



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

REFERENCE: AA/follow-up/Israel/56

15 November 2013

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth report of Israel at the Committee's forty-eighth session, held in January 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/ISR/CO/5). You may recall that in the concluding observations, the Committee requested Israel to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 23 and 49 of the concluding observations.

The Committee welcomes the follow-up report received in June 2013, although it was received with a three-month delay (CEDAW/C/ISR/CO/5/Add.1), under the CEDAW follow-up procedure. At its fifty-sixth session, held in October 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 23** of the concluding observations “to:

- (a) Take immediate action to prevent human rights abuses and violations against women and girls in the Occupied Palestinian Territories and to protect them against such acts, including at checkpoints;
- (b) Provide these women with effective access to legal remedies and ensure that such cases are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are State or non-State actors;
- (c) Ensure the provision of adequate compensation and, where appropriate, reparation to the surviving victims;
- (d) Ensure that Palestinian women who are victims of violence have access to a sufficient number of shelters as well as financial and legal assistance, where necessary;
- (e) Take the necessary measures to ensure that Palestinian women and girls can enjoy their right to education and their right to health, including safe and unhindered access to schools and to health facilities and resources; and

H. E. Mr. Eviatar Manor
Permanent Representative
of the State of Israel to the United Nations
Avenue de la Paix 1-3
1202 Geneva

E-mail: mission-israel@geneva.mfa.gov.il

(f) Establish a constructive dialogue with the Palestinian authorities on the issues relating to violence against women under their responsibility”:

The State party declared that it has never made a specific declaration in which it reserved the right to extend the applicability of the Convention with respect to the West Bank. It added that in line with basic principles of interpretation of treaty law, and in the absence of such voluntarily-made declaration, the Convention, which is a territorially bound Convention, does not apply, nor was it intended to apply, to areas outside its national territory. However, the State party’s view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture and also of the International Court of Justice in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party’s obligations under international human rights conventions to the Occupied Territories. The Committee considers that these recommendations have **not been implemented**.

The Committee recommends that the State party provide, **by October 2014**, information on:

- 1) Steps taken to reconsider its position and give full effect to the implementation of its obligations under the Convention as well as its obligations under humanitarian law with regard to all persons under its jurisdiction or effective control, including persons living in the Occupied Palestinian Territory, as recommended by the Committee in paragraph 13 of its concluding observations; and
- 2) Further actions taken to implement the recommendations contained in paragraph 23 of the concluding observations.

Regarding the recommendation made in **paragraph 49** of the concluding observations “to introduce an optional system of civil marriage and divorce available to all”: The State party mentioned its reservation to article 16 of the Convention with regard to personal status matters. However, the Committee is of the view that the reservation to article 16 is impermissible as it is contrary to the object and purpose of the Convention and impinges on other fundamental articles of the Convention, including article 2, and implementation of the principle of substantive equality between women and men in all matters relating to marriage and family relations. Therefore, the Committee considers that this recommendation has **not been implemented**.

Regarding the recommendation “to harmonize religious laws currently governing marriage and divorce with the Convention and eliminate provisions that are discriminatory against women, including by prohibiting the man’s unilateral power to grant the ‘get’, prohibiting the possibility of extorting concessions from women in return for the ‘get’ as well as the practice of retroactive invalidation of divorces, and by further limiting the scope of rabbinical courts’ jurisdiction to matters of marriage and divorce alone”: The State party indicated that the Minister of Justice appointed a special committee in order to examine the parallel authorities held by the Family Matters Courts and the Rabbinical Courts in regard to personal status, including in matters of children and distribution of property in cases of divorce. The State party added that this Committee is still working and yet has to present its recommendations to the Minister. However, the State party failed to indicate whether this Committee was appointed after the issuance of the concluding observations and whether it aims at harmonizing religious laws currently governing marriage and divorce with the Convention and eliminating provisions that are discriminatory against women. The Committee considers that it **did not receive sufficient information** to assess the extent to which this recommendation has been implemented.

Regarding the recommendation “to ensure that rabbinical court judges are provided with training on the Convention, with special emphasis on article 16 as well as domestic violence”: The State party mentioned its reservation to Article 16 of the Convention with regard to personal status matters. However, the Committee is of the view that the reservation to article 16 is impermissible as it is contrary to the object and purpose of the Convention, and that it impinges on other fundamental articles of the Convention, including article 2, and implementation of the principle of substantive equality between women and men in all matters relating to marriage and family relations. Therefore, the Committee considers that this recommendation has **not been implemented**.

Regarding the recommendation “to enforce the prohibition of bigamy and current exceptions under which it is allowed and polygamous marriages, as called for in the Committee’s general recommendation No. 21”: With the exception of the case of a man convicted on polygamy offence on 10 February 2011 and sentenced on 4 September 2011, the information provided by the State party on the enforcement of prohibition of polygamy predates the issuance of the concluding observations. In addition, the State party failed to provide information on actions taken to prohibit current exceptions under which bigamy is allowed. The Committee considers that this recommendation has **not been implemented**.

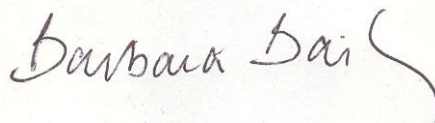
Regarding the recommendation “to enforce adherence to the minimum age of marriage, and, in this respect, to raise the minimum age of marriage to 18 years for both women and men”: The State party indicated that, in the last few years, several bills on the raising of the marital age were tabled by several Knesset Members and are in various stages of discussions. However, the State party failed to mention whether the members of the Knesset tabled the bills subsequently to the issuance of the concluding observations. In addition, the State party failed to indicate actions taken by the Government to raise the minimum age of marriage to 18 years and to enforce adherence to the minimum age of marriage. The Committee considers that the recommendation has **not been implemented**.

The Committee recommends that the State party provide, **by October 2014**, information on actions taken to implement the recommendations contained in paragraph 49 of the concluding observations. To this end, please find attached, the Committee’s General Recommendation No. 29 (2013) on the Economic consequences of marriage, family relations, and their dissolution.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Israel on the implementation of the Convention.

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

Yours sincerely,



Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women