schools. The clinic argues that publicly funded but privately owned ultra-Orthodox schools have a right to design their admission policy to ensure education according to their belief but are not allowed to perform academic selection. Publicly funded (but privately owned) ultra-Orthodox schools, the clinic argues, have the responsibility to educate all ultra-Orthodox children, as long as there are no ultra-Orthodox public schools available to all children.

#### **IV. The education of children with disabilities**

As always, this year the clinic was involved in numerous projects to ensure adequate education for children with disabilities, both at the policy level, and providing legal aid and representation in specific cases. For example, the clinic filed a petition to the district court on behalf of a child with autism who was not granted the services she was eligible to. The committee that decided the services she would receive offered no explanation of the decision. The court accepted the clinic's argument that the committee failed to provide reasons for their decision and therefore remanded the decision to the committee. Unfortunately, the committee did not amend the decision, however has provided the reasons for it.

#### **V. At risk youth – the Hila program**

The Ministry of Education operates the Hila program for at risk youth who do not attend schools. The program, however, is not formalized in legislation, which raises various problems, primarily that the funding needed to operate the program is not guaranteed. This problem was aggravated when the Ministry of Education decided to stop the program's funding in the middle of the COVID crisis. The clinic and other organizations intervened, and the Ministry of Education decided to continue the program. Following this crisis, the clinic collaborated with officials from various local authorities responsible for at-risk youth and from the Ministry of Education to draft a bill that addresses the various aspects of the education of at-risk youth and will ensure adequate funding, universal access to services, and more.

#### **VI. Access to the internet for Bedouin children**

In the fall semester, the clinic toured unrecognized Bedouin villages in the Negev with local organizations, ACRI (Association for Civil Rights Israel) and a clinic from the Hebrew university. The purpose of the tour was to learn about the educational challenges the Bedouin community faces, and especially with respect to access to online learning, given the lack of infrastructure, connection to electricity, the internet and the shortage of devices. The clinic is in touch with the local community to examine possible legal action.

### **The Clinic for Law, Technology and Cyber**

Clinical Director: Dr. Dalit Ken-Dror Feldman

The Law, Technology and Cyber Clinic aims to deal with the many legal challenges that arise in the digital age, including the protection of privacy, intellectual property, online free speech, cybernetic attacks, and national safety, and more. The clinic combines professional knowledge concerning technology with legal expertise to provide legal tools for ensuring that technological innovation promotes human rights and the public interest.

The clinic was recently awarded a three year EU grant (with the Movement for Freedom of Information) to promote transparency and accountability in the use of algorithms for governmental decision-making.

In the 2022 academic year, 16 students enrolled in the clinic, and participated in the following projects:

### **I. The Judge Habiby Smart Cities project**

In anticipation of the increasing implementation of smart cities in Israel, the clinic wishes to create guidelines – legal and ethical – for assimilation of smart systems in cities in Israel. To this end, the clinic has begun mapping the ethical and legal principles laid down in various jurisdiction in relation to smart cities, including Canada, Spain and India, and the Reichman university index for smart cities. The clinic also mapped some of the potential challenges that transitioning to smart cities creates, including issues of privacy, digital literacy, the way to accommodate people with disabilities, cultural and linguistic diversity, and more. The clinic is in the middle of writing a policy paper addressing these issues.

This project also involves treating specific problems of implementing technological innovation in the urban space. For example, since 2021, the Israel Mail Service provides services in the physical stations only after making an appointment, using the online application. However, setting appointments online is not accessible to all the population, both because of language barriers (the services is only available in Hebrew) and due to technological capabilities. The clinic received several complaints concerning this issue and approached the Israel Mail Service several times, and ultimately the Mail Service announced that people over 70 years would not be required to make an appointment in advance.

### **II. Protection of Privacy**

One of the primary human rights concerns in data-rich digital technologies concerns the right to privacy. Over the years, and this year is no exception, the clinic has been involved in various actions to ensure the protection of privacy. Last year the clinic published, together with the Privacy Association and Israel Internet Union, a response to the Digital Mailing legislative bill, which regulates the shift to email instead of paper mail in all the correspondence between citizens and state agencies. The bill, while important, is included in the omnibus Law of Arrangements, a piece of legislation that includes thousands of provisions that do not allow for public engagement and democratic deliberation. The clinic, together with partner organizations, wrote a policy paper calling to extract the bill and legislate it separately.

The clinic also wrote a response to the substantive content of the bill, met with the professional policy makers responsible for it, and participated in the many (14!) Knesset committee meetings concerning problems of privacy, digital literacy, etc. For example, the clinic stressed that concentrating all the electronic addresses of the people of Israel in one place creates digital security issues. People's email addresses serve as a login to many applications such as the bank's application, so if the database were to be hacked, it would be possible to use this information to log into their bank account. The clinic also offered possible solutions, such as to sever the connection between the population registry and the email address registry, and to consider the existence of replacements for email, such as designated electronic applications and others.

In addition to the issues of privacy and data protection, the clinic also highlighted the need to consider the needs of parts of the population that are not interested in the shift to digital service or unable to access digital services, and therefore offered to make the use of email optional. Following the clinic's recommendations, changes were introduced into the law, including making its provisions optional in the first years, and making sure that individuals that



transition to email are proficient so that content will not be lost and to make sure that the person has exclusive control of their mailbox, etc.

The clinic was involved in another project concerning the collection and analysis of data regarding passengers entering and leaving Israel. The clinic commented on a legislative bill meant to regulate the database that will hold sensitive information about millions of people entering and departing Israel. Among other things, the clinic questioned the legitimacy of the fact that the database is under the jurisdiction of the Israel tax authority, and commented on the ways in which the bill allows transfer of information between governmental agencies, and the measures taken to ensure the protection of the database.

### **III. Algorithmic Transparency**

Using algorithms has important benefits; they help governments make more effective and accurate decisions. Alongside these benefits, however, the use of algorithms may create concerns in terms of protection of data, privacy, and biases 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, supported by an EU grant, aims to promote transparency and accountability in governmental use of algorithms. The project involves various elements, including policy work and representation in specific cases.

Last 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, and the case was remanded to the District Court stating that the duty to disclose information under the freedom of information act applied to algorithms. Unfortunately, the District Court decided that the tax authority was not required to disclose the algorithm, applying one of the exceptions of the

freedom of information act. A second appeal has been filed to the Supreme Court, and the clinic, together with partners, intend to file another Amicus Brief.

One of the main actions the clinic aims to perform in the project involves learning which governmental agencies use algorithms for decision making. To do so the clinic examined the websites of different governmental agencies for signs that decisions are made with the help of algorithms. Following this the clinic sent (and will continue sending) freedom of information requests to the various agencies to ask for information on their use of algorithms. This year the clinic wrote 16 letters, and 5 formal requests under the freedom of information act.

This year, the clinic also performed an extensive comparative research concerning algorithmic transparency. Comparing standards worldwide will help the clinic design recommendations for the governmental use of algorithms in Israel.

#### **IV. Online free Speech**

The clinic wrote a policy paper concerning deep fake, that includes a detailed description of the phenomenon, its negative effects, and a survey of the regulation of deep fake in various jurisdictions around the world. The policy paper then puts forward recommendations on how to regulate the use of deep fake, especially in the domain of political content and in the area of pornography and sexual content.

Because of the importance and novelty of the legal issues concerning online free speech (including hate speech, fake news, and other challenges), the clinic wrote a survey of all the existing Israeli case law concerning online free speech to be published for public use in the Israel Internet Association Website.

#### **V. Copyright in online teaching (continued from last year)**

Throughout last year and this semester, the clinic prepared a policy paper aimed to tackle the legal challenge involved in making research material and self-learning material (protected by copyright) accessible in situations when it

is not possible to be physically present at university libraries. The paper is in final stages of editing.

Additionally, the clinic prepared a policy paper concerning copyright in online teaching. In addition to reviewing the different policies adopted by institutions of higher education in Israel, the policy paper specifies its recommendations. The policy paper will be completed in the coming few months.

## **VI. Autonomous vehicles**

Israel is preparing to enter the trial stage of smart autonomous vehicles, and a legislative bill is being introduced to that effect. Last year the clinic commented on the first version of that legislative bill, and many of the comments were incorporated into the bill. This year the clinic filed another round of comments on the amended bill. The clinic stated that since data is collected through the operation of autonomous vehicles the users must actively consent. Additionally, the clinic argued that the trial advisory committee should include people with disabilities, and that the legislation should instate an appeal procedure on licensing decisions. In addition to writing the commentary, the clinic participated in 5 Knesset committee meetings.

Dr. Dalit Ken-Dror Feldman is part of a research group that includes researchers from the Technion and the University of Haifa. The group aims to study how society can profit from smart transportation promoting safety, efficiency and decrease pollution, while ensuring safeguarding of other human rights.

## **VII. Digital Bequeathing**

The clinic, together with the Israel Internet Association, wrote a guide concerning the rights and entitlements to digital assets after death. Issues of control and access to information and content on digital platforms after people's death are not sufficiently legally regulated. Some websites and platforms do

not have detailed policies in this regard, and people are not aware of their possibility to plan how their digital assets will be managed after they die. The guide is currently in the final stages of editing and revisions, and when completed, will be available online.

## **The Public Defender and Criminal Justice Clinic**

Clinical Director: Adv. Sharon Ringer

Academic Director: Dr. Rabeea Assy

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 up 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.

This year, 17 students participated in the clinic. The students wrote detailed reports regarding their work and the professional ethical and legal insights they gained from it. Often, the experiences evoke powerful emotions and dilemmas. For example, one student wrote in her report:

*"The exposure to this type of work, made me rethink my whole career path, and I decided to do my internship in the DA's office. Many friends ask me about the switch from defender to DA and I replied that if you want to represent the public interest in criminal law, you first have to be an excellent defense lawyer. In the clinic, I was offered the opportunity to try to be one. I now see things also from the accused's perspective. This was immensely meaningful for me, more than any other course."*

Another student reflected:

*"The clients I met oftentimes had mental health issues or hard life stories, which made the importance of the public defense so much more tangible to me. To some extent, the criminal defender is her clients' therapist, and their effect on them can be immense. I*

*really enjoy watching the way the defense attorney relates to the clients, and I hope to learn that from her.”*