

Israel¹

Israel has been established as a State for the Jewish People (in its Declaration of Independence), and is defined as a Jewish and democratic State (in its Basic Laws). There has never been formal separation between religion and state in Israel's legal and political structure (Halperin-Kaddari and Yadgar, 2010). Approximately 75 per cent of the Israeli population is Jewish and therefore the overwhelming majority of case law and legislation in the area of matrimonial law relates to the implementation of Jewish law (UN Special Rapporteur, 2017; Freedman, 2015). Applicable Jewish law in Israel is the Orthodox interpretation of Jewish law, and rabbinical courts are exclusively Orthodox (Halperin-Kaddari, 2000). Religious courts base their rulings on religious precedent and are only subject to civil statutes in cases where the statute so specifies, as in the law guaranteeing equal protection to women, or when the Supreme Court rules that they apply (Freedman, 2015).

1. Discrimination in the family

a) Overarching legal framework for marriage

Israel ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1991, with two reservations, namely to article 7(b) which relates to equality in the political participation; as well as to article 16, on equality in all matters relating to marriage and family relations (UN Special Rapporteur, 2017).

The religious law limits the marriage option for a number of groups in Israel (Government of Israel, 2010). Consequently, certain couples prefer to forego the imposed religious marriage because it contradicts their perceptions of marriage and marry abroad (Government of Israel, 2010), or cohabit (Westreich and Shiftman, 2013). As such, and in view of the fact that civil marriage is not recognised, marriage is performed under the auspices of religious establishments to which the couples belong (Halperin-Kaddari and Yadgar, 2010). Those that are not affiliated with any of the recognised religions in Israel are subject to civil law (Freedman, 2015).

Marriages that involve threats, abduction, incarceration or extortion are illegal in accordance with the Penal Law (Government of Israel, 2014 (b)). Any person who arranges marriage knowing that such marriage is prohibited by law, or that by getting married one of the persons getting married is conducting an offence is liable up to six months imprisonment (Government of Israel, 2014 (b)). As has been noted, under current practice, some citizens cannot marry at all, and some cannot marry the person of their choice (Westreich and Shiftman, 2013). Others may be forced to do so in accordance with a system of religious laws that subjects them to limitations or forces them into a relationship that

¹ The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

they do not wish for themselves (Westreich and Shiftman, 2013; Ruth and Emanuel Rackman Centre, 2016).

Overall, Religious Courts have an exclusive jurisdiction over all matters of marriage and divorce, except when the couple is not affiliated to any religion or of different religions (Government of Israel, 2010). Regarding these exceptions, in matters relating to divorce, the jurisdiction is granted to the Family Matters Courts or to the Religious Courts. In matters concerning women's and children's alimony, property issues, child maintenance, guardianship, violence and in the case of Muslims, also parental matters, Family Matters Courts and the Religious Courts have a parallel jurisdiction, with certain differences between the various religious communities (Government of Israel, 2010).

The Supreme Court has the power to nullify decisions made by supreme religious courts (Freedman, 2015). Where religious courts fail to comply with legislation that specifically binds them, the Supreme Court can also intercede (Freedman, 2015). The Supreme Court has developed a set of rules that are not found in any legislative enactment to limit the damage to principles of equity and due process in religious courts (Freedman, 2015). The Supreme Court has also held that the religious courts, although generally not subject to civil law, are required to implement certain fundamental rights. For example, the Equal Protection of Women Law must be implemented when the religious courts are determining distribution of marital assets (Freedman, 2015).

Informal or de-facto unions are not recognised or regulated by law. However, the Israel legal system has granted cohabiting couples benefits similar to those of the formally married (Westreich and Shiftman, 2013). Following an interpretation by the Supreme Court, to qualify as a common law spouse, the claimant must prove that the parties cohabitated as husband and wife and maintained a common household (Freedman, 2015).

There are no specific legal provisions that prohibit harmful practices against widows. However, Israel has legislation in place for the mandatory reporting of abuse of the elderly (WHO, 2014), and a number of laws, such as the Equalization of Pension Rights to Widows and Widowers of 2000 specifically address their situation (Westreich and Shiftman, 2013).

b) Child marriage

In 2013, amendments to the Marital Age Law of 1950 raised the legal age for marriage from 17 to 18 years for both women and men (Government of Israel, 2017). The amendments also established that the age of 16 is the youngest possible age for submitting a marriage permit application, and removed pregnancy as a circumstance that justified early marriage (Ruth and Emanuel Rackman Centre, 2016).

Marriage approvals under the Marital Age Law are subject to the exclusive jurisdiction of the Family Matters Court (Government of Israel, 2010).

Under the Marriage Age Law, if special circumstances "relating to the welfare of the minor" apply, the Family Court can give permission for a marriage for minors (Marriage Age Law, 1950, as amended). Under these circumstances, the court will consider allowing such marriages based on an application by the minor, his or her parents or by those wishing to marry them (Marriage Age Law, 1950, as

amended). According to the Government, during the years 1997–2005, more than half of the 251 requests for the marriage of minors were approved (Government of Israel, 2012).

Child marriage is void under the Legal Capacity and Guardianship Act. Under the Marriage Age Law, legal sanctions – with a maximum penalty of two years’ imprisonment – may be applied to those facilitating a marriage of an individual who has not achieved the age of 18 (Marriage Age Law, 1950, as amended). A marriage conducted in violation of the law constitutes grounds for filling a request to dissolve the marriage (Marriage Age Law, 1950, as amended).

There is no information to suggest that there are public measures to generate social support for the minimum age of marriage, however, under the revised Marriage Age Law, all relevant government agencies are required to report to the Knesset on the enforcement of the law (Marriage Age Law, 1950, as amended).

According to the Government, the phenomenon of underage marriage still takes place in certain groups in Israel, including those of the ultra-orthodox Jews, Jews originating from Georgia and Arabs (Government of Israel, 2010). During the years 2000-2006, when the minimum age for marriage was set at 17 years, 41 complaints were submitted to the Police due to violations of the Marital Age Law (Government of Israel, 2010). In half of these cases criminal files were opened and in all other cases it was decided not to prosecute (Government of Israel, 2010). Usually, however, under-age marriages take place in closed communities, and are not published, therefore the likelihood of acquiring evidence of the marriage or proving their very existence, is low (Government of Israel, 2010). Many individuals who marry as minors do not update their personal status until after they have reached the legal age for marriage (Ruth and Emanuel Rackman Centre, 2016).

It should be noted, however, that while religious laws allow underage marriage, both Rabbinical and Muslim judges have been instructed by the Government to report any cases where underage marriage is suspected to the police and the State Attorney, and the latter has issued a directive stating that criminal proceedings should be taken against anyone participating in the arrangement of underage marriages (Ruth and Emanuel Rackman Centre, 2016). Nevertheless, available data shows that the number of investigations and indictments in these matters remains low, by and large due to insufficient evidence and difficulties in identifying the factors responsible for these marriages (Ruth and Emanuel Rackman Centre, 2016). Civil society organizations and the UN Special Rapporteur on violence against women, its causes and consequences pointed to the fact that religious laws in Israel still recognise the marriages of underage girls, and noted that this recognition is one of the major obstacles for the effective enforcement of the minimum age of marriage (Ruth and Emanuel Rackman Centre, 2016; UN Special Rapporteur, 2017).

c) Household responsibilities

There are no specific provisions addressing head of household in Israeli law and wives are not, by law, required to obey their husbands.

The Legal Capacity and Guardianship Law determines the relationship between parents and children (Legal Capacity and Guardianship Law, 1962). This law, which applies to all Israeli citizens, provides that both parents have equal custodial rights and responsibilities in relation to their children (Legal

Capacity and Guardianship Law, 1962). Legal custody (referred to as parental responsibility) is always equally shared between both parents, regardless of the physical custody (Legal Capacity and Guardianship Law, 1962).

Israeli women, married and unmarried, enjoy the same benefits as men regarding the freedom to choose their residence and domicile (Government of Israel, 2017).

According to civil society organisations, this legal right is challenged by religious communities, notably the Druze minority in which women's mobility outside their villages is restricted (Barakat and Jamal, undated).

While parental responsibility is equal under the law, it has been noted that women remain the primary caretakers of their children during and after marriage (Ruth and Emanuel Rackman Centre, 2016). According to the Government, according to certain social traditions of different communities there is a different gender social status to the wife in regard to working out of the house, attaining higher education or to employment in a workplace that also employs men (Government of Israel, 2014 (b)).

Civil society organizations have brought to light that Muslim women in particular, are under constant threat of losing custody of their children if they are found to have established new relationships (Ruth and Emanuel Rackman Centre, 2016). In addition, they have noted that as Jewish women are dependent on their husbands to get a divorce, extortion and demands for economic concessions in exchange for divorces are commonplace (Ruth and Emanuel Rackman Centre, 2016). With regard to Druze women, reports suggest that men are generally considered to be the custodian of children (Barakat and Jamal, undated).

d) Divorce

The dissolution of marriage is within the exclusive domain of religious courts (Freedman, 2015). The Rabbinical Courts (Marriage and Divorce) Law establishes that applications regarding matters of marriage between Jewish spouses are in the exclusive jurisdiction of the rabbinical courts (Rabbinical Courts Law, 1953). Similar acts exist regarding exclusive jurisdiction of Muslim and Catholic courts (Freedman, 2015).

Although Israel recognises marriages conducted abroad, a couple married abroad and registered as married in Israel is required to divorce in the religious courts of Israel, according to the spouses' religion (Freedman, 2015).

The Dissolving of Marriage Jurisdiction (Special Cases and International Jurisdiction) Law concerning the dissolution of marriage of persons with no religious affiliations or different religions was amended in July 2005 to allow for either spouse to apply directly to a Family Matters Court in matters of marriage dissolution, instead of applying first to the president of the Supreme Court (Government of Israel, 2010). In suitable cases, the Family Matters Court may seek consultation from the relevant religious court to determine whether it is necessary to dissolve the marriage according to the religious law of either spouse in order to allow him or her to remarry (Government of Israel, 2010). The amended law also includes international jurisdiction provisions of Family Matters Courts (Government of Israel, 2010).

In July 2016, the 2014 Litigation Arrangements for Family Disputes Law came into effect for a trial period of three years, making mediation in family law disputes related to divorce proceedings mandatory both in family and religious courts (UN Special Rapporteur, 2017).

Grounds for divorce in the Rabbinical Courts are narrow (Freedman, 2015). Unless the divorce is by consent, the applicant must prove that the spouse has done one of the following: committed adultery, is incapable of conceiving children after ten years of marriage, commits continuous acts of spousal abuse or refuses to fulfil his/her spousal obligations to engage in sexual relations (Freedman, 2015).

The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law cede jurisdiction over marriage to religious law, which provides that divorce depends on the will of the husband (the “get”) (UN Special Rapporteur, 2017). If the husband refuses to grant the wife the *get*, and the wife cannot prove one of the grounds for divorce, she may remain married indefinitely (Freedman, 2015). Any children born to a woman who has not been granted the divorce are automatically excluded from the religious community: they are considered illegitimate and barred from marrying within the Jewish community (Fournier, McDougall and Lichtsztral, 2012).

A husband who seeks a Get but is unable to prove a cause of action against the wife can seek special dispensation to remarry (Freedman, 2015). Related to this is the phenomenon of the “*agunah*”, a woman whose husband is not present (missing or escaped abroad) or who is incapable (not sane, comatose, etc.) and can therefore not award her a divorce (Israeli Women’s Network, 2012). In order to free an *agunah*, the rabbinical court is allowed to annul the marriage retroactively (Israeli Women’s Network, 2012). This solution is limited to very specific cases, for instance a flaw in the wedding ceremony, and rabbis have been reported to rarely rely on this option (Israeli Women’s Network, 2012; Ruth and Emanuel Rackman Centre, 2016).

The Rabbinical courts can impose various sanctions on the refusing spouse, through the civil enforcement powers provided by the Sanctions Act such as different types of restraining orders, revocation of driver’s license, restricting limitations of one’s bank account, stay of exit order, imprisonment (UN Special Rapporteur, 2017). Nevertheless, according to civil society reports, the options to sanction a husband who does not agree to divorce where the court sees so fit hinges on a request by the wife, and is rarely applied by Rabbinical Courts (Ruth and Emanuel Rackman Centre, 2016).

Additional measures to prevent the phenomena of women whose husband is reluctant to give a divorce have been taken by the Government in recent years (Government of Israel, 2017). In March 2012, the Rabbinical Courts Law was amended to require the Rabbinical Courts to monitor progress in the enforcement of divorce judgments, whether by setting a deadline for the arrangement of a divorce or by examining the effectiveness of restrictions that were imposed according to the law and considering the need to increase them if necessary (Government of Israel, 2017). The amendment also established the duty to report to the Knesset’s Constitution, Law and Justice Committee regarding the implementation of judgments (Government of Israel, 2017). In November 2016, the State Attorney’s Office issued State Attorney’s Guidelines to better regulate the prosecution and punishment in respect of failure to comply with a judicial order of the Rabbinical Court regarding granting or receiving a divorce (Government of Israel, 2017).

When granting a divorce, the rabbinical courts reserve the right to revoke a woman's divorce retroactively, if she is found to have violated the clauses of the divorce agreement which she signed when the divorce was declared. In this situation, a divorced woman can find herself re-married to her ex-husband (Ruth and Emanuel Rackman Centre, 2016). Without a valid divorce, a woman is religiously forbidden to have relations with any other man, and any children she might have with another man are considered illegitimate and later prevented from marrying in a Jewish marriage ceremony (UN Special Rapporteur, 2017).

Under the grounds for divorce in Sharia Courts, a Muslim husband can divorce his wife by declaring three times that she is divorced (Freedman, 2015). A Muslim woman may petition for and receive a divorce through the sharia courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which she may obtain a divorce without his consent (US Department of State, 2017).

Druze divorces are performed by an oral declaration of the husband alone and then registered through the Druze religious courts, and requires the woman to leave the home with her children immediately (US Department of State, 2017).

Matters that are ancillary to divorce may be tried by both civil and religious courts (Freedman, 2015). Consequently, matters of division of assets, child custody, spousal and child maintenance can be adjudicated by either a civil or a religious court (Freedman, 2015). Jurisdiction is determined according to who is first in time: the party that files their petition first is the one who determines jurisdiction (Freedman, 2015).

Where divorce petitions include matters of child custody solely for the purpose of preventing the family court from litigating these issues, the rabbinical court's jurisdiction is denied (Freedman, 2015). This has been ascribed to the perceived lower status of women in religious courts, who therefore prefer to litigate in the civil courts (Freedman, 2015). Matters relating to child support may be adjudicated by the rabbinical court, but only if it has attained the express agreement of the mother (Freedman, 2015).

In the event of divorce, if parents cannot reach agreement on custody matters, the family court may determine the physical custody "provided that children up to the age of six shall be with the mother as long as there are no unusual circumstances to determiner otherw ise" (Legal Capacity and Guardianship Law, 1962). This provision, known as the "tender years presumption", was the subject of a Government appointed committee in 2005 (Government of Israel, 2017; Ruth and Emanuel Rackman Centre, 2016). In 2011, upon the conclusion of its mandate, the Committee recommended that the Tender Years Presumption be abolished to provide the courts the power to rule according to the best interest of the child, which should be determined according to various parameters such as the child's needs and wishes, the parental qualities of each parent, the extent to which each parent cared for the child in the past, and the parents' willingness and ability to enable a relationship between the child and the other parent (Ruth and Emanuel Rackman Centre, 2016). Additionally, the Committee recommended the abolition of the "custodial parent" construct, and the overhaul of the custody law terminology currently in effect (Ruth and Emanuel Rackman Centre, 2016).

While the Committee's recommendations have not yet evolved into a law, in recent years there is a growing number of judicial decisions that determine joint custody for both parents, or parental arrangements with equal or shared custody at both parents (Government of Israel, 2017).

e) Inheritance

Under the Inheritance Law, women have the same rights as men to inherit, both as surviving spouses and as daughters (Inheritance Law, 1965). The Spouses (Property) Relations Law provides additional safeguards to ensure the inheritance rights of surviving spouses (Spouses (Property) Relations Law, 1973).

The Inheritance Law states that an agreement regarding the disposition of assets after death can only be done by will (Inheritance Law, 1956). Heirs may also agree that the estate be divided under the requirements of a religious inheritance law will apply, under which different rules with regards to shares will apply (Government of Israel, 2014 (b)).

The Succession Law 1965 extends to either surviving common law spouse the same right to inherit from their partner as a legally married spouse (Freedman, 2015).

In matters relating to inheritance, the Family Matters Courts have the main jurisdiction, the Religious Courts jurisdiction is subject to the consent of all relevant parties and certain limitations stipulated in the Law (Government of Israel, 2010).

The Sharia Courts have been noted to discriminate against women as regards women's entitlement under Shari'a to only half the share of inheritance (UN Special Rapporteur, 2017).

More

Civil society organizations in Israel have reported that there are no measures in place to prevent legal discrimination against female migrant workers with regard to marriage and intimate relations (Workers' Hotline, 2016). By way of illustration, under their work visa, migrant workers are prohibited from migrating with members of their immediate family (Worker's Hotline, 2016). This can be applied broadly and flexibly, allowing the Interior Ministry to apply the definition of "first degree family members" to an intimate partnership between two migrant workers (Worker's Hotline, 2016). Consequently, although their visa allows them to reside and work in the country legally, migrant workers are deported every year for developing intimate relations with one another (Worker's Hotline, 2016). Additionally, employment agencies that have not paid their workers full legal salaries or benefits are incentivised to report intimate relations, as this information would lead to deportation before their employees are able to claim wages or benefits legally owed to them (Worker's Hotline, 2016).

2. Restricted Physical integrity

a) Violence against women

There is no separate law addressing violence against women. In Israel, domestic violence is a criminal offence under the Penal Law (Penal Law, 1977). The Law for the Prevention of Violence in the Family

addresses physical, sexual and any other behaviour which does not permit a family member to run his or her life “in a reasonable and proper manner” (The Law for the Prevention of Violence in the Family, 1991). In relation to economic violence, a draft law on Prevention of Family Violence (amendments n°16 – preventing economic violence) was being prepared in 2016 (UN Special Rapporteur, 2017). The draft foresees the possibility of granting ex-parte protection orders (UN Special Rapporteur, 2017).

According to the UN Special Rapporteur on violence against women, its causes and consequences, the manifestations of violence against women in Israel need to be understood in a context of a complex political situation and in light of the diversity of Israeli society, with some of its sectors and specific groups or women, including minorities, facing accrued and multiple forms of discrimination (UN Special Rapporteur, 2017).

b) Domestic violence

Domestic violence is a criminal offence under the Penal Law (Penal Law, 1977). In the area of domestic violence, sections 382 (b) and (c) and section 335 (a1) of the Penal Law consider violence in which the affected party is a spouse, family member or a minor as aggravated offenses and carries a punishment that is double of that of usual for assault (Penal Law, 1977). The domestic violence legislation does not cover abuse from former partners.

The Law for the Prevention of Violence in the Family addresses physical, sexual and any other behaviour which does not permit a family member to run his or her life “in a reasonable and proper manner” (The Law for the Prevention of Violence in the Family, 1991). In relation to economic violence, a draft law on Prevention of Family Violence (amendments n°16 – preventing economic violence) was being prepared in 2016 (UN Special Rapporteur, 2017). The draft foresees the possibility of granting ex-parte protection orders (UN Special Rapporteur, 2017).

In July 2016, the 2014 Litigation Arrangements for Family Disputes Law came into effect for a trial period of three years, making mediation in family law disputes related to divorce proceedings mandatory both in family and religious courts (UN Special Rapporteur, 2017). While several articles and procedures aim to exempt victims of domestic violence from the mandatory alternative dispute resolution, these exceptions do not address for example economic and psychological violence (UN Special Rapporteur, 2017).

The Law for the Prevention of Violence in the Family has specific provisions for prosecuting the perpetrator, including with regard to rules of evidence and jurisdiction (Law for the Prevention of Violence in the Family, 1991). The Law authorises a court to issue a protection order against a family member who committed violence, or a sexual offence (Law for the Prevention of Violence in the Family, 1991). In 2008, this law was amended as follows, “except for usual circumstances [...] the court is not authorised to reject a request for a protection order in the absence of a hearing in which the requestor or her/his representative can argue his/her case” (Law for the Prevention of Violence in the Family, 1991, as amended).

The Law on the Rights of Victims of Crime safeguards a wide range of rights of victims during criminal proceedings, including the rights to be notified of the perpetrator’s arrest or release (Law on the Rights of Victims of Crime, 2001; UN Special Rapporteur, 2017). In order to implement this law, the police

established a computerised system, where victims can receive such information (UN Special Rapporteur, 2017).

There is no action plan to counter-act domestic violence. However, in September 2014, the Minister of Public Security and the Minister of Social Affairs and Social Services established an Inter-Ministerial committee on domestic violence (UN Special Rapporteur, 2017). Its findings and recommendations were published in July 2016 (UN Special Rapporteur, 2017). Subsequently in May 2016, a designated sub-committee for implementing the recommendations was established (Government of Israel, 2017). The Implementation Committee recommendations were presented to the Minister of Public Security in October 2016 (Government of Israel, 2017). The recommendations include both aspects of strengthening the current protection and prevention systems, and developing additional measures (Government of Israel, 2017).

The Ministry of Health, through its hospital based emergency departments offers 24-hour medical assistance to any victim of domestic violence (UN Special Rapporteur, 2017). The National Social Work Service, part of the Department of Family Violence and Sexual abuse, has a National Coordinator on violence against women, and six regional coordinators running six national wide centres which provide 24h comprehensive care with multidisciplinary trained staff and which collaborate closely with all other ministries and agencies (UN Special Rapporteur, 2017). A telephone hotline, established in 2004, continue to operate 24/7 in four different languages (Government of Israel, 2017).

In 2016, there were 14 shelters for victims of domestic violence and their children in the country, from which two for ultra-Orthodox Jewish women, two for Arab women and two for mixed communities (UN Special Rapporteur, 2017). The lack of Arab speaking social workers, in particular in mixed cities and the Negev has been observed, despite the important number of Arab speaking women benefitting from such services (UN Special Rapporteur, 2017). Information also suggest the difficulties to find social workers adequately trained to work in the ultra-orthodox communities and that shelters are often seen by women victims of violence as a form of punishment and as a result many favour the recourse to protection orders (UN Special Rapporteur, 2017).

A 2003 circular made the screening of every woman admitted to a medical centre mandatory (UN Special Rapporteur, 2017). Medical staff specifically trained to recognise victims of domestic violence and obliged to informed victims about their rights (UN Special Rapporteur, 2017).

Family related femicide and gender-related killings of women remains a major challenge in the country (UN Special Rapporteur, 2017). Palestinian women citizens of Israel, including Bedouin women, are overrepresented among the victims of femicide (UN Special Rapporteur, 2017). Some of these killings are either by a husband or another member of the family to “cleanse the family’s reputation” (UN Special Rapporteur, 2017). It has been reported that investigations are often closed due to lack of evidence and that those prosecuted receive low sentences (UN Special Rapporteur, 2017).

In 2017, the UN Special Rapporteur on violence against women, its causes and consequences raised concern at serious underreporting by women victims of domestic violence (UN Special Rapporteur, 2017). The magnitude of underreporting has been ascribed to the perception of domestic violence still considered as a private matter, social and cultural pressure to not disclose it, in particular among

women from the Jewish Orthodox, Palestinian, Bedouin, and Druze communities, and a lack of trust in the enforcement authorities (UN Special Rapporteur, 2017). She noted in particular that the factors contributing to reinforcing the occurrence of violence are patriarchal attitudes, low women awareness of their rights, unemployment, but also the occurrence of early marriages and the persistence of polygamy, in particular in minority communities (UN Special Rapporteur, 2017).

The UN Special Rapporteur on violence against women, its causes and consequences has noted that women victims of domestic violence requesting divorce are more likely to suffer from the “get abuse” where the husband is unwilling to grant his wife a divorce (UN Special Rapporteur, 2017).

c) Rape

Rape is a criminal offense punishable by 16 years in prison, or up to 20 years’ imprisonment for rape under aggravated circumstances or if the perpetrator rapes or commits a sexual offense against a relative (Penal Law, 1977). Rape is defined as an act where a person has intercourse with a woman without her free consent, if the consent was obtained by deceit, when the woman is a minor below age 14, or by exploiting woman's state of unconsciousness or other condition that prevents her from giving her free consent; or by exploiting the fact that she is mentally ill or deficient, if – because of her illness or mental deficiency – her consent to intercourse did not constitute free consent (Penal Law, 1977). Intercourse is interpreted in the law to mean introducing any part of the body or any object into the woman's sex organ (Penal Law, 1977). Sexual violence is also covered under the Law for the Prevention of Violence in the Family, and protection orders can be issued under this law (Law for the Prevention of Violence in the Family, 1991).

There is no specific plan or policy to support the implementation of legislation concerning sexual violence. The law does not provide for guidelines or protocols for professionals who may deal with rape, nor does it mandate specialised training and capacity building for such professionals.

In terms of access to justice, the Legal Aid Department of the Ministry of Justice provides legal aid in all civil matters to citizens and residents who meet the eligibility criteria under the Legal Aid Law and the Legal Aid Regulations (UN Special Rapporteur, 2017). The legal aid scheme of this department provides representation for victims of domestic abuse in various proceedings (UN Special Rapporteur, 2017). Some protection gaps have been highlighted by the UN Special Rapporteur on violence against women, its causes and consequences: legal aid is only provided in civil proceedings leaving a protection gap with regard to women’s victims and witnesses in criminal proceedings (UN Special Rapporteur, 2017). This is in contrast to families of victims of murder and homicide (including femicide) that receive legal assistance in all legal aspects of their lives related to the crime – civil or penal (UN Special Rapporteur, 2017).

Police Procedure No. 03.300.310, "Police treatment regarding a person filing a complaint on sexual offences", sets special criteria, including that only a trained investigator is authorised to investigate sex offences (Government of Israel, 2014 (b)).

There are no specific legal provisions establishing State responsibility for providing medical support to survivors of sexual violence, although the Government, through its hospital-based emergency departments offers 24-hour medical assistance to any victim of domestic violence (UN Special

Rapporteur, 2017). The National Social Work Service, part of the Department of Family Violence and Sexual abuse, has a National Coordinator on violence against women, and six regional coordinators running six national wide centres which provide 24h comprehensive care with multidisciplinary trained staff and which collaborate closely with all other ministries and agencies (UN Special Rapporteur, 2017). A telephone hotline, established in 2004, continue to operate 24/7 in four different languages (Government of Israel, 2017). In 2016, there were 11 rape crisis centres and a national hotline for women and children victims of violence, operated by the Ministry of Social Affairs with Women's International Zionist Organization and other hotlines run by NGOs (UN Special Rapporteur, 2017).

The law does not include provisions for awareness-raising and education campaigns to counter sexual violence. In the 2016 New Years' celebrations, the Israeli Police Force conducted a broad operation for increasing public-awareness regarding the date rape drug (Government of Israel, 2017). The operation included a wide-ranging public campaign, with videos broad casted, leaflets distributed, posters and television interviews on this subject (Government of Israel, 2017).

There is no publicly available information on budgetary commitments on the part of the Government to implement the legislation on sexual violence.

Rates of sexual violence, including rape, are high (UN Special Rapporteur, 2017). According to the Association of Rape Crisis Centres in Israel, the majority of rape victims did not report the crime to authorities due to social and cultural pressure (US Department of State, 2017). Women from certain Orthodox Jewish, Muslim, Bedouin, and Druze communities faced significant social pressure not to report rape or domestic abuse (US Department of State, 2017). Experts in the field of social work and domestic violence prevention highlighted the reluctance of many Arab women to avail themselves of social services due to societal pressure and personal identification as Palestinians (US Department of State, 2017).

d) Sexual harassment

The Prevention of Sexual Harassment Law includes a prohibition of all forms of sexual harassment in the workplace; places responsibility on the employer to take preventive measures against sexual harassment and employers failing to meet these preventive requirements are liable both at the criminal and civil level (Prevention of Sexual Harassment Law, 1998). Sexual Harassment is also prohibited under the Equal Opportunities (Employment) Law of 1988.

The Prevention of Sexual Harassment Law also applies to educational establishments and to the Israeli Defence Forces, specific in the law to include the Israel Police, the Prison Service and the other security organizations of the State (Prevention of Sexual Harassment Law, 1998). The law requires that authorities inform suspected victims of harassment of their right to assistance (Prevention of Sexual Harassment Law; US Department of State, 2017). Penalties for sexual harassment depend on the severity of the act and whether the harassment involved blackmail (US Department of State, 2017).

In July 2014, further amendments require higher education institutions, including academic institutes, to conduct several steps in order to prevent sexual harassment, such as annual informational activities and informing students and employees about the regulations and ways of filing a complaint

(Government of Israel, 2017). Institutions with 2,000 students or more are also obligated to appoint two sexual harassment prevention officers and to provide them with the relevant training (Government of Israel, 2017). These institutions are also obligated to file an annual report to the Knesset Committee for the Advancement of the Status of Women and Gender Equality and to the relevant regulators (Government of Israel, 2017).

There is no action plan or stand-alone policy to support the implementation of the legislation concerning sexual harassment. There is no publicly available information on budgetary commitments to implement the Prevention of Sexual Harassment Law.

There have been a number of cases in which Labour Courts have required employers to pay damages to women who were sexually harassed in the workplace (UN Special Rapporteur, 2017). Nevertheless, in 2017, UN Special Rapporteur on violence against women, its causes and consequences noted that the extent of sexual harassment in Israeli society remains pervasive and rarely reported (UN Special Rapporteur, 2017).

e) Female genital mutilation

Though Israel's Penal Law does not contain a specific offence of Female Genital Mutilation (FGM), it provides that committing such an act constitutes a harm with aggravating intent according to Section 329(a)(1) of the Penal Law (Government of Israel, 2014 (b)). A person who commits the crime of harm with aggravating intent may be sentenced to up to 20 years imprisonment (Government of Israel, 2014 (b)). The definition "grievous harm" in the Penal Law indicates that such criminal offence includes performing FGM, since grievous harm is defined as any harm which amounts to dangerous harm, or which seriously or permanently injures or may possibly injure the health or comfort of the person harmed, or which extends to permanent disfigurement or to a permanent or serious injury to an external or internal organ, membrane or sense (Government of Israel, 2014 (b)).

Female genital mutilation (FGM) has been reported to have been practiced among the Bedouin in the southern area of Israel and Ethiopian Jewish immigrant women in the country (Belmaker, 2012). A 2009 study of the Bedouin people of southern Israel has found that FGM had largely disappeared (Belmaker, 2012). There is no similar information to suggest that the practice of FGM among Ethiopian Jewish women has been eradicated. According to the Government of Israel, the few cases of FGM that have been identified in recent years have been among Sudanese and Eritrean women that have entered Israel, although the procedure itself was conducted prior to the entry into Israel (Government of Israel, 2014 (b)).

Notwithstanding the fact that no cases of FGM occurred over the last decades in Israel, the Ministry of Health regularly conducts training sessions for all medical staff in Israel on clinical identification of FGM (Government of Israel, 2014 (b)). The training enables medical staff to identify, during a medical examination, intentional physical abuse suffered by women, including the identification of FGM (Government of Israel, 2014, (b)). In 2014, the Government reported that in order to further prevent isolated cases of FGM, the Ministry of Health planned to publish updated guidelines and information for medical staff in delivery rooms and Maternal Child Health Clinics on identifying FGM and

emphasizing the importance of early identification, especially before childbirth (Government of Israel, 2014 (b)).

f) Abortion

Abortion is performed in Israel in accordance with the Penal Law, and requires the approval of the Termination of Pregnancy Committee (Penal Law, 1977). The law specifies the situations in which the committee may approve performing a termination of pregnancy: age of the woman below marriageable age (up to 18); the woman is not married or the pregnancy is not from marriage; the woman has reached the age of 40 years or over; the pregnancy arises from relations that are forbidden by criminal law, such as rape or incest; the offspring is liable to have a physical or mental abnormality; or continuation of the pregnancy is liable to endanger the woman's life or cause her physical or emotional damage (Penal Law, 1977).

By law, the Termination of Pregnancy Committee consists of three members: a physician who is a specialist in obstetrics and gynaecology, an additional medical specialist and a social worker. At least one of the committee members must be a woman (Penal Law, 1977). The law allows for contentious objection for medical practitioners who may refuse to terminate the pregnancy on these grounds. (Penal Law, 1977).

More

Indigenous Bedouin communities live mainly in the Negev either in recognised (66%) or unrecognised communities (44%) (UN Special Rapporteur, 2017). Communities are labelled as unrecognised as they could not acquire building permits or plans for housing, due to the low issuance of building permits forcing them to build their houses "illegally" and live in inadequate temporary provisional buildings (UN Special Rapporteur, 2017). They are at risk of forced evictions and home demolitions, a situation which affects particularly women (UN Special Rapporteur, 2017). A study showed that Bedouin women's fears focused on the threat of physical forced displacement. They expressed the feeling to be "completely unprotected when their homes are demolished" (UN Special Rapporteur, 2017). As a result, in Bedouin communities, gender-based violence is pervasive and accepted as a way of life, particularly in polygamous families, which is all the more concerning in view of the mistrust that Bedouin women have reported to hold with regard to law enforcement institutions, including the police and governmental institutions and the absence of services available to Bedouin women victim of violence (UN Special Rapporteur, 2017). These barriers, coupled with the fact that Bedouin women have the lowest socio-economic status in Israel prevent them to escape situations of violence (UN Special Rapporteur, 2017).

Arab Israeli women, particularly from the Bedouin population, have been reported to have limited access to health-care services and had poor indicators for illness, death, and life expectancy (US Department of State, 2017). In the unrecognised Arab Bedouin villages in the Negev, there were very few health-care facilities or medical services (US Department of State, 2017).

It has been reported that migrant women, including women being considered for naturalization who are victims of domestic violence, fear to report such cases due to threats of detention and deportation

and therefore are likely to remain trapped in violent and abusive situations (UN Special Rapporteur, 2017). Despite the introduction in 2007 of some level of protection for abused migrant women through the application of humanitarian protection, the conditions for such a protection to be granted are too stringent, and where the husband or partner retain power and control over his wife or partner as he can refuse to attend a hearing at the Ministry of Interior in the process of documenting her two years of residency (UN Special Rapporteur, 2017).

Women asylum-seekers who had allegedly fled their countries of origin from fear of killing in the name of “honour”, domestic violence, forced marriages, and other forms of gender-based violence but whose claims for refugee protection based on gender grounds had been declined, the State not having recognised their gender-related forms of persecution as legitimate grounds for asylum (UN Special Rapporteur, 2017).

Asylum-seeking women in Israel are particularly vulnerable to domestic violence given the absence of family and community support they would otherwise enjoy in their country of origin: indeed, without official work permits, they suffer from chronic lack of employment security and without having access to welfare services and benefits, they must rely on their spouses and community for support, thus making them more vulnerable to exploitation and abuse, including sexual exploitation (UN Special Rapporteur, 2017). Women asylum seekers victims of domestic violence face a number of challenges: by way of illustration, they do not receive free legal aid in domestic violence proceedings despite the fact that such support is not excluded by the 1972 Law on Legal Aid. This is currently examined by the Supreme court (UN Special Rapporteur, 2017). Emergency shelters are often inaccessible as there are not sufficient places, they generally do not have interpreters and the treatment is not necessarily adapted to social and cultural difference (UN Special Rapporteur, 2017). They are also not entitled to any allowances while in shelters under the 1995 National Social Security Law (UN Special Rapporteur, 2017).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Israel has not ratified ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989) and has not endorsed the UN Declaration on the Rights of Indigenous Peoples (2007).

Israel’s Arab Bedouin are indigenous to the Negev-Naqab desert (IWGIA, 2015). In the early 1950s, the Israeli government concentrated the Bedouin people within a restricted geographical area that represented about ten per cent of their former territory (IWGIA, 2015). According to the Central Bureau of Statistics, in 2009, 75,000 Bedouin lived in 35 “unrecognised villages” that lacked basic services and infrastructure (IWGIA, 2015). A further 150,000 Bedouin live in seven townships and villages that have been recognised over the last decade (IWGIA, 2015). However, these townships and villages hinder the traditional nomadic Bedouin way of life and provide few employment opportunities (IWGIA, 2015). In 2014, the Human Rights Committee urged the Government of Israel to facilitate the full participation of Bedouin communities in any planning regarding the relocation of their villages and ensure that any proposed plans for Bedouin relocation take due account of their traditional way of life and their right to ancestral land (Human Rights Committee, 2014).

Under Israel's Basic Law, unmarried and married women have equal rights to men to own land- and non-land assets (Basic Law: Human Dignity and Liberty, 1992). The Equal Rights for Women Law establishes that married women are "fully qualified to hold property and to deal with that property" and affirms that the property that women has acquired before marrying shall not be affected by the marriage bond (Equal Rights for Women Law, 1951).

In matters concerning property issues, Family Matters Courts and the Religious Courts have a parallel jurisdiction (Government of Israel, 2014 (b)). The Spouses (Property Relations) Law establishes that there is a complete separation of each spouses' property during the marriage unless a pre-nuptial agreement specifies otherwise (Spouses (Property Relations) Law, 1973). In this regard, spouses have equal rights to administer their property during the marriage. The judicial "community property rule" applies to all couples who were married after 1973, and also extends to non-marital cohabitants (Government of Israel, 2014 (b)).

In the event of divorce, the parties' assets, with certain specified exceptions, are considered in total at the time of the divorce and divided between them (Freedman, 2015). Under current practice, division of assets can only take place 12 months after an action for the dissolution of marriage or an action concerning marital property was started (Freedman, 2015).

There is no information on the existence of public measures to protect women's land and non-land property rights, including in the context of inheritance.

According to Government reporting in 2017, Israel is a highly urbanised country with few citizens living in rural areas (Government of Israel, 2017). A 2016 study found that Jewish rural female entrepreneurs, a main challenge is the independence from male managerial dominance (Heilbrunn and Palgi, 2016). There is no information to suggest that there are public measures, programmes or projects to ensure women's participation in cooperatives, producer organizations or rural committees, although some support schemes, in particular training courses and workshops, for female entrepreneurs that are active in rural areas were reported in 2016 (Heilbrunn and Palgi, 2016).

A major challenge relating to the division of property in the event of divorce is the fact that among Orthodox Jews, divorce is dependent on the consent of the husband (Halperin-Kaddari, 2000). This has led the way for a common course of negotiation, which generally results in the woman buying her way out of the marriage by paying what the husband demands, including in terms of property rights (Halperin-Kaddari, 2000). In this regard, it has been noted that the Israeli civil courts have taken diverse responses to the practice, with some finding against it and others choosing a policy of non-interference (Sandberg and Hofri-Winogradow, 2012).

In 2008, the Spousal (Property Relations) Law was amended to allow the division of property prior to the divorce or end of marriage (Government of Israel, 2014 (b)). The purpose of the Amendment was to prevent the possibility of one spouse to require the other spouse to relinquish his/her property rights, as a condition for his/her consent to divorce (Government of Israel, 2014 (b)).

b) Secure access to formal financial resources

Women and men have the same rights to access financial services, including credit and bank loans. The law does not, however, prohibit discrimination by creditors on the basis of gender or marital status in access to credit.

There is no information to suggest that the Government promote gender-sensitive measures to expand women's access to formal financial resources, including credit.

c) Workplace rights

Israel has ratified ILO Conventions 100 (Equal remuneration) and 111 (Discrimination in Employment and Occupation) but has not acceded to Conventions 156 (Workers with Family Responsibilities), 183 (Revision of Maternity Protection) and 189 (Domestic Workers).

Discrimination on the basis of sex in employment is prohibited under the Employment (Equal Opportunities) Law. The prohibition extends to acceptance for employment, terms and advancement of employment, vocational training or supplementary vocational training, dismissal or severance pay or benefits and payments for employees in connection with their retirement (Employment (Equal Opportunities) Law, 1988).

In 1964 the Knesset passed the Male and Female Workers Equal Pay Law, which guaranteed equal pay to women and men workers for equal work (Adler, 2011). It was replaced in 1996 by another law of the same name, which increased the ability to achieve its' goals, by defining equivalent work, allow appointment of job evaluation experts, compel employers to give information and allow class actions (Adler, 2011).

Beyond basic legislation, whose effectiveness in reducing gender pay gaps is limited, no policies in Israel target the reduction of gender pay gaps (Dagan-Buzaglo, Hasson and Ophir, 2014). In 2013, the ILO Supervisory Committee expressed concern at the high gender wage gap in Israel, noting that it affected in particular women from the Jewish population (ILO CEACR, 2013).

Dagan-Buzaglo, Hasson and Ophir have noted that in the case of Israel, while monthly pay gaps between men and women derive partially from the fact that women generally work fewer hours than men, hourly pay gaps suggest two more factors at work (Dagan-Buzaglo, Hasson and Ophir, 2014). One is related to occupational segregation: for various reasons, women and men are concentrated in different professions, and those dominated by women generally have lower wage scales (Dagan-Buzaglo, Hasson and Ophir, 2014). The other factor is discrimination per se, which has several roots: the gender division of labour within the home and its implications for the role of women in the labour market; the prejudice of employers concerning women's abilities and willingness to work; employment norms that perpetuate gender inequality, such as evaluating productivity by the length of the working day; and women's lower bargaining effectiveness and tendency to prefer employment security over high remuneration (Dagan-Buzaglo, Hasson and Ophir, 2014).

Under the Employment of Women Law and associated regulations, women are barred from performing jobs deemed hazardous (Employment of Women Law, 1954; Employment of Women Regulations (Prohibited Works, Restricted Works and Dangerous Works), 2001).

Under Israeli law, women are statutorily entitled to maternity leave. In March 2017, the Amendment No. 57 of the Women's Employment Law extended maternity leave period of which parental allowance is paid from 14 to 15 weeks (CEDAW, 2017). Maternity leave is paid at 100 per cent of the salary (National Insurance Law, 1995; Perez-Vaisvidovsky, 2017). An additional period of 11 weeks maternity may be taken, but is not paid (Perez-Vaisvidovsky, 2017). Working is formally not permitted while on leave, and the National Insurance Institute is entitled to revoke benefits for those who are working when on leave (Perez-Vaisvidovsky, 2017).

Paternity leave is not provided for under Israeli Law. However, fathers are entitled to be absent from work starting from the birth of their child and for six calendar days after birth (Perez-Vaisvidovsky, 2017). The first day and two last days are treated and remunerated as sickness leave; workers receive no pay for the first day, and 50 per cent of their daily pay for the other two days, unless covered by collective agreements providing better conditions, and these payments are deducted from each worker's annual allotment of sickness leave days (Perez-Vaisvidovsky, 2017). The second, third and fourth days are treated and remunerated as annual leave, offering full pay (Perez-Vaisvidovsky, 2017). Fathers that have not accumulated enough sickness leave or annual leave days are not entitled to this leave (Perez-Vaisvidovsky, 2017).

Parental leave may be taken up to one year after childbirth for each parent (leave (Perez-Vaisvidovsky, 2017). Leave is an individual entitlement leave and is not paid (Perez-Vaisvidovsky, 2017). Fathers are entitled to take seven days of parental leave simultaneously with his wife, and will be able to utilise them at any stage of the parental leave, according to the provisions under the Law (Government of Israel, 2017).

The law protects against the dismissal of pregnant women (Employment of Women Law, 1954; Government of Israel, 2017). In most cases, dismissal will require a permit of the Ministers of Justice, Labour, Social Affairs and Social Services before a dismissal of a pregnant woman; other cases are not eligible for a permit request to begin with (Government of Israel, 2017).

It is not prohibited by law for a prospective employer to ask a prospective employee about the employee's marital status, family status and family planning.

The law does not require women to have permission from her husband or legal guardian to choose a profession or occupation, to register a business.

The Equal Employment Opportunities Commission is a statutory body, established by the Ministry of Industry, Trade and Labour in 2008 (Government of Israel, 2010). The Commission is engaged in civic enforcement of equal employment opportunities, and operates to apply appropriate norms of equal employment opportunities within the labour market (Government of Israel, 2010). The Commission has a mandate to receive and handle complaints regarding employment discrimination (CEDAW Committee, 2011). The Employment (Equal Opportunities) Law, 1988, authorises Labour Courts to award damages to employers found to have violated the non-discrimination principle, and to do so without demanding proof of actual economic injury (Adler, 2011). The Labour Courts may also reinstate an employee discharged in violation of this law, although these remedies are unusual in

Israeli law (Adler, 2011). Compensation is the common remedy in Israeli law and is also possible in these cases (Adler, 2011).

A 2014 Amendment to the Male and Female Workers (Equal Pay) Law provides that public bodies that are obliged by law to submit reports regarding employees' salaries must include a gender account in such reports (Government of Israel, 2017). A 2015 amendment to the same law enables the compensation for violating the Law without monetary loss, at a rate set by the Court's discretion (Government of Israel, 2017). Nevertheless, in the private sector, secrecy about salaries remains the prevailing norm (Dagan-Buzaglo, Hasson and Ophir, 2014).

According to Barakat and Jamal's study of Druze women, permission by husbands is required for Druze women to enter into the workforce (Barakat and Jamal, undated).

4. Restricted Civil liberties

a) Citizenship rights

The Nationality Law provides Israeli women equal rights to acquire, retain, change and confer their nationality to their children and spouse (nationality Law, 1952).

In 2003, the Israeli government passed the Citizenship and Entry into Israel Law as a temporary security measure (Government of Israel, 2017). The law limits the possibility of granting residents of the West Bank and the Gaza strip citizenship pursuant to the Citizenship Law, or permanent residency pursuant to the Entry into Israel Law, including by means of family unification (Government of Israel, 2017). Civil society has noted that affected families suffer disproportionately from poverty, in part because the law prevents spouses who manage to gain entry into Israel or East Jerusalem from working and driving (Joint NGO Statement, 2017). It also forces families to pay heavy residency fines, in addition to regular payments for basic services that the state would ordinarily provide them if not for their national background (Joint NGO Statement, 2017). The law has a particularly harsh impact on women and children who generally require more frequent health care services (Joint NGO Statement, 2017).

UNHCR has noted that the principle of citizenship by descent and recognition of Jewish descent is prioritised over the grant of nationality based on birth on the territory or residence and expressed concern that this does not provide adequate safeguards against statelessness as it may lead to or perpetuate statelessness of unrecognised villagers, migrants and asylum-seekers who have remained in Israel for longer periods of time (UNHCR, 2013). In 2016, 161,462 children, predominantly Palestinians, in the country lacked Israeli citizenship and corresponding rights (US Department of State, 2017).

Under Section 6 of the Population Registry Law, there is a duty to notify a registration officer of the Ministry of Interior of every birth that occurs in Israel (Government of Israel, 2012). The notification is to be made within ten days of the birth by the institution at which the birth occurred, or by the parents of the child (Government of Israel).

Any child born in an Israeli hospital receives an official document from the hospital that affirms the birth, the mother's details, and the father's details as based on a joint declaration made by both the father and the mother (US Department of State, 2017; Government of Israel, 2013 (a)). The country registers the births of Palestinians in Jerusalem. (US Department of State, 2017).

The Ministry of Interior issues a Confirmation of Birth document, which is not a birth certificate, for children without legal residency status in the country, including children of asylum seekers, migrant workers, children of international students, and others who do not hold Israeli citizenship (US Department of State, 2017). The Ministry of Interior requires parents without legal residency to sign a form declaring they are "present illegally" in the country before issuing this document (US Department of State, 2017). It has been reported that at times, the government refuse to list the father's name or to give the child the father's last name on the Confirmation of Birth document (US Department of State, 2017). In response to a petition to require the government to issue an official birth document listing both parents' names, the Supreme Court ruled in 2016 that, until the government's transition to computerised hospital birth notices is complete, the Ministry of Interior should issue birth certificates showing all details listed in the Confirmation of Birth prepared by the hospital, including the father's name if declared at the time of the birth (US Department of State, 2017).

Israel has yet to include the right to equality – including equality between men and women and between Jewish and Arab citizens of Israel – and the prohibition of both direct and indirect discrimination in its Basic Law (CEDAW Committee, 2011; Adalah, 2016).

There are no legal or policy provisions requiring the promotion of awareness of legal and policy developments granting women the same rights as men to acquire, change, retain and confer their nationality.

Women have the same rights to acquire passports and ID cards. The Ministry of Interior issues passports to children only with the consent of both of their parents (Government of Israel, 2012).

In 2013, there were 300,000 Palestinians living in Jerusalem that had received a license for permanent residency, based on a population census conducted after the 1967 war, but were not considered as Israeli citizens and did not carry Israeli passports (Ir Amim, 2012). The 1952 Citizenship Law provides for the possibility of obtaining individual citizenship but it does not apply universally to all residents of East Jerusalem (Ir Amim, 2012). They have Palestinian identities, but do not have Palestinian passports, unlike residents of the West Bank (Ir Amim, 2012). They are carriers of Jordanian passports, but they have not been full Jordanians since 1988 (Ir Amim, 2012).

Israeli women, married and unmarried, enjoy the same benefits as men regarding the movement of persons (Government of Israel, 2017). Severe restrictions, however, on the freedom of movement for women and men in the West Bank and Gaza Strip continue, especially through the wall, checkpoints, restricted roads and permit system, and have been reported to create hardship and have a detrimental impact on the enjoyment of human rights by Palestinian women, in particular their rights to freedom of movement, family life, work, education and health (CEDAW Committee, 2011).

There is no information indicating that the Government has taken measures to increase access to birth registration in rural areas. The law does not allow for late registration of births.

b) Voting

Under Israel's Basic Law, every Israeli citizen over the age of eighteen have the right to vote (Basic Law, the Knesset, 1958).

The law does not provide for any measures to ensure that women understand their legal right to vote and how to exercise it.

c) Political voice

In accordance with Israel's Basic Law, every Israeli citizen twenty-one years of age or over have the right to be elected to the Knesset (Basic Law, the Knesset, 1958) and to executive (Basic Law, the Government, 2001).

There are no restrictions for women to be appointed to the secular judiciary. In June 2013, the Knesset approved Amendment no. 26 to the Religious Judges Law according to which at least one of the two representatives of the Government, Knesset and the Israeli Bar association to the Committee for appointment of Religious Judges shall be a woman (Government of Israel, 2013 (b)). According to Government reporting, the majority of judges in Israel are women (Government of Israel, 2017).

According to Jewish law, women may be litigants but may not serve as witnesses or judges in rabbinical courts (Hadad, 2013). In April 2017, the Judicial Appointments Committee appointed the first woman to serve as a judge in a Muslim Religious Court (Government of Israel, 2017).

There are no political quotas at national or local levels, although Amendment No. 12 to the Municipal Council Law (Funding of Elections) provides an additional 15 percent in campaign funding to municipal party lists composed of at least one-third women (US Department of State, 2017; Government of Israel, 2013 (b)). The amendment applies to elections of city and local councils, but does not apply to regional councils (Government of Israel, 2013 (b)).

Women face significant cultural barriers in political parties representing conservative religious movements and the Arab minority (US Department of State, 2017). According to civil society reports, ultra-Orthodox women are excluded from political parties affiliated to their religion and face significant constraints to be elected (Nivharot, 2016). So-called Yahadut Hatorah regulations have been reported to prevent ultra- orthodox women from becoming Party members and further determine that only a Jewish man may become the Party's candidate to the Knesset (Nivharot, 2016). A central argument for preventing ultra- orthodox women from running for elections has been noted to be pervasive attitudes that relegate women to the private sphere (Nivharot, 2016). According to civil society organizations, the Government categorises the problem as an "inter community matter" in order to avoid confrontations and has been unwilling to put in place temporary special measures to address these barriers (Nivharot, 2016).

d) Access to justice

In civil matters, women enjoy an identical legal capacity to that of men, including the right to equal treatment in all stages of procedure in courts and tribunals (Government of Israel, 2010; Equal Rights for Women Law, 1951).

There is no legislation or measures in place to protect women from violence in political and public life.

There is no legal framework to specifically address the situation of human rights defenders. In 2017, the UN Special Rapporteur on violence against women, its causes and consequences noted with concern the increase of violence targeting women's rights activists, as well an increased criminalization of protests increase of violence targeting women's rights activists, as well an increased criminalization of protests (UN Special Rapporteur, 2017).

The law does not include elements to ensure that women are able to exercise their right to sue.

Procedural rules in civil, criminal and family courts and tribunals do not take account of the particular interests of women and girls.

The legal framework does not provide for the establishment of courts or tribunals to facilitate women and girls' access to justice.

The Authority for the Advancement of the Status of Women, established in 1998 as part of the Prime Minister's Office, is charged with formulating and encouraging policies that promote the equality of women (Government of Israel, 2014 (a)). Among other things, the Authority monitors the activities of Government Ministries in the field of the advancement of women; promotes legislation in the field of the advancement of women, and conducts several surveys and research projects in this field (Government of Israel, 2014 (a)). The institutions of the State Comptroller and the Ombudsperson are located within an office which has dual functions (Government of Israel, 2014 (a)) The office has branches located in Nazareth, Lod and Beer Sheba (Government of Israel, 2014 (a)). Any person (including a minor) independently of his/her status can file a complaint to the Ombudsperson on cases of human rights violations by States entities (Government of Israel, 2014 (a)).

Religion, in particular Judaism, holds a formal and constitutional status in several areas, most significantly in the rule of religious laws over family matters, which means that matters concerning personal status are determined according to the religious affiliation of the parties involved in each case (Halperin-Kaddari, 2000). Overall, religious courts have an exclusive jurisdiction over all matters of marriage and divorce, except when the couple is not affiliated to any religion or of different religions (Government of Israel, 2010). Regarding these exceptions, in matters relating to divorce, the jurisdiction is granted to the Family Matters Courts or to the respective religious courts (Government of Israel, 2010). In matters concerning women's and children's alimony, property issues, child maintenance, guardianship, violence and in the case of Muslims, also parental matters, Family Matters Courts and the Religious Courts have a parallel jurisdiction, with certain differences between the various religious communities (Government of Israel, 2010). Jewish and Islamic Law in Israel prohibit or limit the evidentiary value of female testimony. Under formal Jewish law, applied by the Rabbinical Courts women cannot serve as witnesses (Halperin-Kaddari, 2000). It has been noted, however, that

the exclusionary approach to female testimony has not always been implemented in contemporary practice. (Halperin-Kaddari, 2000).

According to Jewish law, women may be litigants but may not serve as witnesses or judges in rabbinical courts (Hadad, 2013).

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