



**State of Israel
Ministry of Justice**

The Legal Counseling and Legislation Department (International Law)

**GOI Reply to the UN Working Group on
Discrimination Against Women in Law and
Practice With Regard To Personal Status**

October 2015

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Further to your letter dated July 30, 2015, please find below our response to the questions raised by the Working Group on the issue of discrimination against women in law and practice.

The advancement and promotion of gender equality and the promotion of women's rights have been on the agenda of every Israeli Government since the foundation of the State of Israel. Indeed, equality is a fundamental principle that has been enshrined in the State of Israel's foundational document, the 1948 Declaration of Independence. In addition, the *Equal Rights for Women Law* 1951-5711, enacted three years after the State was established, attests to the emphasis placed on gender-related issues from the State's inception. These issues and principles remain a priority for Israel's Government and society at large. Furthermore, Israel is fully committed to its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women (the "Convention").

With respect to Article 16 of the Convention regarding personal status, Israel's reservation to has not changed, though the reservation is reviewed periodically by the relevant bodies. As has been underlined in the past, this reservation stems from Israel's constitutional system and respect for religious pluralism, as well as its granting autonomy to religious communities in matters of personal status.

Within this framework, Israel works to promote and protect women's rights in different ways. The following are some recent examples.

Fighting polygamy:

On May 27, 2015, a meeting was convened before the Attorney General on the issue of enhancing enforcement against polygamy. The meeting included many high ranking representatives; *inter alia*, the State Attorney, the Deputy Attorney General (Criminal Affairs), the Deputy State Attorney (Civil Affairs), the Criminal District Attorneys of the South and North Districts, and the Civil District Attorneys of South and North Districts, the Head of Investigations Department of the Israel Police, representatives of the Ministry of Social Affairs and Social Services and the Authority for Bedouin Housing in the Negev which is under the auspice of the Ministry of Agriculture and Rural Development. The purpose of the meeting was to identify

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creative means (other than penal means) by which the law can be enforced, such as through public awareness campaigns and welfare authorities.

As a result of the meeting, the Attorney General decided to issue a comprehensive Attorney General Guideline that would include guidelines for effective and equal enforcement of polygamy. This Guideline, once finalized, will be distributed to the Sharia Courts, and will be implemented following a public awareness campaign. In addition, other ways to fight polygamy are being examined, *inter alia*, through civil law.

Civil Unions Law for individuals with no religion:

In Israel, Religious Courts have exclusive jurisdiction over all matters of marriage and divorce, except when a couple is not affiliated with any religion or when the person's religion is not Judaism, Islam, Christianity or Druze. In 2010, the *Civil Unions Law 5770-2010* was enacted. This law provides that couples where neither partner is Muslim, Christian, Druze or Jewish, (upon confirmation by a Religious Court), can register their union before a Civil Union Registry. The Law therefore provides a solution for couples who are not affiliated with any religion and desire to wed in Israel.

With respect to the other matters raised by the July 30, 2015 letter, we note that they involve complex issues surrounding the role of institutions of the different religious communities in Israel, as well as the fragile balance diverse beliefs and value systems within Israel society. Many of these matters have been extensively addressed in Israel's Reports to the CEDAW Committee, and relevant updates and additional information will be included in the upcoming 2016 Report.