



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Information received from Israel on follow-up to the concluding observations on its sixth periodic report*

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* The present document is being issued without formal editing.



I. Introduction

1. As requested by the Committee on the Convention on the Elimination of all forms of Discrimination against Women in its concluding observations dated 17 November 2017, the State of Israel respectfully presents the following information, according to the Committee's requests in paragraph 63 of the Concluding Observations on the Sixth Periodic Report of Israel (hereinafter: **the Report**).

II. Follow up information

A. Follow-up information relating to paragraph 13 (a) of the concluding observations (CEDAW/C/ISR/CO/6)

2. As mentioned in the GOI Report, In Government Resolutions No. 4052 (12.12.11), No. 1526 (30.3.14) and No. 2913 (3.8.17), the Government of Israel established that the exclusion of women from the public sphere is an offensive phenomenon and the State of Israel is committed to eliminate it. This issue is highly sensitive and thus requires a complex balance between the right to equality and the right to freedom of religion and culture in Israel.

3. The Deputy Attorney General (Public and Administrative Law) continues to address the legal aspects that arise in this regard as well as follow the implementation of the Intra-Ministerial Report which was directed by the Attorney General. The Authority for the Advancement of the Status of Women (hereinafter: AASW) continues its efforts to eradicate incidents of exclusion of women from the public sphere by monitoring and addressing different entities and developing new mechanisms to eliminate this phenomenon in general. For example, during 2019, in cooperation with the Ministry of Health, it has addressed discriminative posters which appeared in ultra-Orthodox neighbourhoods in Jerusalem.

4. In addition, the Authority has been working with different governmental bodies concerning their representation of women speakers in the events they organize. For example, it approached the Deputy Minister of Foreign Affairs, the mayor of Ramat-Hasharon local Authority and the Israel Intelligence Heritage and Commemoration Center (IICC) regarding the lack of women speakers in the first intelligence conference which was held in Israel.

Cultural Events in Local Authorities

5. Recently, several local authorities conducted public events in separation between men and women due to the religious beliefs of a part of the public, as well as events for men only. The Attorney General addressed this issue in the course of several petitions which were filed to the Administrative and High Court in this regard. (Ad. P. 17029-08-19 The Women's Network v. Afula Local Authority; HCJ 23791-08-19 Arbel v. Afula Local Authority; Ad.p 46461-08-19 The Women's Network v. Haifa Municipality; Ad.p.Ap 5435/19 The Women's Network v. Afula Municipality).

6. According to Section 3(d)(3) to the Law, providing a public product, a public service or entry to a public place, which entail gender separation, when non-separation shall prevent some of the public from attending the event, can be justified, considering, *inter alia*, the following: the characterization of the product, the public service or the public place; the essentiality of the event; whether there is a plausible alternative; the needs of the public that may be offended by the separation; and more.

7. In the course of this case, the Attorney General issued an opinion, referring to Section 3(d)(3) of the Law, stating that the general rule is that the principle of equality should be upheld, as it stands at the heart of our democracy. The municipality must take into account whether the separation is voluntary, and to what extent; whether the event includes only an adult audience and not children or families; and elements of material equality.

8. Note that the Attorney General has clarified that these parameters are temporary, and the issue would be further examined in the near future, following public consultation on the matter

9. During May, 2019 a cultural event for families was planned to be held in separation in the city of Hadera. Following the application of the Deputy Attorney General (Administrative and Public Law), the event was cancelled. Additionally, in August 2019 the Administrative Court in Haifa ordered (4646-1-08-19 *The Women's Network v. Haifa Municipality*) to cancel a cultural event, exclusively for men, in accordance with the Attorney General's opinion, since the local municipality did not account for the necessary considerations as described above.

Preventive Driving Course

10. Following a lawsuit filed in the Tel Aviv-Jaffa Magistrate Court under the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law* 5761-2000 (hereinafter: the *Prohibition of Discrimination in Products Law*) (Ci.C.i 53057-08-18 *Fridmann v. The Ministry of Transportation and Road Safety*), the Attorney General concluded that holding separate preventive driving courses can be done only according to Section 3(d)(3) of the Law. The first of these three (3) conditions holds that separate frameworks will not be considered discriminatory provided that lack of separation would effectively prevent a portion of the public from acquiring the particular product or public service. The Court found that this condition was not fulfilled, as no evidence has been put forth to establish that the absence of separate frameworks will preclude the participation of the ultra-Orthodox community in the courses. In light of this finding, the Attorney General concluded that the Ministry of Transportation and Road Safety was unauthorized to initiate and enact separate preventative driving courses. The Attorney General clarified that the Ministry of Transportation can allow for groups of voluntarily unionized individuals to request a separate course, that may be composed of a certain gender, depending on its original composition.

Public Transportation

11. A well-established precedent in Israel is the High Court's ruling in the *Ragen Case* (H.C.J. 746/07) which determined that separate seating arrangements for men and women, that women would sit in the rear end of the buses and men would sit in the front, is discriminatory and humiliating to women and thus prohibited. Since the ruling, bus companies have also put a public notice in buses clarifying that every person can sit wherever she or he wishes.

12. In 2019, there has been an increase in the number of applications with regards to the exclusion of women in public transportation (which were required to sit in the back). In light of these severe events, a discussion was held with the Deputy Attorney General (Public and Administrative Law) and representatives from the Ministry of Transportation. Following this discussion it was decided to increase the criminal enforcement in accordance with the Prohibition of Discrimination in Products Law as well as to enhance enforcement operations and further clarify the guidelines on this matter before the transportation companies. These efforts include, for example: the dissemination of specific directives to be followed by public transportation operators

on lines that primarily service the ultra-Orthodox community, with emphasis on the right of every person to enter the bus from any door and sit where they please. Operators were instructed to display a public notice on their buses, stating the aforementioned directive and warning that gender based harassment may constitute a criminal offense. Special inspections have taken place to ensure compliance with these protocols. Any complaint of discrimination is immediately referred to the Department of Transportation's legal team in cooperation with the relevant public transportation operators for investigation. The Department reserves the option to press criminal charges against the bus driver or workers of the relevant public transportation company, or, alternatively, to initiate administrative proceedings.

B. Follow-up information relating to paragraph 53 of the concluding observations

13. Generally, all female prisoners are held separately in a designated prison or a special wing. There is no separation between criminal prisoners, regardless of their place of residence. However, in all prisons there is a strict separation between prisoners with a drug addiction and prisoners without any narcotic background. The treatment of prisoners is individually tailored to their needs, including professional assistance from physicians, social workers, and other officials.

14. Medical Care – Every IPS detention facility employs a general physician, and the majority of the facilities employ a dentist, a narcology specialist, a psychiatrist and a professional medic providing regular services. Examinations by expert doctors are conducted in the IPS medical centre, prison infirmary and hospital clinics. Inmates are allowed to have private doctors at their own expense. Gynaecological examinations are held when necessary and upon request. A medical examination may be conducted daily and one can be examined by a physician upon request. Where a need arises for a specialist or hospitalization, the proper coordination is conducted with the relevant hospital and the Ministry of Health.

15. Training for IPS officials on domestic and sexual violence – IPS employees go through several training courses led by professionals regarding the issue of prevention of domestic and sexual violence, including: External training by specialized professionals in the field of prevention of domestic and sexual violence; A special course on the issue of prevention of domestic violence (October 2018, June 2019), in addition to routinely conducted additional training days and trainings in the various IPS districts for new employees.

C. Follow-up information relating to paragraph 57 (a) and (b) of the concluding observations

Israel's Reservation to Article 16

16. In light of the Committee Concluding Observations, issued to the GOI in November 2017, a designated team was convened to examine the possibility of withdrawing part of the conclusive reservation to Article 16. The team included representatives from both International Law Department and the Department for Constitutional Law in the Ministry of Justice. The team held consultations with the legal advisors of the religious communities in Israel, as well as asked for the legal opinion of the Department for Jewish Law in the Ministry of Justice. This issue is currently an ongoing effort, and is being considered by the relevant personal.

Positive Developments concerning appointment of women to influential positions in Rabbinical Courts

17. Over the last two years, several women have been appointed to influential positions in the Rabbinical Courts system, including legal assistants, an internal auditor, and a deputy director of the Courts' Administration.

Implementation of Divorce Decisions by the Rabbinical Courts

18. In Cr.C. 11271-09-18 The State of Israel v. Meir Gorodetzeki (30.4.19), the Court discussed Mr. Gorodetzeki's twenty (20) years refusal to grant a divorce to his spouse, in spite of spending the past eighteen (18) years in jail. The petitioner was convicted of violating a lawful order and sentenced to fifteen (15) months in jail. In its ruling the Court emphasized the long time Gorodetzeki's spouse has been trapped in her marriage, and his repeated refusal even during the criminal proceedings to grant her a divorce. The case is being appealed by the State, asking the Court to impose a harsher sentence. The case was published in the news in order to deter additional men from refusing to grant divorce to their spouse.

19. The Rabbinical Courts adhere to the timetable provided in the Rabbinical Courts Law (Implementation of Divorce Judgments) 5755-1955. In most cases in which a divorce was not granted by that the time set by the Court, the Court discussed ordering restriction orders or granted such orders based on previous proceedings in the case. In each of the years 2018 and 2019, 137 such restriction orders were granted.

Distribution of Child Support Obligations between Divorced Parents

20. On July 19, 2017 the Supreme Court delivered a precedential ruling regarding distribution of child support obligations between divorced parents.

21. Generally, the law in Israel concerning child support is religious law. According to Jewish Law only the father owes child support (in the least, with regards to the basic needs of the child). In this recent Supreme Court Decision, the Court interpreted the "classical" Jewish Law obligation differently, in so that the mother owes child support as well, depending on her financial capabilities.

22. The conclusion that stems from the judgment is that when the parents have joint (equalitarian) physical custody, both parents are equally obligated to pay child support for their children between the ages of 6–15 years, while considering each of the parent's economic capabilities. As a result, if indeed the parents have equal economic capabilities, each of the parents will bear the costs of child support independently.

23. Family Matters Courts throughout Israel interpreted the Decision as also applicable to situations where the parents do not share joint (equalitarian) physical custody. Meaning, the burden of child support will be distributed in accordance with the parents financial capabilities as well as according to the number of days a week the child stays with each parent, among others.

24. The Court relied in its decision, *inter alia*, on Article 27 to the CRC and stated that the principle set in this Article imposes on both parents of a child the responsibility for the child's support. In spirit of Article 27, the Court ruled that after the divorce a minor's parents continue to be obligated to care for his/her needs, to ensure an adequate standard of living, and the physical and mental development of the child.

Stay of Exit Orders

25. Regrettably, Israel is faced with parents who are reluctant to fulfil their legal obligation to pay child support to their children, leaving their previous partner to bear the heavy burden alone. In order to address this unfortunate phenomenon, the court issues Stay of Exit Orders which are used when there is fear the parent will escape the country to avail the debt enforcement agencies. In 2018, 1,159 stay of exit orders were issued in 556 cases concerning family matters.

Court Jurisdiction with regard to Child Support

26. On September 22, 2019 the High Court of Justice rendered its decision in the case of Anonymous v. Anonymous (Ap.Rq. 7628/17). The case regarded the question – which court has jurisdiction to determine child support payments: the Religious Court or Family Matters Court.

27. Generally, there are two (2) judicial systems authorized in issues relating to personal status and family matters of Jews in Israel: the Family Matters Courts, and the Religious Courts – Rabbinical Courts for Jews, sharia Courts for Muslims, Druze Courts for Druze and Christians Courts of the different Christian communities, all have a unique authority regarding matters of marriage and divorce and a parallel authority to the Family Matters Courts in matters of spousal maintenance, child support, contact and residence of children, and matrimonial property. In certain cases the jurisdiction is parallel, and in others, it requires the consent of all relevant parties.

28. The case before the Court regarded the interpretation of Section 3 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law 5713-1953. The Court accepted the opinion presented by the Attorney General according to which, the guiding precedent in this matter – Ap.Rq.120/69 Shragay v. Shragay is still valid. According to this precedent, child support payments are not an issue that should be subjected to forum shopping and the principle of the child best interest would be best served if the jurisdiction regarding child support cannot be attached with a divorce lawsuit before the Rabbinical Court. This means that – in the event that only one of the parties' files for divorce in the Rabbinical Court, and the other party rejects the Court's jurisdiction on child support, the Court will not have jurisdiction to discuss the matter, but only the Family Matters Court.

D. Additional Information and Recent Updates**Intensive efforts in the fight the scourge of persons in prostitution**

29. A historic milestone was marked on December 31, 2018, when the Knesset legislated the Prohibition of Consumption of Prostitution Services Law (Temporary Provision) 5779-2018, which prohibits the consumption of sexual services.

30. According to the Law, the offense of consumption of prostitution services, which includes even merely the presence in a location which is used for prostitution, is an administrative offense for which one is fined for 2,000 NIS (540 USD) for first time offenders and double the sum for repeat offenders.

31. According to the Law, he/she who is present in a location which is principally used for prostitution will be seen as being there for the purpose of consumption of such services, unless proven otherwise. Nevertheless, the Law authorizes the State Attorney's Office to indict an offender, in which case the court could impose a fine of up to 75,300 NIS (20,350 USD). The Law further enables the Minister of Justice to set alternative penalties to fines within the Law's Regulations, by means of indictment. The Law will come into force in July 2020 for a period of five (5) years.

Its extension will be determined in accordance with research on its effects. In addition, the Ministers of Public Security and of Labour, Social Affairs and Social Services will conduct periodic reviews of its implementation and the overall progress of the efforts to reduce consumption of prostitution.

32. In addition, in June 2018, the Knesset legislated Amendment No. 132 to the Penal Law 5737-1977, which criminalizes a proposal to engage in prostitution to both adults and minors (Section 205D).

33. Furthermore, in March 2018, the Knesset enacted the Blocking of Telephone Numbers for the Prevention of Crimes Law 5768-2018, which authorizes police officers to block a publicized telephone number if he/she has reasonable grounds to believe that said phone number is being utilized for the commission of a crime, including via internet or by other technological applications. This further enables the blocking of telephone numbers publishing prostitution services, including that of a minor and drugs and dangerous substances offences.

34. Finally, in June 2018, Amendment No. 132 of the Penal Law entered into force, which added a new offense prohibiting the publication of proposals to engage in prostitution (e.g. direct proposals, wanted ads etc.) (Section 205D). According to this offence, the publication of such a proposal is liable to a maximum sentence of three (3) years imprisonment or a fine up to 226,000 NIS (62,700 USD), and if the proposal is aimed at a minor – a maximum sentence of five (5) years imprisonment of the abovementioned fine. If a corporation committed the offense, it shall be liable to double the said fine. This offence is also included in both Blocking of Telephone Numbers for the Prevention of Crimes Law and Authorities *for Prevention of Internet Use for the Commission of Offenses Law*, and it complements the offence of publication of prostitution services of 2011.

35. In July 2017, the Knesset legislated the Authorities for Prevention of Internet Use for the Commission of Offenses Law, which authorizes courts to issue an order for blocking access to a website or for its removal from the internet. Starting in 2018, the District Attorney's cyber unit has filed requests with the courts to shut down websites which advertise prostitution in accordance with Article 205 of the *Penal Law*. In 2018, 45 websites advertising prostitution and 83 websites advertising paedophilia were shut down.

Combating Polygamy

36. On September 19, 2019 the Be'er-Sheva District Court ruled in an appeal in the 25462-04-18 *Iman Abu Sakik v. The State of Israel* case, and accepted the GOI's appeal on the conviction in the first case to be prosecuted, according to the new guidelines.¹ The Magistrate Court convicted the accused of marrying a second wife and sentenced him to community service and a fine due to the defendants claim that he was unaware this was a crime, as the Sharia Religious Court issued him a permit to marry a second wife under the Sharia Law. The State appealed on both counts, claiming that the sentence, that did not include imprisonment, was too lenient and did not reflect the severity of the offence as intended, and also claiming that the confirmation of the religious court is not an authorization of the marriage, rather a technical confirmation that indeed a valid marriage has taken place. The appellate court accepted all the State's claims, and sentenced the defendant to seven (7) months in prison and a 25,000 NIS (7,098 USD) fine. The rejection of the defendant's request to appeal to the Supreme Court (6413/19 *Iman Abu Sakik v. The State of Israel*), along

¹ The Attorney General Guideline No. 41112 entitled "The polygamy offence" (23.1.17). The purpose of this Guideline is to enhance effective enforcement of the polygamy offence, according to Section 176 of the Penal Law and to augment its punishment appropriately.

with his motion for a re-trial (7563/19 *Iman Abu Sakik v. The State of Israel*), demonstrates the Court's firm position on this matter. This case is the first case in Israel in which a prison sentence was set for the crime of polygamy.

The Committee for the Enacting of a National Action Plan to Combat the Phenomenon of Sexual Harassment

37. A decision of the Ministerial Committee on Gender Equality, approved by Government Resolution No. 3229 of December 7, 2017, resulted in the Authority initiating the establishment of a committee to formulate a national plan to combat sexual harassment in Israeli society. In the context of this resolution and for the implementation of the plan, 10 Million NIS (2.7 Million USD) were allocated for a period of three (3) years. The Committee consisted of the Directors-Generals of the Ministries of Social Equality, Justice, Finance, Education, and senior representatives of the Police, the IDF and NGOs. The Committee's work lasted several months and included a broad process to create a deep understanding of the core issues and the critical challenges that require a response in the field. The Committee submitted its recommendations to the Minister for Social Equality on January 28, 2019, in which it recommended that the national plan focus on the following issues: (1) raising public awareness to education to change social norms and to provide information and knowledge about the law; (2) strengthening the commitment and ability of employers and supervisors to prevent and deal with sexual harassment effectively; (3) strengthening the supervision and law enforcement for the prevention of sexual harassment at the workplace, (4) prevention of sexual harassment in the Civil Service; and (5) developing and deepening the knowledge and research infrastructure in the area of promoting policies which are based on such infrastructures.

Encouraging women to run for high-ranking-positions

38. An important initiative taken by the AASW is their "Run" Campaign, aimed at encouraging women to run for positions in municipal elections. The percentage of women running for positions in municipalities has risen significantly since the start of the campaign. A particular achievement is the 36% rise in new women candidates belonging to the Arab population.

39. Additionally, the Authority has published guidelines regarding gender equality in local authorities. Four (4) roundtable discussions were held throughout 2018 with the aim of teaching local authorities how to implement the guidelines in practice, with the hopes of advancing gender equality in this field. The program has seen much success, with a rise from 15 participating municipalities in 2017 to 98 participating municipalities in 2018.

40. The Gender Equality Department in the Civil Service Commission conducted an important research examining how to tackle the relatively small quantity of women in high-ranked or managing positions in the Civil Service; the research indicates that the reasons include mainly law self-esteem of women, who commonly do not believe they have the proper qualifications to the opening positions, and not, as commonly and mistakenly thought, because of work and family balance. The Department continues to work and develop designated seminars and courses targeting this issue.

Measures taken towards rendering victim's services more accessible

41. In May 2019, the Office of the State Attorney created a form that allows victims to access the Office's Department for Victims of Criminal Offenses' services, including police assistance or legal aid. The form was designed in order to ameliorate the accessibility and quality of assistance provided to victims of crime, and may therefore be accessed via the victim's cellular device.

Israel's Ratification of Section 20(1) of the Convention on the Elimination of Discrimination Against Women

42. In a Government Resolution adopted on 30 August 2019, the State of Israel ratified the amendment to Section 20(1) of the CEDAW.
