

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

27 March 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the failure to effectively address complaints of repeated domestic violence and coercive control against Ms. [REDACTED]**

According to the information received:

Ms. [REDACTED] was born [REDACTED] in Switzerland, and acquired Israeli citizenship upon marriage with Mr. [REDACTED] in Tel Aviv, Israel. Following her marriage, Ms. [REDACTED] primarily resided in the U.S. and gave birth to her first son, while Mr. [REDACTED] was absent for long periods of time due to his work in Israel. In 2010, Ms. [REDACTED] flew to Israel to visit her husband with their oldest son. During the visit, her husband reportedly portrayed aggressive, controlling, and violent behavior towards her. At that time, Ms. [REDACTED] discovered she was pregnant, and when informed of his wife's pregnancy, Mr. [REDACTED] reportedly pushed, shoved, and punched Ms. [REDACTED] in the stomach, which resulted in a miscarriage. Afterwards, Ms. [REDACTED] returned to the U.S. while Mr. [REDACTED] continued to split his time between the U.S. and Israel. Ms. [REDACTED] gave birth to two sons in the U.S., which allowed all three of her sons to have dual Israeli and U.S. citizenship. Ms. [REDACTED] continued to reside in the U.S. with her three sons as their main caregiver while Mr. [REDACTED] joined her intermittently. In September 2016, she relocated to Israel with her three sons. In 2017, Ms. [REDACTED] traveled back to the U.S. with her oldest son for his education, while Mr. [REDACTED] returned to stay in Israel with their two younger children and reportedly planned to join her in the U.S. shortly thereafter. Despite this agreement, Mr. [REDACTED] reportedly became distant during this time and limited Ms. [REDACTED] contact with the two younger sons who were staying with him. Ms. [REDACTED] was left to financially support herself and her eldest son, while her husband and the two younger children continued to reside in the family home in Israel.

Between October 2017 and April 2018, Ms. [REDACTED] visited Israel to see her two younger sons, during which her husband allegedly behaved erratically and violently. In one of the visits, Mr. [REDACTED] allegedly violently attacked her and pushed her down the stairs. A neighbor reportedly witnessed this event and called the police. Ms. [REDACTED] chose not to press charges at the time. However, the situation continued to deteriorate, and Ms. [REDACTED] reportedly realized that

her husband had no intention of relocating with the children to the U.S. In February 2018, Ms. [REDACTED] stayed in Israel with her two younger sons while her husband stayed in the U.S. with her oldest son. Ms. [REDACTED] took that opportunity to seek help, after the worker from her son's day care informed her that her husband had also been violent towards her son. Ms. [REDACTED] reportedly visited NA'AMAT and contacted several attorneys who advised her to seek help from the Violence in Family Center [REDACTED] get referral from her local social workers [REDACTED] and to report incidents of violence to the police. Following the advice, she reported her husband's attacks to the police, which instigated an investigation and referral to social workers in [REDACTED] from whom she sought referral to the Violence in Family Center. Additionally, the social workers conducted a "danger assessment" and encouraged Ms. [REDACTED] to file a protective order against her husband.

At this point in time, Mr. [REDACTED] returned to Israel from the U.S., while the oldest son spent time in Switzerland with Ms. [REDACTED] parents. Following the advice of her lawyers, Ms. [REDACTED] submitted a "Request for Resolution (of Dispute)" to the Family Court [REDACTED]. Her husband did not cooperate and reportedly began making allegations against Ms. [REDACTED] mental stability and parental capabilities. Her husband reportedly also began communicating these allegations to the social workers [REDACTED]. Due to her husband's continued violent behavior, Ms. [REDACTED] contacted the social workers again to get a referral to a shelter. In the interim, Ms. [REDACTED] sought alternative places to stay, including with relatives, in her car, and in a 24-hour coffee shop. After several days, the social services notified Ms. [REDACTED] that they could refer only her to the shelter, and not the children, since, according to them, the children's lives were not in danger. Ms. [REDACTED] decided to return home, but her husband refused to let her see the children and prevented her from entering the house. When Ms. [REDACTED] contacted the police, they only spoke with her husband, who argued that Ms. [REDACTED] should not be allowed into the home. Additionally, Mr. [REDACTED] reportedly made a private phone call to the social workers who supported his position but refused to speak with Ms. [REDACTED]. The police officers reportedly left, leaving Ms. [REDACTED] outside the house without a proper place to stay. Ms. [REDACTED] flew to the U.S. the following day.

The "Request for Resolution (of Dispute)," which Ms. [REDACTED] filed, allows the parties to file a lawsuit against each other if after a certain period no agreement is reached. In July 2018, Mr. [REDACTED] commenced legal proceedings in an attempt to get sole custody of the children. In his legal documents, Mr. [REDACTED] reportedly alleges that Ms. [REDACTED] is mentally unstable and that she had abandoned the children when she left for the U.S. Ms. [REDACTED] lawyer attempted to make arrangements with her husband's lawyer for her to visit Israel to see the children, but Mr. [REDACTED] refused to cooperate, reportedly making unsupported allegation that Ms. [REDACTED] suffers from mental illnesses and threatening to have Ms. [REDACTED] institutionalized against her will. Ms. [REDACTED] attorney advised her to return to Israel only once an agreement was reached, which never happened.

In 2019, Ms. [REDACTED] decided to file a Violence Against Women Act (VAWA) petition in the U.S. with the help of Apostles Services [REDACTED], which allows abused spouses and parents of children who are U.S. Citizens to apply for immigration relief without the abusive family member. The Petition was

granted. In the end of 2019, Ms. [REDACTED] returned to Israel and only visited the home to see the children, while staying at a hotel. During the visits, Mr. [REDACTED] reportedly degraded, provoked, and harassed Ms. [REDACTED]. On one occasion, Mr. [REDACTED] allegedly threw a metal box at Ms. [REDACTED] head, causing a head injury that required a doctor's visit. In December 2019, the couple was ordered by a Family Court judge [REDACTED] to attend couples therapy and mediation. Mr. [REDACTED] reportedly obstructed the mediation and stopped attending the sessions, while Ms. [REDACTED] continued to see the therapist on her own for a few months. In 2020, the [REDACTED] Family Court judge approved an ex-parte eviction and protective order against Ms. [REDACTED]. The required post-eviction hearing was cancelled the same day it was scheduled to take place, and the [REDACTED] Family Court judge reportedly extended the protective order without hearing Ms. [REDACTED] and reviewing any additional documentation. No hearing following the eviction ever took place, and to this day Ms. [REDACTED] has not been allowed back to her home. Following the eviction, Ms. [REDACTED] was separated from her children, her belongings, and her home, without proper adjudication, despite Ms. [REDACTED] having several evaluations by the therapist and other experts confirming her mental health and stability.

In February 2020, at the recommendation of a social worker at the [REDACTED] Municipality, the Family Court ordered supervised visitation for 45 minutes a week in a "Visiting Center" [REDACTED]. Under the impression that this arrangement was temporary, Ms. [REDACTED] complied with the order and found an apartment [REDACTED], in order to facilitate future visitations with her children at her own home. The visitations at the Visiting Center were recorded, and the [REDACTED] Family Court judge reportedly refused Ms. [REDACTED] request to obtain the recordings. Ms. [REDACTED] also had a clinical child psychologist [REDACTED] accompany her to the visitation as a witness. After witnessing the visitations, the doctor submitted to the court a recommendation to have the visitation take place more often and outside the Visiting Center, and that the arrangement at the time was harmful to the well-being of the children. This recommendation was rejected by the [REDACTED] Family Court judge. In April 2020, following the report made by Ms. [REDACTED] in 2019, police commenced a child abuse investigation. During the investigations, the two younger sons reportedly testified that their father had been violent against them. The Social Services reportedly concealed this report from Ms. [REDACTED] and allegedly noted their dissatisfaction when the report ultimately "landed in the hands of the mother." In December 2020, Ms. [REDACTED] discontinued supervised visitation at the Visiting Center.

In January 2021, Ms. [REDACTED] lawyer filed an appeal to the District Court [REDACTED] to modify the visitation arrangement and stop the supervised visitation at the Visiting Center. The Appeal was approved. The district judge reportedly criticized the Family Court judge [REDACTED], removed the social workers from the case, and granted Ms. [REDACTED] request to appoint a specialist to assess parental capabilities of both parents. The District Court reportedly assigned a specialist to the case and ordered him to file a report within forty-five days. In the interim the Ms. [REDACTED] was granted two hours visitation, three times a week, at a relative's house. The District Court also assigned a clinical child psychologist, to assist with the regeneration of contact between the children and Ms. [REDACTED]. However, reportedly the Family Court [REDACTED] later dismissed the child psychologist from the case. Although ordered to file a

report within forty-five days, the specialist submitted his report after six months. In the report, the specialist confirmed Ms. [REDACTED] parental capabilities, while Mr. [REDACTED] was never evaluated. When questioned as to why he did not evaluate Mr. [REDACTED] or any claims of violence, as well as any of the documents submitted to him, including police investigation into child abuse, the specialist responded that he was under the impression from the circumstances of the case that the problem was with the mother. Ms. [REDACTED] reported that she felt that the specialist had treated her differentially based on gender stereotypes, which she believes may have influenced the specialist to be suspicious and disbelieving of her capacities as a mother in a custody case.

In 2021, the school of one of Ms. [REDACTED] younger sons and the Ministry of Education required a psychiatric evaluation for her son. In March 2022, Ms. [REDACTED] reportedly discovered through pharmacy documentations that her husband was administering Ritalin to her son without medical supervision and without consulting with Ms. [REDACTED]. Following the submission of the specialist's report, in February 2022, a new appeal was filed to the District Court [REDACTED], asking the court to accept the child psychologist's recommendation to extend the visiting hours. The appeal was granted, and the District Court judge provided Ms. [REDACTED] with visitation rights every other weekend, as well as overnight visitation twice a week. Shortly after the District Court order, Ms. [REDACTED] attorney submitted a request to be recused from the case due to financial disagreements between her and Ms. [REDACTED]. Although such a request is rarely granted, and despite Ms. [REDACTED] objections, the [REDACTED] Family Court judge granted the request. While Ms. [REDACTED] was without legal representation, her husband submitted a request to have the District Court visitation order reversed. The [REDACTED] Family Court judge reportedly approved this request ex-parte, and implemented a new visitation schedule of three hours, twice a week, that would take place "in the street".

To date, Ms. [REDACTED] has been seeing her children twice a week for three hours. Her sons have reportedly begun to display violent behavior towards Ms. [REDACTED] seemingly encouraged by her husband. The oldest son has reportedly been displaying physically abusive behavior, such as punching Ms. [REDACTED] destroying a wall, and threatening with violence if he does not get what he wishes. He has also been displaying verbally abusive behavior, calling Ms. [REDACTED] a "bitch," ridiculing her as a mother, calling her a liar, and more. Although Mr. [REDACTED] and Ms. [REDACTED] have officially divorced in 2023, Mr. [REDACTED] reportedly refuses to pay spousal support, or return her belongings that were left at home from which she was evicted. There is a reportedly court order specifying the amount of money that belongs to Ms. [REDACTED] which was based on an accountant's calculation, that Ms. [REDACTED] has yet to receive. Ms. [REDACTED] is also forced to interact with her abuser, Mr. [REDACTED] in order to have any sort of contact with her children. Mr. [REDACTED] reportedly continues to abuse the judicial system in order to harass Ms. [REDACTED]. As of now, following the most recent appeal filed by Ms. [REDACTED] with the help of the Rackman Center, the custody case is pending a judgment from the [REDACTED] Family Court for a permanent custody order, and clarification by the [REDACTED] Family Court Judge as to her reversal of the visitation schedule established by the District Court during the second appeal in the case.

While we do not wish to prejudge the accuracy of the alleged facts mentioned above, these facts provide an account of a long series of physical, emotional and financial domestic violence, including coercive control, against Ms. [REDACTED] by her husband that took place over a period of several years, and that appear to have had a profound impact on her and her three children. We are concerned that Ms. [REDACTED] was denied sufficient, impartial and adequate process by the state. The ex-parte eviction order, the failure to hold a post-eviction hearing, and the reportedly degrading supervised visitation at the Visiting Center seemingly motivated by unfounded allegation that Ms. [REDACTED] is mentally unstable may be indicative of discrimination, bias, and abuse of authority. At minimum, they indicate a failure of access to effective remedies and process for a victim of domestic violence seeking to secure her and her children's safety.

We are also concerned that throughout Ms. [REDACTED] engagement with the relevant institutions, such as the Social Services of the [REDACTED] Municipality and the court systems, there appears to have been an insufficient reaction and limited recourse to a lengthy period of domestic violence and abuse, including coercive control. We are also concerned that Mr. [REDACTED] has allegedly been able to form personal relations with social workers and to influence authorities by claiming that Ms. [REDACTED] is physiologically unstable, despite several evaluations affirming her stability. As a result of these claims, the court has repeatedly ordered to have Ms. [REDACTED] evaluated. In 2020, the Supreme Court of Israel issued a temporary protocol expediting working procedures for the courts to handle proceedings to ensure a relationship between a parent and the child, including those where a child's safety may be at risk. We are concerned that in cases where father is exercising coercive control, this protocol is not being equitably applied.

It is concerning that some of the public officials also participated in stereotyping Ms. [REDACTED] and tried to negatively depict her as being "out of control" and having psychological problems. There are also indications that given her status as a migrant and foreign woman married to an Israeli, she may have suffered discrimination from public officials. We are also concerned that Ms. [REDACTED] a migrant whose native language is not Hebrew, did not receive adequate treatment from the [REDACTED] Social Services and was subjected to unacceptable forced mediation. It is equally concerning that Ms. [REDACTED] was unable to seek safety at a shelter due to the insistence of the Social Services authorities for her to leave her children behind. Preventing family separation and preserving family unity are essential components of the child protection system. Separation from parents should not occur unless such it is in the best interest of the child, subject to judicial review and in accordance with applicable law and procedures, such as the article 9(1) of the Convention on the Rights of the Child.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the measures taken to investigate the complaints of domestic violence and child abuse reported by Ms. [REDACTED]
3. Please provide information about measures and effective remedies taken or that will be undertaken to ensure Ms. [REDACTED] right to be free from violence, discrimination, gender stereotyping and to allow her to exercise her right to equal treatment and protection under the law.
4. Please provide information about measures and effective remedies taken or that will be undertaken to ensure Ms. [REDACTED] children's safety and wellbeing as well as her right to maintain direct contacts with them on a regular basis and in safety.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we underline Israel's obligation to guarantee the principle of non-discrimination and equality for women, their right to security of person, the need to take appropriate measures to change social cultural patterns of social conducts and behaviors, and equality before law.

The Convention on the Elimination of Discrimination against Women, which Israel has ratified in 1991, condemns discrimination against women in all its forms (art. 2). It requires States parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (art. 5). It recalls that States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, women shall be treated equally in all stages of procedure in courts and tribunals (art. 15(2)). States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women, the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases, the interests of the children shall be paramount (art. 16 (1)(d)). Furthermore, States parties are under an obligation to act with due diligence to investigate all crimes perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. Moreover, Israel is obliged to ensure effective access for victims to courts and tribunals and that the authorities adequately respond to all cases of gender-based violence against women in accordance with its international human rights obligations.

In addition, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW), in its general recommendation No. 19 (1992), updated by general recommendation No. 35 (2017), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention, whether perpetrated by a state official or a private citizen, in public or private life. The CEDAW further recommended that States parties to adopt and implement effective measures to protect and assist women complainants of and witnesses to gender-based violence before, during and after legal proceedings. Finally, it recommended States parties to ensure effective access for victims to courts and tribunals and that the authorities adequately respond to all cases of gender-based violence against women, including by applying criminal law and, as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties.

In general recommendation No. 35, the Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for acts or omissions by non-State actors that result in gender-based violence against women. Under the obligation of due diligence States parties must adopt and implement diverse measures to tackle gender-based violence against women committed by non-State

actors, including having laws, institutions and a system in place to address such violence and ensuring that they function effectively in practice and are supported by all State agents and bodies who diligently enforce the laws. The failure of a state party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such violence, or the failure to investigate to prosecute and punish perpetrators and to provide reparations to victims/survivors of such acts, provides tacit permission or encouragement to perpetrate acts of gender-based violence against women. Such failures or omissions constitute human rights violations.

We also wish to refer to the Declaration on the Elimination of Violence against Women, which was adopted by the United Nations General Assembly and states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, *inter alia*, (a) the right to life, (b) the right to equality, (c) the right to liberty and security of person, and (d) the right to equal protection under the law (art. 3). In addition, the article 4(g) of the Declaration provides for the responsibility of States to ensure that women subjected to violence have specialized assistance, such as rehabilitation, treatment counselling and health and social services, facilities and programs, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation. Furthermore, Resolution 2005/41 of Commission on Human Rights on the Elimination of Violence against Women states that Governments must strengthen initiatives, promote gender equality, and eliminate discrimination against women. The resolution calls for the full and effective implementation of international instruments and encourages the ratification of relevant conventions. States are advised to address gender stereotypes, enact and reinforce legislation, and support initiatives by women's organizations.

The Special Rapporteur on violence against women and girls, its causes and consequences emphasized in her report on custody, violence against women and violence against children that domestic violence is one of the most serious and pervasive human rights violations, in particular as it affects women and girls (A/HRC/53/36). While men can also fall victims to domestic violence, women are at a much higher risk and the dynamics of abuse are different for men. Given the prevalence of domestic violence in intimate relationships, separation from a perpetrator can also be a highly dangerous period for the victim. Allegations of domestic violence tend to receive insufficient scrutiny by courts and to trigger problematic assumptions, for example that it causes little harm to the mother or child and that it ceases with separation. The consequences of domestic violence and its effects on children are also misunderstood and underestimated by judges, who tend to prioritize and grant contact with fathers. In doing so, judges fail in their duty to protect children from harm, giving abusive fathers unsupervised access to their children, including in cases where judges have found that physical and/or sexual violence has occurred. The Special Rapporteur on violence against women and girls, its causes and consequences has emphasized that perpetrators of domestic violence can also misuse family law proceedings to continue to perpetrate violence against their victims, resulting in secondary traumatization.

Additionally, the Special Rapporteur on violence against women and girls, its causes and consequences noted that victims of violence have reported feeling belittled by judges and legal professionals and of being revictimized by professionals who lack

an understanding of the impact and dynamics of domestic violence. Research reveals women's frustration with the sympathy expressed by judges towards violent fathers and at witnessing professionals being manipulated by perpetrators of abuse, who behave in a charming manner and are on their best behavior. Victims of domestic violence have also perceived differential treatment of parents by courts and professionals, with mothers expected to be calm and accommodating while aggressive behavior by fathers was tolerated in court. In another report on the mission to Israel, the Special Rapporteur noted that mandatory mediation in family law disputes related to divorce proceedings in instances of both physical, as well as economic and psychological violence, are inappropriate (A/HRC/35/30/Add.1). The Special Rapporteur also identified that it is often the case in Israel that social workers lack proficiency in women's varying languages and cultural backgrounds.

Furthermore, the Working Group on discrimination against women and girls, in its report on discrimination against women in cultural and family life, has emphasized that States are obligated to ensure access to justice for women and girls who have suffered discrimination within the family or in cultural life, as part of the State's duty to protect and respect their right to equality (A/HRC/29/40). The Working Group also noted that in prosecuting and investigating abuses, States must take measures to guarantee the privacy, confidentiality, and safety of victims, and address women's needs and fears, while ensuring that they are not subject to stigmatization, social ostracism or reprisals. Additionally, States must ensure that their bodies and courts systemically apply the principle of equality when interpreting and enforcing the law, and afford redress to victims of gender-based discrimination by providing compensation, restitution, guarantees of non-repetition, and preventative measures.

Moreover, according to the Committee on the Rights of the Child, separation from parents in general and from mothers, in particular, have potentially serious implications on children, including on their right to development. It is especially so for young children, who are especially vulnerable to adverse consequences because of their physical dependence on and attachment to their parents. Given the gravity of the impact on the child of separation from their parents, such separation should only occur as a last resort, when there are no less intrusive measures to protect the child (general comments No. 7 (2005) para. 36 and No. 14 (2013), paras. 60 and 61).

Lastly, with regard to the alleged violations of due process and of fair trial guarantees, we would like to recall article 14 of the International Covenant on Civil and Political Rights, which Israel has ratified in 1991, which enshrines the right to a fair trial and due process. In particular, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law.