



29 August, 2010

The Prime Minister of the State of Israel
Mr. Benjamin Netanyahu

By fax: 972-2-5664838

Dear Sir,

Re: The Appointment of Women to the Negotiation Team in Accordance with Section 6C1 of the Women's Equality of Rights Law 5711-1951

On behalf of the non governmental organization Itach مَعَك (With you in Hebrew and Arabic) – Women Lawyers for Social Justice and 14 Women NGO's, I write to you as follows:

1. In recent days we have been pleasantly informed by the media that progress is being made regarding the advancement of negotiations with the Palestinians, and, simultaneously, of the possible establishment of a group that will conduct meetings with the Palestinians, in the framework of the efforts to achieve a political settlement.
2. In light of the aforementioned, we would like to remind you of the duty imposed on you, pursuant to section 6C1 of the Women's Equality of Rights Law 5711-1951, which states the following:
“In a public committee or group appointed by the government, Prime Minister, minister, deputy minister or general-director of a government ministry (hereinafter – appointed body), proper representation will be given to the women from diverse population groups, according to the circumstances”.
 - **“Group”**, in the wording of the law, is a “committee or other body established for the purpose of shaping national policy on any issue, including on foreign affairs or security issues, or for the prevention, management or resolution of a political or international conflict, **including the implementation of negotiations, which may include negotiations towards the signing of an interim agreement or a peace treaty**”.
 - **Public Committee**, in the wording of the law, is “a committee of which one of the members is a public figure”.



3. **Based on the requirements of the law, it is clearly and unequivocally apparent that the obligation to appoint women from diverse population groups, in a manner reflecting their proportion in the general population, plainly applies to the negotiation team, and therefore, we expect the full implementation of the law.**
4. It should be emphasized that the above quoted section 6C1 was added to the Women's Equality of Rights Law in 2005, following an amendment (no. 4) that was legislated, among other things, in light of United Nations Security Council Resolution no. 1325 dated 31 October 2000 (hereinafter: Resolution 1325"). Resolution 1325 states that **all UN members are mandated to include women in negotiation processes, including in the search for solutions aimed to bring about lasting peace.**
5. It will be noted that the resolution was created after many years of bloodshed in the 20th century, and, thus, in the words of the resolution:

The Security Council..."Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution... Expresses its willingness to incorporate a gender perspective into peacekeeping operations, and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component."
6. It is appropriate to note that the State of Israel, including the Israeli Knesset, was the first among the United Nations to adopt the principles of Resolution 1325 in primary legislation, and as aforementioned, in light of the Resolution and its underlying values, the Women's Equality of Rights Law was amended. Therefore, it is of even greater importance to adhere to the provisions of the law and to implement it, in the spirit of Resolution 1325, which is the basis, among other things, for its underlying values.
7. Regarding the issue of the implementation of the law and the fulfillment of its objectives, and, more precisely, regarding the issue of the lack of implementation of the law until now, as is apparent from the composition of

public bodies that are subject to the law, and that lack women's representation, it is important to note the recent ruling of the High Court of Justice in petition 5660/10 **Itach Maaki v. the Prime Minister and others**, dated 22 August 2010 (hereinafter: "the Judgment").

8. In the Judgment, which discussed the matter of the lack of appointment of women to the committee for the examination of the naval event dated 5/31/10, headed by the Honorable Supreme Court Judge (ret.) Mr. Yaakov Turkel (hereinafter: "the Turkel Committee"), The High Court of Justice ruled that **the government had not done enough to locate women for the Turkel Committee, and therefore the lack of appointment of women to the Turkel Committee constituted a breach of the law.**
9. It can be stated, in consideration of the aforementioned, that **the failure to appoint women to the negotiation team, even after the Judgment has been given, will be the expression of an additional and severe violation of the law as well as disregard of the clear ruling of the High Court of Justice regarding the implementation of the law and its importance.**
10. Furthermore, as part of the demand for a full implementation of the provision of the law, we hereby wish to emphasize the fact that the wording of section 6C1 of the law, mandating the representation of women in public bodies, does not merely make a general statement mandating the representation of any women. The provision of the law states that in public bodies, appropriate representation will be given **to women from diverse population groups**. The underlying view of this wording is that the sector of women in the population, which is not being given adequate and often not even minimal representation anyway, is not a homogenous one. The amendment to the law acknowledges the fact that within the group of women there exists a wide diversity of women, from different ethnic groups and nationalities, immigrants, Israel-born, etc.
11. Moreover, **the demand for representation from diverse population groups aims, among other things, to introduce a gender perspective to the negotiation table, one which, until recently, has not been present, certainly not adequately so, in peace building processes.** This is also in keeping with the spirit of Resolution 1325, from which the wording of the law derives its principles:



The Security Council “Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective”...

12. Therefore, we demand that women be appointed to the negotiation team, as mandated by the law. Simultaneously, we will demand that the appointment of the women will fulfill the requirement for diversity imbedded in the law, and will bring about the expression of gender perspective, as declared by the United Nations Security Council in Resolution 1325.
13. Regarding this matter, and also in the context of the High Court of Justice’s ruling in the matter of the Turkel Committee, according to which the government had not made reasonable efforts to locate candidates for the committee, it will be noted that **the Itach-Maaki organization, as well as many other women’s organizations, is active and connected with hundreds of women of diverse positions, opinions, schools of thought and cultures, who are also able to express the gender position which is significant to the negotiations.** Therefore, and without diminishing the obligation imposed upon the appointing body to locate candidates according to the mandate of the law, we wish to emphasize that the women’s organizations are able to aid that process.
14. In this context, I would like emphasize the Honorable Supreme Court Judge Jubran’s statement, which was made during the hearing dated 11 August 2010 in the matter of the Turkel Committee, regarding the possibility that was available to the state, of approaching women’s organizations, as they faced difficulties (according to their version of events) in finding women. It is of importance to bring to your attention the fact that Resolution 1325 also ascribes a significant role to women’s organizations, stating that the United Nations Security Council:
"Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women’s groups"
15. Finally, it should be emphasized that, regretfully, even after the High Court of Justice’s clear statement regarding the government’s blatant breach of the law by failing to appoint women to the Turkel Committee, the end result is that there are no women in the committee. Therefore, we **even more fervently expect that our demand for the appointment of women to the negotiation**



team, while suitably fulfilling the law and the ruling of the High Court of Justice, will be fully implemented, and will provide a message to the public that the place of women is within the decision making processes, including in the important and significant quest for a just and lasting solution for the two peoples.

Respectfully,

Anat Thon Ashkenazi
Itach מַעַכ (Maaki) –
Women Lawyers for Social Justice

Women's Organizations:

Itach מַעַכ (Maaki) – Women Lawyers for Social Justice
The Association for Civil Rights in Israel
Israel Social TV
Economic Empowerment for Women
The Mizrahi Democratic Rainbow – New discourse
Supportive Community - Women's Business Development Center
Isha l'Isha- Haifa Feminist Center
Ahoti for Women in Israel
Tmura - The Israel Antidiscrimination Legal Center
Women's Parliament
Anuar – arab and Jewish woman Leaders
Shin – the Israeli Movement for Equal Representation of Women
Kol HaIsha
Kolech (Your voice) – Religious Woman's Forum
Wips – Women in the Public Sphere

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