



Adva Center
Information on Equality and Social Justice in Israel

مركز أدفا
معلومات حول المساواة والعدالة الاجتماعية في إسرائيل

מרכז אדוה
מידע על שוויון וצדק חברתי בישראל

Enhancing Equality between men and women in the Euromed Region

Situation Analysis 2009

Israel

STE: Ms Yael Slater

Table of contents

1. Introduction.....	4
1.1 General information on the land and people	4
1.2 Objectives of the situation analysis and expected results.....	5
1.3 Methodology of work	5
2. Part I: Overall context on Human Rights of women and gender equality	6
2.1 Women’s role and participation in decision-making.....	6
2.1.1 Overall situation	6
2.1.2 Ratification/ accession to International Conventions and treaties.....	8
2.1.3 National policies, programmes and strategies (women/gender).....	8
2.1.4 General legal framework for the protection of Human Rights of women.....	10
2.1.5 State’s initiatives to promote awareness on Human Rights instruments.....	13
2.2 Gender based violence	15
2.2.1 National efforts to address GBV	15
2.2.2 National policies, programmes and strategies (GBV).....	17
2.2.3 Other related initiatives and interventions.....	20
2.2.4 State’s initiatives to promote awareness on incidence of GBV.....	20
3. Part II: CEDAW and Istanbul Conclusions	22
3.1 CEDAW Reservations	22
3.2 Implementation of CEDAW	22
3.3 Obstacles to non-discrimination and to equal participation of women	22
3.4 Publicity and dissemination of CEDAW report	23
3.5 Role of the NGOs in the preparation of the reports.....	23
3.6 National efforts to implement the Istanbul Framework of Action	23
4. Part III: Diagnosis and analysis	26
4.1 Investments to ensure women’s Human Rights and gender equality	26
4.2 Restrictions and limitations to implementation	26
4.3 Commitments to CEDAW and Istanbul	30
5. Conclusions and recommendations.....	32
5.1 State of play related to women empowerment	32
5.2 Gaps and opportunities	32
5.3 Recommendations regarding priorities and strategic interventions	32

List of Abbreviations

AASW	Authority for the Advancement of the Status of Women
CBS	Central Bureau of Statistics
CEDAW	Convention for the Elimination of all forms of Discrimination against Women
CEO	Chief Executive Officer
EEOC	Equal Employment Opportunities Commission
GBV	Gender based violence
IDF	Israeli Defense Force
IPS	Israeli Prison Service
ITL	Industry, Trade and Labor (Ministry of)
IWN	Israel Women's Network
GDI	Gender-related development index
GEM	Gender Empowerment Measure
GRB	Gender Responsive Budgeting
NGO	Non Governmental Organisation
NIS	New Israeli Shekel
PM	Prime Minister
TVPA	Trafficking Victims Protection Act's
WBF	Women's Budget Forum

1. Introduction

1.1 General information on the land and people

Political structure

Israel was founded in 1948 as a Jewish state. Israel is a parliamentary democracy with a president, Prime Minister (PM), Knesset (the house of representatives), executive branch (cabinet of ministers) and a judiciary. The current President, Shimon Peres, was elected by the Knesset in 2007. The PM, Benyamin Netanyahu, was elected in 2008 and is from the centre-right Likud political party. There are 14 Basic Laws that serve as a constitution-like document, 12 of which lay out the structure of the government and 2 of which deal with human rights. Women's rights fall under Basic Law: Human Dignity and Liberty, passed in 1992.

Demographics

Israel's population numbers 7.1 million people: 75.8 percent are Jews, 19.9 percent are Arabs (mostly Muslim) and the remaining 4.3 percent comprise Druze, Circassians, and those with no religious affiliation.¹

Development Indicators

According to the UNDP, Israel is classified as a "High Human Development" country, with a Human Development Index (HDI) ranked 23rd internationally, a Gender-related development index (GDI) ranked 21st and a Gender Empowerment Measure (GEM) ranked 28th. The HDI measures the social and economic development of a country through indicators for life expectancy, educational attainment and income. GDI contains the same measurement indicators as does the HDI as well as a penalty for gender inequality in terms of "basic capability differences" or "differences in achievement levels between men and women." The GEM measures the progress of women's representation and decision-making capabilities in the political and economic spheres.² According to Freedom House, which ranks all countries according to political and civil liberties on a scale of 1 to 7 (a rating of 1 indicates the highest level of freedom), Israel scored a 1 for political rights, and a 2 for civil liberties.³

The Declaration of Independence of the State of Israel (1948) states, "the state of Israel...will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex." The *Equal Rights for Women Law 5711-1951* was enacted three years later. Thus, women's rights were recognized from the start. Most of the stakeholders interviewed for this paper listed the state of equality in Israel as "advanced"; a small minority listed women's status as "not advanced." Many

¹ Facts About Israel: The People. Ministry of Foreign Affairs. <http://www.mfa.gov.il/MFA/Facts+About+Israel/People/SOCIETY.htm>. 2008.

² Human Development Reports. UNDP. <http://hdr.undp.org/en/statistics/>.

³ Freedom House. <http://www.freedomhouse.org/template.cfm?page=22&country=7630&year=2009>. How Freedom House defines political and civil rights: "political rights enable people to participate freely in the political process, including the right to vote freely for distinct alternatives in legitimate elections, compete for public office, join political parties and organizations, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state."

stakeholders believe that the status of women in Israel is somewhere in between the standard in Europe and the standard in other Middle Eastern countries.

1.2 Objectives of the situation analysis and expected results

The objective of this paper is to provide an inventory of the national efforts towards the realization of women's equal rights. The paper identifies how women have progressed within economic, political and social spheres through national programs, legislation and awareness campaigns. The paper discusses the institutional and structural strengths and weaknesses of the status quo and the opportunities, limitations and threats of strategies targeted to improve the status of women. The paper then analyzes how state and NGO actors have prioritized women's issues and recommends future strategic interventions to encourage and remove obstacles to women's empowerment. The analysis is conducted through the prism of CEDAW and the Istanbul Ministerial Conclusions, where the cross-cutting principles of both are analyzed within the national context.

1.3 Methodology of work

Work methodology used includes:

Qualitative and quantitative data related to Israeli women's role/participation in decision-making within both the public and private spheres as well as gender based violence were collected.

Comparative and Analytical Matrix for assessing progress towards equality between women and men based on CEDAW and the Istanbul Ministerial Conclusions.

Interviews with relevant individuals/institutions to fill a rapid assessment questionnaire intended to evaluate the progress made since the Istanbul Ministerial Conclusions in Israel with respect to implementation, follow up and budgeting as well as recommendations and priorities for the future.

Mapping of main stakeholders (state actors, civil society organizations) concerned and/or interested by the issues and expected results.

Workshop for main stakeholders which presented the situation analysis and the themes, objectives, expected results and methodology. The working groups will tackle the following issues:

- Gender equality and women's representation in decision-making positions in public and private life;
- Gender Based Violence;
- Reflections on the Istanbul Ministerial Conference in terms of how to improve reporting and monitoring.

2. Part I: Overall context on Human Rights of women and gender equality

2.1 Women's role and participation in decision-making

2.1.1 Overall situation

Public sphere

Women's representation in decision-making positions have generally increased within the public sphere, including the political system, legal system, judicial system, public corporations, general labor market and military.

Political System

There is a dearth of women in the political system; however, the situation has slightly improved. Today, 22 out of the 120 members of the 18th Knesset are female. In 2004, 18 out of the 120 members elected to the Knesset were female.⁴ The current Knesset has the highest number of women ever elected to the Knesset.

Women's representation within the 18th Knesset (current Parliament), as compared to the 16th Knesset, has undergone mixed changes. Women's representation within the Knesset Committee remained unchanged at 20 percent, in the Finance Committee decreased from 25 percent to 18 percent, in the Economic Affairs Committee decreased from 16 percent to zero percent, in the Foreign Affairs and Defence Committee remained the same at 6 percent, in the Internal Affairs and Environmental Committee remained the same at 16 percent and in the Constitution Law and Justice Committee decreased from 50 percent to 8.3 percent (Knesset 2008).⁵

Changes in female representation within the six highest ranks in the most prominent government ministries have been mixed. Between 2005 and 2007, the percentage of women within the Prime Minister's office increased from 52 to 54 percent; within the Finance Ministry increased from 52 to 53 percent; within the Industry, Trade and Labor Ministry (ITL) remained unchanged at 59 percent; within the Interior Ministry remained unchanged at 55 percent; within the Justice Ministry remained unchanged at 70 percent; and within the Public Security Ministry decreased from 56 to 53 percent.⁶

In 2007, there were six women mayors out of the 253 who headed Jewish local authorities; 13.2 percent of all publicly elected local officials, or 385 out of 2934, in Jewish local authorities were women. Within Arab local authorities, 0.5 percent of publicly elected officials were women.⁷ In 2008, of Jewish local authority employees, 60 percent are women, although only four percent work in senior positions.

Legislative System

⁴ Current Knesset Members: Women Knesset Members. Knesset website. 2009. http://www.knesset.gov.il/mk/eng/mkindex_current_eng.asp?view=3.

⁵ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

⁶ Ibid.

⁷ Ibid.

Female and male lawyers are equally represented within the public sphere.⁸ Between 2004 and 2008, the number of women in the offices of the State Attorney and the Attorney General increased by 0.8 percentage points (from 67.2 to 68 percent) and in the public defenders office by 0.5 percentage points (from 68.7 to 69.2 percent); legal interns increased by two percentage points (from 62.6 to 64.6 percent). The number of female legal advisors in the Ministry of Justice decreased slightly from 66.8 in 2004 to 66.2 percent in 2008.

Judiciary System

Women's participation in the judiciary has slightly increased across the majority of positions. Women judges compose 49.8 percent of all judges in 2008, as opposed to 48.3 percent in 2004. The presence of female district court judges has increased by 2.7 percentage points (from 41.3 to 44 percent), magistrate court judges have increased by 1.8 percentage points (from 48.7 to 50.5 percent), registrars have increased from 56.9 to 58.5 percent and public representatives in the labor court increased from 14.8 to 18.9 percent. The number of female justices on the Supreme Court increased from 30 percent (from six out of fifteen) in 2004, to 40 percent (five out of thirteen) in 2008. Also, note that the current President of the Supreme Court, Mrs. Dorit Beinisch, is a woman. The number of professional labor judges remains unchanged.⁹

Government Corporations

Women's representation in government corporations has increased. Females on board of directors in government corporations increased from 33.5 percent in February 2007¹⁰ to 43 percent in August 2009.¹¹ One woman is serving as head of a board of directors and four women are serving as CEO's of governmental corporations.

Military

The Israeli Defense Force (IDF) has opened up many positions to women that were once closed. Today, women are able to serve in 88 percent of all military positions, as compared to 73 percent, 10 years ago. Currently, 12 combat positions are open to women. As of May 2008, women represented three percent of all combat soldiers. In 2008, women comprised 34 percent of all soldiers in compulsory service and 41.7 percent of compulsory service officers, 21 percent of career service officers and 10 percent of officers in senior ranks. Among women officers, 21 percent are First Lieutenants, 25 percent are Captains, 23 percent are Majors, 12 percent are Lieutenant Colonels and 4 percent are Colonels and above.¹²

Private sphere

General Labor Market

⁸ Israeli Bar Association website. <http://www.israelbar.org.il/index.asp>.

⁹ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

¹⁰ Ibid.

¹¹ E-mail correspondence with the Ministry of Justice on September 13, 2009.

¹² 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

Today, women account for half of the workforce (1,275,300 out of 2,740,100). In 2007, 88.2 percent of men and 66.3 percent of women worked full time; 71 percent of all part time workers are women (453,400 out of 634,700).¹³ Women earn, on average, 60.4 percent of men's salaries per month and 79 percent of men's salaries per hour.¹⁴

Women maintain their considerable representation in “feminine professions,” with the highest percentages of women employees in the education, health services, welfare and social work.

In 2005, women represented 26 percent of all managerial positions in the workforce (36,900 out of 142,500). In 2007, women represented 30 percent of all managerial positions (44,900 out of 147,300). In 2007, women represented 11 percent of all director generals and chief executives and 36 percent of senior managers.¹⁵

Integrating Women in Peace Making Efforts

Founded in 2005, the International Women’s Commission is an organization composed of Israelis, Palestinians and international women dedicated towards securing a peace agreement between Israelis and Palestinians. The Commission’s objectives are to “insert a gendered perspective, voice, and experience into the peace process” through, among other things, the participation of women in Israeli-Palestinian negotiations and the incorporation of gender equality into any future resolution.¹⁶ The International Women’s Commission works on implementation of the UN Security Council Resolution 1325 in Israel and Palestine.

The Women’s Coalition for Peace, an umbrella organization consisting of ten women’s organizations, leads the feminist grassroots-level work in the peace movement. The Coalition’s main objectives are to end the occupation, to achieve the full involvement of women in peace negotiations and to bring an end to the militaristic nature of Israeli society.

2.1.2 Ratification/ accession to International Conventions and treaties

Israel became a signatory to CEDAW on July 17 1980 and ratified CEDAW on October 3, 1991. Israel has not signed or ratified the Optional Protocol to CEDAW.

Israel became a signatory in 2001 to both the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Israel ratified both treaties in 2008.

2.1.3 National policies, programmes and strategies (women/gender)

The efforts made to realize the human rights of women consist of work done by all levels of government, NGOs, and civil agencies/bodies. A governmental body

¹³ Ibid.

¹⁴ Income Survey. Central Bureau of Statistics. 2007.

¹⁵ Statistical Abstract of Israel. No. 59. 2008.

¹⁶ International Women's Commission. <http://www.iwc-peace.org/>.

responsible for gender, the Authority for the Advancement of the Status of Women (AASW), is situated within the PM's office. The AASW primarily functions to launch awareness/educational campaigns and training courses on gender-related issues.

Below are the most noteworthy developments, not connected to the legislature, that have taken place in the last five years to advance women's rights.

Workplace

The Equal Employment Opportunities Commission (EEOC) was established within the Ministry of the ITL in 2006 and started operating in 2007. The Commission is responsible for the promotion, implementation and enforcement of laws and statutory provisions relating to the workplace through "fostering public awareness through education, training and information; encouraging programs and activities; cooperation with relevant persons and bodies; conducting research and gathering information; intervention, with the court's approval in ongoing legal proceedings; handling complaints regarding the violation of equal employment legislation; submission of requests for general orders; and instructing employers to take general measures regarding all or part of their workforce or employment applicants [...]."¹⁷In 2008, the EEOC filed its first complaint against a maternity clothing chain that refused to employ a pregnant woman at one of its stores. The EEOC requested that the Court instate an affirmative action policy towards pregnant woman for the company, seeing as the company made a profit from selling its merchandise to pregnant women.

A notable development is the creation of a statement-of-intention agreement, by NAAMAT (Pioneer Women), signed on April 17th 2007 by the Chair of the New Histadrut (or The General Federation of Labor, the largest national labor union in Israel), The Chair of the Coordinating Bureau of Economic Organizations, the Chair of the Labor Committee within the Coordinating Bureau of Economic Organizations and the President of NAAMAT. The agreement stipulates that employers should carry out ten family- and women-friendly measures including: to respect the rights of mothers and fathers such that they are able to balance the number of hours spent at work and in the home, to hire and promote qualified women, to lobby the government for increased public expenditures on day care services, to allow mothers to work from home if suitable to the task required of them, to provide women with at least 48 hours advance notice for meetings scheduled after normal business hours and to reduce the gender wage differential. This represents a step in the right direction; however it is only a declarative statement, not a plan of action.

Gender Responsive Budgeting (GRB)

As part of its National Budget Analysis Program, the Adva Centre (a policy analysis institute) analyzes the budget in terms of how it affects women. The most recent version of its annual budget report, "The National Budget and Budget Arrangements Law for Fiscal Years 2009 and 2010," analyzes the gender implications of changes to the revenue stream (income and corporate tax structures) and the expenditure stream (allocations to the Ministries of Health, Education, ITL, Welfare and Social Services). The project also includes a training dimension where Knesset, local officials and civil society organizations are taught how to collect data on women's local needs,

¹⁷ Ibid.

understand budgets and analyze budgets from a gender perspective. The Adva Centre also created the Women's Budget Forum (WBF), an umbrella organization composed of 32 different women's and human right's groups, that works on GRB. The WBF led the fight against the imposition of a health care tax on housewives (defined as women with no earned income) and succeeded in overturning this proposal in both 2007 and 2008. The WBF's advocacy work led to the passing of two laws mentioned later in this report, one mandating the disaggregation of gender data collected by public agencies and the other (declarative only) requiring a gender analysis of all legislation.

Leadership Training

Many NGOs are engaged in national and local leadership training for women, including WIZO, the Israel Women's Network (IWN), Economic Empowerment for Women, Koach Le'nashim, Isha Le'isha, JDC, and NAAMAT. Leadership courses are offered to women and teenage girls in the hopes that these women will enter the political sphere, expand the representation of women in politics and thus mainstream women into the public sphere.

2.1.4 General legal framework for the protection of Human Rights of women

The Knesset Committee for the Promotion of the Status of Women is the committee responsible for advancing women's issues within the legislature. The Committee has helped move important gender-sensitive legislation, sponsored hearings on gender responsive budgeting, initiated special parliamentary sessions on women-related issues and invited the PM, at the AASW's initiative, to learn about issues related to sexual abuse and prostitution. Unfortunately, the committee head changes quite often, due to unstable governments, which has a negative effect on the coherence of its work.

Below are the most noteworthy legislative changes to advance women's rights that have taken place in the last five years.

Gender Mainstreaming

In November 2007, Israel passed the *Law on the Implications of Gender in Legislation 5767-2007*. This law is a key gender mainstreaming tool which stipulates that all bills that come through the Knesset must be analyzed in terms of gender before they are passed. Most policies affect men and women differently because of the different positions, roles and types of access to power that men and women have in society. The AASW was assigned the task of preparing this analysis. However, the AASW does not have the resources or manpower to feasibly carry out this task. This type of analysis should also be mainstreamed into all government offices, with separate budgets allocated specifically to the task.

In 2008, an amendment to the Statistics Ordinance was passed. It requires that all statistics released by the Central Bureau of Statistics (CBS) be disaggregated according to gender. An amendment to the *Equal Rights for Women Law 5711-1951* was passed which requires that all public bodies that collect, process and publish data include data stratified according to gender.

Workplace: Gender Mainstreaming

Corporations Law 5759-1999 states that if all members of the board of directors of a public corporation are of the same gender, the next appointment of an outside director must be someone of the opposite gender. In 2007, data revealed that 165 out of 754 public corporations still had all male board of directors and did not adhere to this law.¹⁸

Thus, Government Resolution No. 1362 was passed in 2007 requiring government ministers to appoint women to director positions in government corporations until an equal representation of men and women has been achieved. This target was to be achieved within two years of the passage of the resolution. This resolution resulted in a significant increase in women directors' representation in government corporations (which increased to 43 percent in August 2009).¹⁹

Workplace: Pregnancy and Maternity Protections

In 2007, twelve amendments were added to the *Employment of Women Law* that strengthen pregnancy and maternity protections for women in the workplace.

The most noteworthy change to the *Women's Employment Law* is Amendment no. 37, which extends maternity leave from 12 to 14 weeks. The rest of the amendments, amendments 34 through 43, represent fine-tunings to existing laws. Amendment no. 33 extends the period immediately following maternity leave, during which it is illegal to dismiss a women, from 45 to 60 days. Amendment no. 34 builds upon an existing law that stipulates that maternity leave for women who were hospitalized for at least two consecutive weeks following labor, will be extended in an amount equal to the length of time in which they were hospitalized, for a period of up to four weeks. The new amendment states that this extended maternity leave is applicable even if the minimum two-week period of hospitalization is not consecutive. Amendment no. 35 strengthens the law against employers who dismiss a pregnant women because she is pregnant, a woman on maternity leave, a woman staying in a shelter for battered women, or an employee undergoing fertility treatment. The amendment increases the maximum punishment for violation from one month to six months, increases the fine to NIS 134,600 and extends the period of limitation to five years. Amendment no. 36 extends the period of time during which an employer cannot legally dismiss an employee after being absent from work due to her stay in a shelter for battered women from 60 to 90 days. Amendment no. 42 says that for the four months following maternity leave, an employer cannot require a woman to work after normal business hours or on weekends. Amendment no. 44 allows a woman to take unpaid vacation leave following her maternity leave on the condition that she worked for at least 12 months before she began maternity leave (previously it was 24 months).²⁰

A number of court cases concerning the rights of pregnant women within the workplace have been decided. *Ayenalem Ababito v. ISS Ashmoret Company Ltd.* was brought by a pregnant woman against her previous employer for allegedly dismissing her from work once they discovered she was 7 months pregnant. The Jerusalem District Labor Court ruled on August 2006 that her employer had, in fact, illegally

¹⁸ Ibid.

¹⁹ E-mail correspondence with the Ministry of Justice on September 13, 2009.

²⁰ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

dismissed her and ordered the company to pay her NIS 300,000 compensation for the loss of earnings, loss of maternity allowance and mental anguish.²¹

The *Equal Employment Opportunity Law* was amended in 2007 to expand the prohibitions surrounding discrimination against employees who are involved in "pre-parenting related" situations. The law covers issues relating to hiring, dismissals and work conditions and relates to situations of fertility treatments and in vitro fertilization.

Child Care Services

In February 2007, government resolution no. 1134 entitled "Steps for Reducing Social Gaps and Increasing the Participation in the Labor Force," added to the budget an additional NIS 67 million each year from 2008 through 2010 to be dedicated towards day care centre services for children up to three years old and the provision of lunches for children less than six years old. Thus, an additional 67 million NIS was allocated in 2008, NIS 134 million was allocated in 2009 and NIS 200 million will be allocated in 2010.²² The additional funding is earmarked for three purposes: lowering the cost of childcare through increased subsidy payments, subsidizing afternoon child care facilities (previously not eligible for funding by the Ministry of ITL) and improving service by elongating day care operating hours according to parental needs. An additional NIS 50 million has been allocated towards the construction of new day care centers. Finance Minister Steinitz stated that day care was made a key element of the 2009/2010 budgets in order to facilitate the reintegration of women with small children back into the workforce.²³

Personal Status Matters: Marriage and Divorce

Jewish Women

In Israel, personal status matters are governed mainly by the religious courts. According to Jewish religious law, both spouses must consent to a divorce before the religious courts can legally cancel the marriage. As a result, some men refuse to grant their wives a divorce unless the woman agrees to forgo her fair share of property. The *Division of Property between Spouses Law 5733-1973* was amended in 2008 to allow for the division of property in either a Family Civil Court or Rabbinical Court before divorce proceedings. The amendment protects women in Israel from blackmail by their husbands during divorce proceedings.

Jewish women who are denied divorces from their husbands are called "agunot" or chained women because they are unable to remarry until their husbands give their consent, which could potentially take decades. Particularly for a religious woman, being denied a divorce does not allow the woman to enter into other relationships and begin a new family, damages her social standing in the community and is degrading on a personal level. According to a survey conducted at Bar-Ilan University in 2005, of all women who requested divorces from their husbands, 19 percent were denied a divorce at a particular stage in the divorce proceedings, 7 percent dropped the divorce proceedings because their husbands refused to consent to the divorce, and 16 percent

²¹ Ibid.

²² Ibid.

²³ Lavi, Zvi. Knesset Committee Approves Amended "Nanny Law." Ynetnews.com. July 2009. <http://www.ynet.co.il/english/articles/0,7340,L-3745505,00.html>.

were blackmailed by their husbands to relinquish their fair share of property, alimony payments or childcare payments in return for consent in divorce.²⁴

There were only few protections in place to protect chained women until 2007 when the *Rabbinical Courts Law* was amended to expand the means of enforcement that the Rabbinical Court can leverage against men who refuse to grant their wives divorces. Amendment no. 6 gives the Rabbinical Court, in certain circumstances, the power to foreclose on property (real estate and personal effects) and withhold pensions or other financial allowances until the husband agrees to give his consent in divorce. Having said this, the husband still must consent to the divorce before the divorce is finalized.

Muslim and Christian Women

According to Sha'aria (Muslim) law, while both men and women are able to file for divorce, the court decides whether or not to grant it based on recommendations from mediators selected by both parties. The court also decides whether the woman receives the Mohair (the pre-determined amount of money given to the wife following a divorce) based on the reason for divorce, as well as her behavior leading up to the divorce. It is generally easier for the husband to divorce his wife than for the wife to divorce her husband; this imbalance is manifested in many ways.

Regarding Catholic and Greek Orthodox women, only the Greek Orthodox religion allows for divorce; however, the conditions that would permit a divorce are very stringent. For example, a Greek Orthodox woman can only divorce if she is subject to life-threatening domestic violence.

Personal Status Matters: Same-Sex Couples

In 2006, a landmark decision was handed down by the Supreme Court which allows same-sex couples who have been legally married abroad to have their marriages registered with the Ministry of the Interior. The decision came after five same-sex couples, married abroad, petitioned the Supreme Court after the Ministry of the Interior refused to recognize their wedding certificates.

In 2007, the Haifa Labor Court determined that the surviving partner of a lesbian couple should be classified as an "insured widow" rather than an "insured widower." Classification of the surviving partner as a female widow, rather than a male widow, entitled her to receive 40 percent of her partners survivor's pension, rather than only 20 percent. The "justification for the preference of female widows exists because it narrows the existing gap between men and women" in terms of income inequality.²⁵

2.1.5 State's initiatives to promote awareness on Human Rights instruments

The AASW is primarily tasked with launching awareness and educational campaigns throughout Israel. The AASW has launched many awareness campaigns over the past four years. The full list of campaigns are too numerous to describe here, but below are some noteworthy examples.

²⁴ Women who are Refused Gets. Rackman Centre for the Advancement of the Status of Women. Bar Ilan University. March 23, 2005.

²⁵ La.C. (Haifa) 1758/06 Moyal-Lefler v. Mivtachim.

In 2008, the AASW launched a website with information relating to the advancement of the status of women in Israel. The website contains statistical data, relevant legislation and activities taking place that involve women-related topics. The AASW offers training courses and professional guidance to government ministry and local advisors on the status of women. The AASW also holds an annual conference for advisors and distributes updated materials to the graduates of these courses.

In 2007, the AASW, together with the Ministry of ITL, launched a campaign about proper workplace practices. During the campaign, a booklet was distributed on sexual harassment within the workplace, which included data on the appropriate implementation of relevant laws.

In 2007, the Ministry of Education, together with the AASW, held ten one-day seminars for school principals on how to encourage girls to excel in mathematics and exact sciences; 1,500 school principals attended. In 2005, the Ministry of Education launched a program to encourage equal opportunities for boys and girls that was implemented in 60 high schools (both Jewish and Arab) and involved more than 2,500 students.²⁶

²⁶ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

2.2 Gender based violence

2.2.1 National efforts to address GBV

An updated ranking of the level of international gender-related violence by country was published by the OECD in 2008. As compared to the other 15 countries within the Euro-Mediterranean partnership, Israel has the least amount of violence against women and female genital mutilation.²⁷

Follows a description of the national context of GBV in Israel, as illustrated by descriptions and statistical data on the prevalence of sex-related crimes (trafficking in women, prostitution, early marriage and sexual harassment) and gender-related crimes (domestic violence and killings in the name of “family honor”).

Sex-related Crimes: Trafficking in Women

The United States Department of State's Trafficking in Persons Report, published in June 2009, ranks countries according to their level of compliance with the Trafficking Victims Protection Act's (TVPA) minimum standards for combating human trafficking. For the eighth year in a row, Israel was ranked in Tier 2. Tier 2 are classified as countries "whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards." In 2006, Israel was temporarily downgraded to the Tier 2 Watch List. The Watch List is for those countries:

"whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year."²⁸

Israel is a destination country for trafficking in women. Women from Eastern Europe and Asia are illegally smuggled into Israel through organized crime groups across the Egyptian border and forced into prostitution. Trafficking in women became a wide phenomenon after the wave of immigration from Russia to Israel in the early 1990s. Trafficking in women peaked in the early 2000's. In 2005, a Knesset inquiry, presented by MK Zehava Galon, estimated that between 3,000 and 5,000 women had been smuggled into Israel. The inquiry found that many women endured physical and sexual abuse as they were smuggled across the border, sold at auctions for as much as \$10,000, made to work up to 18 hours a day and pocketed only a very small fraction of the money they earned.²⁹

Trafficking in women has since decreased due to government action. In 2006, a new Parliamentary Committee of Inquiry on the Trafficking in Women was created, the police conducted a wave of raids on brothels in Tel Aviv, prosecutions of traffickers

²⁷ Gender, Institutions and Development (GID) Database. OECD. 2009. http://www.oecd.org/document/16/0,3343,en_2649_33731_39323280_1_1_1_1,00.html

²⁸ Trafficking in Persons Report. US Department of State. June 2009.

²⁹ Ibid.

increased and courts began to increasingly award damages to the victims of trafficking paid by the traffickers themselves. As a result of these efforts, the police reported that the number of trafficking victims in 2008 had decreased from several thousand to several hundred. Having said this, many women's rights organizations suspect that current police estimates are optimistic.

Sex-related Crime: Early Marriage

The minimum legal marriage age for both sexes in Israel is 17, one year lower than many other countries (established in 1950 with the Marriage Age Act). Under certain circumstances, with the permission of the Family Court, a girl or boy can be married as early as 16.

Underage marriage still takes place within the groups of Arabs, ultra-orthodox Jews and Jews originating from Georgia. In 2006, 1,500 girls were married before reaching the age of 18. Of these 1,500 girls, 78 percent were Muslim, 16 percent were Jews, 0.7 percent were Christians and 4.7 percent were Druze. In 2005, 30 requests to approve the marriage of minors were submitted to the Family Matters Court; 17 requests were approved. Between 2000 and 2006, 41 complaints regarding the marriage of minors were filed; however none were prosecuted. According to the CBS, 40 percent of all married Arab women were married before the age of 19.³⁰

The median marriage age for women in Israel increased between 2004 and 2006, across all religious groups. The median age for Jewish women increased from 25.6 to 25.7, for Muslim women from 20.6 to 20.8, for Christian women from 20.6 to 20.8 and for Druze women from 20.9 to 21.5. The average age of marriage for a women in 2006 was 26.6 for Jews, 22.3 for Muslims, 24.7 for Christians and 22.9 for Druze.³¹

Sex-related Crimes: Sexual Harassment

Sexual harassment complaints to the police increased from 141 in 2005 to 199 in 2008 (between January and October). In 2007, a total of 210 sexual harassment files were opened by the police; 47 were processed by the Police Prosecution/Attorney General office, and 136 were closed because the offender was unknown or due to a lack of evidence or "public interest." As compared to 2005, this represents a small increase; however a much larger percentage of cases were prosecuted (from 5.6 to 22.3 percent).³²

Gender-related Crime: Domestic Violence

The number of investigations opened by the police between January and October for domestic violence decreased from 14,748 in 2007 to 12,777 in 2008. However, the number of police arrests has increased (from 3,467 in 2007 to 3,679 in 2008), as have indictments (from 3,880 in 2006 to 4,949 in 2008). Approximately one-fourth of domestic violence complaints were filed by new immigrants.³³

³⁰ Table 3.7: Persons Marrying, By Age, Previous Marital Status and Religion. Statistical Abstract of Israel. Central Bureau of Statistics, 2006.

³¹ Table 3.6: Median and Mean Marriage Age, by Previous Martial Status and Religion. Statistical Abstract of Israel. Central Bureau of Statistics. 2008.

³² Veeshblai, Eti. Violence Against Women – Data for 2008. The Knesset Research and Information Centre. November 2008.

³³ Ibid.

The number of women murdered by their husbands was recorded as 11 in 2005, 13 in 2006, 13 in 2007 and 10 in 2008.³⁴

Gender-related Crime: Killings in the Name of "Family Honor"

Within the Arab population in Israel proper, the number of reported killings in the name of "family honor" has continuously decreased. There were seven reported in 2005, six in 2006, one in 2007 and one in 2008.³⁵ Assiwar Feminist Organization estimates that the actual number is much higher; many women whose deaths are suspicious, yet labeled death by suicide or accident, are murdered in the name of "family honor."

2.2.2 National policies, programmes and strategies (GBV)

Below are the most noteworthy national policies, programmes and strategies aimed at decreasing GBV. Most advances are related to trafficking, as curbing trafficking in women was considered a top priority. This was due, in part, to the elevation of the importance of GBV on the international stage, which generally brought more attention to the matter and undoubtedly influenced Israel's policy decisions, along with the intense activity of NGOs.

Trafficking in Women

The *Law Against Human Trafficking*, passed in 2006, applies a broad trafficking crime to such offences as prostitution, sexual crimes, slavery or forced labor, the removal of organs and pornography. This law builds upon the first anti-trafficking legislative effort, an amendment to the Penal Law in 2000 that for the first time made human trafficking a crime. The law prescribes a punishment for violators: up to 16 years imprisonment for trafficking in women of an adult and up to 20 years for trafficking in women of a child. An interministerial coordinator was appointed to oversee the implementation of this law. Many NGOs maintain that, despite stringent punishments, in practice, human traffickers still receive insufficient penalties.

The *Law Against Human Trafficking* also established a fund to hold the fines paid and confiscated property of convicted traffickers. At least 50 percent of the money within the fund each year is to be distributed to the victims of trafficking. The fund is slated to begin operating in 2009/2010.

In 2006, the Knesset passed Amendment no. 91 to the *Penal Law*, which states that the minimum punishment for human trafficking offences will be at least 25 percent of the maximum punishment that can be imposed.

In 2007, the *Courts (Fees) Regulations 5767-2007* exempted the victims of trafficking and slavery from the payment of court fees in order to expedite trials for those granted legal aid. In addition, in 2008, Amendment no. 9 to the *Legal Aid Law 5769-2008* was passed requiring that the state provide free legal services to all victims of human trafficking and slavery.

³⁴ Ibid.

³⁵ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

In 2008, the Ministry of the Interior published guidelines for the granting of temporary visas to trafficking victims. Within the year, 27 visa extensions were issued for trafficking in women victims.³⁶

The Maagan shelter, established in 2004, remains the only shelter for trafficking in women victims in Israel. The shelter is a multidisciplinary centre that provides psycho-social, psychological, medical and legal services. The shelter offers treatment to victims regardless of whether they agree to testify in trafficking cases. The shelter has a capacity of 50 victims. The number of trafficking in women victims directed to the shelter per year decreased, from 46 in 2006 to 34 in 2007 to 12 in 2008.³⁷

Sexual Abuse and Assault

The Ministry of Education allocated NIS 250,000 per year since 2005, or NIS 1,000,000 in total, for the treatment of child victims of sexual assault. This sum was divided between 22 local education systems. In 2007, the Ministry of Education allocated an additional NIS 180,000 to this program.³⁸

In 2007, Amendment 4 was added to the *Limitation Law 5718-1958* which extends the statute of limitations on civil suits concerning the sexual assault or abuse of minors. The amendment relates to a "civil suit concerning sexual assault of a minor, or child abuse by a family member or a person responsible for the child, as well as the sexual assault of a person between the ages of 18 and 21, while exploiting relations of dependence, authority, trust or treatment, or if the sexual assault was committed by a family member."³⁹ According to the law, the statute of limitations will not begin until the victim reaches the age of 28.

Prostitution

The *Limiting Use of Premises in order to Prevent the Commission of Crime Law 5765-2005* gives the police the authority to close down brothels; 107 brothels were closed in the first two years following passage of the law. Between January and November of 2008, 50 brothels were closed and 78 suspects were arrested on suspicion of trafficking in women or related offences.⁴⁰ However, hundreds of brothels still operate within Israel as legitimate tax-paying businesses by posing as either health or massage clinics.

In 2007, the PM's office allocated NIS 10 million to fund an inter-ministerial plan (between the Ministry of Welfare, Ministry of Education, Ministry of Health and the AASW) for the rehabilitation and treatment of women and girls engaged in prostitution. The plan is composed of several elements. Measures include "a national hotline to provide initial relief for these women's distress, mobile health clinics and emergency apartments to provide women engaged in prostitution with temporary shelter; treatment and rehabilitation centers; reinforcing existing programs; initiating preventative and educational campaigns for youth as well as the general public; training professionals and volunteers; initiating required legislation; conducting

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

relevant surveys and research."⁴¹ The plan has been implemented in Tel Aviv and Haifa. In 2008, an emergency apartment and treatment centre opened in Haifa; 40 women currently receive treatment through this plan.

Rape and Domestic Violence

NGOs were the first actors to raise the issues of rape and domestic violence and they remain the most active in service provision. The government partially funds both the rape crisis centers and the NGO-operated shelters for battered women.

Rape

The number of "Rape by Force or Threat" accusations filed with the police decreased from 686 (between January and October) in 2005 to 614 in 2008. However, as everywhere else, relatively few rape crisis victims file complaints.

According to the Association of Rape Crisis Centers in Israel, 2,796 calls were received from victims of rape, attempted rape and statutory rape at rape crisis centers in Israel throughout 2007. This represents a slight decrease from 2006, where the number of calls totaled 2,968.

In 2008, the three new rape crisis centers opened, with government support.⁴²

Domestic Violence

The *Prevention of Violence in the Family Law* was amended in 2008 to prohibit a court of law from rejecting a request for a protection order in connection with a domestic violence suit or a restraining order in a harassment suit until the petitioner is allowed to make her case in court.

Thirteen shelters for battered women, two of them for Arab women, are run by NGOs supported by the government. In addition, there are centers for the treatment and prevention of violence against women run by the Ministry of Welfare and Social Affairs. Between 2007 and 2008, two new were opened (increasing total number of centers to 66). The centers provide families with group therapy and personal empowerment activities; 17 service the Arab population, one services the Bedouin population and two service the ultra-orthodox Jewish population. In 2007, 10,000 people were treated within these centers, 6,649 of whom were women.⁴³

Sex Offender Supervision

In 2006, the Knesset enacted the *Public Protection of Sex Offenders Law*. The law imposes certain restrictions upon sex offenders after their release (which may include limiting permissible workplaces and places of residence), established a sex-offender registry to better track and monitor the whereabouts of released offenders, and created a special supervision unit to supervise offenders immediately following their release. The law also motivated the launch of a new division within the Israeli Prison Service (IPS) called the Division for the Supervision of Sex Offenders. The division is currently executing 220 supervision orders issued by the District and Magistrate Courts. While this represents a step in the right direction, many women's

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

organizations maintain that the legal system still exercises leniency with sex offenders by sentencing offenders to short prison sentences and by granting early releases.

Witness Protection

In 2008, the *Witness Protection Law 5769-2008* went into effect. The law provides extra protections for persons that cooperate with the police and also face a high risk of danger. Witnesses accepted into the program may be required to adopt a new identity and place of residence (either domestic or foreign).

2.2.3 Other related initiatives and interventions

The AASW reported its top three priorities as: (1) to improve the enforcement of existing legislation to decrease the gap between the sophistication of the body of legislation and the low level of enforcement, (2) to improve the equality in opportunities afforded to women in the workplace (i.e. equal wages, more day care centers, encouragement of female entrepreneurs, improvement of a work-life balance for mothers and equally split parenthood responsibilities) and (3) to raise awareness about GRB (i.e. domestic violence, sexual assault, prostitution, trafficking in women and sexual harassment).

Many Jewish NGOs are focusing on: (1) women in the workplace (creating a healthy work-life balance, increasing the number of day care centers to allow mothers to return to work, decreasing the wage differential between men and women, decreasing deleterious labor practices, and encouraging women's leadership/entrepreneurship), (2) decreasing violence against women and (3) the secularization of marriage and divorce proceedings.

Many Arab NGOs are focusing on: (1) better enforcement of minimum wage labor laws, (2) increasing workplace opportunities through job creation, (3) the implementation of public transportation systems within Arab localities to enhance the mobility of Arab women and, thus, allow them to commute to areas where there are jobs, (4) decreasing early marriage and (5) fighting polygamy.

2.2.4 State's initiatives to promote awareness on incidence of GBV

With respect to state-sponsored awareness programs dealing with gender-based violence, the largest number of campaigns have dealt with human trafficking.

Trafficking in Women

The National Coordinator for Anti-Trafficking Efforts provides lectures on trafficking to the military, government officials, students and social workers. The AASW, the Ministry of Education, the State Attorney's Office and the Ministry of Justice's Legal Aid Branch organize seminars, conferences and lectures about trafficking prevention.

In 2007, the Ministry of Justice held a seminar for all the lawyers in its Legal Aid Department to familiarize them with the 2006 amendments to the Anti Trafficking Law.

The Ministry of Education prepared and distributed an informational pamphlet on trafficking in women and prostitution to secondary school teachers. The pamphlet includes information on the "prostitution and trafficking in women in general and in Israel, in particular the 'clients' and victims of the 'sex industry,' legislation, enforcement and other measures of combating trafficking and prostitution, educational

activities and lesson plans regarding these issues, methods to raise parents' and the communities' awareness and involvement, as well as information on the various bodies and organizations dealing with these issues within the education system."⁴⁴ In 2008, the Ministry of Education also held a conference on labor and trafficking in women.

The Ministry of Foreign Affairs launched an awareness campaign on human trafficking within countries of origin in human trafficking to Israel. The campaign is conducted in cooperation with foreign countries, as well as with both domestic and foreign NGOs.

⁴⁴ Ibid.

3. Part II: CEDAW and Istanbul Conclusions

3.1 CEDAW Reservations

Upon ratifying CEDAW, Israel entered two reservations to two separate articles within CEDAW, Article 7(b) and 16(2). The reservation to Article 7(b) reads: "The State of Israel hereby expresses its reservation with regard to article 7(b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspects of public life." The reservation to Article 16 reads: "The State of Israel hereby expresses its reservation with regard to article 16 of the Convention, to the extent that the laws on personal status which are binding on the various religious communities in Israel do not conform with the provisions of that article."⁴⁵

As of 2009, Israel has not withdrawn these reservations. Reservation to Article 7(b) was entered because, according to Jewish law, women are not qualified to give evidence in religious court and cannot be appointed as judges in religious courts. Reservation to Article 16(2) was entered because certain personal status matters, such as marriage and divorce, are currently exclusively governed by the religious courts.

These reservations stem from political concessions to the religious (Jewish) political parties enshrined in a historical agreement termed the "status quo." The "status quo" makes Saturday the day of rest, stipulates that every institutional kitchen needs to observe Jewish dietary laws, grants Rabbinical courts jurisdiction over personal status matters and preserves the separateness and autonomy of the religious school system.

3.2 Implementation of CEDAW

The limitations to equal rights include: weak state enforcement of legislation, the exclusive jurisdiction of the religious courts over marriage and divorce, the lack of mainstreaming in government programming and gender responsive budgeting, restrictions on abortion, the glass ceiling in the military, the structure of political opportunities, the deterioration of labor conditions and the structural obstacles to the workforce participation of Arab women.

3.3 Obstacles to non-discrimination and to equal participation of women

The potential risk of advancing women's rights is a potential backlash from religious communities and their political parties because the advancement of women's rights in personal status matters requires curbing religious influence over marriage and divorce proceedings. Because the religious political parties now have a large number of seats in the Knesset, secularization of personal status matters in the near future is very unlikely.

⁴⁵ Declaration, Reservations and Objections to CEDAW. United Nations Development Fund for Women (UNIFEM). <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

3.4 Publicity and dissemination of CEDAW report

CEDAW is publicly accessible in Hebrew, Arabic and English on the MoJ's website. Every periodic report on CEDAW and concluding comments are also available on the MoJ's website.

The Istanbul Ministerial Conclusions are not available on the MoJ's website.

There have been no publicity/media campaigns for either CEDAW or the Istanbul Ministerial Conclusions.

3.5 Role of the NGOs in the preparation of the reports

According to the MoJ, during the writing of the state's Fifth periodic CEDAW Report 2006 to the EU, 26 women's rights and human rights NGOs were invited to submit comments to the MoJ prior to the compilation of the report, both through direct application and a general invitation to submit remarks posted on the MoJ's website. However, the MoJ received responses from only a few NGOs. Assaf Radzyner, the head of the Department of International Agreements and Litigation at the Ministry of Justice, stated that NGO contributions were given "substantial consideration."⁴⁶ He also stated that the MoJ checks NGO websites for reports and data about women's issues that are used to inform the report.

After the writing of the report, the MoJ, as a policy, does not send the draft report for comments from NGOs.

There have been two shadow reports submitted since the beginning of 2005. The first, submitted in March 2005, was prepared by the Israel Women's Network (IWN) for the United Nations. The report was titled "We Keep Running, But are we getting somewhere else? Israeli Women in 2005." The IWN consulted the AASW as well as NGOs in the preparation of the report. The second shadow report was submitted in January 2005 by the Working Group on the Status of Palestinian Women Citizens of Israel (an umbrella organization for six Palestinian feminist organizations). The report was submitted to the pre-session task force of the UN Committee on the Elimination of All Forms of Discrimination Against Women on Israel's Implementation of CEDAW. The Working Group decided to submit the report because of a shortage of information on Palestinian women in the state report on the implementation of CEDAW.

3.6 National efforts to implement the Istanbul Framework of Action

There are many crosscutting dimensions of both frameworks with respect to discrimination, political and civil rights, social and economic rights, cultural rights, and representation within the communications/media arena. To strengthen the power of the Istanbul Ministerial Conclusions, a more rigorous and broad awareness campaign needs to be carried out internationally such that all state and non-state actors,

⁴⁶ From comments submitted to Adva from the Ministry of Justice via e-mail on September 13, 2009.

particularly within the gender field, are aware of the provisions and actions expected of them. In addition, standardizing the years which states are required to publish and submit progress reports, as required by the Istanbul Ministerial Conclusions, allows for more accurate comparative studies between countries. With these results it will be easier to pinpoint whether conflating international factors are at play within the politics of individual member states.

To foster an environment that is more conducive to the realization of women's rights, the government should undertake the following recommended actions.

1. Strengthen Enforcement

Legislation regarding women rights and status in society is sophisticated; however enforcement of existing legislation is weak, especially in the secondary labor market. There is recognition within Israel that enforcement is weak. Sanctions should be added to all pieces of legislation regarding women's issues to provide a stronger deterrent to current and potential violators.

2. Choice in Personal Status Matters

The jurisdiction of the family matters courts should be expanded to include issues of marriage and divorce. In this way, all couples who wish to be married will be able to do so, regardless of religion or personal status, and women will be able to divorce their husbands without being required to first get their consent.

3. Full Compliance with TVPA Standards

The government should improve the identification, tracking, monitoring, persecution, conviction, and sentences of human traffickers to stem the amount of human trafficking in Israel. The government should also enhance protective services to the victims of human trafficking by providing shelter, medical and psychological services beyond what they presently provide.

4. Adopt Gender Mainstreaming and GRB

Government programming and budgeting should be mainstreamed for gender and be gender responsive. The government and NGOs should begin to collaborate more closely to ensure that GRB is carried out properly. This is becoming the preferred strategy in European countries and Israel should follow suit.

4. Development Policy Targeting Arab Women

Development policy should be designed and implemented within Arab localities to create more jobs through the development of commercial and industrial parks. In tandem, additional day care centers should be built to allow women with small children to enter the workforce. The EEOC should closely monitor employer compliance with labor laws, especially in the peripheral areas.

5. Programmes to Combat Polygamy

The government should invest in educational and vocational training programs, as well as in industrial development policy, for the Bedouin population such that both men and women have greater opportunities to find higher paying employment. Higher incomes translate into greater societal prestige, as men are better able to provide for their families. These conflating factors may naturally erode the polygamous family structure.

4. Part III: Diagnosis and analysis

4.1 Investments to ensure women's Human Rights and gender equality

Programmes to advance the rights of women have been promoted at all levels of government and civil society. With respect to women in the workplace, the state: established the EEOC to monitor labor law compliance; allocated increased funding to subsidize child care centers to allow more women with small children to re-enter the workforce; hosted awareness and educational programs about proper workplace practices; launched a website with information about women's issues; offered training and professional guidance courses to women; and held seminars for teachers on how to encourage girls to excel in mathematics and exact sciences.

With respect to GRB, the state (through the AASW): allocated additional funding to the Ministry of Education for the treatment of sexual assault victims; allocated NIS 10 million for the rehabilitation and treatment of women and girls engaged in prostitution; closed down 50 brothels in 2008 and arrested 78 suspects of trafficking in women; provided free legal services to the victims of trafficking in women and slavery; funded new rape crisis centers and opened two new counseling centers to treat the victims of domestic violence; and funded and hosted awareness and educational programs through the AASW on trafficking in women and sexual harassment.

NGOs continue to make significant contributions to improve the status of women. The Adva Centre specializes in GRB programs to advocate for higher budgetary allocations for women-related issues/programs and strongly advocates for gender mainstreaming. NAAMAT took a step to improve the workplace conditions for women through the statement-of-intention declaration between the Bureau of Economic Organizations, the labor union and NAAMAT and advocated for larger day care subsidies. A wide variety of NGOs all over Israel are also active in leadership and economic empowerment training for girls and women, operating shelters for victims of GRB and advocating for women-friendly legislation in the Knesset.

4.2 Restrictions and limitations to implementation

The restrictions or limitations on the advancement of women's rights as imposed by policy, practice or tradition are listed below.

Enforcement of Legislation

While women's rights laws are progressive, their enforcement is limited, in large part, because new pieces of legislation are not allocated budgetary funds for enforcement. Enforcement is weak across all public spheres, most notably with respect to labor laws, early marriage laws and polygamy. Surveys conducted to monitor adherence to legislation reveal that many businesses do not abide by current labor rights laws. In addition, many pieces of legislation lack sanction mechanisms for violators.

AASW

Since its inception, AASW has been headed by a political appointee. The political appointment of directors to the AASW is less desirable than a public tender because political appointees are often less qualified than those chosen through a meritocracy and because frequent elections mean frequent AASW leadership changes, which prevent long-term strategic thinking and planning. In addition, the creation of a separate women's bureau, while important, has caused some government offices to shunt women's challenges directly to the AASW, rather than handling them in-house.

Personal Status Matters: Marriage and Divorce

As mentioned previously, the religious courts in Israel have exclusive jurisdiction over familial matters such as marriage and divorce (except in cases where the individuals either do not claim to belong to a religion or are of different religions). The Jewish religious courts impose restrictions on the types of couples allowed to be married.⁴⁷ Jewish couples forbidden from marrying are increasingly circumventing this law by getting civil marriages outside of the country. These foreign civil marriages are officially recognized by the government. Currently, eleven percent of all marriages are conducted overseas. There are high costs associated with getting a civil marriage, including travel, marriage licenses and the issuing and translation of marriage documents. However, even couples married through civil ceremonies are required to be divorced through the Rabbinical court and are thus subject to the limitations that it imposes.

Family Planning: Abortion

The Criminal Law Amendment (*Interruption of Pregnancy Law 5737-1977*) specifies that abortion is only allowed if the woman is either younger than seventeen or older than forty; if the pregnancy is the result of incest, rape, or adultery; if the fetus is malformed; or if the fetus poses a danger to the woman's life. A Pregnancy Termination Committee within each public hospital evaluates each abortion request and determines whether a woman is allowed to have a publicly-supported abortion. The expense of an abortion approved by the Committee is coverable by medical insurance plans. Fifty percent of all abortions (about 20,000) are approved by the Committee and take place in a public hospital. The other half take place in private women's clinics. Private women's clinics are readily available, clean and professional. They are also quite expensive.

A fifth clause, termed the "social clause," which allowed abortion in cases of pregnancy that "might cause severe injury to the woman or to her children for family or social reasons," was originally included within the amendment but subsequently revoked under pressure from religious political parties.⁴⁸ The clause made it easier for women to get abortions for circumstantial reasons, such as a lack of money and/or mental unpreparedness to have a child. Since the elimination of the clause, women who want abortions for circumstantial reasons sometimes circumvent the law by claiming "out of wedlock" pregnancies, which are admissible by the Pregnancy Termination Committee.

Military

There is a glass ceiling at the level of senior officer for women serving in the military. While women are fairly well represented as Major Senior officers (the lowest level ranking "senior officer" position), far fewer have succeeded in advancing beyond that post to the positions of Lieutenant Colonel, Colonel, Brigadier General, Major General and Lieutenant General. According to a survey conducted by the Advisor to the Chief of Staff on Women's Affairs for the IDF, 45 percent of military units reported instances of gender discrimination, 64 percent of regular female soldiers felt that they were accorded equal opportunities within the military and 35 percent reported that

⁴⁷ Interfaith couples, "Mamzerim" and other Jewish men/women, Cohens and divorcees, and Cohens and convertees are considered illegitimate unions.

⁴⁸ Tamir, Tal. Women in Israel: Between Theory and Reality. Israel Women's Network. 2006.

they were discriminated against during their service because they were women. A second study conducted by the Advisor to the Chief of Staff on Women's Affairs for the IDF also found that one in seven female soldiers had been the victims of sexual harassment.⁴⁹

Having said this, the IDF has made efforts to combat sexual harassment. For example, a sexual harassment officer was appointed in every military unit, a 24-hour hotline was established to report sexual harassment cases and routine supervision is conducted to monitor sexual harassment complaints.

Knesset

Women are underrepresented in the political sphere, among others, because serving within the high ranks and prestigious units of the military is a commonly regarded prerequisite for political office. The glass ceiling within the military, which makes it difficult for women to rise to high ranks, puts women at a severe disadvantage when attempting to enter the political sphere.

Deleterious Labor Conditions

Despite progressive labor laws, actual labor conditions have deteriorated in recent years. Businesses are increasingly recruiting more part time workers at lower wages and fewer benefits; these workers do not have the protections of labor unions, and thus do not benefit from collective wage agreements. This situation disproportionately affects women because women are highly represented in the types of low-skilled labor within which these conditions are prevalent (such as clerical work, cleaning work and personal services).

Many Arab women are subject to unlawful labor practices, such as being paid lower than minimum wage, without benefits and adequate vacation/sick leave. A 1998 survey conducted in Nazareth revealed that 61 percent of businesses paid women wages less than minimum wage and many places of work violated the labor rights of women (including but not limited to rights to annual vacation leave, sick days and overtime payments).⁵⁰ Women's organizations report that the situation has not improved.

Workforce participation

According to the Central Bureau of Statistics, only one in five Arab women participate in the civilian labor force.⁵¹ There is a shortage of jobs available to Arab women in Arab towns, a shortage of day care services in Arab localities and a lack of transportation infrastructure within Arab localities that impedes the mobility of Arab women.

Polygamy

Polygamy is prohibited in Israel by Section 176 of the *Penal Law* and is punishable with five years imprisonment. Nevertheless, Bedouin communities in Israel continue

⁴⁹ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

⁵⁰ Kayan Annual Report. Kayan Feminist Movement. 2008. The results from this survey are somewhat old, however, no such survey has been conducted since 1998. There is no reason to believe the situation has improved because enforcement of labour laws has not improved.

⁵¹ Central Bureau of Statistics. 2005.

to practice polygamy. Reports vary considerably in terms of what percent of households within Bedouin communities are polygamous; the numbers are difficult to track because most polygamous marriages are not registered. Estimates range from between 12 and 35 percent. MK Jamal Zchalka maintains that polygamy has decreased from 17 percent several years ago to 12 percent today.⁵² Areen Hawari, the Director of the Assiwar Arab Feminist Movement in Support of Victims of Sexual Abuse organization, stated that the percent is closer to 35 percent. Prof. Elian al-Karinawi, Head of the Social Work Department at Ben Gurion University in the Negev, estimates that 25 percent of Bedouin families in Israel are polygamous.⁵³

The Bedouin Women's Rights Centre in Beer Sheva, an organization that represents Bedouin wives in both civil and religious courts, reports that over 90 percent of all claims they handled in 2007 were problems that stemmed from the practice of polygamy.⁵⁴ There is a perpetual debate within the government about how to decrease polygamous relationships, primarily through economic incentives that favor fewer children; however little has been done to-date.

Available opportunities to be seized to contribute to the achievement of the equality between men and women as well as elimination of all forms of discrimination and violence against women,

The opportunities to advance women's rights primarily come from relatively young yet promising projects whose results have not yet fully been felt.

GRB

GRB allows organizations to access the impact of government revenues and expenditures on the political, economic and social positions of women; advocate/lobby for a gender-sensitive allocation of resources; scrutinize government budgets to see their actual contributions to protecting women's rights; and hold governments accountable for the commitments they make to foster gender equality. The Israeli government does allocate funding for some women's-related issues, but more work needs to be done to incorporate gender mainstreaming into all aspects of programming and budgeting.

EEOC

Two years after its establishment, the EEOC has begun to bring cases against businesses in violation of women's labor rights. This body has great potential to enhance enforcement and monitoring mechanisms.

Personal Status Matters: Marriage

To circumvent the restrictions on marriage imposed by the religious courts, the New Family organization has created what they term "Alternative Weddings." In an Alternative Wedding, the couple is married by a lawyer rather than a Rabbi. The couple signs a marriage certificate, termed the "Declaration of Couplehood," and a prenuptial agreement, termed the "Shared Life Agreement." Both documents are

⁵² 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

⁵³ NIF Family Welcomes Israeli Government Initiative Against Polygamy. New Israel Fund. April 9 2008. <http://www.nif.org/issue-areas/stories/nif-family-welcomes-israeli-go.html>.

⁵⁴ Ibid.

authorized by a family court and are legally binding. These declarations are the first of their kind in Israel. The couples that would like to or have to bypass the religious courts will most likely begin to take advantage of this ceremony in much larger numbers.

In the past decade, we have seen a partial secularization, within the judicial sphere, of some family matters such as property issues, inheritance, child maintenance, adoption, guardianship, and domestic violence. Jurisdiction over these matters is now shared between the Family Matters Court and the Religious Court (previously the Religious Courts had exclusive jurisdiction). Hopefully, this trend will continue and expand to matters of marriage and divorce, such that all people are afforded the choice of secular proceedings.

Education Rate of Women

Women are more highly represented at every level of education than are men. Women constitute 54.6 percent of women getting Bachelors degrees, 57.1 percent of women getting Masters degrees and 53 percent of women getting PhDs.⁵⁵ With high levels of education, women may continue to see increased opportunities to enter the workforce, take up leadership roles, increase their presence in the public sphere, and influence the status of women indirectly (through greater public representation) and directly (through advocacy work or work within the Knesset). However, for women, higher educational achievements do not always translate into higher positions in the workplace because of the existence of glass ceilings and because of women's roles in the family.

Increased State Subsidization of Day Care

Increasing state subsidization of day care is already allowing women to enter or re-enter the workforce in greater numbers. Further increases in subsidization (or complete subsidization) are a great opportunity to further increase women's ability to return to work.

Family Matters Courts and Arab Women

The family matters courts, established in 2001, provide Arab women with an alternative to the gender-biased religious courts that used to hold exclusive authority over these matters. Kayan, a feminist organization for Arab women citizens in Israel, provides women with representation and legal counseling in personal status matters. However, many women still prefer to go to the religious courts because they are more familiar with them. According to Kayan spokespersons, it will take some time until women feel comfortable utilizing the civil courts.

4.3 Commitments to CEDAW and Istanbul

It is likely that CEDAW and the Istanbul Ministerial Conclusions are supporting each other. Legislative developments, national campaigns and grassroots efforts of various bodies/agencies have contributed to the realization of women's rights. Having said that, it is difficult to trace back any particular law, project or campaign to one of these two

⁵⁵ 5th Periodic Report Concerning The Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

agreements. It is especially difficult to trace a particular development back to the Istanbul Ministerial Conclusions because very few people are aware of the agreement.

5. Conclusions and recommendations

5.1 State of play related to women empowerment

International rankings of women's equality rank Israel well in comparison to other countries in the Euro-Mediterranean region. Women are increasingly represented across all levels of civil society, spanning the political, legislative and judicial systems; government corporations, the general labor market and the military. Workplace laws are progressive and women-friendly and GRB in terms of rape, domestic violence, sexual harassment, early marriage and killings in the name of "family honor" in Israel is comparatively low internationally.

Having said that, there is still a great deal of work to do before women enjoy equal rights with men. There remains a dearth of women in the political system, in part, due to the militaristic culture of Israeli society, where high ranking military officers are given preference in political parties and elections. Despite advanced workplace legislative protections, a lack of enforcement of many laws means that workplace violations of women's rights still routinely take place. The trafficking of women remains problematic although it has decreased significantly since the early 2000's as a result of NGO, government and police action.

5.2 Gaps and opportunities

The limitations to equal rights include: weak state enforcement of legislation, the exclusive jurisdiction of the religious courts over marriage and divorce, the lack of mainstreaming in government programming and gender responsive budgeting, restrictions on abortion, the glass ceiling in the military, the structure of political opportunities, the deterioration of labor conditions and the structural obstacles to the workforce participation of Arab women.

5.3 Recommendations regarding priorities and strategic interventions

The top priorities of Jewish NGOs are issues surrounding women in the workforce, decreasing violence against women and giving Family Courts parallel jurisdiction with the Rabbinical courts over personal status matters. The top priorities of Arab NGOs are enforcement of labor laws, the implementation of public transportation systems within Arab localities, decreasing early marriage and combating polygamy.

We recommend that the government should implement six major reforms:

- (1) Strengthen enforcement of existing legislation,
- (2) Adopt gender mainstreaming and GRB,
- (3) Reform the judicial system so that women have the choice to utilize either the civil or religious system in personal status matters,
- (4) Implement policy that would place Israel in full compliance with TVPA standards,
- (5) Implement development policy targeting Arab women, and
- (6) Implement educational/vocational training programmes for the Bedouin population to improve their socio-economic status and combat polygamy.

6. Bibliography

"NIF Family Welcomes Israeli Government Initiative against Polygamy." New Israel Fund. April 9, 2008. <http://www.nif.org/issue-areas/stories/nif-family-welcomes-israeli-go.html>.

2007 Data and Statistics. The Association of Rape Crisis Centers in Israel. 2007.

2008 Review Mechanism: Istanbul Questionnaire for Euro-Mediterranean Countries – Israel. EuroMed, Strengthening the Role of Women in Society through Istanbul 2006. The Government of Israel. August 2008 – May 2009 and November 2006 – 2008.

2008 Review Mechanism: Istanbul Questionnaire for Euro-Mediterranean Countries – Israel. EuroMed, Strengthening the Role of Women in Society through Istanbul 2006. The Government of Israel. September 2007 – July 2008.

Chaikin, Rita. Trafficking in Women in Israel: 2002-2007. Isha L'Isha – Haifa Feminist Center. 2007.

Declaration, Reservations and Objections to CEDAW. United Nations Development Fund for Women. <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

Euromed – Triennial Summary, 2009. The Authority for the Advancement of the Status of Women in the Prime Minister's Office. Israel. 2009.

Facts About Israel: The People. Ministry of Foreign Affairs. <http://www.mfa.gov.il/MFA/Facts+About+Israel/People/SOCIETY.htm>. 2008.

Family and Religion – Amendment to the Family Courts Law. The Israel Women's Network. 2009. <http://www.iwn.org.il/innerEn.asp?newsid=165>.

Fifth Periodic Report Concerning the Implementation of The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

Fourth Periodic Report Concerning the Implementation of the United Nations Convention on the Elimination of all Forms of Discrimination against Women. Government of Israel. June 2005.

Freedom House. <http://www.freedomhouse.org/template.cfm?page=22&country=7630&year=2009>.

Gender, Institutions and Development (GID) Database. Organization for Economic Co-operation and Development. 2009. http://www.oecd.org/document/16/0,3343,en_2649_33731_39323280_1_1_1_1,00.html

Human Development Reports. United Nations Development Fund. <http://hdr.undp.org/en/statistics/>.

Income Survey. Central Bureau of Statistics. 2007.

Israeli Bar Association website. <http://www.israelbar.org.il/index.asp>.

Kayan Annual Report. Kayan Feminist Movement. 2008.

Lavi, Zvi. "Knesset Committee Approves Amended 'Nanny Law.'" Ynetnews.com. July 2009. <http://www.ynet.co.il/english/articles/0,7340,L-3745505,00.html>.

Legislation by the Committee. The Committee on the Status of Women. 17th Knesset. 2006-2007-2008.

Lotan, Orly. Women who are Refused "Gets" in Israel. The Knesset Research and Information Center. November 2005.

Marriage and Civil Marriage. New Family Organization. 2009. <http://www.newfamily.org.il/rec/188>

Ministerial Conclusions on Strengthening the Role of Women in Society. http://ec.europa.eu/external_relations/euomed/women/docs/conclusions_1106.pdf

NAAMAT Labor Pact. NAAMAT. April 17th 2007.

Recommendations to the 2009 Euro-Mediterranean Ministerial Conference to follow upon the implementation of the Istanbul Framework on "Strengthening the Role of Women in Society. Euro-Mediterranean Human Rights Network. January 2008.

Schvabner, Sarah and Orly Lotan. Women in the Knesset. The Knesset Research and Information Center. February 2007.

Shtewee, Ola. Arab Women in the Labor Market. The Women's Budget Forum. February 2008.

Statistical Abstract of Israel. No. 59. 2008.

Swirski, Barbara and Marilyn P. Safir. Calling the Equality Bluff: Women in Israel. Teachers College Press: New York. 1993.

Swirski, Barbara. The National Budget and Budget Arrangements Law for Fiscal Years 2009 and 2010. The Women's Budget Forum. July 2009.

Table 2.17. Employed Persons and Employees, by Occupation. Statistical Abstract of Israel. No. 59. 2008.

Table 3.6: Median and Mean Marriage Age, by Previous Martial Status and Religion. Statistical Abstract of Israel. Central Bureau of Statistics. 2008.

Table 3.6: Median and Mean Marriage Age, by Previous Martial Status and Religion. Statistical Abstract of Israel. Central Bureau of Statistics. 2008.

Table 3.7: Persons Marrying, By Age, Previous Marital Status and Religion. Statistical Abstract of Israel. Central Bureau of Statistics, 2006.

Tamir, Tal. Women in Israel: Between Theory and Reality. Israel Women's Network. 2006.

Trafficking in Persons Report. United States of America Department of State. June 2009.

Veesblai, Eti. Violence Against Women – Data for 2008. The Knesset Research and Information Center. November 2008.

Women in the Knesset: Current Knesset Members of the Eighteenth Knesset. The Knesset website. 2009.
http://www.knesset.gov.il/mk/eng/mkindex_current_eng.asp?view=3

Women who are Refused Gets. Rackman Center for the Advancement of the Status of Women. Bar Ilan University. March 23, 2005.