



הפקולטה למשפטים
האוניברסיטה העברית בירושלים
Faculty of Law - Hebrew University
كلية الحقوق - الجامعة العبرية في القدس



המרכז לחינוך משפטי קליני
مركز التعليم القانوني الإكلينيكي



Report to the British Friends of The Hebrew University

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**Clinical Legal Education Center
Faculty of Law
The Hebrew University of Jerusalem
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The CLEC: Legal Aid & Impact for Law Students



A tour of East Jerusalem with the Clinic for Multiculturalism and Diversity

The Clinical Legal Education Center (CLEC) at the Hebrew University is an integral part of Israel's leading Faculty of Law and one of the country's foremost clinical centers. Through the generous support, received by the different Friends of the Hebrew University, including the BFHU, the CLEC ensures that law students gain hands-on practical training and social awareness, that Jerusalem's underserved populations receive much-needed legal assistance and guidance, and that socially just legal policy and policymaking in Israel are advanced.

CLEC activities are based on a two-fold approach which offers legal aid of the highest quality to a wide range of disadvantaged individuals and groups in Israel while engaging law students in top-notch, hands-on clinical experience. Law students engage at the CLEC in practical legal work and attend forums and workshops that provide them with the legal tools essential for effectively performing their pro bono activities. In addition, Faculty members help participating students reflect on their experience and gain important insights on the social, cultural, and ethical dimensions of their future profession. The students also benefit from interaction with professionals working in other disciplines, including social work, business administration and disability studies.

The CLEC operated eight clinics this year: the Representation of Marginalized Populations Clinic; the Criminal Justice Clinic; the International Human Rights Clinic; the Rights of Youth at Risk Clinic; the Economic Development of Women Clinic; the Innocence Project; the Rights of People with Disabilities Clinic; and the Clinic for Multiculturalism and Diversity. In the 2020-21 academic year (October 2020 - July 2021), the CLEC handled 679 cases. A total of 126 students participated in the clinics, helping hundreds of families, individuals and groups to enjoy, protect and realize their rights. The students undertake a variety of tasks, all of which are carried out under the close supervision of a Clinical Attorney, including careful analysis of case materials, meeting with clients, and preparing cases for court.



The Clinics



The International Human Rights Clinic submitting an Amicus curiae

The Clinic for the Representation of Marginalized Populations provides free legal aid, consultation and representation to individuals within Jerusalem's marginalized and socioeconomically peripheral communities. Law students in the program conduct fieldwork in six city service centers located in Jerusalem's low-income, underserved neighborhoods.

The Criminal Justice Clinic provides free, quality legal assistance to individuals without means who are involved in different stages of the criminal process, from arrest through indictment, trial, and appeal. Its objective is to combine theory and practice to generate social change, whether by providing individual representation before various courts or by promoting policy change in core issues of criminal law. Criminal justice procedures have far-reaching implications for individual rights, which are at a great risk of being infringed by the authorities and therefore need robust protection.

The Innocence Project assists prisoners who have been wrongfully convicted. This initiative started in the US and grew into the global Innocence Network of which the Hebrew University project is a formal member. The Innocence Project works in partnership with the Department of Retrials in the Public Defender's Office in order to identify, and work towards revoking, wrongful convictions.

The Rights of Youth at Risk Clinic strives to promote the rights of at-risk children and youth in Israel. The Clinic provides individual legal aid and representation, runs education and empowerment programs for children and at-risk youth, and engages in ongoing policy change and legislative reform work that stem from various pressing needs and issues raised by the children and youth whom the Clinic's students encounter in their fieldwork.

The Economic Development of Women Clinic promotes and protects the economic rights of women, focusing on women positioned at the ethnic-national-religious-socioeconomic margins and mainly working to affect broad policy change and change in attitudes towards these women, who commonly confront multiple levels of discrimination. The Clinic examines questions related to women in various walks of life, ranging between business and the financial markets to the low-paid workers in the labor market and welfare recipients.



The Clinic for Multiculturalism and Diversity provides legal aid to individuals and groups who have experienced discrimination due to their cultural identity, for instance Arab Palestinians, immigrants from Ethiopia, transgender people, and more. The Clinic also promotes an intercultural dialogue and leads unique projects in this area.

The International Human Rights Clinic works to promote and apply international human rights law to the realities of life in Israel and to the country's legal system. It provides legal assistance to both individuals and organizations, advancing large-scale impact around the status and rights of the most vulnerable people in Israel today as well as on issues relating to digital human rights. The Clinic facilitates dialogue and exchange among Israeli human rights organizations, UN treaty bodies and Israeli policy makers. It focuses on legal representation of diverse minority groups, such as Palestinians from East Jerusalem, families of Israeli soldiers and civilians who are held in Gaza, asylum seekers and other stateless persons, ultra-Orthodox women, and the LGBTQ+ community. The Clinic also publishes position papers and drafts bills that promote civil, political, cultural and social rights in Israel.

The Rights of People with Disabilities Clinic works to promote the integration of people with disabilities into society in two main areas — by realizing their rights in the fields of higher education and the employment market; and by advocating for policy change and for the active implementation and enforcement of existing legislation. This mission is reflected in four main activities: pro-bono legal advice for individuals and non-governmental organizations in the field of disabilities; advancing and advocating for policy change to promote equality for people with disabilities; legal work on precedent-setting cases, including filing petitions with Israel's Supreme Court; and raising public awareness of disability issues and rights.

CLEC Notable Achievements



*Adv. Shiran Reichenberg, Adv. Vardit Damari-Madar
and Clinic students at the regional court in Nazareth*

The Clinic for the Representation of Marginalized Groups asked the National Insurance Institute to uphold the protocol for switching support grounds. Cases handled by the Clinic revealed that requests submitted by single mothers to the NII to switch from alimony to income support in order to ensure eligibility for public housing, were being denied. This was despite previous NII procedures and announcements that this change was permissible. The Clinic, along with the Yedidut Toronto organization, contacted the NII and provided a recording of a caller being told explicitly that it was not possible to switch from alimony to income support, even after clarification with superiors. The

Clinic argued that this conduct violated the rights of single mothers and was contrary to



previous commitments made by the NII. In response, the NII announced that it will take measures to ensure that the protocol is upheld.

The Rights of People with Disabilities Clinic prevented the dismissal of a person on the autistic spectrum. The client, a high-functioning autistic person about whom there were no complaints throughout his period of employment, received notice that he would be fired as part of the overall layoff of about 7% of the workforce. The Clinic informed the employer that — based on the legal standing of affirmative action in the case of a person with a disability, even when there are staff layoffs, and that a disabled worker with the necessary qualifications cannot be included in the 7% — it intended to represent the client at a pre-dismissal hearing. The employer subsequently rescinded the dismissal notice and the hearing was canceled.

The Clinic for Multiculturalism and Diversity helped an ultra-Orthodox child attend an ultra-Orthodox educational yeshiva in Jerusalem several months after the beginning of the school year. According to the family, the child had not been accepted by the yeshiva due to the family being stigmatized. After formal requests to the municipality and numerous conversations with the parents and with the Ministry of Education Schools Attendance Officer, the child was enrolled in the school. The success of this case means the smooth and uninterrupted continuation of the child's education in the customary transition from middle to high school yeshiva in line with the religious and cultural beliefs of the child and his parents.

The Clinic for Multiculturalism and Diversity asked the Mayor of Jerusalem to make the website and app for appointments at the municipality accessible in Arabic. The lack of accessibility to online municipal services in Arabic was impeding about one third of the city's residents from benefitting from such services. While technological innovations in access to services are intended to reduce bureaucracy and improve the quality of services provided by the municipality, in practice they had become too cumbersome and costly for many of the city's residents in aspects such as lengthy waiting times and language accessibility. As a result of the Clinic's intervention, the forms to make appointments and to apply for a reduction on municipal property taxes have been uploaded to the app and website in Arabic. The Clinic has been informed that more forms are currently being translated.

The International Human Rights Clinic requested that the Population and Immigration Authority extend staying permits for Palestinians to stay in Israel as part of family reunification. Unlike the first national lockdown in March 2020, during the national lockdown that began in January 2021, the Population and Immigration Authority did not issue an announcement regarding the automatic extension of staying permits for Palestinians living in Israel within the terms of family reunification procedures, and which had expired during the lockdown; other residency visas were however extended. The International Human Rights Clinic approached the legal advisor of the Population and Immigration Authority with a request to automatically extend these permits and notify to the general public. The Clinic's



request emphasized the dangers of staying illegally in Israel, and the stress of living in such uncertainty. Following this request from the Clinic and other parties, the Authority issued a notice regarding the automatic extension of staying permits until the end of March 2021.

The Clinic for the Representation of Marginalized Groups requested that the Minister of Construction and Housing develop digital platforms for its services. The Clinic contacted the Minister of Construction and Housing to request that it develop digital platforms for the submission of applications and appeals (similar to the online service provided during the COVID-19 crisis) and for notifying people of decisions made by the Ministry. The Clinic expects to meet with the Director-General of the Ministry of Construction and Housing on the subject in the next few weeks.

Change in procedure for issuing IDs to at-risk minors following work of the Rights of Youth at Risk Clinic. Client requests to the Clinic revealed that minors who are not in touch with their families or whose parents refuse to help them for various reasons, cannot be issued an ID card since, according to regulations, the presence of the parents or a photocopy of their ID is required in order to issue the minor's ID. The Clinic, with the assistance of former MK Yousef Jabareen, contacted the Population and Immigration Authority in order to amend this regulation so that minors can be issued an ID without the help of their parents. The request was granted, and the procedure amended.

The Economic Empowerment of Women Clinic filed a lawsuit for NIS 128,000 against a catering company in the name of an employee, a resident of East Jerusalem, who was the victim of sexual harassment. The plaintiff's employers did not properly handle her complaint, did not take reasonable measures to prevent further harassment on the part of the employee, and even harassed her themselves by not including her in the work shift roster. Consequently, the plaintiff did not return to her place of work. The claim states that "the defendant refused to create for the plaintiff a safe work environment in which she would not be exposed to sexual and other kinds of harassment". The next court hearing will take place next year.

The Attorney General decided to attend the hearing on the International Human Rights Clinic's appeal on behalf of a Givatayim resident blocked from the mayor's Twitter account. The user was blocked due to tweets that criticized the mayor and the municipality's policy of non-enforcement of the prohibition against parking cars on the pavement, which he considers to be life threatening. The Clinic position is that blocking a user due to criticism is a violation of their right to freedom of expression, the right to participate in public affairs, and even violates the right of the general public to access information. The Attorney General recognized that this was a precedent-setting issue with far-reaching implications, and therefore decided to submit his position prior to the hearing, to be held in October 2021, and attend the hearing.



The Palestinian Authority (PA) submitted its observations concerning the complaint, on behalf of Hisham Al-Sayed, submitted by the International Human Rights Clinic to the UN Rights of People with Disabilities Committee on the violation of the Convention on the Rights of People with Disabilities. As outlined in our previous report, both Mengistu and Al-Sayed disappeared in Gaza. Mengistu and Al-Sayed both have serious mental health disabilities, which were the main cause of their decision to cross the border into Gaza in 2014 and 2015 (respectively). According to a video from 2016, it seems that Hamas is holding or held Mengistu and Al-Sayed illegally in incommunicado detention and refuses to provide any information on the matter. The Clinic complained to the UN Committee on the Rights of Persons with Disabilities against Palestinian failure to address this human rights violation. In their observations, the Palestinian Authority argues that the Clinic's complaint should be rejected outright, and denied any knowledge concerning either individual. The PA further argues it has no legal obligation to provide information or help retrieve the missing men according to the Convention on the Rights of Persons with Disabilities since it has no effective control over the territory. The Clinic submitted a response to the PA observations concerning Al-Sayed to further strengthen its legal position and urge the Committee to provide its legal position on Al-Sayed's situation. Currently, the Clinic is preparing its response to the PA's observations concerning Mengistu.

Systemic obstacle in obtaining food stamps circumvented by inspiring student initiative of students of the Clinic for the Representation of Marginalized Groups: A Ministry of Interior criterion that only those getting a 70% discount in city taxes are eligible for food stamps effectively excluded whole populations from receiving food stamps. The Clinic worked on cases of clients unable to apply for food stamps due to language barriers and also on assisting individuals applying for food stamps as exceptional cases. It also contacted the Ministry of Interior and advocated for the issue in the media. Where the government failed, the Clinic's students picked up the gauntlet. [Two Clinic students started an initiative called "the right charge"](#) that connected students who were eligible for food stamps but who didn't need them with families who were in need but were ineligible. To date, about 120 food stamps have been donated through this initiative.

Student Testimonies

"The Clinic was one of the most meaningful experiences during my degree. Throughout I was aware of the huge gap between the ideal and implementation. In constitution classes we learned about equality in beautiful and lofty words, in government offices we encountered endless obstacles as we tried to find a way in which Arabic speakers could deal with bureaucracy successfully".



Over the year, I have come to understand that a ‘trial’ not only means, perhaps not even mainly, highly polished and well-worded judgments. It also means requests being rejected by the NII, dirty gray corridors where you wait, a desperate attempt to explain to a receptionist that your case does not fall into any category on the form and get a glazed look in response. I think the Clinic made me realize that this daily and quiet trial, judged on a day-to-day basis, is of tremendous importance, and how important it is for me to influence it in the future.”

Noa Dror, Clinic for the Representation of Marginalized Groups



Ariel Elkayam

“We truly felt that we were implementing our clinical studies, bridging written law and law in action. When we realized that many European governments spent tens of millions of Euros at the outbreak of the pandemic, while the Israeli government didn’t even have a plan, we knew we had to help ensure equal access to education. Thanks to the efforts of many, many people, the government now realizes the scope of the problem and is working to resolve it. We’re glad to have helped raise awareness, including providing information to the court petitioners.”

Ariel Elkayam, Rights of Youth at Risk Clinic