

**Submission to the Pre-Sessional Working Group
UN Committee on the Elimination of
Discrimination Against Women**

Suggestion for LoIPR on Israel:

**Israel`s responsibility for the full implementation of Ultra-Orthodox
women right to equal participation in political life
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Submitted by:

"Nivharot": Ultra-Orthodox Women for Voice, Equality and Representation^{*}

"Nivharot" was established in 2012 in order to promote feminist discourse within the ultra-Orthodox Jewish community in Israel and to raise awareness of women's rights and to demand state`s responsibility to advance gender equality for ultra-Orthodox women. Among its other activities, *Nivharot* led several protest campaigns under the slogan, "If we can't be elected, we won't vote" during several national and municipal elections, to increase awareness among ultra-Orthodox Jewish community to women equal right to full participation in the Israeli public sphere.

^{*} Estee Rieder-Indursky and Estee ShoShan from *Nivharot* prepared the submission together with Att. Bana Shoughry & the students: Rona Ravia, Noor Shibli & Talya Hartman, International Human Rights Clinic, the Clinical Legal Education Center, Faculty of Law, the Hebrew University of Jerusalem.

1. **This submission focuses on** Israel`s obligation to ensure the rights of ultra-Orthodox women to be elected to the Knesset and to municipal councils, as guaranteed by Article 7(a) of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); with the State's obligation to proactively act to eliminate discrimination against women and ensure equality, including through affirmative action (CEDAW, art. 2, 3, and 4). In addition, State member's undertake the responsibility to modify social and cultural patterns of conduct to achieving the elimination of prejudices that prevent women equal participation in political life (art. 5). In particular, State`s responsibility to eliminate discriminatory norms preventing ultra-Orthodox women the right to be eligible for election to the Knesset and to municipal councils, within the framework of ultra-Orthodox parties, which constitute the most natural political base for ultra-Orthodox women.
2. Ultra-Orthodox parties most often have strong electoral power in the Knesset and the government, with the political ability to determine political decisions, and thus have significant contribution to the formation of policy and in local politics. Although ultra-Orthodox women are completely excluded from their home parties, in a manner that severely limits their right of to be elected, successive Israeli governments, successive Israeli governments categorize the problem as an "inter community matter", in order to avoid confrontations with the ultra-Orthodox KM.

Exclusion of Ultra-Orthodox Women from Public and Political Space

3. *Basic law: the Knesset* states that every Israeli **citizen** has the right to vote for¹ and to be elected to² the Knesset. In addition, every Israeli **resident** has the right to vote for and be elected to municipal councils.³ Women comprise

¹ Art. 5, *Basic law: the Knesset*, given that s/he are 18 years old or above, and unless a court has taken away this right. .

² Art. 21, *Basic law: the Knesset*, given that s/he are 21 years old or above, excluding exceptions as listed under art. 21.

³ According to the conditions listed in articles 6A and 7 to *Municipal Authorities law – 1965*.

24.16% of Knesset Members (KM), and therefore much have to be done to ensure women full and equal participation in public life. However, the most severe expression of violating women`s right to be elected can be found within the ultra-Orthodox parties, *Shas* and "*Yahadut Hatorah*" (together they have 14 KM today) that never chose a female candidate. As a result, the right of ultra-Orthodox women to be elected to the Knesset has never been implemented.

4. "*Yahadut Hatorah*" Regulations prevent women from becoming a Party member and further determine that only a **Jewish Man** may become the Party`s candidate to the Knesset.⁴ The Regulations further preclude women from the party and note that "a woman is entitled to join the 'Women of *Agudat Yisrael*' movement, which is a separate body."⁵ In 2015, a petition to the High Court of Justice was filed to invalidate discriminatory art. 6 of "*Yahadut Hatorah*" Regulations. On 8.2.16 the court asked the Attorney General to provide his opinion within 90 days, but such opinion is yet to be presented.⁶
5. Violating the right of ultra-Orthodox women to be elected to the Knesset diminishes the level of women's representation and visibility in the parliament and perpetuates damaging stereotypes against women, thus impeding the advancement of gender equality in Israel. Despite this, State authorities haven't done any significant efforts neither to modify practices preventing women from the right to be eligible for election as representatives of the ultra-Orthodox parties nor to ensure equal representation for all women in Israel.
6. In the past a number of legislative draft proposals to generate proper representation of women, whether by encouragement or through sanctions, were immediately and repeatedly struck down, due to the opposition of the

⁴ Art. 6 (a) of "*Yahadut Hatorah*" party regulations - 1994

⁵ Art. 6 (d) of "*Yahadut Hatorah*" party regulations - 1994

⁶ HCJ 1825/15 *Ben Porat v. the Registrar of Political Parties*, Pending, decision from 8.2.2016

ultra-Orthodox parties. The latest bill, demanding all Parties to ensure 40% representation of women in all list of Knesset candidates was submitted on 22.6.15 and is still pending, June 2015.⁷ Refusing to intervene to eliminate discrimination against women right to be eligible for election as a member of ultra-Orthodox party, is a severe example of clear discrimination, against which the State is obligated to employ sanctions, based on Article 2 of the Convention and General Recommendation 28 of UN-CEDAW.⁸

7. Violating women's right to be elected at the national and municipal levels finds its most extreme expression in the ultra-Orthodox parties, but is actually an impediment to all women in Israel, especially minority women. At the municipal level, the absence of ultra-Orthodox women's voices and representation in the public sphere is significant, especially at central decision-making junctures in ultra-Orthodox cities, where only men serve as representatives of the public. Thus, for example, in the cities of *Migdal Ha'emek*, *Bnei Brak*, *Beit Shemesh*, characterized by their observance of a conservative-religious way of life, the representation of women is nearly 0%.⁹ In addition, these cities also maintain religious councils, which are the executive and regulatory institutions tasked with implementation of religious instructions. These councils are responsible for issues such as the maintenance of kosher food, marriage, burial services, "*mikveh*". women make up only 6% of the members of these councils – which is certainly very low, given the numbers of women in ultra-Orthodox society.¹⁰

⁷ Proposed amendment of *Basic Law: The Knesset (amendment – Minimal Representation for both Sexes in Knesset Candidate list)* P/20/1515, presented by KM Merav Michaeli and additional 38 KM.

⁸UN-CEDAW General Recommendation No. 28 on the Core Obligation of States Parties under Article 2 of the Convention on the Elimination of all Forms of Discrimination against Women, para. 37, 16 December 2010, CEDAW/C/GC/28, demands States to "abstain from performing, sponsoring or condoning any practice, policy or measure that violates the Convention, and take steps to prevent, prohibit and punish violations of the Convention by third parties."

⁹ Yogev Sharvit, "Elections 2013 – Women in municipal councils," 10/2013 ([Hebrew](#)).

¹⁰ Report issued by the Research and Information Center of the Knesset regarding Religious Councils, July 17, 2012.

8. In 2014, art. 7(a)(3) was added to the *Municipal Council Law (funding of elections)* to add 15% additional funding to Parties that at least one-third of its members are women.¹¹ This amendment passed despite the over-arching, and sole, opposition of all ultra-Orthodox parties; however, the impact of the legislation remains unclear and is limited to the municipal level.

9. By abstaining from legislation that would actively encourage the participation of women as candidates in municipal and national elections, the State of Israel is violating its obligations under Art. 2(e), 2(f), 3 & 5 of CEDAW, by taking all appropriate measures to modify customs and practices that, constitute discrimination against women by any person, organization or enterprise especially regarding the right to be elected. Furthermore, the State of Israel is violating its responsibility according to Article 7 of the CEDAW demanding to insure women equal right to be eligible to elections to all publicly elected bodies and to participate in the formulation of government policy and implementation. UN-CEDAW general recommendation No. 23, interpreted the term "political and public life" to include local councils and the activities of political parties,¹² and made clear that political parties are also obliged to bring about gender equality among members of their list.¹³

10. A central argument for preventing ultra-Orthodox women to become part of list of candidates to national or to municipal elections is said to be based on Modesty and Religious arguments.¹⁴ These views relegate women to the private sphere, despite their participating in the workforce in order to enable

¹¹*Municipal Council Law (Amendment 15, of elections)* (Amendment No. 15) (Electoral Funding) 5753-1993.

¹²UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 23: Political and Public Life*, para. 5, 1997 A/52/38

¹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 23: Political and Public Life*, para. 22, 1997 A/52/38.

¹⁴ There are various sources for this in Jewish law and tradition.

the men to engage in full-time religious study.¹⁵ Furthermore, ultra-Orthodox male KM's work closely with other female KM's, to suggest that the refusal to include ultra-Orthodox women in political life stems from deliberate and systematic exclusion of ultra-Orthodox women from their rightful position in policy making, especially over ultra-Orthodox men and women.

11. Add to this that attempts by ultra-Orthodox women to establish their own political Parties or to integrate themselves into general political frameworks have encountered opposition and obstacles from within their own communities. For example, during the 20th Knesset elections, rabbis used unacceptable tactics to prevent ultra-Orthodox women from running to office as part of non-ultra-Orthodox parties. These tactics included threats to deny the women their rights should they be divorced in the future, to strike at their sources of income, or to forbid their children from attending communal educational institutions.¹⁶

12. General Comment 23 to UN-CEDAW States that exclusion of women from political life and sites of decision-making, while relegating them to care-taking position in the private and home spheres, which are considered inferior, has defined the pattern of women's daily lives and the future of a society, and has most often been based on religious and cultural beliefs.¹⁷ Indeed, such exclusion impacts their personal and communal position and their basic rights as citizens of the State. It leads to limits on their options for personal and economic fulfillment, and to ongoing exclusion from the centers of decision-making in the ultra-Orthodox community and the State of Israel.¹⁸

¹⁵Kulik, L. A Empowerment and Occupational Strength Among Working Ultra-Orthodox Women. Haifa: Technion, Shemuel Ne'eman Institute (2013).

¹⁶ A letter from Vice attorney General, att. Dina Zielber, to the head of elections committee, Justice Jubran, the head of from 22.1.2015, available at: <http://forumpics.a7.org/?file=20150122151512.pdf>.

¹⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 23: Political and Public Life, para. 8-10, 17, 1997 A/52/38*.

¹⁸ There is a connection between the exclusion of ultra-Orthodox women from decision making and growing extremism in terms of physical exclusion from public space to which we have been witness in the past few years. For example: "ultra-kosher busses" in which women are forced to sit at the back, exclusion from the ultra-Orthodox media, including demanding women to hide their gender. Children

13. Ultra-Orthodox women participation in the work force is higher than the general average for women (79.5%)¹⁹ but their salaries are lower by 30-40% than the salaries of Israeli women.²⁰ The distribution of their types of employment is low, and they suffer from ongoing and institutionalized affronts to the conditions of their employment.²¹ Ultra-Orthodox women even suffer from particular health problems, including a higher rate of mortality from breast cancer, due to late detection.²²

Based on the forgoing, Nivharot requests that the Committee ask for information from the State of Israel regarding:

- The steps that the State intends to take in order to actively encourage fair representation of women, including legislative and policy measures as well as any and all other means.
- The steps that the State intends to take in order to eradicate discrimination against the right to be elected, including the imposition of sanctions on political parties whose regulations directly forbid the election of women.
- The steps that the State intends to take in order to create public awareness to the equal roles of women and their right to be elected, including the steps to eradicated stereotypes and discriminatory customs.

books are published without female figures or drawings of women or girls. Gender exclusion from public institutions including certain streets. Excluding female lecturers from teaching men ultra-Orthodox academic institutions, preventing ultra-Orthodox women from the right to be elected to the student Council and in lists of outstanding students and graduates, their names are not mentioned.

¹⁹ CBS, 2014

²⁰ Data provided by the Ministry of the Economy, 2009.

²¹ Position paper presented by "Nivharot" to the Knesset, February 2016, available at:

<http://www.lonilobo.net/#!blank/sr6uw>.

²² Arieli, R. (1999). Encountering the Other: The challenge of clinical work with the ultra-Orthodox population. In: N. Ilan (editor). Eyin Tovah: Dialogue as Discussion in the Culture of Israel: The Kibbutz Hame'uhad and Ne'emanei Torah V'Avodah.