

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

ISRAEL



Population: 8.4 million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Israel is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to freedom of expression and assembly are guaranteed under Basic Law: Human Dignity and Liberty 1992 and the High Court of Justice Ruling, 73/53 Kol HaAm v. The Minister of Interior, 871.

There are **no LGBT-specific restrictions** or additions to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 16 years** for sexual acts regardless of gender under Section 346 of the Penal Law, 1977.

Same-sex marriage is not legal. However, the Ministry of the Interior is obligated to **register same-sex couples who married abroad** as formally married in Israel according to Supreme Court Ruling Yossi Ben Ari v. The Director of the Population Administration, Ministry of Interior, November 21, 2006.

Same-sex couples can be recognised as **common law partners**, which entitles them to most of the rights of different-sex couples including certain financial entitlements parental rights, entitlements upon separation and procedural rights in court proceedings.

Same-sex couples have **equal rights to second-parent adoption** under Civil Appeal (Supreme Court) 10280/01 Dr. Tal Yaros Hakak v. The Attorney General.

Joint adoption by same-sex couples is **permitted** according to a memo published by the Attorney General in 2008.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation is prohibited** under Section 2 of the Equal Opportunities at Work Law 5748 – 1998. There is **no explicit reference to gender identity**.

Discrimination on the basis of **sexual orientation** in the provision of products, services and entry to public places is **prohibited** under Section 3 of the Law on Prohibition of Discrimination in Products, Services and Entry to Entertainment and Public Places Law, 2000. There is **no explicit reference to gender identity**.

Sexual harassment on the basis of **sexual orientation** is prohibited under Section 10A of the Prevention of Sexual Harassment Law, 1998

The Patients' Rights Law – 1996 **prohibits the discrimination of patients** based on their **sexual orientation**.

Hate crimes based on sexual orientation and gender identity are considered an **aggravating circumstance** in sentencing under Section 144 of the Penal Law, 1977.

GENDER IDENTITY

Trans people can change their legal gender on their official ID card and in the official Population Registry.

Legal gender can **only be changed to male or female**. There is no option to change legal gender to a third gender

Legal gender change is subject to a medical certificate evidencing gender reassignment (without surgery) or **gender reassignment surgery** under the Population and Immigration Authority Regulations (updated November 2015).

Trans people **can change their legal name** under the Population and Immigration Authority Regulations (updated January 2019).

Legal name change is subject to approval from the registrar clerk at the Ministry of Interior. The Ministry of Interior may deny a request to a legal name change if the name is likely to mislead the public or insult public sentiment. There are no documented cases of trans people being denied a legal name change on these grounds.

IMMIGRATION

Dependent visas are available to partners of people working in the country, but it is **not specified whether this applies to same sex couples**. However, visas may be granted to couples who can prove a familial connection, which may include same-sex couples married outside of Israel.



A VIEW FROM ISRAEL

Stonewall spoke to **Shachar Grembek**, Founder and Director of **LGBTech**, about the context for LGBT+ people in Israel. LGBTech is an organisation dedicated to supporting the professional LGBT+ community and promoting diversity and inclusion within businesses. They do this by hosting networking and fundraising events with speakers from around the world (such as Lord Brown, the PM of Luxembourg, Dr Vivienne Ming and Sir Ronald Cohen, amongst others), as well as working with companies to develop their LGBT+ diversity and inclusion policies and activities, and offering their Israel Diversity Standard charter for consideration.



Stonewall also interviewed **Roei Shaul Hillel**, LGBT activist and social worker for LGBT communities in Israel.

Everyday life

Shachar: “Over the past few years, Israel’s LGBT+ population has won some hard-fought legal advances, the majority of which have come from the Supreme Court. Despite this progress, there are still rights to be won, such as marriage equality and local access to surrogacy. In the more liberal parts of Israel it’s generally safe for people to be themselves. However, this isn’t the case in the more conservative areas. Sadly, the last two years have seen an increase in anti-LGBT political rhetoric, which certainly trickles down to the day to day experiences people have. Though not common, there have been some high-profile cases of LGBT+ people experiencing physical violence.”

Roei: “We’ve seen progress in the past few years, but resources and advances in LGBT equality are not evenly distributed throughout Israel. There are big differences regarding different groups in society depending on gender, ethnicity, geography, etc. Palestinians and Arabs face particular barriers and have less access to LGBT-inclusive spaces and services. For instance, there are fewer LGBT groups focusing on issues specific to them, and also fewer that have resources and services available in Arabic. Trans people also have less access to resources. For example, they face many barriers when trying to access the labour market, or even educational institutions. Another factor is where in Israel you live. Tel Aviv has many resources, groups, clinics and clubs for LGBT people and the level of acceptance is generally higher. This means that those LGBT people who can afford to often move to Tel Aviv, while those who cannot may be more isolated and lack access to these services.”

LGBT movement

Roei: “There is a growing understanding that we have to work on LGBT equality throughout the country, and not just in the bigger cities. 20 years ago, we only had one Pride parade; this year, we saw over 90 Pride events taking place all over the country – a huge success. But there’s a lot of work left to do. We need to make services accessible to LGBT people outside Tel Aviv and we need to empower rural LGBT communities.”

LGBT groups in Israel are providing many services to LGBT communities, and the Ministry of Welfare works with us to this end. But often politicians are less willing to support us in terms of passing new laws that would provide legal equality for the LGBT community.

We also need to do more for trans communities and trans equality. For instance, universities have to become better at recruiting trans students, and need to change their policies and practices to support trans students throughout their education. Trans people often have less access to power than cis lesbian, gay and bi people and need them to step up as allies.”

Visibility

Roei: “At least in the secular Jewish society in Israel, LGBT people have become much more visible. We see musicians and artists who are out, and have more openly gay Parliament members than ever before. However, it’s mostly gay and lesbian people who are visible, with fewer trans and bi people.”

Workplace

Shachar: “One of the main challenges that LGBT people face at work in Israel is feeling the need to stay in the closet. In the top 100 companies in Israel, no CEOs or board members are visibly out. This is less of an issue in the tech industry, but it can be a big challenge in more conservative sectors like the financial industry. Also, I’m unaware of any Israeli financial businesses that have an LGBT employee resource group. There’s also often a lack of appropriate policies for supporting LGBT staff, with companies only just beginning to recognise the importance of inclusive policies.”

To support their LGBT employees, employers should actively communicate their commitment to LGBT equality. They should also implement inclusive policies to ensure LGBT staff are supported and to make up for gaps in the law. Companies should also invest more in understanding how to keep trans staff safe.

In terms of supporting the LGBT community more widely, businesses can donate to LGBT organisations.

Some companies may be wary of engaging publicly in the fight for LGBT equality because they worry conservative customers will have a negative response. However, there are other companies in the tech community who are actively supportive and will take part in Pride or use inclusive advertising.”

Healthcare

Roei: “There is generally a positive trend towards establishing new, unique clinics for LGBTQ communities in big cities (Tel Aviv, Jerusalem, Beer Sheva and Haifa) mainly in order to provide free or subsidised services, as well as appropriate services for trans people. There’s also a trend of educating existing institutions, training doctors and physicians regarding medical transitioning and so on, with information on this often lacking in less privileged communities. We see that in terms of mental health, there’s an increase in the number of services providers that are specifically for LGBT people. Asylum seekers, refugees and non-citizens are not included within the mandatory healthcare rule, therefore sex adjustment surgeries are not covered. Also, most services are given in Hebrew and English and are yet to be promoted enough within Arabic speaking societies.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Israel employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Israel with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM's workplace policies are explicitly inclusive of LGBT+ people and prohibit discrimination and harassment, including, among others, based on sexual orientation, gender identity and gender expression. IBM puts emphasis on diversity and the importance of bringing people together. The LGBT+ employee network is an essential foundation driving the local practice at IBM Israel and ensuring LGBT+ staff are supported and included across all IBM sites in the country. During Pride month in June 2019, IBM held four lectures in partnership with local LGBT+ groups to educate staff on issues ranging from coming out and family members, to supporting trans people in the labour market. Every year, IBM's staff march under flags featuring IBM's diversity logo at Tel Aviv Pride. Out role models exist at IBM sites in Israel. They act as a point of contact for LGBT+ staff, management and allies, to raise concerns or initiate new ideas for inclusion initiatives.

IBM partners with and supports several LGBT+ groups in Israel. In 2018, when the government proposed a surrogacy law that excluded male couples, IBM supported the LGBT community and LGBTech organisation in particular in opposing the law. IBM was also part of the LGBTech working group to prevent parliament from passing discriminatory legislation. IBM supported its LGBT employees as well as allies that wanted to participate in a nationwide strike opposing the law, and was the first global company to issue a global statement condemning discrimination against the LGBT+ community.

IBM enables its staff to volunteer and provides grants when employees spend over 40 hours a year volunteering, for example with any of the dozens of NGO's in Israel including trans equality organisations and other LGBT+ organisations.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

March – Tel Aviv LGBT Games www.telavivgames.org

June – Tel Aviv Pride www.gaytelavivguide.com/events/event

June – Jerusalem Pride, organised by Jerusalem Open House for Pride and Tolerance www.joh.org.il

June – TLV Fest - The International LGBT Film Festival
www.tlvfest.com/tlv/he/en

Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

Jerusalem Open House for Pride and Tolerance – an organisation providing healthcare services and support to the LGBT community.
www.joh.org.il

Hoshen – an organisation working to promote tolerance of the LGBT community and raise awareness about sexual orientation and gender identity.
www.hoshen.org

Igy – an organisation acting to empower LGBT youth in education.
www.igy.org.il

LGBTech – an Israeli organisation dedicated to supporting the professional LGBT community and promoting diversity and inclusion.
www.lgbtech.com

The Aguda (The Association for LGBT Equality in Israel) – an umbrella organisation working locally and international to improve the situation for Israel's LGBT community. www.lgbt.org.il/english



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 44 ORGANISATIONS OPERATING IN ISRAEL.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

Stonewall
192 St John Street, London
EC1V 4JY
United Kingdom

Switchboard: +44 (0) 20 7593 1850
Info Line: +44 (0) 800 050 2020
Email: info@stonewall.org.uk
Website: stonewall.org.uk

Legal Partner



Freshfields Bruckhaus Deringer