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Introduction

In the 2021-2022 academic year, the Clinical Legal Education Center continued in its hands-on legal work on behalf of, and with, disadvantaged populations while developing its student participants’ social awareness and understanding of how the law impacts diverse populations. This approach of combined legal-communal-social activity gives marginalized populations a voice, and also educates law students to recognize the significant gap between law “on the books” and la “in action”.

Eight clinics operated at the CLEC: International Human Rights, including Human Rights in Cyberspace Division; Representation of Marginalized Populations; Criminal Justice; Rights of at-Risk Youth; Rights of People with Disabilities; Economic Empowerment of Women; Multiculturalism and Diversity; and Wrongful Convictions/Innocence Project. A total of 132 students participated in the CLEC’s academic program and its activities, helping hundreds of people to exercise, defend and realize their rights as individuals, families and groups.

Scope of Activity

The CLEC works in three main arenas: legal representation and handling of individual cases; policy change by means of various legal tools; and broadening discourse on subjects arising from cases and other activities. All clinical activities are conducted by CLEC students, under the close supervision of Clinical Lawyers. This approach leads to meaningful results in terms of positively impacting the lives of the target population/s, and instilling a sense of social responsibility among future generation of lawyers and jurists in Israel.

In the 2021-2022 academic year, the CLEC handled a total of 882 requests, 63 of which were civil court cases; and its students also assisted in 100 criminal cases being handled by the Public Defender’s Office. As for the past three years, the CLEC continued to get a very high number of requests for aid, yet we were able to decrease a little the number of referrals for legal aid due to overload on the clinicians and the students.

![Number of Cases](image)

The high number of referrals reflects the CLEC’s key strategy to focus on individual cases, an approach which stems from its philosophy that individual cases serve as: the best ‘tool’ for students to learn firsthand about law in practice and gain an understanding of the realities of life for individuals and families in Israel; expose fundamental issues where policy change is needed; and ensure that the
Hebrew University contributes to the wider community. Moreover, this means that the highest level of legal assistance is available to disadvantaged and marginalized populations and also addressing new phenomena (such as cyberlaw) that impact Israeli society. Accordingly, emphasis is placed on each CLEC student handling at least 2-3 individual cases (this number is significantly higher in the community lawyering Clinics).

Alongside the individual cases that it handled, the CLEC advanced 47 policy-change issues; organized 75 ‘law and order’ lectures for workshops (including the Street Law program for at-risk youth); and its Clinical Lawyers participated in 28 conferences and panels.

The choice of which policy-change issues to address is usually “bottom-up” based, meaning a focus on subjects where similar cases recur multiple times in the field and across diverse populations. At the same time, there is an emphasis on topics, cases and/or projects where the CLEC can provide the “added value” of substantial legal research that can help advance a policy-change issue.

Referrals reach the CLEC through its field centers and through its partnerships with various organizations and agencies in Israel. The CLEC is particularly proud of its level of activity in the Jerusalem area, with an active field presence at 16 offices, agencies and centers that serve and assist diverse underprivileged populations, and 47 joint projects and collaborations with government ministries, municipal bodies, and civil society organizations.

The above data not only reflects the scope of the CLEC’s work and its contribution to society, but also indicates the diverse scope of abilities and skills that its students are required to develop during their participation in a Clinic. These include: legal analysis; providing concrete legal advice for specific cases; legal writing; effective communication with individuals, families and communities; chance and risk assessment with regard to legal proceedings; comprehending the limitations of law; in-depth understanding of professional ethics standards and regulations; and more.

**Staffing**

At the end of the academic year, the CLEC team underwent a significant change in staffing. After two years, Academic Director Prof. Yuval Shany went on sabbatical to London. Prof. Keren Weinshall was appointed to replace him. Adv. Vardit Dameri Madar concluded her work at the CLEC — as Executive Director for six years and as a Clinical Lawyer for 14 years — to take up the position of CEO of the Kol Zchut rights and entitlements government-funded agency. Dr. Shiran Reichenberg, who has been directing the Rights of Youth at Risk Clinic for 15 years, was appointed to replace her. After nine years at the Clinic for the Representation of Marginalized Populations, Adv. Ohad Amar concluded his position to focus on parenting and paving a new professional path. Adv. Shiri Isseroff will join the Youth At-Risk Rights Clinic, and Adv. Michal Goren will join the Clinic for the Representation of Marginalized Population Groups and the Rights of People with Disabilities Clinic.

**Center-wide Programs**

Two special programs at the CLEC involved several Clinics:

Rights realization for single mothers, a joint program with the Yedidut Toronto non-profit incubator
for effective solutions to systemic flaws in Israel and elsewhere. The program, which completed a fifth year, focuses on the rights of single mothers as a distinct group that faces specific challenges, including the identification of policy-based issues vis-à-vis accessibility barriers, incompatibility with the reality of the women’s lives, low levels of financial assistance, etc. Over the years, this program has achieved a great deal, most notably the comprehensive revision of two government programs — ‘Flexible Basket’ and ‘Increased Work’ — run by the Ministry of Welfare and Social Affairs and which are meant to help single parents integrate into the labor market.

Fried-Gal Transitional Justice Program: In its second year, the program continued in its work which focuses on correcting past injustices by handling legal inquiries related to the complex realities of life in East Jerusalem and Lod. Thanks to another grant for the program, the CLEC was able to significantly develop its center in Lod. (Please see below for details of this program).

**New Clinic: Human Rights in Cyberspace**

Thanks to the support of the New Israel Fund, in 2021-2022 the CLEC opened a Division for Human Rights in Cyberspace within the Clinic for International Human Rights. Due to another special grant for the 2022-2023 academic year, the division is being upgraded into an independent Human Rights in Cyberspace Clinic which will be overseen, at this preliminary stage, by a part-time Clinical Lawyer. This is a particularly promising development since the CLEC has already had several successes in this groundbreaking area of law.

**Trauma Training Program for Clinical Lawyers**

During 2021-22 the CLEC launched a tailor-made program that focuses on the multi-level emotional and therapeutic challenges that legal clinicians face: helping clients who suffered/are suffering from trauma; secondhand trauma following exposure to clients’ traumas and difficult life experiences, especially when cases continue over an extended period; and the complex emotional experiences of students encountering difficult life stories and complex realities, sometimes for the first time. The program comprised two components:

1. **Workshop on working with students:** During the year, the Clinical Lawyers participated in a two-part workshop led by Roee Metzer, head of therapy at the Otot nonprofit. They learned about key concepts related to trauma and tools they can employ to understand and assist students exposed to their clients’ traumas. In the second session, they analyzed cases presented by the Clinical Attorneys.

2. **Training day for dealing with clients who have experienced trauma:** Led by Paula David from the Haruv Institute, the day included a lecture on the importance of trauma-informed organizational practices and of relevant issues for Clinical Lawyers. Based on the success of this pilot, the CLEC will continue to dedicate two meetings a year to further understanding of the field of trauma, acquiring tools that will help the clinicians, and also hold several test case analysis and peer learning team meetings.

**Student Orientation**

Prior to the opening of the 2021/22 academic year, the CLEC inaugurated an orientation day for all
incoming students. The gathering introduced the students to the full range of CLEC programs and the relationships between them (i.e. not just the Legal Clinic in which they would participate); outlined expectations and requirements; and provided concrete information on the particular Clinic they would be joining.

**Challenges & Goals**

The absence of government funding for clinical legal education, compounded by the increase in CLEC expenses and the lack of steady philanthropic funding, has become a major and ongoing challenge over the years. Knock-on effects include closing and downsizing Clinics, and terminating the employment of some Clinical Lawyers. The CLEC managed to remain financially stable in the 2020/21 and 2021/22 academic years. In the upcoming 2022/23 academic year the Center hopes to retain its stability and also increase its income for targeted projects such as the further development of the new Human Rights in Cyberspace Clinic and an envisaged new Clinic in Sustainability.

The CLEC also worked hard to strengthen its links with legal clinics at other universities around the world. An unprecedented Zoom meeting was held with the clinical law faculty at Columbia University, and the CLEC will continue in its efforts to coordinate more such meetings and investigate the feasibility of student and clinician exchanges between different countries.

**In Conclusion**

The activities of the Clinical Legal Education Center are made possible thanks to the students who participate in it every year and make their Clinic their second home and, in the main part, thanks to the Clinical Lawyers and academic supervisors, all of whom are completely devoted to the CLEC. In the 2021-2022 academic year the Clinical Lawyers included: Adv. Ohad Amar, Adv. Dana Genosar, Adv. Vardit Dameri Madar, Adv. Ron Derech, Adv. Dana Yaffe, Adv. Anu Deuelle Lusky, Adv. Nasser Odeh, Adv. Nisreen Alyan, Adv. Reut Rosner and Dr. Adv. Shiran Reichenberg. The academic supervisors were: Dr. Einat Albin, Prof. Eyal Benvenisti, Prof. Avishai Benish, Prof. John Gal, Dr. Anat Horowitz, Dr. Adi Leibowitz, Dr. Tamar Morag and Prof. Yael Ronen. The CLEC’s administrator was Smadar Yosef Pustilnik. Throughout the year, the CLEC was given ongoing support and encouragement by Faculty Dean Prof. Dafna Levinson Zamir, by the Chairman of the Center’s Academic Committee Prof. Tomer Broude, and by Academic Committee members Dr. Einat Albin, Prof. David Enoch, Prof. Guy Davidov, Dr. Anat Horowitz, Dr. Shiran Reichenberg, Adv. Vardit Dameri Madar and Prof. Yuval Shany.

**Prof. Yuval Shany**  
Academic Director  
Clinical Legal Education Center

**Adv. Vardit Dameri Madar**  
Executive Director  
Clinical Legal Education Center
Notable Achievements

The Tel Aviv District Court ruled that elected officials cannot arbitrarily delete user comments from their public social media accounts. In addition, the court ruled that a Twitter account can be considered public even if not funded by the public authority. However, contrary to the International Human Rights Clinic’s position, the court also ruled that the mayor of Givatayim’s twitter account is not public but private, and therefore did not rule on the blocking of the petitioner. The Clinic is now considering an appeal to the Supreme Court. As part of the proceedings, the Attorney General submitted his amicus position in court. He concurred with the principles of the Clinic’s position — namely, that the rules and regulations of constitutional and administrative law apply to the public social media accounts of an elected official and to decisions to block users or delete comments, and that such actions cannot be done arbitrarily. The Attorney General specifically referenced that the determination of whether an account is personal or public should be based on the nature of how the social media account is used and not only from a formal point of view (budget, etc.).

Following an appeal by the Children and Youth Rights Clinic and the Makom NGO on behalf of a young woman without family support, the Ministry of Defense updated its criteria for eligibility for financial assistance for pre-academic/preparatory studies. Subject to a social report or a statement from an attorney representing the young person that attests to at least two years of independence from their family, even those doing national service duty will be eligible for a living stipend and full tuition assistance at pre-academic/preparatory colleges. This marks a significant change since previous guidelines excluded those doing national service duty from receiving the same benefits as lone soldiers. The Clinic is currently trying to further equalize the conditions for young people doing national service who have no family support.

In response to the Clinic for Multiculturalism and Diversity, the National Insurance Institute made medical committee hearings more accessible by increasing the use of the Arabic language. In an appeal to the NII, the Clinic stated that citizens and residents of Israel who speak only Arabic often fail to attend NII medical committee hearings since notifications of hearing dates are written in Hebrew only. As a result, their claims and appeals are rejected. Furthermore, in order to resubmit their appeal they must pay a penalty fee. The Clinic’s request was accepted.

The Rights of People with Disabilities Clinic ensured access to materials and textbooks on a large website for a blind teacher. Though required to use the website to create lesson plans, the client was unable to access the study materials on it. The Clinic asked the management of the site to make it, and the materials on it, accessible for those who are blind or visually impaired. After negotiations, the company hired a website accessibility expert to design and implement the necessary adjustments, while also providing temporary accessibility adjustments for clients while the website is being made fully accessible.

Following an appeal by the Clinic for Multiculturalism and Diversity, the Jerusalem Municipality
canceled a discriminatory job ad. The Clinic contacted the Jerusalem Municipality following the publication of a job advertisement which stated that Israeli citizenship is a condition for eligibility even though the position is with the property tax department in the east of the city. The Clinic stated that, in practice, this means that “residents of the city who live in East Jerusalem and do not hold Israeli citizenship, cannot be accepted for this position. In this way, their right to equality is violated and they are prevented from exercising their freedom of occupation. The requirement to hold Israeli citizenship in order to apply for the aforementioned position violates the core of the basic rights of non-citizen residents of the city.” Following the appeal, the advertisement was withdrawn.

The Director General of Labor at the Ministry of Economy and Industry accepted the position of the Economic Empowerment of Women Clinic that single mothers receiving financial assistance for daycare facilities were eligible for it during lockdown periods when daycares did not operate. This outcome was the result of an individual case in which the client, a single mother of a three-year-old, was recognized as entitled to assistance for an entire year, from March 2020 to March 2021, including the period — a cumulative time of about three months — that the daycare center was closed. Despite this, her request for full funding was rejected. Following the Clinic’s intervention, the Ministry’s Labor Department accepted her request. The Clinic’s investigations showed that the Ministry acted likewise regarding other women in the same situation during the COVID-19 pandemic.

The Israel Police announced that the use of choking will be limited to essential cases following an appeal by the coalition against police violence in which the Clinic for Multiculturalism and Diversity is a member. The coalition stated that while in many countries the use of choking during arrest has stopped almost entirely, in Israel the police continue to routinely use this measure when making arrests. This practice is even prevalent for suspects of minor offenses, as well as in cases where less harmful alternatives can be used to make an arrest. Choking is a dangerous and potentially fatal practice which should be stopped. The State responded that choking would only be employed in cases where it is essential in order to gain control, in a manner proportionate to the seriousness of the offense, and that officers will be instructed to avoid the technique of placing a knee on the neck. The Clinic together with the coalition will continue to monitor and work on such cases.

Following inquiries from the International Human Rights Clinic together with the Worker’s Hotline organization, the National Insurance Institute established online access on its website for foreign and Palestinian workers who have filed a labor claim. This is a significant improvement for those who cannot physically attend NII offices. Examples include: a Palestinian worker who, following a work accident, is denied an entry permit to Israel; or a worker who is in Israel but is immobile due to their injury. Along with this success, the Clinic will continue to work to allow claims to be submitted online.

Following an appeal by the Clinic for the Representation of Marginalized Population Groups, the National Insurance Institute committed to fulfilling its obligation to ensure that Arabic interpreters are present at medical committee hearings at its East Jerusalem branches. In 2012, HaMoked: Center for the Defence of the Individual, together with Physicians for Human Rights and the Israel Religious Action Center appealed to the Supreme Court, to order the National Insurance Institute to ensure Arabic
interpreters at medical committees. At the trial, the Institute committed to comply with this demand and, based on this, the petition was erased (Supreme Court 8031/12 HaMoked: Center for the Defence of the Individual v. Director General of the National Insurance Institute dated 06.05.14). Following inquiries to the Legal Aid Hotline in East Jerusalem, from which it emerged that the NII was failing to abide by its commitment, the Clinic made a Freedom of Information request. This was followed by an exhaustion of remedies request prior to submitting a contempt of court request. In the NII response, its legal counsel concurred that the NII had failed to act in accordance with its commitment and that an executive order had been issued that all applicants be allowed an interpreter as required.

Following a request by the Clinic for the Representation of Marginalized Populations, the Ministry of Construction and Housing announced that survivor benefits for children who had lost a parent would no longer be categorized as income when assessing eligibility for public housing and rental assistance. A widow with four children asked the Clinic for assistance with her public housing application after her original request was rejected since her declared income, which included the survivors allowance that she receives for her orphaned children, exceeded the limit for eligibility. The Clinic raised the subject of survivor benefits for children being included in eligibility calculations at a discussion on gender and public housing held by the Knesset Committee on the Status of Women and Gender Equality, and at which Ministry of Construction representative Ruth Mena was present. Based on the claim that these allowances are paid to the children and are not part of the mother’s income, Committee chair MK Aida Touma-Sliman asked the Ministry to examine the Clinic’s request vis-à-vis how survivor allowances are calculated. Several weeks later, the Ministry of Construction and Housing announced that survivor allowances for children will no longer be categorized as income when assessing eligibility for public housing and rental assistance. This change in Ministry procedure was reported in the Hebrew edition of Ha’aretz (February 2022).
The Clinics
Rights of Youth at Risk Clinic

Clinician: Dr. Shiran Reichenberg; Academic Supervisor: Dr. Tamar Morag.
During the 2021/22 academic year, the Rights of Youth at Risk Clinic handled 250 legal inquiries, with over 90 letters and requests submitted to the authorities, and 20 court cases conducted. The Clinic led 11 policy-change issues, including the successful legal battle for the Ministry of Defense to change its criteria for providing financial aid to young people attending pre-army preparatory institutes (see ‘Notable Achievements’ section for further details).

Individual Representation and Legal Assistance
In 2021-2022, the Clinic submitted 76 requests to cancel fines (mainly regarding COVID-19 and public transport cases). These cases reflect the reality of minors and young people in at-risk situations, with the large number of requests signaling the additional anxiety and burden incurred by these fines, especially for those with no permanent home. Most requests to cancel fines that were submitted by the were successful.

“I wanted to say thank you for everything; you helped me and thanks to you I am in a really good place in Haifa. I’ve been here for two months and I’ve fallen in love with the city, the hostel, and the tenants.”
(N, age 18)

Case Study: Following the Clinic’s intervention, an indictment against a young woman was dropped. The young woman, who was being assisted by the Clinic in various areas, was charged with failing to wear a facemask during a demonstration outside the Prime Minister’s Residence, in September 2020, when she was aged 18 and 20 days. The young woman has no family support and, at the time, was living in a tent in a nearby park; she remains homeless. The Clinic requested that the indictment be canceled on several grounds, mainly her personal circumstances, plus claims of abuse of process and selective enforcement. The prosecution agreed to the request and dropped the charges.

Other Clinic Individual Representation cases include:
- Approximately 310,000 NIS/$91,500 was recovered and/or saved by applicants.
- Five foreclosures were lifted on applicants’ bank accounts.
- The Treatment Planning Committee of the Department of Social Services in the Ministry of Welfare and Social Affairs, which is tasked with creating treatment plans for families and at-risk youth, accepted the position of a teenager whom the Clinic represented.
- A young woman whom the Clinic has represented since she was 15 years old successfully completed a therapeutic process at her boarding school, and even gave the end-of-year speech on behalf of her class.
- After lengthy legal proceedings, a young woman’s debt to the Amidar public housing agency was cancelled.
Policy Change
The Clinic submitted comments on the proposed new Basic Law: Rights during Interrogation and in Criminal Proceedings. With reference to minors and their rights in criminal proceedings, the Clinic highlighted the importance of maintaining rights even when detained; how to protect and realize the right to participate in the proceedings, and more.

The Clinic, in collaboration with the Makom NGO; the Public Forum for Youth Villages, Boarding Schools and Foster Care; and Yeladim: Fair Chance for Children, drafted a bill that was brought before the Knesset by MKs Naama Lazimi (Labor) and Ram Shefa (Labor). The bill addresses the situation of young people without no family support or contacts. Its purpose includes setting the criteria for definition, entitlements to social benefits such as housing, vocational training, etc. The proposal passed a preliminary reading and will continue to be discussed in the future.

Street Law Program
In 2021-2022, five students worked with two groups of juvenile adolescents’ men: 30 referred by the Youth Probation Service in East Jerusalem; and 10 referred by the Youth Probation Service in West Jerusalem, with approximately 56 weekly workshops and two mock trials held. The students working with the group from East Jerusalem broadened the workshops’ activities for each lesson, starting with studying Hebrew and then continuing onto a law and justice workshop. As part of the program, the participants from the West Jerusalem Youth Parole Service visited the Supreme Court, where they learnt about its role, the types of cases it hears, and the difference between the Supreme Court and the High Court of Justice. The group met with Supreme Court Justice Daphne Barak-Erez who talked about her role.
Economic Empowerment of Women Clinic


The Economic Empowerment for Women Clinic operates on a 50% basis in terms of Clinician staff position and number of student participants. During the 2021/22 academic year, it handled 85 cases, with over 61 letters and requests submitted to the authorities, and four court cases. The Clinic headed five policy-change issues, including protecting the rights of women on unpaid leave after giving birth.

Individual Representation and Legal Assistance

A client was awarded NIS 12,000 ($3,500) in compensation as part of a Labor Court settlement in a lawsuit for sexual harassment in the workplace. The Clinic filed a lawsuit against the client’s employer, who had failed to address her complaint of sexual harassment and maltreatment by another employee. The client, a single mother from East Jerusalem, repeatedly complained to her superiors that the employee was harassing her, and even filed a complaint with the police. Since the employer failed to remove the employee or handle the complaint as required by law, the applicant was forced to stop working and thus lost her source of income. At the end of hearing the evidence, the Labor Court offered a compromise within an agreed range. The parties agreed on the maximum amount.

The Clinic appealed to the Haifa Municipality’s Property Tax Office asking it to reconsider its decision not to grant the applicant, a single mother living on income support, a property tax discount. The application clarified that a payment appearing on the applicant’s account - and on which her income was assessed — was the result of a one-time payment paid to the applicant by her son’s father, who does not pay alimony on a regular basis but rather transfers varying amounts to her account from time to time. This means that these payment into the mother’s account do not constitute a fixed monthly income. As a result of the appeal, the request was approved.

Other Clinic Individual Representation Cases include

• Approximately NIS 489,400 ($135,500) was received and/or saved by applicants as a result of the Clinic’s individual assistance.
• Expungement of the criminal record of a woman, a survivor of prostitution, who was granted a pardon by the President of Israel.
• Overturning a decision made by the Ministry of Economy and the Ministry of Education, which had prohibited the employment of a aide in a daycare center, resulting in her being reinstated and allowed to return to work.
• Closing a case being handled by the Execution Office and ensuring a reduction for repayments of the debt.
• Securing a dismissal hearing for a client whose job, as a result, was reinstated.
• Assisting a client in Haifa to be accepted onto the Breathing for Wellbeing program for families living in poverty and deprivation.
Policy Change
The Clinic submitted its comments on the recommendations of the Price Committee of the Ministries of Finance and Economy to update the cost of government-subsidized nurseries. The comments were submitted at a public hearing help prior to the ministers’ decision. The Clinic’s comments were based on a comprehensive opinion it published in January 2017 which called for a change in employment model of nurseries; on a petition by a labor rights organization; and a proposed bill on the subject. The comments addressed aspects such at the insufficient calculation of working hours and business expenses, and the serious difficulties involved in receiving payments from parents. Some of the Clinic’s recommendations were accepted, and the Committee recommended raising nursery workers’ salaries by about NIS 120 ($33) per month.

Further Activities
In 2021-22, the Clinic embarked on a unique collaboration with the Unit for Professional Training and Social Involvement at the University’s Paul Baerwald School of Social Work and Social Welfare that brings together first-year social work students and Clinic students who offer feminist-based legal assistance and emotional support to 15 single mothers.
Clinic for the Representation of Marginalized Populations


In the 2021/22 academic year, the Clinic was staffed by three Clinical Attorneys and 26 students, and operated at 160% capacity. The Clinic handled 289 legal cases, with 258 letters and appeals submitted to the authorities and 13 cases — including four civil petitions on public housing — presented in court. The Clinic initiated eight policy-change issues. The Clinic won a significant case when it successfully appealed a Ministry of Construction and Housing protocol that classified survivor insurance for orphaned children as “income” for the surviving parent, thereby affecting their eligibility for public housing (see ‘Notable Achievements’ section above for details of this case).

Case Studies

The Clinic helped a single mother with a 10-year-old daughter receive income support benefits and retroactive payments from the National Insurance Institute. The Employment Service rejected the request of S., who already works 27 hours per week, for approval of “absence of alternative work” (ie. unable to work more hours) which would mean that she becomes eligible to receive income benefits without having to report to the Employment Service on a weekly basis. S’s income benefits were therefore stopped. When she went to the Employment Service, she was told: “The state does not want to give you money — we will refer you to work as a caregiver for the elderly.” The Clinic appealed to the Employment Service, claiming that the decision contravened its guidelines and also impaired the applicant’s rights and her ability to support her family. The Clinic’s appeal was accepted and the Clinic will continue to work on changing the protocols so that they address the specific case of single mothers in the labor market.

The Clinic helped a single mother receive rent assistance and retroactive payments from the Ministry of Construction and Housing. M., a single mother of two, suffers from several medical conditions for which she has been recognized as having 100% earning incapacity. One of her children also suffers from various medical problems, the treatment of which involves extra expenses. All her previous applications for public housing had been rejected since she failed to meet the criteria. After months of inaction, the Clinic filed a complaint with the Ministry of Construction and Housing about the responsible public housing company’s conduct. Following investigation of the complaint, rent assistance was approved for the applicant, including retroactive assistance.

The Clinic helped a single mother have a NIS 16,000 debt forgiven by the Ministry of Construction and Housing. The women incurred the debt when her eligibility for rental assistance was retroactively denied following an investigation report that stated that she lives with her ex-husband in a house belonging to his relative. The Clinic claimed that the investigation was intrusive and offensive and, moreover, that — even though she lived in the apartment on her own — the investigator arbitrarily drew conclusions from Facebook posts published by the applicant’s ex-husband. After a lengthy
The exchange of correspondence, the women’s request was accepted, the debt erased, and her eligibility is being re-examined.

**The Clinic successfully stopped Execution Office proceedings and canceled bank foreclosure for an applicant who is the son of a public housing resident.** After a thorough investigation, it became clear that the 37-year-old applicant, who has not lived in public housing since he was 18, had been illegally charged with his mother’s debts as the result of a court ruling against him that was given in the absence of a defense case. Over the course of several months, the Clinic repeatedly contacted the law firm handling the case, claiming that there was no justification in charging him for the alleged debts and proving that he has not lived in the apartment for over 18 years. The public housing company eventually accepted the claim, closed the cases against him, and canceled the foreclosure on his bank account.

**The Clinic helped an applicant receive National Insurance Institute disability benefits for her son after her previous claims were denied.** The infant son of the applicant, a single mother, was born with a heart defect and started to receive disabled child benefits shortly after his birth. Two years later, his benefits were stopped. The Clinic helped the applicant submit requests for a re-examination of the decision based on several claims, including that the child’s condition is permanent and indeed has become worse since birth. The request also stated that the applicant had submitted the necessary approvals on time, with the exception of that of a specialist doctor which she has been unable to obtain since she must wait several months for an appointment. The National Insurance Institute accepted the request and approved the benefits. Following repeated requests by the Clinic, the NII also approved retroactive payment of the benefits.

**Other Clinic Individual Representation Cases include:**
- The Clinic helped applicants receive and/or save a total of NIS 1,916,631 (approximately $540,000).
- Foreclosures were removed on the accounts of four clients.
- Three clients were granted public housing apartments.
- Defects and faults in four public housing apartments were repaired.

**Policy Change and Special Projects**

**Amending a temporary order regarding the eligibility of single mothers to public housing.** The Clinic has been working on single mothers’ eligibility for public housing for several years. In 2020, as a result of court petitions issue, the Ministry of Construction and Housing published guidelines that, for the first time, did not require women to switch from alimony to income benefits in order to ensure eligibility for public housing. Unfortunately, in practice, the experience of the Clinic and other organizations shows that the procedure includes a very narrow interpretation of the test case and the precedent it set, and fails to reflect the reality of women’s lives. Moreover, the Ministry has implemented the guidelines in a way that empties them of their content. This means that the new procedure has barely been applied (400 applications were submitted, of which three were accepted). In order to amend both the procedure and the way in which it is interpreted, the Clinic represented three working single mothers receiving alimony in their requests for entitlement to public housing.
The first request concluded with a compromise agreement recognizing the petitioner’s right to public housing (but not on the basis of the temporary order) and a commitment to re-examine her rights retroactively. The two additional petitions were for working single mothers where there is no doubt whatsoever that they are fully realizing their earning capacity in terms of employment. The petitions included claims regarding the principles of the temporary order, how it is implemented, the extent to which the principles are applied, and how they would affect a large number of single mothers who receive alimony and their chances of receiving public housing. These two petitions are ongoing and hearings are pending.

The Clinic promoted a Knesset bill to protect single mothers from foreclosure of study and other grant monies. In the 23rd Knesset (March 2020-2021), the proposed bill passed its first reading, therefore it is subject to a law of continuity. According to the law on assistance to single-parent families, single parents are eligible for various benefits, grants, and other types of assistance. These include study grants, increased funds for boarding schools, reimbursements of children’s educational frameworks, etc. These payments are intended to encourage single parents to enter the workforce, thereby providing for their families with dignity while also developing personally and professionally and serving as role model for their children. The proposed bill seeks to ensure the protection of such funds from being seized, transferred or restricted.

The Clinic submitted position papers to the Cohen Committee of the Ministry of Construction and Housing which is examining criteria for public housing eligibility. The position papers are based on the field work and the legal aid centers that the Clinic operates, and on hundreds of public housing cases that the clinic has handled. Attorney Vardit Damari Madar presented her position regarding the possibility of long-term rental and temporary eligibility in public housing, Attorney Ron Derech presented his position regarding public housing for people with disabilities. Attorney Ohad Amar presented his position regarding women in risk situations in public housing.

Further Activities
At the beginning of the academic year, the Clinic organized a tour in East Jerusalem to survey access to social services. The students were exposed to the poverty and unemployment levels, and to the state of education, health, and municipal infrastructure. The students discussed the difficulties in accessing government agencies, and the role of the Employment Service in securing benefits through appeal committees.

Conference on ‘Poverty-focused law: Challenges and achievements’: Prof. Yuval Elbashan, Adv. Maskit Bandel, Ms. Etti Chen Zaken and Adv. Vardit Damari Madar presented at the conference which addressed a wide range of subjects related to poverty laws such as the relevance of existing legal tools; achievements and weaknesses; the most effective legal methods; what a ‘significant achievement’ means; the major challenges for a poverty-focused lawyer vis-à-vis the community, the courts, social organizations, etc. As part of the conference, public housing activist Etti Chen Zaken, who has been working with the Clinic for nine years, was presented with the ‘Social Leader’ award.
Wrongful Conviction Clinic – Innocence Project

Clinical Supervisor: Adv. Anu Deuelle Luski; Academic Supervisor: Dr. Adi Leibowitz

During the 2021/22 academic year, the Innocence Project operated at 50% capacity in terms of Clinician position and number of students, and it works in full partnership with the Department of Retrials in the Public Defender’s Office. During the year, the Clinic it reviewed seven cases, three of which were examined to determine the feasibility of filing for retrial.

Case Study: Supreme Court rejected request for retrial of Jamil Srur

In November 2020, the Innocence Clinic and the Public Defender’s Office filed a request for a retrial in the case of Jamil Srur, who was convicted of murder in 2009 and sentenced to life imprisonment. Srur is currently serving a 14-year prison sentence for a crime he claims he did not commit. He alleges that he was falsely accused by enemies who were potential suspects in the murder case. The Clinic’s request included five new witness statements from individuals who did not testify in the original trial and three expert opinions on weapons, crime scenes, and Palestinian society. The second part of the request focused on the serious miscarriage of justice and the investigative errors in the case, which all led to a false conviction.

At the end of August, Judge (Ret.) Hendel rejected Srur’s request for a retrial, stating that the evidence presented did not constitute “new evidence” that justified a retrial. The court rejected Srur’s claim of a serious miscarriage of justice and investigative errors offhandedly, without seriously addressing the claims. Jamil Srur continues to serve his sentence, and, as of this writing, there is no prospect of release. The Clinic continues to work for Jamil’s release in several arenas: appealing to the Office of the State Attorney; request for a presidential pardon; filing for a state pension; and a media campaign. The Clinic has also partnered with the news site N12 to feature Jamil’s case in their popular podcast series which has a large audience.

There was an unexpected breakthrough in the case when a member of the opposing family was killed by his own family (Abu Assab). The killing, which was partly motivated by the Srur case, meant that the case was back in the public eye and it also revealed new evidence that has the potential to significantly impact Srur’s conviction. This new evidence will be presented in the podcast, and will also be used by the Clinic for further negotiations with the State Attorney and/or for submitting another request.

Other Cases

The Clinic forwarded medical documents to a Canadian pathologist to obtain an expert opinion for their request for the retrial of a murder case. The client and his friend were convicted of murdering their friend during a fishing trip. The applicant and his former brother-in-law were convicted and are currently serving indefinite life imprisonment for the crime, even though there is no dispute that they were friends and had no motive. No forensic evidence, witnesses, or other external evidence were found. The conviction was solely based on the lies they told during the investigation and their silence regarding the actual events.

Several years ago, there was a development in the case when a friend of the client agreed to reveal the
truth and take full responsibility for the death of the deceased, thereby “acquitting” the Clinic’s client and claiming that he was not involved. As part of a Ministry of Justice pilot program, the Clinic and the Public Defender’s Office were granted assistance to locate an expert forensic pathologist, including funds for translation expenses, locating the expert abroad, and additional costs. Once it had identified a suitable expert, the Clinic sent them the translations of the medical documents. The results and a legal opinion are now pending. Most likely they will determine the fate of the case and whether a request for a retrial should be submitted.

Further Activity within the Clinic

Wikipedia Project: Clinic students were assigned to write entries for Wikipedia in Hebrew on the subject of innocence and false convictions, based on three main categories: developments in Israel (including the 1993 ‘Goldberg Committee’ on convictions solely based on confessions and the grounds for retrials; the establishment of the Innocence Project at the CLEC etc.); the American Innocence Project (National Registry of Exonerations; Innocence Project founder Barry Sheck; The American Innocence Project); and major retrial request cases in Israel. The entries are currently being edited by the Wikipedia-academia liaison person.
In the 2021/22 academic year, the International Human Rights Clinic, including its Human Rights in Cyberspace division, operated at 130% capacity in terms of Clinician position and number of students. In 2022-2023, a Human Rights in Cyberspace Clinic will be established as an independent clinic — more information on this new unit is provided below.

During the academic year, the Clinic for International Human Rights dealt with 35 legal cases, which included submitting 60+ letters and requests to authorities, and six court cases. It promoted five policy-change issues, including policy regarding the status of minors with no recognized status who grow up in Israel and have been removed from their families. The Clinic also participated in a unique international project that compares the state of human rights around the world.

**Case Studies**

The Clinic helped an asylum seeker from Darfur whom it has been representing for three years obtain temporary residency status, which includes benefits such as social security, medical insurance, and other rights. The refugee came to Israel in 2010 to join her husband who had arrived in Israel a few months earlier. Since then, the couple has been living in Israel and have had three children who were born in Israel (the oldest is about 10). In 2017, the husband received a Temporary residence as part of a government decision that recognized him as a former resident of the Darfur region. Since then his wife and children have been pursuing their rights to receive the same status.

For three years, the Clinic — which is working on the case in collaboration with the HIAS organization — submitted numerous applications on behalf of the wife and her children to the Population and Immigration Authority. These included requests to: register the children, compare statuses, be granted updated status on humanitarian grounds, and to the Court of Appeals; a paternity claim to a family court; an internal appeal after the claim was rejected outright; and a contempt of court request. This year, the court ordered that the client be granted temporary residency status (A5 visas) as long as no other decision is made in her case. The Clinic is currently working to ensure the same status and registration for the children.

A case of over three years ended with the Court of Appeals in Jerusalem ordering the Ministry of Interior to grant temporary residency to a brother and a sister (currently 19 and 22 years old) born in Israel but with no legal status. This meant that for the first time, the siblings became entitled to an identity card and social rights such as HMO insurance, national insurance, and social security benefits. The siblings, born to foreign parents in Israel, were taken into state custody at ages 14 months and 3 years due to criminal, life-threatening neglect by their biological parents. Despite its obligations under international law to ensure the legal status of individuals in their care, the state authorities had neglected their duty to do so. The Clinic submitted a request to the head of the Department of Population Administration at the Population and Immigration Authority to grant permanent status to the sister so that she could realize her rights and enlist in the army. On Rosh Hashanah 2022, the request was granted and the sister granted ‘permanent resident’ status in Israel. The Clinic will continue to
represent the siblings until they receive full Israeli citizenship.

**Monitoring Human Rights Around the World**

The Clinic presented the Committee with draft lists of various human rights items for four countries being reviewed by the UN Human Rights Committee. The Clinic participates in the work of the Committee within the framework of the Committee’s remit to “monitor the implementation of the International Covenant on Civil and Political Rights by its [member] States parties” (see [https://www.ohchr.org/en/treaty-bodies/ccpr](https://www.ohchr.org/en/treaty-bodies/ccpr)). The Clinic assists the Committee by analyzing the state of human rights and the implementation of the Covenant in several countries by preparing the questionnaires for the countries that appear before the committee. The Clinic is thus an active participant in one of the main mechanisms for promoting human rights around the world. Indeed, the Clinic’s students not only make a significant contribution to the global human rights system, but they also learn about the Committee’s inner workings and relevant international laws, can compare human rights situations in the countries they research, and see how the committee examines them. Parallel clinics in Pretoria, Oslo, and New York (Columbia University) take part in the program as well.
Division of Human Rights in Cyberspace

During the 2021/22 academic year, the Cyber Division handled 18 legal cases, including five that went to court.

Cyberspace Law Case Studies

The Magistrate’s Court accepted the Human Rights Clinic’s request to ban publication of a client’s identifying details. The client, raised in an ultra-Orthodox family, left home at age 18 when he stopped observing the religious practices of his upbringing. Following this crisis, he was involved in a fight with his brother and was found guilty but did not receive a conviction. He has committed no crimes since. The Clinic argued that the facts that the client had been found guilty but did not receive a sentence indicated that the court did not want to tarnish the client’s name; that the incident had occurred nine years before, when the client was young; and that he has since committed no crimes. Thus, it argued, these facts attest to the client’s right to privacy outweighing any public interest in revealing information about the incident.

The court sentenced Idan Michaelov to 5 years in prison for managing a Telegram account in which intimate photos of about 180 women and about 40 minors were exchanged without consent. The Clinic helped a client, a victim of the photo-sharing incident, submit a letter to the court handling the criminal case. The letter described the immense harm caused to the victim due to the publication of the photo. The court quoted the victim’s letter during sentencing, thereby giving her a sense of agency in the face of the ongoing harm she endured.

The Clinic helped a client receive NIS 2,000 ($550) in compensation for the non-consensual publication of an advertisement on the ‘Ad’ website. The site was ordered by the Small Claims Court to pay compensation after it published an ad without the permission of the client who originally had posted on the Yad 2secondhand website. The court ruled that the behavior of the website owner had caused harm to the claimant, and that even after multiple requests, the owner failed to remove the advertisement. This is the second ruling in favor of the Clinic’s position on this issue. Following the first ruling, a group lawsuit - still ongoing - was filed in the District Court.
Rights of People with Disabilities Clinic

Clinical Supervisor: Adv. Ron Derech; Academic Supervisor: Dr. Einat Albin

In 2021/22, the Rights of People with Disabilities Clinic operated at 50% capacity in terms of Clinical Attorney position and number of students. It handled 42 cases, with over 41 letters and requests submitted to the authorities and 14 cases taken to court. It led six policy-change issues, including the situation of employees in sheltered workshops.

Case Studies

The Clinic represented a woman with cerebral palsy who uses crutches, and was forced to terminate her internship at a hospital due to its refusal to provide the necessary accommodations. The client had requested reasonable adjustments necessary for the completion of her internship — the hospital refused most of her request without explanation or suggesting appropriate alternatives. After a lengthy battle, the applicant had no choice but to terminate her internship. After negotiations failed, it intends to submit to court a compensation claim and a demand that the hospital changes its policy on such matters.

The Labor Court rejected a defendant’s request for dismissal and ordered trial costs for the Clinic be paid. The Clinic is representing several people with disabilities who were employed at a sheltered workshop in a case brought before the Labor Court. As part of the case, the defendant requested that the trial be postponed on several grounds, including a claim stemming from the 2021 precedent-setting Haim Zar case (see next case) on the social rights of employees in sheltered workshops in which the Clinic took part. The Clinic rejected all the defendant’s arguments and argued that the plaintiffs’ claims be heard and judged on merit. The Clinic also objected to the defendant’s request to further postpone (by 60 days and until a ruling on the motion to dismiss was given) the plaintiffs’ request to see documents they had been requesting for some two years. The Clinic argued that the case does not constitute a new legal situation but rather confirms the existing legal situation, and that the change in the law does not nullify the plaintiffs’ right to have their claims investigated on its merits. The court accepted the plaintiffs’ claims, rejected the request for a postponement, ruled that the defendant without delay produce the documents requested by the plaintiffs, and ordered the defendant to pay court expenses of NIS 3,500 (approximately $1,000).

Policy changes

The Clinic represented the Bizchut organization as a defendant in a case filed by the State in the High Court of Justice regarding a precedent-setting ruling given by the National Labor Court. In 2020, the Clinic had represented Bizchut as an amicus in the Haim Zar case, which dealt with employer-employee relations in sheltered workshops. Over 15,000 people with disabilities are employed in

“I was very happy to meet you and learn that there are professionals like you whose humanity, caring and sensitivity is part of their profession. You are an organization that does such significant work and you are greatly appreciated.”

(Sharon)
protected factories. These establishments do not abide by labor law but rather by government ministry regulations, which means that employer-employee relations and protective labor laws do not apply. As a result, workers in these establishments receive low wages and are not entitled to the social rights and protections that employees receive. In October 2021, a precedent-setting ruling in the Haim Zar case established that employer-employee relations must be applied to sheltered workshops, meaning that workers’ rights and protections (with the exception of the minimum wage law and convalescence payments) are guaranteed by labor law. The court also ruled that under certain conditions, employer-employee relations in protected workshops would be recognized in future cases. In May 2022, the State petitioned the High Court of Justice (after a considerable delay) against the precedence-setting ruling, arguing that the verdict should be overturned. The Clinic, on behalf of Bizchut, filed a response to the State’s petition and represent the organization at the hearing set for November 2022. The court session was held and the High Court wanted more clarification from the State. The next court session was schedule to October 2023. The High Court’s ruling will significantly affect the extent of the rights to which over 15,000 employees in sheltered workshops are entitled.
Criminal Justice Clinic

Clinical Supervisor: Adv. Reut Rosner; Academic Supervisor: Dr. Anat Horowitz

In 2021/22, the Criminal Justice Clinic continued to operate as an external clinic within the Public Defender’s office. Despite this unconventional model, the collaboration allowed for a productive and valuable year for the participating students.

The Clinic handled 100 cases, with the 20 students involved in various aspects such as: summarizing investigation files; preparing legal opinions; database research; participating in meetings with clients and in negotiations with prosecuting authorities; attending court hearings; meetings with experts; preparing requests to delay proceedings and appeals; and planning cross-examinations. This type of work also exposed the students to various ethical dilemmas.

Case Studies

Students helped prevent the indictment of a restaurant owner who had participated in lockdown demonstrations by business owners during the previous year. The owner of the restaurant, who had participated in the protests during lockdown, had brought a tire and participated in setting it on fire. The owner faced being charged for recklessness and negligence but after reviewing the evidence, the students helped submit a written statement that raised questions about the indictment for a crime that was carried out under such unusual circumstances. The case was ultimately closed with a conditional settlement.

A student in the Clinic accompanied and assisted in an appeal by the Public Defender that was accepted, with the defendant’s prison sentence reduced by 8 months. The accused pleaded guilty to an amended indictment for arson in the District Court but there was no agreement on the punishment. Despite showing sincere remorse, having led a normal lifestyle before the crime, and not putting anyone’s life or additional property in danger, the District Court sentenced him to 36 months in prison, along with a suspended sentence and a fine.

The appellant has had a harsh life: he lost contact with his father at a young age, immigrated to Israel from the Soviet Union; went through a difficult divorce which means that he has no contact with his children; suffered injuries during his youth; was unemployed; had debts; and even spent a significant time living on the streets. Following an appeal, the Supreme Court ruled that there was reason to reduce the defendant’s sentence, and set it at 28 months in prison. Alongside the filing of the appeal, the client began the rehabilitation process while still in prison and the mitigation of his sentence motivated him to continue to do so even more vigorously. The hope is that he will persevere and that at the end of the short prison term he has left to serve, he will return to a normal lifestyle with no criminal involvement.

A Clinic student worked on the case of a minor (aged 15 at the time of the offense) throughout the year, which ended in an acquittal in the Juvenile Justice Court and the rejection of the State’s appeal in the District Court. The minor was cleared of charges of attempted aggravated assault with a racial motive (throwing a drink can at the complainant). The appeal filed by the State was rejected by the District
Court which ruled that the State failed to meet the burden of proof as required beyond reasonable doubt, and that the circumstances of the incident raised doubt about intent. The evidence presented in the case did not refute the defense’s version of the incident, which was seen in videos of the accused throwing the can, and in fact corroborated it.

Further Activities

Law and Justice Workshop: The Clinic held a Law and Justice Workshop for eight participants who were on parole. Throughout the year, they learnt about various topics and different legal fields, including criminal law. At the end of the year, a roundtable discussion was attended by the Honorable Judge Amir Dahan who serves as Vice President of the Jerusalem Magistrate’s Court.

The Clinic’s students visited the Community Court in Jerusalem. During the tour, the students met with the leaders of the Jerusalem district Community Court from the Public Defender’s Office, Probation Service, and State Attorney’s office. They learned about the special features of the Community Court, the roles of its various participants, and the particular dilemmas that arise during Community Court proceedings. They also observed several trials being held in the courtroom.
Clinic for Multiculturalism and Diversity

Clinical Supervisor: Adv. Nisreen Alyan; Academic Supervisor: Prof. Eyal Benvenisti

During the 2021/22 academic year, the Clinic for Multiculturalism and Diversity handled 50 cases, of which four went to court, and it pursued policy change on seven issues. It successfully advocated for improved Arabic language accessibility in several areas, such as Arabic-language summons to medical review committees held by the National Insurance Institute.

Case Studies

Following a complaint by the Clinic, an employee of the Nof HaGalil Municipality was formally reprimanded. The Clinic filed a complaint with the Civil Service Commission on behalf of a young Arab woman who was verbally attacked by the Public Inquiries Commissioner of the Nof HaGalil Municipality. The applicant was on her way to a meeting in Nof HaGalil. While walking towards a grocery in order to purchase a facemask, a stranger approached her and started yelling at her, making inappropriate racial and gender-related comments because she was not wearing a mask. Among his statements were: “I will show you, Ya Hilwa [in Arabic: “sweetheart”, derogatory], I will show you how to respect the rules in this city.” In response, the complainant asked him if by the word ‘you’ he was referring to the Arabs, to which he replied: “Yes, yes, the Arabs — is that what you want to hear?”

Following the incident, the complainant filed a complaint with the Israel Police and Nof HaGalil Municipality. In the wake of the Clinic contacting various relevant bodies, including the Anti-Racism Coordinating Unit in the Ministry of Justice, an inquiry was carried out by the Nof HaGalil Municipality. The complainant subsequently received a letter from the municipality in which it stated that “during the inquiry, it was made extremely clear to the employee that he is expected to show tolerance and mutual respect towards all residents and ethnic groups.”

The Clinic filed an appeal to the Israel Police against the decision to close a criminal investigation, requesting that it instead be reopened for reinvestigation. At the height of the violent unrest in Israel in May 2021, a complaint was filed with the Israel Police for the verbal assault and attempted physical assault of an Arab pharmacist while performing his duties. The police decided to close the case due to the lack of a criminal offense. The Clinic helped the applicant file an appeal with the Israel Police against the closing of the case and requesting its reopening for reinvestigation. The appeal was accepted.

After the Clinic submitted a request for a pardon, the President of Israel expunged a criminal conviction. The case involved a young man from Ethiopia who had been involved in crimes as a teenager but has since been rehabilitated. He completed pre-military training, served in an IDF combat unit, and continues to volunteer at boarding schools for at-risk youth.
Policy Change

The Clinic submitted a request to the Municipality of Lod that its hotline (106) be accessible in Arabic. The request was made following an investigation by the Clinic that found that the hotline had only one permanent Arabic-speaking employee working part-time in the afternoons, plus a student working three shifts a week; and that the service’s online form was not available in Arabic. In its response, the Municipality stated that it is working to upgrade its call center, including ensuring accessibility to services that benefit residents. In addition, the Municipality stated that as of that day — and in the wake of the Clinic’s request — four of the 16 employees at the call center are Arab (three students, one permanent employee) with coverage at all hours.

Following the Clinic’s request, NII self-service machines in East Jerusalem became accessible. The Clinic appealed to the NII Director-General responsible for East Jerusalem, requesting equitable accessibility to self-service machines in East Jerusalem that ensures the same standards of privacy as NII stands in the western part of the city. The NII responded quickly and made the machines accessible.

The Municipality of Lod responded to the Clinic’s urgent request to translate and make kindergarten registration forms accessible in Arabic. The Clinic wrote to the Municipality stating that beyond Arabic’s status as an official language of the country and the infringement of the dignity of the city’s Arab residents, it was imperative to provide equal access to digital services in the Arabic language in today’s world: “Access to digital services ensures a more equitable distribution of resources by reducing physical distances and dependence on [going to] offices, thereby making services accessible to disadvantaged groups such as people with disabilities and seniors. However, when such accessibility is limited for a specific group such as the Arab population, it leads to a sense of exclusion, to a lack of understanding, and to the unavailability of digital tools and services in the citizen’s language.” The Municipality of Lod subsequently made digital registration for kindergarten available in Arabic.

Other Activities

Clinic students participated in two tours with the International Human Rights Clinic. The first tour, in East Jerusalem, focused on the realities of life for East Jerusalem residents — their civil status, the current socioeconomic situation, the education system, and other aspects. The second tour took place in Lod, where the students toured a mixed Arab-Israeli neighborhood, the center of the Old City, and the Pardes Snir neighborhood. During the tour, the students learned about the acute housing crisis, the lack of building permits, and the reality of life for the residents.

“First of all, I want to thank you for your standing and your support since the beginning of this case until today - Ya’tik Alafia (may God give you health and all the good things)” (Achmad)
Fried-Gal Transitional Justice Program

The Fried-Gal Transitional Justice Program was established at the CLEC in 2020/21. Transitional justice is a multidisciplinary field of contemporary research and practice which focuses on ways to help societies that have experienced widespread human rights violations due to conflict, military rule, authoritarian regimes, or genocide to transition to a peaceful state of reconciliation, democracy, rule of law, and respect for human rights.

The program examines individual cases being handled by the CLEC within the context of the problems that impact and affect relations between the diverse communities and populations living in Jerusalem and Lod — aspects such as identity, the realities of living side-by-side, and the ways in which the law can contribute and address historical cases of injustice and promote a more just common future.

This program is part of two Clinics and the students in them: The Clinic for International Human Rights (led by Adv. Dana Yaffe, Adv. Nasser Odeh and supervised by Prof. Yael Ronan), and the Clinic for Multiculturalism and Diversity (led by Adv. Nisreen Alyan and supervised by Prof. Eyal Benvenisti). Dr. Sigall Horovitz is a consultant for the Program, and Program Coordinator Sara Abu Eid organizes all field activities.

In 2021/2022, the CLEC opened a new field site in the city of Lod as part of the Fried-Gal Program, a city which has come to symbolize and embody the many challenges that face mixed Jewish-Arab cities. Thanks to a further new grant, the Clinic will be able to significantly increase its work in 2022/23.

Selected Projects

Status Cases

The Clinic for International Human Rights provides legal support and representation to clients from East Jerusalem and Lod on issues related to their status as Palestinian residents in Israel — family reunification; registration and status of children; applications for citizenship (including applications according to the new Ministry of Interior regulations for ages 18-21); proof that an applicant’s ‘center of life’ is in Israel to ensure eligibility for NII benefits; helping individuals understand HMO rights and coverage payments for permanent residents; upgrading residency status for humanitarian reasons, and more. About 25 inquiries regarding status were handled by this program in 2021/22. Cases included:

- The Clinic successfully helped an at-risk minor with Israeli citizenship obtain his first ever ID card. The minor’s father had been absent from his life since infancy and his mother is a resident of the West Bank. The problem with issuing the ID card was that the minor’s mother did not have a recognized address in Israel. The Ministry of Interior asked that the mother’s residency status be legalized before the minor could receive an identity card. Thanks to the intervention of Clinic, the Ministry of Interior accepted the evidence presented, along with an affidavit from the mother confirming that the minor permanently resides in Israel, and issued an ID card for the minor.
• The Clinic represented a 28-year-old woman with residency status in Israel — meaning she has no social benefits rights — in her request to obtain permanent status. The applicant has been in Israel since the age of 17 along with her mother and sisters, who are permanent residents. She is currently studying for a master’s degree in biomedical sciences at the Hebrew University. The request highlighted that she has no other family or contacts beside her nuclear family, all of whom reside in in Israel. The Clinic filed an appeal on behalf of the woman on non-response by the state. The request was processed and a decision is pending.

• The Clinic represented a woman and two minors from the Shuafat refugee camp in a request for family reunification and the registration of the two minors as permanent residents. In light of the tragic reality of life in the camp, the family has no way to prove that their center of life is in Jerusalem. The Clinic filed the appeal and is awaiting the court’s decision.

Expunging the Criminal Records of Minors in East Jerusalem and Lod

This initiative aimed to clear police records for minors questioned at police stations, but who had not been indicted (after the one-year statute of limitations had passed). The practice of investigating without closing a case appears to be a matter of selective law enforcement related to the Israel-Arab conflict within Israel. The experience of the past two years shows that there are numerous obstacles involved in trying to have a criminal record expunged. These include a lack of trust in the police on the part of parents, the reluctance of parents to ask the police for the criminal record, and a lack of police cooperation in accepting documents. As part of this program, the cases of four different minors from East Jerusalem, each with several open cases, were handled.

In order to publicize the option to submit requests to have criminal records expunged, Attorney Nisreen Alyan gave lectures in two high schools in Lod, which were attended by over 100 students.

Discrimination

This program seeks to identify — and remove — obstacles that impair equal realization of rights. In 2021/22, the program focused on several aspects of language accessibility, and made significant progress. As detailed above (on page 28), these included Arabic-language kindergarten registration forms in Lod becoming available; equitable accessibility and privacy for NII self-service machines in East Jerusalem; full-time Arabic accessibility of the 106 hotline in Lod, with some online forms also available in Arabic. A further example is the Israel Police’s announcement that it intends to hire Arabic-speaking youth investigators following a request from the Clinic. This follows the Clinic’s freedom of information request to the Lod police which had revealed that the city had no Arabic-speaking youth investigators.

Further Activities

Adv. Dana Yaffe participated in a conference on transitional justice in Lod, and participated in a panel on the advancement of transitional justice in the city. As part of a panel on practical aspects of transitional justice, Adv. Yaffe outlined the similarities in rights realization for Lod’s Arab population and the population in East Jerusalem, in particular with regard to family reunification and child registration — and in spite of the fact that the Arab population in Lod mostly has Israeli citizenship, as opposed to that in East Jerusalem, which usually has permanent resident status only.
Adv. Dana Yaffe, Nisreen Alyan, and Dr. Shiran Reichenberg participated in an Hebrew University and Tel Aviv University international workshop on “In Every Single Way but on Paper? Context and Agency in Migrant and Refugee Children's Legal Liminality.” As part of the workshop, they discussed the life of a minor residing in East Jerusalem, and covering aspects such as status, access to education, healthcare, social welfare, and rights within the criminal justice system.

The students in the program participated in two tours; one to East Jerusalem and the other to the city of Lod.
Student Testimonial

Last year, I participated in the Rights of Youth at Risk Clinic, which was a tremendously valuable and eye-opening experience. Each week, another student and I went to the Ha-Hut HaMeshulash center for at-risk youth, which provides them with a safe space. Our job to offer them legal assistance covered a wide range from Covid-related fines (for not wearing a mask on the bus) to claims to be recognized by the authorities as independent (due to abusive parents). Over the course of the year, I learned so much about the Israeli legal system, but even more so about the resilience of these young people. The Clinic taught me about the complexities involved in representing at-risk youth but even more about the importance of such work. I feel so grateful to have participated in the Clinic.

Gabi Agus, Rights of Youth at Risk Clinic student

Beyond all the legal knowledge and experience I gained as a student at the Clinic for the Representation of Marginalized Populations, the privilege of seeing and working with these women was the most significant benefit. The direct encounter with these strong women — who face difficult lives with great courage and who in a parallel world could be exactly where I am — changed my life, and I hope that I will remember them at every stage of my professional life in the future. The Clinic broadened my understanding and perception of human rights and social rights, especially with regard to accessibility. It allowed me to see and be exposed to people and stories that I would not have been exposed to otherwise. My experiences at the Clinic shaped, and will continue to shape, me both personally and as a future lawyer.

Ram Ben Nun, Clinic for the Representation of Marginalized Populations student