

## **The University of Haifa Faculty of Law**

### **The Clinics for Law and Social Change**

#### **Annual Report 2022-2023**

We are delighted and proud to present to you the University of Haifa Legal Clinics 2022-2023 annual report. Our clinics address some of Israel's most pressing social challenges. Through the work of the Legal Clinics, law students, guided by a team of expert lawyers, serve as advocates, promoting human rights and democratic values on behalf of disadvantaged communities and individuals. In the 2022-2023 academic year, around 100 students participated in the seven clinics operating at the Faculty of Law at the University of Haifa. These clinics include: the Law, Technology, and Cyber Clinic, the Legal Feminism Clinic, the Civil Litigation Clinic, the Conflict Resolution Clinic, the Public Defender's Clinic, the Human Rights Clinic, and the Law and Education Policy Clinic. These clinics handled hundreds of cases, advanced dozens of projects, represented thousands of clients, and directly and indirectly influenced many women, men, and Israeli society as a whole.

Although each clinic has its unique focus, they all work towards three main goals: firstly, promoting human rights, the public interest, and access to justice for marginalized populations. Secondly, providing high-quality legal education to law students. Thirdly, advancing applied legal research. To achieve these goals, the clinics utilize a wide range of legal tools, including representation in court, legal aid counseling, position papers, legislative proposals, mediation services, editing applied research, providing legal information to marginalized communities through information sheets and podcasts, workshops, and more. Students are employed in various projects and cases and are closely supervised by clinic directors. As the detailed report below shows, the activity is extensive and diverse and holds significant importance for individuals and society.

The clinics' activities are translated, in appropriate cases, into applied legal research that contributes unique insights from the field to the development of legal knowledge, improving Israeli law, and promoting human rights. Each clinic is accompanied by an academic seminar where students receive additional in-depth knowledge of relevant legal theories, and their research papers often focus on topics they encountered in their practical work. The clinics also organize

conferences, roundtable discussions, and similar events for the benefit of law students and academics in specialized fields. This year, on International Human Rights Day, the clinics organized a panel on public housing, the Feminist Legal Clinic organized a panel on feminist activism for International Women's Day, and the Law Technology and Cyber Clinic organized a panel on Spyware following the “Merari Report”.

In addition to each clinic's individual activities, the clinics collaborate on various cases and projects. For example, the Feminist Legal Clinic and the Conflict Resolution Clinic are jointly promoting a model for restorative justice in cases of sexual offenses. The Civil Litigation Clinic is collaborating with the Public Defender’s Clinic on filing claims for damages in cases of rights violations during detention, and more.

We invite you to review the report, and we would be delighted to hear your ideas and comments and, of course, to collaborate in the future.

**The clinical staff**

## **Executive Summary**

**The Human Rights Clinic** provided legal aid for undocumented individuals in our ‘walk-in’ clinic in Hadar neighborhood, Haifa. The clinic provided legal treatment to about 50 individuals, including approaching governmental units, employers, health care providers, and others on their behalf. In about 10 cases the clinic represented the clients in courts. One of the recurring issues the Clinic involves LGBTQ+ Palestinians who are seeking status in Israel due to their lives being threatened in the West bank and Gaza. Many of these individuals are required by the Israeli authorities to provide documentation they do not have, and the obtaining of which would put these individuals in direct risk. The Clinic also engaged this year in a project concerning the inadequate conditions in which incarcerated individuals are transported and held when they are taken to court hearings. The cruel conditions in which they are held discourages them from attending court hearings and often even discourage them from filing petitions thereby severely infringing on their right to access to justice.

**The Legal Feminism Clinic** provided legal aid and representation to about 200 clients this year in a wide range of topics, including 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 is also involved (together with the Dispute Resolution Clinic) in facilitating reconciliation processes between victims and alleged perpetrators in sexual offenses.

**The Civil Litigation Clinic** engaged in various projects aimed at promoting human rights using the civil law. The Clinic represented 5 cases of violation of human rights by the police in arrest and detention. In the first case, the Clinic has already filed a tort lawsuit which is pending, and the others are at different stages of treatment. The Clinic represented multiple clients in issues relating to debt, and also engaged in principled policy issues relating to debt such as decreasing default fines, and more. The Clinic, together with trans’ rights organization is involved in legal action to promote the rights of trans people, both on the individual and policy level. This year the projects included rights in education, prisons, and health care. The Clinic is also involved in the struggle to ensure public access to the Asi river, including by representing activists and reviewing the administration’s new decision concerning access to the site.

**The Leon Charney Clinic for Dispute Resolution** provided pro bono mediation in over twenty cases, including small claims cases, family cases, LGBTQ+ cases, and mediation between victims of sexual harassment and the alleged perpetrators (with the Legal Feminism Clinic). Additionally, the clinic facilitated mediation skills workshops for individuals from marginalized groups. The workshops consisted in 3 meetings in which the participants were provided 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 presented the study they performed 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, including about 15 cases in courts and several projects of policy change. The Clinic filed an appeal challenging the District Court's rejection of our petition concerning racial segregation of asylum seekers into separate schools and kindergartens in Tel Aviv. Following the appeal the Municipality, together with the Ministry of Education decided to begin a pilot project in which 100 children would be transferred to schools in the North of town, and at the same time, the municipality will invest resources in improving the education of students remaining in segregated schools. The Clinic also challenged the Ministry of Education's illegal orders that prohibit teachers from participating in protests against the judicial overhaul, as well as prohibiting them to discuss current affairs with their students. An additional case involved the demand to establish a Haredi state school in Sefad. Following the petition, the municipality committed to establishing a school within 3-4 years.

**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. This year, the Clinic engaged in a broad project to ensure that the elderly have access to governmental and commercial services that are increasingly provided online (including mail appointment services, public transport tickets, parking pay app, and more). The Clinic also wrote a report aimed at providing an up to date picture of the use of algorithms by governmental agencies, and included a comparative study on the duties of algorithmic transparency in different jurisdictions. The Clinic also issued several Freedom of Information petitions to various agencies to reveal the use of algorithms, and participated in roundtables with regulators on the issue. The Clinic also provided legal counsel concerning privacy protection to initiatives involved in finding technological solutions to domestic violence.

**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 Clinic for Civil Litigation**

Clinical Director: Adv. Reut Cohen

Traditionally, legal strategies for promotion of human rights mostly 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— with unfettered access to personal information and the ability to impact personal rights—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 9 students participated in the clinic and provided legal aid and representation to about 100 clients, including representation in courts and in the Execution Office, through petitions for pardon and freedom of information act requests, and through responses to policy initiatives and legislative bills. Here is a summary of our activities:

### **I. Protecting rights in criminal procedures**

In December 2022, the clinic filed a damages lawsuit against the Israel Police Force on behalf of an individual whose rights were severely violated while being detained by the police. The law prohibits detaining people in the police station for more than a few hours, as the cells lack beds and have only concrete benches. Prisoners also lack bathrooms in their cells, and they have limited access to bathrooms with no possibility to bathe. According to the law, overnight imprisonment requires transfer to the prison authority to ensure humane conditions. In spite of this, the plaintiff was held in the police station for two consecutive nights, in appalling conditions. Despite his pleas, he was not taken to the bathroom, had no opportunity to change clothes or bathe. Furthermore, he was not provided with fresh and warm food or medical care (he was arrested without the medicine that he was prescribed) despite repeated requests. The case is pending.

The clinic dealt with an additional 5 cases related to rights in the criminal procedure this year, and in two of these cases the clinic is preparing lawsuits: one is on behalf of a person who was indicted but acquitted, after the judge found that he had been arrested because of his appearance due to profiling. The second case involves a minor that was arrested in a way that infringed on his rights.

## **II. Elderly and disability consumer cases**

The clinic received a grant from the Israeli Class Action Foundation in support of a project to protect the elderly in consumer law cases, given the power and information gaps that result in violations of consumer protections. The clinic represented several cases this year, for example: the clinic is representing an elderly woman who received an unjustified fine from a bus company and paid the fine. The clinic is helping her contest the fine, and also file a complaint with the state comptroller. The clinic is also assisting a Russian-speaking client who was persuaded by a company to withdraw his pension savings although he was not yet 67, resulting in him paying large taxes for this transaction. The client claims he was not informed and therefore did not understand the consequences of his actions. Following the clinic's intervention he was able to reverse the transaction, and receive a refund of the tax. The clinic is currently preparing a letter to the State Inspector of the Capital Market asking that the issue of consumer deception be regulated.

Additionally, the clinic provides legal aid to people with disabilities in various areas. For example, the clinic is representing a woman suffering from PTSD whose claim for a disability pension from her pension insurer was rejected. The insurer claimed that PTSD was an existing condition because the event that triggered it occurred before the client was insured. The clinic appealed the decision and will represent the client in the appeal committee this August.

## **III. 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.

### **1. Debt Erasure Committees**

The clinic is representing a public housing tenant whose income comes solely from disability pensions. The client was charged payments for his mother's hospitalization by the Ministry of Health, despite their determination that children should not be forced to pay for their parents'

hospitalization. The clinic wrote several letters to the ministry of justice to cancel the debt, and after being declined the ministry directed us to file a motion with the Debt Erasure Committee in the Law Enforcement and Collection System Authority (the Execution Office). However, when we tried to find information concerning the debt erasure committee on the website and elsewhere, we discovered that there was no available information about it. Therefore, in addition to filing a request for erasure of the debt, we also filed a freedom of information request asking for information about the committee, its authorities, regulations, procedure, and how many petitions it receives. From the response, we learnt that a committee exists, that is not publicized or accessible, that it handles only a handful of cases per year, and that these are only cases initiated by the Law enforcement and collection system authority. We also discovered that six months ago the committee received authorization to erase alimony debt. Following our correspondence the authority decided to reveal the committee to the public.

## 2. Default interest

In the past years the clinic, together with the Association for Civil Rights Israel (ACRI) has been working to change the way default interest is imposed. The clinic is of the opinion that the high interest imposed on debt that was not paid on time is meant to incentivize debtors to pay in a timely manner, as opposed to regular interest which maintains the value of the money loaned. The clinic argues that imposing default interest on debtors who are unable to pay undermines the goals of default interest and constitutes a punitive fine which is imposed discriminatorily on the poor.

Two years ago the government established a committee to examine the amendment of the Interest and Linkage Law, and the clinic submitted a response paper detailing the abovementioned position and its implications for the amendment. The clinic's position was adopted and the committee recommended separating the component of default payments from the interest. Additionally, the committee recommended erasing the default payments when the goal of incentivizing debtors is not achieved.

The government adopted the committee's recommendations and published two new bills that apply them. The bills are currently being discussed in the Constitution, Law and Justice Committee, although these discussions are being pushed back because the committee is busy discussing the



coalition's "legal reform". The clinic is following the developments, and will intervene to ensure that the bill that will be brought to the Knesset with the proposed changes.

#### **IV. LGBTQ rights**

For several years the clinic has been involved in promoting LGBTQ rights. The clinic provides legal aid and representation in various areas, including health, education, discrimination, incarceration, profiling in airport security, and more. Here are a few detailed examples:

- The clinic petitioned, on behalf of the trans community organizations a request to file an *amicus curiae* brief in a case concerning a transgender boy who was transferred from an all-boys religious state school after parents of other students in the school found out that he was transgender. The petition was filed by the child's mother, and after the state did not file a response, the court accepted the petition without holding a substantive hearing, and ordered the child be returned to the school. The ruling commended the brief filed by the clinic.
- Last year the clinic, together with ACRI and several transgender grassroots organizations won a 30-month EU aid grant to promote trans rights. Within the coalition funded by the grant, the clinic does the legal work related to the right to health. About a year ago the clinic filed a freedom of information request concerning extended waiting time for gender reassignment surgery. The ministry of health notified us several times that their answer would be delayed, until finally it stopped responding to our reminders. Consequently, the clinic filed a complaint with the freedom of information unit in the ministry of justice, which is currently being examined. If this proves to be ineffective, the clinic will take the case to court.

#### **V. Co-representation with the Legal Feminism Clinic**

The clinic cooperated with the legal feminism clinic in representing two clients this year. The first was a client requesting a protection order against her former partner, and the second involved representing women who were sued in a SLAPP lawsuit because of content on social media exposing sexual harassment. The cases are detailed in the Legal Feminism Clinic's report.

## **VI. The Assi River – protecting public access to nature**

The clinic has been involved in the ongoing struggle for public access to the Assi river, which flows through Nir David Kibbutz. Last year the Kibbutz filed a SLAPP against one of the activists following a post on Facebook concerning the actions of the Kibbutz. The clinic wrote a defense statement on her behalf, and consequently the court recommended the Kibbutz withdraw the lawsuit, which it did.

In May 2023, the Attorney General published a decision concerning how access to the Assi river would be regulated, allowing the Kibbutz to block public access to the river, beginning 1<sup>st</sup> of July 2023. The clinic, together with ACRI, wrote a letter to the Attorney General, to the Minister of Interior, to the Local Authority, Spring Valley, and to Nir David Kibbutz arguing that the decision was illegal, was issued *ultra vires* and allows the discriminatory blocking of public natural resources. The clinic and ACRI are considering challenging the decision in court.

## **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.

15 students enrolled in the clinic this year, four of who were men (the highest number of male students in the clinic in the past years). The students gave legal services, including guidance, aid and representation to a very high volume of cases – 3-4 new cases every week, and altogether about 200 cases this year, in a wide range of topics and projects. Here is a summary of our work:

### **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, in December 2022 we filed an appeal on behalf of a young woman who was raped by a friend when she was 17. Despite lack of support from her family and friends, the young woman filed a complaint with the police. The DA decided to discontinue the investigation; however, we were of the opinion that there was enough evidence to press charges and therefore we appealed that decision. The appeal is pending. We also filed a motion with the National Insurance Institute (NII) to provide the client with a disability pension and rehabilitation services. The client was found eligible, and she has begun therapy and is planning to start college next fall.

The clinic represented 3 other women survivors of sexual assault in procedures with the NII to obtain disability pensions.

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

The clinic represented several women this year in civil lawsuits in cases of discrimination in the workplace, sexual harassment, and other cases. For example, the clinic represented a doctor working as a resident in a hospital who was sexually harassed by her supervisor; the director of the department failed to act on her complaint. After she continued to pursue her complaint, alleging

that he did not adequately respond to her complaint he began harassing her professionally, claiming that there were complaints against her, until ultimately, she was summoned to a hearing before dismissal. The clinic filed a sexual harassment lawsuit with the labor court. The case is pending. Additionally, the clinic wrote a letter to the Civil Service Commission demanding they investigate the director's harassment of the client. An investigation is currently underway.

The clinic helped a woman file a small claims lawsuit against a police prosecutor who, we argue, infringed upon our client's autonomy. The case involved a man who was charged with physical assault of his ex-partner. The prosecutor contacted the woman to obtain her position concerning a possible plea bargain, as required by law. In response the woman said she needed a couple of days to consider it and that she would notify the prosecutor. However, to the woman's surprise the prosecutor notified the court that the victim supported the plea bargain.

Finally, the clinic represented a woman who was sexually harassed in the workplace, and after complaining to her employer, nothing was done to address her complaint. The clinic wrote a letter on her behalf to the employer, following which the employer began negotiations which resulted in a 50,000 NIS payment of damages to our client.

### **III. Defense against SLAPP lawsuits**

The clinic is representing several women in a series of SLAPP lawsuits filed against them by one plaintiff. The case began when a woman who was sexually assaulted by her therapist uncovered her story in a post on social media. Following the event, the therapist filed a libel lawsuit against her and against five additional people who supported her social media. In the main lawsuit, against the woman who was harassed, the clinic filed a statement of defense on her behalf as well as a counter lawsuit. As a result, the therapist withdrew his lawsuit. In two of the other lawsuits the clinic filed statements of defense. We are in the final stages of mediation to close the cases.

### **IV. Preparing victims of sex crimes for the complaint procedure**

As a part of the work to improve all services to victims of sexual violence, the clinic provides preparation services for women who plan to file a complaint with the police. The preparation includes informing the client of 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. For example, this year we helped a student who was raped in a party with date rape drug prepare for her questioning.

We are waiting to hear whether the investigation will culminate in an indictment. Another case involved a woman who was raped by a colleague on the way home from work. The client suffered from lapses in memory, which are common in victims of sexual assault. The preparation involved several meetings in which we tried to help the client piece together the different parts of the story she recollects.

## **V. Domestic violence**

The clinic has partnered with the Michal Sela Forum that fights domestic violence. The forum refers cases to the clinic for legal aid and representation in protection orders.

The clinic, together with the Civil Litigation Clinic, is representing a woman who was in a violent relationship for ten years. Her ex-partner has been harassing her on online platforms such as telegram, YouTube, and others, slandering her. The clinics filed a petition to the Family court for a protection order from threatening harassment and required that the court order that all the publications against her be removed. Unfortunately, the court was not persuaded that online posts constituted threatening harassment. We are considering whether to file an appeal.

Additionally, together with three other women's rights clinics in Israel, the clinic wrote a position paper concerning the intention to privatize rehabilitation services for violent men. The clinics voiced the concern that privatization would insert considerations of profit and cause a decline in the quality of services that might put women at risk.

## **VI. Women's Health**

The clinic has several programs concerning women's health issues. In June 2023 the clinic filed a petition to the Supreme Court challenging the Ministry of Health's failure to provide a safe environment in hospital mental health wards and lack of mental health services for minors who were victims of sex crimes. The petition was the result of two years of work in which we repeatedly approached the ministry of health concerning problems with safety in mental health wards in hospitals. We found out that there are recurring cases of sexual harassment and assault in psychiatric wards in Israeli hospitals, and that the ministry of health is not doing enough to address the crisis. For example, we claim that separate psychiatric wards should be provided for women. Additionally, we discovered that although 80% of minors treated in wards are victims of sexual

violence, there are not enough centers that specialize in victims of sexual violence, therefore the most vulnerable children are not receiving appropriate care.



In the photographs:

- 1) Adv Vardit Avidan and two students who assisted in the project and in writing the petition
- 2) The petition!

Workshops on economic violence: As part of the clinic's mission to combat all forms of violence toward women, the clinic aims to raise awareness to economic violence, a form of violence that is often unrecognized by victims and society at large but has a huge impact on women's lives and independence. Students in the clinic facilitated two workshops about economic violence this year. The workshops were provided to women struggling with addictions.

## **VII. International Women's Day**

The clinic organized a panel for international women's day (March 2023) in which activist women from various fields shared their inspiring stories. The panelists reflected on the implications of the current constitutional crisis in Israel for women's lives. Speakers included: Knesset member (and Haifa native) Naama Lazimi, Samira Azam, member of Osafia local council, feminist activist Yuval Raz and artist and activist Noam Friedman.

## **The Human Rights Clinic**

Clinical Director: Abeer Backer

Academic Director: Prof. Itamar Mann

Vulnerable and marginalized populations (such as women, people with disabilities, homeless people, undocumented individuals and prisoners) require more assistance than others in exercising their rights and accessing the legal system. The Human Rights Clinic was established to address infringement of human rights of these vulnerable groups.

The Clinic engages in various projects. It runs a walk-in rights center in Downtown Haifa, in Hadar neighborhood primarily serving undocumented individuals including asylum seekers from Africa or Ukraine, Palestinians, and worker migrants. The legal aid provided spans health rights, employment, status and more. Students admit clients, hear their stories, and participate in consultation meetings, and learn to translate people's life stories into legal claims. They then assist with providing legal advice, conducting legal research, writing legal documents, filing legal proceedings on their behalf, and representation in courts. The clinic also engages in projects for promoting policy on a broader level, through high impact litigation, writing policy papers, participating in forums and collaborating with human rights organizations.

This year, 14 students participated in the clinic. The clinic provided legal advice to around fifty individuals and filed 7 legal proceedings in different courts (district and magistrate), and in the Administrative Court of Appeals under the Ministry of the Interior. Additionally the Clinic engaged in several new projects for promoting policy. Cases were referred to the Clinic from various sources, including directly to the clinic director, through social networks or email, and from the rights' center in Haifa. Here is a summary of some of these cases and projects:

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

One of the main activities in the clinic is the Rights Center for Undocumented Individuals in Hadar neighborhood in Haifa. The center is operated in collaboration with the Technion student-led health care clinic for undocumented individuals. The people who receive service at the center include asylum seekers from Eritrea and Sudan, foreign workers from Asia and Eastern Europe, Ukrainian refugees and Palestinians living in Israel without legal status. The legal issues faced by these individuals are diverse and encompass legal status in Israel, the right to health (both physical and mental), housing rights, access to welfare services, debt, employment, family law, and more. Some seek legal status in Israel due to long-term residence, marriage to an Israeli citizen, or being threatened in the West bank and Gaza due to suspicion of collaboration with Israeli authorities or sexual orientation.

The project offers students a meaningful and challenging learning experience. As the center provides a "walk-in" service, students deal with a variety of legal questions in different fields without prior preparation. They gain experience in conducting client interviews and collecting relevant information and documents. The Rights Center receives numerous referrals, and during consultation meetings, those seeking help receive initial legal advice. In suitable cases, students work on applications to relevant authorities. Often, the individuals who come to the center require legal assistance on multiple issues, and the clinic provides holistic treatment for the various problems they face. The aspiration is to assist on an individual level and also to attempt to generate systemic change whenever the individual issue raises a fundamental question. Here are some examples:

- In June 2022, the clinic filed an administrative appeal on behalf of a Palestinian man whose residency permit in Israel was revoked after 20 years. The man was provided Israeli residency due to being threatened in the west bank because he allegedly collaborated with the IDF. Despite being married to an Israeli wife, the man was unable to proceed with a process of family reunification because the Ministry of Interior conditioned moving forward with this process with the presentation of a valid Palestinian ID. Since the man's life is threatened in the West Bank, obtaining a valid ID is impossible.



The ministry of Interior refused to waive this requirement, stating that there was no proof that the man was still threatened. The clinic represented the man, and in a hearing in October 2022, the court ordered he remain in Israel for 6 months, during which the state reexamine his case. Since that decision new evidence was obtained that proved that the client's life was still threatened, and following the Clinic's intervention the client was summoned for an investigation with the ministry of Interior in August 2023. The clinic will continue to represent the individual and assist him in obtaining permanent status in Israel.

- The clinic is representing several cases of Palestinian LGBTQ+ individuals whose lives are threatened in the west bank and Gaza because of their sexual orientation and gender identity, and therefore seek legal status in Israel. Thus, the clinic is representing a young woman who stayed in the country without a permit. The state initially refused to issue her a permit, but following the murder of a young Palestinian man because of his sexual orientation, the clinic's request on her behalf for a temporary permit was granted in November 2022. Another case involved a young man, who was threatened due to his sexual orientation. The clinic helped the man obtain an urgent permit in December 2022, which was extended to six months, and in August 2023 the permit was extended for an additional 6 months. The clinic also represented a Palestinian Trans Woman who was a sex worker and was attacked and injured while working on the street. The police closed the investigation and dismissed the case. The woman approached us to help her obtain a working permit, however she was instructed to present a valid Palestinian ID, which she cannot obtain since it requires entering the west bank, which would be extremely dangerous for her. The clinic is trying to help her obtain working permit without those requirements, due to her special circumstances.
- For several years now the clinic has been representing a very complicated case involving an 11 year old Palestinian child who was abandoned by her biological parents and is living in Lod, without legal status, with her uncle and grandmother. who are permanent residents. After a lengthy legal process, her aunt and grandmother were officially granted guardianship rights for the first time in November 2022. Following this development, the students began working on an application for legal status to the Humanitarian committee in the Ministry of Interior. The ministry requested additional documentation concerning the child, including proof of the girl's place of residence and the consent of her parents. However, her parents are not in touch, and therefore, a petition was filed to grant her

grandmother official custody of the child. The petition is pending. The clinic also assisted the child's uncle concerning an old criminal record that according to the law should have been expunged, but still appeared in police records. Following the clinic's intervention, the police updated the record.

- The clinic helped a foreign worker cancel a court order in a lawsuit that was filed against him without his knowledge. The worker, of Sri Lankan origin, has been in Israel, legally, for 10 years and employed in elderly care. The worker told us that he received notification of a debt that included interest and fines. With the help of a student from the clinic, the client found out the origin of the fine and we then requested access to the court file. We found that a default judgement was issued against the worker for an unpaid police ticket report, and that the judgement exceeded what is specified in the regulations. In addition the client claimed that the ticket was issued by the police officer without due cause. After being convinced that the client suffered a great injustice, the clinic approached the court to request the cancellation of the default. The court ordered the state to respond, and the case is pending.

## **II. Prisoners' Rights**

The clinic is involved in promoting prisoners' rights in various aspects.

- **Prisoners' petitions**

Prisoners are allowed to file petitions regarding their conditions in jail. When those petitions are heard by the district court, the prisoners have a right to be present. However, the conditions in which prisoners are transported and accommodated when they attend hearings are inadequate, and often even harsh and degrading. As a result, many prisoners waive their right to due process and prefer not to attend the hearings and are also discouraged from petitioning altogether. A public report addressing the problem was published a decade ago, yet no steps were made to improve the conditions. This year the students compared the condition when the report was written to matters today, and examined whether any of the recommendations were implemented. They wrote a draft of their findings. The project will continue next year.

- **Early release conditions**

The clinic is representing a Palestinian prisoner from the west bank with a mild cognitive disability. The client petitioned for an early release after serving two-thirds of his sentence for a non-violent offense. The parole board rejected his request because he did not undergo

rehabilitation while in prison. However, the prison in which the client was incarcerated, like several other prisons, do not provide treatment to non-citizen Palestinians, therefore the client was barred from rehabilitation services and consequently, from early release. The clinic appealed on his behalf to the parole board, requesting a reconsideration and claiming that the prisoner was prevented from accessing treatment in prison and this should not be held against him. Furthermore, it was argued that the prisoner's daughter was in a traffic accident and her treatment involves financial expenses, and his early release could assist in supporting the family. A private rehabilitation plan was submitted to the board, offering individual treatment for the prisoner at a location in the west bank and securing a job for him upon release. Unfortunately, in July 2023, the parole board rejected our appeal and determined that there had been no change in circumstances warranting a renewed consideration for the prisoner's early release.

### **III. Access to criminal trial documentation for a crime victim**

The clinic is representing a Palestinian-Israeli woman, who was sexually assaulted by her father who served a 9-year sentence as a result. The woman is requesting to review the criminal files pertaining to her for the purpose of writing a book. The prosecution responded stating that they would not fully oppose the request, but the court's permission is needed to allow the transfer of materials from the closed-door trial. The petition for access to the materials will be submitted in September 2023.

### **IV. Research and conferences**

Adv. Abeer Baker spoke in numerous academic conferences, as well as engaging in public explaining and creating access to knowledge in Arabic concerning the recent developments in Israel concerning the so called legal “reform” planned by the government. She also conducted research related to the legal protection of human rights:

- Abeer Baker, "Israel's Supreme Court rarely favours Palestinians. Under reforms, it never will", in **Middle East Eye** (On-line), June 2023
- Rafah Anabtawi, Iman Jabbour, Abeer Baker “Femicide in Palestinian Society” *The Routledge International Handbook on Femicide and Feminicide*, (ed. **Myrna Dawson Saide, Mobayed Vega**).

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

Clinical Director: Dr. Dalit Ken-Dror Feldman

The Law, Technology, and Cyber Clinic aims to address the complex legal challenges arising in the digital era and promoting human rights and public interests. It plays a pivotal role in fostering transparency, safeguarding privacy, upholding online speech, and advocating for marginalized populations, serving as a valuable resource at the intersection of law and technology.

During the 2022-2023 academic year, the clinic enrolled 16 students who actively participated in the following projects:

### **I. The Judge Habiby Digital Access for the Elderly Project**

Derived from the “Smart Cities” project conducted by the clinic in the preceding academic year (2021-2022), the clinic's focus shifted towards enhancing elderly access to various online services—governmental and consumer-oriented. Recognizing that the elderly often encounter challenges when using online services and mobile applications, the clinic concentrated its efforts on bridging the gap to online accessibility. Key undertakings included:

1. In the fall semester, the clinic drafted a document identifying predominant obstacles the elderly face when accessing online services. This document, accessible on our website and distributed to pertinent policy makers and advocates, exposes substantial issues tied to online consumer activities. Additionally, the elderly sometimes fall prey to scams masquerading as shopping sites or donation platforms, soliciting their credit card information. While current solutions emphasize education—imparting fundamental technological skills to the elderly—and tech support when problems arise, these measures often fall short due to their limited availability and accessibility. They also prove inadequate for those unacquainted with technology or infrequent users.
2. Relying on insights gleaned from collecting this information, the clinic spearheaded the formation of a coalition comprising, in addition to the Law Technology and Cyber Clinic, our Civil Litigation Clinic, the Holocaust Survivors' Rights Clinic at Tel Aviv University, elderly advocacy organizations, and internet-focused groups. The coalition convened in January 2023 and has since been active in specific cases. For instance, the coalition authored a paper for the Knesset Committee on Holocaust Survivors' Rights, detailing

accessibility problems in the Israeli Mail Service's digital platform—a matter the clinic has addressed for over two years.

3. Another ongoing concern involves public transportation in Israel. Although elderly individuals qualify for free public transport, the "Rav Kav," an electronic ticket encompassing all modes of public transit, necessitates a mobile application for use, thereby posing a barrier to elderly individuals. The clinic approached the Ministry of Transportation, urging alternative ticket acquisition methods for the elderly. We await their response.
4. Russian-Language Services: Israel's elderly population includes a large group of immigrants from Russia who often encounter language barriers in receiving technical support services available only in Hebrew. The clinic compiled a database of services offering Russian-language tech support. Additionally, the clinic participated in meetings of the Knesset Committee on Holocaust Survivors' Rights to address this concern. Presently, the clinic is developing a database of government centers offering human phone support, including languages provided.
5. Mobile Parking Payments: The increasing adoption of mobile applications for parking payment presents challenges for the elderly. Among other issues, the service centers accessible by phone for troubleshooting exclusively operate in Hebrew. Furthermore, extended waiting times could lead to parking violations while awaiting assistance. The clinic presently engages various companies to bring attention to this issue.

## **II. Privacy Protection**

### **1. Patient Privacy**

In the preceding year, the clinic responded to a policy paper from the Privacy Protection Authority, focusing on safeguarding privacy in remote healthcare services. Notably, the clinic addressed the use of digital communication tools such as WhatsApp by medical professionals, often without patient knowledge or consent. This year, the Privacy Authority issued a supplementary paper aimed at mitigating privacy violations in private communications. The clinic's response underscored the need for comprehensive solutions despite improvements, urging private apps like WhatsApp to remain exceptions rather than norms. We await a response.

## 2. Consultation for Violence Prevention Initiatives

In May 2022, the Clinic director participated in a Hackathon by the Michal Sela Forum for combating violence against women. The Clinic provided the participants with legal guidance in various issues. Subsequently, the clinic advised three technological initiatives dealing with privacy and libel challenges. One initiative involves a project alerting women if their partners breach protective orders and come within dangerous proximity of the woman.

## 3. EU Citizens and Privacy

Following the regulations concerning privacy in the EU, the Israeli government released At the draft privacy regulations for European citizens, that add to local standards of protection of privacy. The clinic, alongside Adv. Amit Ashkenazi, former legal advisor to the Israel National Cyber Directorate, responded to the draft regulations in January 2023. The response tackled discrepancies between local and foreign individuals and addressed unclear aspects of European law concepts introduced.

### **III. Algorithmic Transparency**

This year was the second year of a three-year EU-funded project (with the Freedom of Information Movement) promoting governmental algorithmic transparency and accountability. The project involved several endeavors:

#### 1. The Freedom of Information Act and Algorithms

The clinic collaborated with the Movement for Freedom of Information, filing an Amicus Curiae brief in a case demanding the Israel Tax Authority to disclose a tax audit algorithm. The clinic's response was presented at a panel featuring experts, and meetings with government representatives voiced concerns.

#### 2. Government Algorithm-Use Report

The clinic prepared a report on government agencies' use of algorithms as well as on the international practices concerning algorithmic transparency. Partnering with a similar clinic at Yale University, both exchange information and strategies to advance transparency.

#### 3. AI Regulation

The clinic director contributed to a Ministry of Innovation, Science, and Technology roundtable on AI regulation, highlighting the need for centralized and consistent regulation.

#### 4. Podcast

The clinic participated in creating a podcast on algorithmic transparency in December 2022. An additional episode is planned.

#### 5. Israel National Insurance Institute Code Disclosure

Together with the Civil Litigation Clinic and the Freedom of Information Movement, the clinic requested the Israel National Insurance Institution to reveal the code of an online calculator used to determine minimum income that cannot be seized. The institution claimed the calculator was removed due to flaws. Further communication is pending.

### **IV. Human rights in the Digital Age**

The clinic is involved in further cases in which human rights are affected by the use of technology. For example:

#### 1. Digital Deposits for Prisoners

Amid the Covid-19 pandemic, when all activities including monetary transactions shifted online, depositing money online for prisoners use in prison, was impossible. In response, the clinic communicated with the Israel Prison Service in 2020 wrote to address the issue. The service has taken action, and progress is monitored.

#### 2. Spyware

The clinic wrote a response to the Merari Report on police use of spyware, and hosted a panel discussion. Experts from various institutes participated.

#### 3. Amending The Elections Law

The clinic is drafting an amendment to the Elections Law, incorporating the Elections Committee's decision to require labeling political advertising and to reduce text messaging and targeting.

#### 4. Prevention of Cyber Bullying

The clinic joined a coalition that called the Ministry of Education to train teachers how to address online bullying-related problems and distress.

## **V. Conferences, Lectures, and Research**

Dr. Ken-Dror Feldman participated in numerous conferences and lectures in various academic and public forums. The talks involved various topics including deep fake, AI, Autonomous transportation, spyware, chatGPT, Algorithmic transparency, and more.

The clinic's various projects form the basis for academic research. This year, two research articles were published:

- Orit Fischman Afori and Dalit Ken-Dror Feldman, Reconceptualizing Open Access to Theses and Dissertations, 33 Fordham Intellectual Property Media and Entertainment Law Journal 34 (2022)
- Dalit Ken-Dror Feldman and Or Dunkelman, "Blockchain Technology, not what you had in mind: Technological and Legal Considerations" 16 Haifa Law Review 511 (2023) [in Hebrew]



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

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

The Conflict Resolution Clinic is an innovative and unique clinic that operates on the belief that using mediation and other conflict resolution methods can benefit the parties involved in a conflict and contribute to positive societal change. The clinic aims to instill and spread the mediation worldview both among its student body and in the wider population. Especially in times of social tension, the implementation of the mediation discourse, including active listening and finding optimal solutions, becomes crucial.

We believe a significant portion of existing conflicts can be resolved through dialogue and collaboration between parties, offering an alternative to resorting to the courts. Mediation can help restore relationships, and sometimes even enhance them by creating new opportunities for cooperation. Moreover, the use of mediation tools empowers the parties, allowing them to voice their concerns and gain control over the conflict resolution process. Therefore, mediation processes hold particular importance for marginalized communities.

By acquiring skills from the realm of mediation, such as active listening, delivering positive messages, and enhancing communication abilities, many conflicts can be preemptively prevented, helping users achieve their goals without causing harm to others.

The clinic's activities include pro bono mediation conducted by students under the supervision of the clinic's director, as well as mediations referred by Small Claims Courts. Apart from these mediations, the clinic also promotes various projects to embed the mediation discourse in various communities and in policy, and also contributes to the promotion and development of Israel's mediation community.

This year, 11 students participated in the clinic, all of whom completed a mediation course before the start of the academic year and were certified as mediators at the beginning of the first semester. Here is a summary of the Clinic's activities this year:

### **I. Pro Bono Mediation**

#### **1. Family mediation**

The clinic offers pro bono family mediation with the aim of assisting couples in achieving a respectful divorce while safeguarding the well-being of the children and the family. Family

mediations are complex and lengthy processes that require finding solutions to many issues at stake. This year, the clinic conducted two divorce mediations. The first began at the end of the previous academic year, involving a couple from the North of Israel. Throughout the year, several meetings were held, and in the second semester, a draft agreement was sent to the parties. We are currently awaiting their feedback and signatures to finalize the agreement.

The second mediation involved a couple from Haifa who separated over two and a half years ago during the COVID-19 pandemic. They now seek to legally formalize their separation. After several meetings during which agreements were reached on various issues, we are waiting for updates on a few details, including decisions about the children's schools. Once we have this information, we will draft the agreement.

## 2. Mediation in Sex Crimes

For the past two years the clinic has been conducting mediation processes between perpetrators and victims in cases of sexual harassment, some of which were within the framework of civil lawsuits, and some as an alternative to legal proceedings before filing a civil lawsuit.

In one case, a woman claimed that she had been sexually harassed by her therapist during treatment. The clinic performed a mediation between the woman and the therapist. The parties met for several meetings over the past year, during which a creative agreement was reached, including the following components: financial compensation for the woman, psychological support for the therapist focused on maintaining appropriate boundaries, implementing guidelines to prevent sexual harassment within his clinic, and committing to having a chaperone present for any female patient.

It is important to note that this mediation process addresses the needs of women who do not want to file a complaint with the police or who have filed a complaint, but no charges were pressed. Mediation allows them to receive recognition for the grievance from the perpetrator. Furthermore, this mediation process allows the perpetrator to take responsibility for their actions without the risk of charges or reputational damage.

## 3. Small Claims Mediation

The enactment of the Mediation Lists Regulations, officialized the clinic's possibility to be referred cases for mediation from Small Claims Courts. Throughout the year, the clinic's students handled

around 18 cases of small claims disputes. The students conducted "intake" conversations during which they explained the mediation process to the parties, outlined the key aspects of the process, and scheduled mediation sessions with them. In cases where the parties agreed, the mediation process was carried out.

#### 4. LGBTQ+ Mediation

The Clinic performed a mediation between a member of the LGBTQ+ community and an organization that provides services to the community, after the member behaved inappropriately and was consequently excluded from community activities. The conflict escalated to a point where restraining orders were obtained from the police against the individual. Despite the ongoing and extreme conflict, the mediation was successful and at its conclusion the parties agreed that she would be able to resume all activities, while she committed to behaving according to accepted conducts and creating a mechanism for solving future disagreements.

#### 5. Restorative Justice Mediation

The Clinic performed a mediation in a case in which a woman stole clothes from a store she used to work in. The woman was criminally charged, and the prosecutor referred the case to the Clinic to see if it could be resolved outside of court, and the arrangement would be submitted for court approval. After separate meetings with each of the parties, we held a joint meeting with the defendant, the employer and the prosecutor, during which the defendant took responsibility for her actions, apologized, and committed to compensate the employer for damages. Subsequently, an agreement was submitted for court approval, and the charges against her were dropped.

Reaching an agreement outside of the court had significant implications for the defendant, since shortly after the event, which was a one-time and out-of-character event for her, she completed her academic studies and began working in the field she had studied. The agreement provided her with an opportunity for full rehabilitation.

## **II. Conflict Resolution Skills Workshops**

Conflict resolution tools are extremely meaningful resources that can empower vulnerable populations, enabling them to effectively advance their interests while maintaining meaningful relationships in their lives. Therefore, the clinic conducts workshops to equip different vulnerable populations with conflict resolution skills. These workshops are provided to various populations,

including community housing for people with disabilities, internal conflicts among at-risk youth, and more. The students design the workshop curriculum based on the content taught in the mediation course, adapting each session to the specific target audience, with guidance and supervision from the clinic director. These workshops have been successful for several years, and participants report experiencing a positive impact from the content both immediately and over time, expressing interest in continuing workshops.

In the first semester, the students constructed the workshop structure, planned the content, and conducted a workshop to the other students participating in the clinic, as part of the preparation. Each workshop is comprised of three sessions. Starting from February 2023, the students began conducting the workshops:

- Community Court in Haifa – 3 session workshop for the participants in the Community court Program (February 2023).
- Social Workers, Migdal Haemeq Local Authority (April-May 2023).
- Derech Ariela Association – an association that assists women in prostitution and substance abuse (June 2023).
- IDF disabled rehabilitation center (June 2023).
- Families of individuals with Mental Health Disabilities at “Milam” Association in Haifa (July 2023).
- “Enosh” Association, for individuals with Psychiatric disabilities.

### **III. Labor Court**

This is the third consecutive year in which students from the Clinic performed observations of conciliation processes in the Haifa Labor Court. The project aims to provide students with practical knowledge about the conciliation processes at the National Labor Court, help them understand the differences between mediation and conciliation procedures, and also assist the National Labor Court in assessing the quality of conciliation processes while providing feedback to the mediators. Throughout the past year, the students observed conciliation processes and submitted 28 reports on them. The conclusions from these reports was conveyed to the President of the National Labor Court in a meeting held in August 2023, with the intention of enhancing the quality of service provided.

#### **IV. Restorative Justice in Sex Crimes**

Together with the Legal Feminism Clinic the Clinic began designing an ADR tool that will be suitable for cases of sexual offenses. As part of the project, the students met with Dr. Tali Gal, formerly the head of the Criminology Department at the University of Haifa and an expert in gender justice. They also held discussions with representatives from organizations "Betzdek" and "Mosaica" both engaged in actual restorative justice processes, aiming to understand their practices, barriers in the field, and how to support the implementation and dissemination of the process. The clinic has already dealt with several cases, and following the success we have made contact with the Police Prosecution offering they refer suitable cases.

Recognizing the innovation and significance of the model developed by the Clinic, the clinic, together with adv. Vardit Avidan, director of the Legal Feminism Clinic are co-authoring an article, together with Prof. Mara Schiff, from the School of Criminology at Florida Atlantic University. The article focuses on "Restorative Gender Justice – Mediation in Cases of Sexual Harm as an Alternative to Criminal and Civil Proceedings." The article describes the model, the accumulated experience in its application, its advantages, and the challenges it poses. We hope the article will contribute to the model's development and stimulate academic discourse surrounding restorative justice in sexual offenses.

#### **V. Conferences and Talks**

Dana Gilo, the director of the Clinic, participated in several conferences, workshops, and talks.

- 3 hour practical workshop on “Mediation Failures” at the Legal Clinical Education Conference (February 2023).
- Roundtable discussion facilitator on “Inter-institutional Clinical Collaboration” at the Legal Clinical Education Conference (February 2023) (together with Attorney Amit Katz-Shayenfield, Kiryat Ono Mediation Clinic)
- Hebrew University Clinical Staff – mediation workshop.
- Parole Officer Unit, Haifa, a workshop on “Active Listening and Utilizing Mediation Tools” (February 2023, 80 participants).
- Law and Society Conference – University of Reichman, panel on “Alternative Dispute Resolution in Unexpected Cases”. Presentation on “Mediation with People with Psychiatric Disabilities” (April 2023).

- The International Mediation Competition by ODRC, Participating as a referee in the competition (online).
- Conference at Haifa University entitled “Breaking down the Walls” (November 2022). The conference discussed a study led by Dr. Ran Kutner and Dr. Roli Rosen from the Department of Peace and Conflict Management at the University of Haifa in which the Clinic took part. The research examined the violent riots that occurred during the "Guardian of the Walls" operation in May 2021. The Clinic took part in conducting a study. The research aimed to understand various factors influencing the violent riots. It sought to learn from the experiences of individuals involved in the riots and identify ways to prevent similar events in the future.

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

Clinical Director: Adv. Sharon Ringer

Academic Director: Prof. Oren Gazal Ayal

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.

15 second and third-year law students participated this year. In the academic component, students address dilemmas faced by public defenders as they arise from case law, legislation, professional literature, and various films that illustrate these dilemmas. Additionally, topics such as criminal process management, the rights of the accused and suspects, and the professional and ethical duties of public defenders are discussed.

In the practical work, the Clinic partners with the Haifa office of the Public defender's office in the Ministry of Justice. Unlike other clinics at the university where all students work with an "inhouse" clinical director, in the Public Defender's Clinic, students are partnered with practicing attorneys who represent defendants and detainees in criminal cases on behalf of the Public Defender's Office in various courts. Throughout the academic year, students shadow their supervising attorneys, assisting them with a wide range of tasks. Among other things, students accompany the attorneys to court hearings, meet with clients, visit detention facilities, and assist in preparing defenses for suspects and defendants.

Students in the clinic are required to engage in diligent work. Some students attended dozens of court hearings during the year, had meetings with clients, visited detention centers, and more. The work sometimes involves dealing with complex emotional situations. On the one hand, students come with a strong belief in human rights, the importance of representation, and due process. On the other hand, their first-time encounter with real evidence such as victim statements and event videos can create a challenge in balancing different emotions. These experiences and insights regarding the work of public defenders are further processed in clinic sessions.

## **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 completed its 12<sup>th</sup> year, and is the leading legal entity in Israel that promotes equality of educational opportunity in Israel. The clinic addresses a wide range of inquiries, including issues related to the education system, violations of the right to free education, failure to implement special education rights, illegal student placement, student suspensions, and more. Those who seek assistance from the clinic come from all segments of Israeli society, including secular, ultra-Orthodox, religious, and Arab populations. Special emphasis is placed on assisting marginalized populations and cases that have a broad societal impact, with a focus on those whose "voices are not heard." 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.

The clinic operates a "Center for Educational Equality," which is active throughout the year and receives inquiries through email, a Facebook page, and direct contact with Attorney Haran Reichman. Most inquiries come as referrals due to the clinic's reputation, and some come from other social organizations. Each year, from the second half of August to mid-September, a hotline is set up to address inquiries from parents and students, which is promoted through social networks.

Here are several examples of the clinic's activities in the past year. This year the Clinic enrolled 15 students who handled around 150 inquiries and served thousands of clients. Here are some of the main cases and projects they engaged with.

### **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).

This year, we have assisted asylum-seeker children in various issues, including addressing complaints of sexual abuse in schools, student assignment, supporting families in special education committees, and more.

The central case this year involved the appeal against the segregation of asylum-seeker ing children in educational institutions in Tel Aviv. Despite the Tel Aviv municipality being perceived (relatively justifiably) as an advocate for asylum seekers, when it comes to education, the municipality maintains separate frameworks for asylum-seeking children – meaning institutions where all students are asylum-seeking children. This separation occurs in kindergarten and primary school and leads to significant educational harm to asylum-seeking children, exacerbated by the lack of state support to address their special educational needs. In August 2021, we filed a petition (together with the Association for Civil Rights) on behalf of approximately 350 asylum-seeking children, as well as Israeli citizens, city council members, and organizations (such as the Association for Civil Rights, Levinsky Library) against the policy of racial segregation in the city's educational institutions. Over time, more asylum-seeking children joined the petition, totaling around 300 additional individuals.

On July 26, 2022, a disappointing court ruling was issued, in which the court rejected the petition, yet called upon the authorities to consider transfer requests for asylum-seeker students favorably (without funding their transportation).

In November 2022, the Clinic (with ACRI) filed an appeal with the Supreme Court, in which we argued that the district court had ignored the central issue, namely the legality of the "separate and equal" policy, which contradicts the procedural regulations set forth in the registration rules. We also argued that the court failed to address the fact that this segregation was not coincidental but rather the result of deliberate policy, as well as the significant educational harm caused by segregation to asylum-seeker children.

A hearing was held in June 2023, the state and the Tel Aviv municipality announced their agreement to a pilot program. Under this program, nearly 100 students in first and second grades

will be transferred to educational institutions in the northern part of the city in the next two years, with transportation and support funded. Simultaneously, they announced a process of strengthening and supporting the remaining segregated schools for the benefit of the children who continue to study separately. The pilot program will be accompanied by educational monitoring. We believed that the pilot program was too limited and that, in general, it did not address the question of whether the right to educational equality was effectively realized, however, the court decided to allow the pilot program to proceed in its current form and to monitor its progress. We are closely involved in the process and are determined to continue the struggle until complete success is achieved.

**Education for asylum seeker children living in a shelter** – another case the clinic handled this year involved the education rights of asylum seeker children living in a shelter for domestic violence survivors in the Druze village of Ossafia. For several years now we have been assisting residents of the said shelter in enrolling in Haifa schools and kindergartens. Despite the fact that Ossafia is a separate municipality, all schools there teach in Arabic whereas asylum seeker children speak Hebrew (in addition to their mother tongue) and therefore enrolling in Haifa's education system enables the children to study in Hebrew. The case was successfully resolved and the children were assigned to schools in Haifa. Unfortunately, however, the municipality in Haifa has not adopted an official policy to prevent these cases from repeating.

## **II. The Legal Crisis**

### **1. Freedom of Expression**

Shortly after the start of the widespread protests against the government's plans for judicial overhaul, a letter was sent on behalf of the person responsible for discipline in the Ministry of Education to teaching staff conveying a silencing message that prohibits teachers from participating in demonstrations. Following this, a letter was sent on behalf of the Clinic clarifying that the letter unlawfully infringed upon teachers' freedom of expression. The Clinic director also gave a lecture and advised teaching staff throughout the crisis regarding their right to protest after working hours as well as their right to engage in discussions within the classroom.

### **2. Gefen enrichment programs.**

The Clinic, together with ACRI, wrote a letter appealing the Ministry of Education's decision to ban the "Israeli Palestinian Bereaved Families for Peace" forum from schools. The decision involved removing the forum's educational program from the list of external learning programs

funded by the Ministry of Education, from which schools can choose, and even prohibited the program from entering educational institutions entirely. The appeal clarified that the decision was made without any factual basis and disregarded the fact that the program has been successful for over 5 years. It was argued that the Ministry's decision was based on extraneous political considerations and infringed upon fundamental educational rights. The clinic is awaiting a response, and if necessary, will file an appeal.

### **III. Free education**

#### **1. Revava school – the never-ending story**

Since 2017, the clinic has been dealing with the issue of reimbursing parents of children from Revava school for payments they paid, and were not used by the school for providing additional study hours as was declared. Following an appeal submitted in 2018 by the clinic, an audit was conducted at the school regarding the 2017 school year, and the state demanded the refund of money collected in excess or not provided for services, totaling 1100 NIS per student.

Subsequently, we filed a complaint and contacted the Ministry of Education to conduct checks for two additional years, but our inquiries received no response. Meanwhile, we obtained an expert opinion that demonstrated that funds originating from parental payments, as well as resources provided by the Ministry of Education were not reaching the students.

In March 2021, we filed a new appeal demanding the return of all parental payments for the years 2017-2020, following which the state announced that a new examination would be conducted. Unfortunately, the Ministry of Education did not adhere to the promised timelines, and in March, we submitted a motion to find the state in contempt of the court. To our satisfaction, the state responded in May, confirming that a significant portion of the fees collected were illegal and therefore the school was obliged to refund it. The school, however, refused to refund the money and filed a petition against the Ministry of Education instead. In response, the Ministry of Education requested to re-examine its position on the matter. Our letter to the Ministry demanding to receive their updated position received no reply. Therefore we were left no choice but to file a new motion to find the school in contempt of the court, on August 11, 2023.

#### **2. Defense in a civil case concerning school payment debt**

The Clinic provided legal council for parents who, due to their economic situation, informed the local authorities and educational institutions in Katsrin that they were unable to pay parental payments. Despite the fact that the fees are elective rather than mandatory, the municipality filed a civil case against them. We filed an objection to the case with the Tel Aviv Small Claims Court,

which was accepted, and the case was transferred for expedited proceedings and managed as a regular civil case. As a result, the municipality dropped the case, and it was dismissed.

#### **IV. Sick children**

The Clinic has been involved in ensuring educational rights for “sick children”, namely children who, because of their medical condition, are unable to attend school for periods exceeding 21 days. The law dictates that sick children are eligible for educational services in their homes. As a result of various actions by the Clinics and parents advocates in previous years, the provision of this services returned to the state, after years of unsuccessful provision by a private company. The Clinic now provides legal aid in individual cases (About 20 this year), as well as ongoing dialogue with the Ministry of Education concerning wider policy issues.

For example, the Ministry of Education has yet to issue regulations regarding the implementation of education for sick children, as required by the law. Following a petition filed by the Clinic a few years ago, the Ministry of Education advanced regulations according to the Free Education for Sick Children Law. These regulations were delayed, and after transferring the responsibility for the service to the Ministry of Education, they were revised, but a discussion on them in the Knesset Education Committee has not yet occurred and therefore they have not been finalized. We are working to promote a discussion on these regulations with the Knesset Education Committee and the Ministry.

Another example involves a new form for waiver of medical confidentiality issued by the Ministry of Justice that parents applying for the service were required to sign. This form included a requirement to sign an agreement that, in suitable cases, representatives from the Ministry could speak with the child’s physician. The purpose of this clause, according to the Ministry of Education, was to identify exceptional cases in which approvals for receiving services for a sick child were given improperly. Parents who refused to sign this clause received a notice that their child would not receive educational services. In a letter the Clinic sent the Ministry of Education before filing a petition, we clarified that the requirement to allow Ministry representatives to speak with the physician is unlawful as it violates the right to privacy and medical confidentiality. We pointed out that the procedure of “cross examining” physicians is not legally recognized, and the requirement contradicts the ethical code of physicians. Following this appeal and public pressure, the Ministry withdrew this requirement.

#### **V. The struggle for public Ultra-Orthodox schools**

1. The state ultra-orthodox schools regulations

For the past several years the Clinic has been assisting groups of Haredi parents who seek to establish state-funded Haredi schools. Nationwide, there are now about 70 Haredi state schools and 150 state Haredi kindergartens, that aim to provide Haredi children and youth with quality education that will enable them to integrate into society and the job market through teaching the core curriculum, while maintaining the Haredi lifestyle and religious commitments.

After an administrative petition we filed on behalf of Haredi parents in Mevasseret to establish a Haredi state school was rejected (2019), we wrote to the Ministry of Education requesting that regulations be published detailing the requirements for opening new Haredi state schools. In November 2022, days before the end of the previous government's term, the Ministry of Education published regulations that essentially require local authorities to open suitable Haredi state schools or provide transportation for Haredi students to nearby Haredi state schools.

## 2. Establishing a state Haredi school in Safed

In October 2022 we filed a petition on behalf of more than 80 Haredi parents residing in Safed, demanding that the Safed Municipality and the Ministry of Education open a Haredi state school for girls, "Beit Yaakov Yiddish," in Safed. While the petition was pending the new regulations were issued, and the municipality stated it was willing to commit to establishing a suitable Haredi state school within 3-4 years, however the statement was not backed by the allocation of buildings. Despite this fact, the court did not intervene with the municipality's decision. We are considering filing an appeal.

## 3. Student selection in Haredi schools

The Clinic represented numerous cases in which Haredi schools rejected students, advocating for them in front of local authorities and the Appeals Committee. For example, the Clinic represented a girl from Bnei Brak who was rejected from a Haredi school after being labeled, among other things, as "a slow learner with very low emotional intelligence" following an interview. The girl was unable to find a school that would accept her, and the city enrolled her at an institution that did not have a license and was located far from her home. After contacting the Ministry of Education and the Appeals Committee without success, we filed a petition to the Administrative Court arguing that religious communities' right to adapted education did not include permission to engage in the kind of sorting and psychological tests that were used in her case. Unfortunately, the District Court rejected the petition, and an appeal was not filed.

Another important case involved the Jerusalem Education Administration's decision to divide the enrollment of Haredi children in a way that created de-facto separation along ethnic lines—schools

for Ashkenazi (European origin) and Mizrahi (Middle East and North Africa origin) students. As a result of our intervention the registration process was revised.