Israel

1. Discriminatory family code

The Israeli Government passed a law raising the minimum age of marriage for both men and women to 18 in November 2013.1 Previously, the age was 17 under the Marriage Age Law (1950),2 though Muslim men may have been subject to the Ottoman Law of Family Rights (1917), which set the age at 18.3

Marrying or making arrangements to marry an underage woman is punishable by up to two years imprisonment. However, in special circumstances, subject to court discretion, a woman at age 16 may be allowed to marry, for example, if she is carrying the child of the man she wants to marry or has already given birth to his child. In a leading Supreme Court ruling on this subject, the Court President stated that the marriage age law cannot be circumvented on the grounds of a community’s custom or tradition, since it is these practices which the law sought to abolish.4

According to the Central Bureau of Statistics, 11,747 women under age 18 were married in Israel in 2011 and 4% of all marriages of girls in 2010 compared to 1% for boys.5 In some cases, marriages are not registered with the civil authorities, but are solemnized in a religious ceremony. Nonetheless, after the fact, couples can get a rabbinical or Muslim religious court ruling certifying that their marriage was performed in accordance with religious law, and their union could be legally recognized by the Interior Ministry. A 2004 survey by the Knesset Research and Information Center claimed that when a petition is filed for an underage marriage (usually involving underage women), it is almost always granted, indicating gaps in enforcement of the Law.6

The Capacity of Guardianship Law (1962), which applies to all Israeli citizens, provides parental authority to both parents, and the Women’s Rights Act (1951) recognizes both parents as equal, natural guardians of their children.7 In the case of divorce or separation, where the parents do not agree about custody and the court decides on the issue, it will grant custody of a child under the age of six to the mother unless there are special grounds for ordering differently, such as if the mother was shown to be

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1 Harkov (2013)
2 Marriage Age Law 1950.
4 CEDAW (1997), p. 255
6 CEDAW (2005), p. 86
7 Capacity of Guardianship Law; Women’s Rights Act
incapable of looking after a young child. In general, most courts tend to favor maternal custody even when older children are involved. Otherwise, the court is instructed to consider the best interests of the child. On the other hand, certain religious courts may rule differently. For example, in the Druze community, child custody, alimony, and property matters are settled after the divorce either by a civil family court or a religious court, which gives preference to the father unless it can be demonstrated that a child especially “needs” the mother.

Women have the same inheritance rights as men, both as widows and as daughters. Inheritance is governed by civil law.

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Divorce is governed by the authorities of different religious communities in Israel. While a Jewish woman may initiate a divorce, her husband must deliver her a hand-written decree (get) in order for the divorce to be finalized. Men who refuse to grant divorces, leave their former wives as agunot (chained women). Rabbinical tribunals sometimes apply pressure or sanctions on a husband to compel him to grant a divorce, for example, fines for causing his wife mental harm, without dropping the requirement for his consent.

A Muslim woman may petition for a divorce through the sharia courts, which may grant it without her husband’s consent only under certain conditions. A marriage contract could provide for other circumstances that would permit her to obtain a divorce without his consent. A Muslim man does not have to petition the court to obtain a divorce, nor does he need his wife’s consent. Christians may seek official separations or divorces through ecclesiastical courts. Druze men may divorce by an oral declaration, subsequently registered by the Druze religious courts, forcing the divorced women to immediately leave their homes and children.

2. Restricted physical integrity

Domestic violence in Israel is addressed under the Prevention of Violence in the Family Law of 1991. Previously it fell under the applicable personal law. In 1996, an amendment to the Penal Law defines violence against family members as a special form of assault and stipulates a maximum sentence that is double the usual for assault. The Prevention of Violence in the Family Law provides for protective injunctions against physical abuse, as well as emotional abuse (subject to court interpretation). The Law extends to family members, spouses, as well as non-married co-habitants. The injunction may prevent an individual from approaching the home of the family member in questions, harassing the family member, or carrying a weapon. Moreover, under the Penal and Family Laws, a court may require

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8 Section 25 of the Legal Capacity and Guardianship Law (1962),
9 CEDAW (1997), p. 257
10 U.S. State Department, p. 18
12 U.S. State Department, p. 18; CEDAW (2010) p. 11.
13 U.S. State Department, p. 18
14 Prevention of Violence in the Family Law 1991
15 CEDAW (1997), p. 71
abusive individuals to undergo therapy, and the National Health Regulations Act (1975) requires health care providers to inform police if they suspect the patient was subject to violence.\(^\text{16}\)

The Ministry of Social Affairs and the Ministry of Labor and Welfare operate battered women’s shelters, a national hotline for reporting abuse (available in Hebrew, Arabic, Russian, and Amharic), seminars, training sessions, programmes, and services for victims of domestic violence. In 1990, a special unit was established within the police to deal with domestic violence, and the police operate a call center to inform victims about their cases.\(^\text{17}\) Since 1998, a national investigative system focusing solely on domestic violence operates at all police stations throughout the country.\(^\text{18}\) Local social services departments provide complimentary services, including treatment programs and therapy sessions for battered women and abusive men.\(^\text{19}\) Women’s organizations provide counseling, crisis intervention, legal assistance, and shelters.\(^\text{20}\)

One difficulty in determining the extent of domestic violence is that it often goes unreported. Women from certain Orthodox Jewish, Muslim, Bedouin, and Druze communities face significant social pressure not to report domestic abuse or rape, according to the Association of Rape Crisis Centers in Israel.\(^\text{21}\)

The International Women’s Zionist Organization (WIZO) reported that 200,000 women and 600,000 children were exposed to domestic violence in 2012. WIZO also claimed that 19 women were killed by domestic violence that year, although this represents a decline from the 24 killed in 2011.\(^\text{22}\)

Rape, including spousal rape, is a felony under the Penal Law in Israel, punishable by 16 years in prison.\(^\text{23}\) The penalty is double if the perpetrator rapes one of his relatives.\(^\text{24}\) The law prohibits sexual exploitation of a minor and sets a penalty of at least seven to 20 years’ imprisonment for violators. 16 is the age of consent in Israel. Consensual sexual relations with a minor between the ages of 14 and 16 are not considered rape, but are punishable by five years’ imprisonment.\(^\text{25}\) The Penal Law was amended in 1998 to establish a four-year minimum sentence in cases of rape, indecent acts, and incest.\(^\text{26}\)

Since 1988, courts are forbidden from asking victims of sexual crimes about their sexual history as evidence against the victim, with very limited exceptions.\(^\text{27}\) In a 1993 Supreme Court ruling, the court took a strong stance against the admission of any evidence involving a woman’s sexual history as a suggestion of her consent, and it ruled that silence does not imply consent in cases when a woman may be too frightened to actively resist a sexual attempt.\(^\text{28}\)

\(^\text{16}\) CEDAW (1997), p. 83
\(^\text{17}\) CEDAW (1997), p. 82-88; CEDAW (2005), pp. 16, 33-34
\(^\text{18}\) CEDAW (2005), p. 31
\(^\text{19}\) CEDAW (1997), p. 87
\(^\text{20}\) U.S. State Department, p. 16
\(^\text{21}\) U.S. State Department, p. 16
\(^\text{22}\) “The scourge of domestic violence,” Jerusalem Post, April 3, 2013
\(^\text{23}\) Penal law section 345
\(^\text{24}\) Penal law section 351
\(^\text{25}\) U.S. State Department, p. 20
\(^\text{26}\) Amnesty International (AI), p. 23.
\(^\text{27}\) Section 2a (1988) of Procedural Amendment law (1957)
\(^\text{28}\) CEDAW (1997), p. 68
In order to strengthen enforcement of laws against rape, training is provided to police and investigators regarding challenges to uncovering and reporting of rapes, especially amongst conservative population groups. Law enforcement also works with NGOs to provide support to victims during investigations. In 1990, an umbrella organization was established to coordinate the various sexual assault help centers throughout the country. In addition to providing assistance to victims, it lobbies on their behalf and raises public awareness about sexual violence.\(^{29}\)

According to Israel’s Association of Rape Crisis Centers, the majority of rape victims do not report the crime to the authorities due to social and cultural pressure.\(^{30}\) More than two-thirds of women in Israel report living in constant fear of sexual assault. Women who are Russian-speaking recent immigrants to Israel are particularly vulnerable, with nearly 40% of them reporting to have been sexually assaulted by a stranger, according to a survey released by Israel’s Ministry of Public Security in 2012.\(^{31}\) Amnesty International reported that persons convicted of rape within the context of a marriage or relationship received more lenient sentences in Israel than others convicted of such crimes.\(^{32}\)

**Sexual harassment** is addressed under the Prevention of Sexual Harassment Law (1998), and previously under the Equal Opportunities in Employment Law (1988) and the Penal Law.\(^{33}\) The Prevention of Sexual Harassment Law was symbolically initiated by all eight of the women serving as Members of Knesset.\(^{34}\) The Law expanded the definition of sexual harassment to include repeated sexual references; unwanted advances, propositions by a superior to a subordinate (whether or not the subordinate shows an interest), disparaging remarks to someone based on sex or sexual orientation, and “indecent acts” as defined under the Penal Law.\(^{35}\) Penalties for sexual harassment range from two to nine years’ imprisonment and depend on the severity of the act and whether blackmail is involved.\(^{36}\) The law also defines sexual harassment as both a criminal offense and a cause for civil suit, and provides for a choice of enforcement channel in civil, criminal, or labour courts. Moreover, the law requires employers to meet certain obligations to prevent sexual harassment.\(^{37}\)

Implementation of Israel’s sexual harassment laws has been extensive. In the vast majority of cases, women can file lawsuits in a confidential manner, providing them with incentives to seek legal remedies.\(^{38}\) Police investigated 515 cases of sexual harassment in 2012 and notified all victims of their right to be assisted by the Association of Rape Crisis Centers in Israel. Under the law, victims can be informed of the progress on their cases through a computerized system and information call center.\(^{39}\)

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29 U.S. State Department, p. 16; CEDAW (1997), p. 82  
30 U.S. State Department, p. 16  
32 Amnesty International, p. 27  
34 Mor (2001); Barak-Erez and Kothari (2011), p. 185  
35 Barak-Erez and Kothari, pp. 185-186  
36 U.S. State Department, p. 17  
37 Barak-Erez and Kothari, p. 186  
38 Barak-Erez and Kothari, p. 191.  
39 U.S. State Department, p. 17
Implementation of Israeli law is impeded because some women remain fearful of reporting sexual harassment, despite laws that would protect their identity. In a survey conducted by the Economy and Trade Ministry in 2010, 165,000 women reported they experienced sexual harassment in the workplace, but only 24% of them said they lodged an official complaint with authorities. Similarly, only 20% of the 12,000 reports received by The Association of Rape Crisis Centers led to the filing of an official complaint.40

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Abortion is only available in Israel to save a woman’s life, her physical and mental health and in the case of rape, incest or fetal impairment. Abortion for economic or social reasons, or on request, is illegal.41

According to the US State Department, Israel is a destination country for women subjected to forced labour and sex trafficking, including forced prostitution. Israeli law complies with international standards and law enforcement has made sustained strong efforts to combat human trafficking, but courts did not always sentence convicts to prison terms commensurate with the gravity of the offense.42

3. Son bias

The male/female sex ratio for the total population in 2014 is 1.01 while the sex ratio at birth is 1.05.43 There is no evidence to suggest that Israel is a country of concern in relation to missing women.

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In primary education, there is a slight gender gap in detriment of girls. There is no gender gap in primary education. The slight gender gap in secondary education benefits girls.44 No information was available about the manner in which household chores are divided between girls and boys.45 Birth registration data indicates the percentage to be 100% for birth registration.46

4. Restricted resources and assets

Women and men have equal rights to own and access land in Israel, under the Basic Law of Human Dignity and Liberty, which also establishes that unmarried women and men have the same property rights as do married women and men.47 No data on women’s access to and ownership of property was found.

Women and men have the same rights to access financial services, including credit and bank loans. 92% of women aged 15 years or older hold bank accounts at formal financial institutions, slightly more than men.48

40 http://www.1202.org.il/english/
42 U.S. State Department (2013) p. 207
47 Basic Law: Human Dignity and Liberty, Art. 3
5. Restricted civil liberties

There are no legal restrictions on women’s free access to public space and freedom of movement.\(^49\) The Authority for the Advancement of the Status of Women in the Prime Minister’s Office has established a hotline for complaints regarding public exclusion of women.\(^50\) A directive issued by Israel’s Attorney General in 2013 states that local authorities must prevent signs urging women to use segregated sidewalks or dress modestly from being mounted on the streets under their jurisdiction.\(^51\)

There are no national quotas for women in Israeli parliament, though voluntary quotas have been adopted by some political parties. Orthodox Jewish and Arab parties include very few women.\(^52\) After the General elections of 2013, the number of women parliamentarians in Israel reached an all-time high of 27, or 23%.\(^53\) In 2012, about 10% of government ministers were women.\(^54\) In 2008, about one in two judges in Israel were women,\(^55\) and a woman, Dorit Beinisch, served as President of the Israeli Supreme Court from 2006 to 2012.

A 2005 Amendment to the Equal Rights for Women Law stipulated that any Government task force, including negotiating teams working on peace agreements, must include an adequate number of women and report on the composition of the body to the Authority for the Advancement of the Status of Women. Israel’s 2010 report to the CEDAW Committee indicated that 37% of all representatives in Governmental Committees and work-teams were women.\(^56\)

The 2010 CEDAW report notes that although women make up about 60% of the employees in the local authorities, only 4% of them serve in high ranking positions.\(^57\)

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Women are well over half the journalism workforce in Israeli companies surveyed by the international Women’s Media Foundation. However, the organization was unable to access data on the salaries of journalists in Israel to determine if there is a wage differential between women and men in the media.\(^58\)

The Equal Employment Opportunities Law prohibits employment or wage discrimination based on gender or pregnancy.\(^59\) Israeli law requires the presence of at least one woman on the board of directors of any public company.\(^60\)

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\(^49\) The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000
\(^50\) U.S. State Department, p. 17
\(^52\) Global Database of Quotas for Women http://www.quotaproject.org/uid/countryview.cfm?CountryCode=IL
\(^53\) The Center for the Advancement of Women in the Public Sphere (WIPS) (2013), p. 66
\(^54\) OECD (2013)
\(^55\) CEDAW (2010) p. 13
\(^56\) CEDAW (2010) p. 14
\(^57\) CEDAW (2010) p. 67
\(^58\) International Women’s Media Foundation (2011)
\(^59\) Amendment no. 9 to the Equal Employment Opportunities Law, 5748-1988; CEDAW (2005), p. 12
\(^60\) Wiessberg (2013)
Women in Israel are granted 14 weeks paid maternity leave at full salary, half which may be taken before the birth of the child, if they have worked for at least ten months. They are granted seven weeks if they have worked between six and ten months and no leave if they have worked less than six months. In addition, new mothers receive a maternity grant, paid by the National Insurance Institute, within a month after giving birth.61

Currently, the Paternity Leave Law, passed in 2007, allows fathers to take up to six weeks of leave in exchange for the mother agreeing to cut short her maternity leave. According to National Insurance Institute statistics only a very small percentage of men have taken advantage of the Paternity Leave Law since it was passed. According to a study by the Women’s Budget Forum, the majority of Israeli men would be willing to take paternity leave, with a large percentage ready to stay home for an extended period in order to care for their newborn infant. Of those questioned, however, 40% said the main reason they would not do so is fear of being fired from their jobs. A new law passed in October 2013 grants fathers paternity leave of up to eight days at the employer’s expense.62

A quarter of women aged 20-45 who worked before giving birth gave up their jobs afterwards, compared to only 1% of men. 20% of women are compelled to work part-time, due to homemaking obligations, compared to less than 1% of men who said they took part-time jobs due to such commitments. Women’s salaries averaged 66 percent of men’s in 2011, according to the Central Bureau of Statistics.63 The Government of Israel provides monetary incentives and grants to employers who actively integrate and promote women in their businesses and provide work conditions that meet the needs of women and parents.64

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61 Israel Government Portal (n.d.)
63 U.S. Department of State, p. 18
64 CEDAW (2010) pp. 9-10
Sources

Amnesty International (2005), *Israel: Briefing to the Committee on the Elimination of Discrimination Against Women*.


Center for the Advancement of Women in the Public Sphere (WIPS) (2013), *The Gender Index: Gender Inequality in Israel 2013*, The Van Leer Jerusalem Institute, Jerusalem.

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