



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Concluding observations on the fourth and fifth periodic  
reports of Israel, adopted by the Committee at its forty-  
eighth session (17 January – 4 February 2011)**

Addendum

**Information provided by Israel on the follow-up to the concluding  
observations of the Committee\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

As requested by the Committee on Elimination of all forms of Discrimination Against Women in its concluding observations (concluding observation no. 56) dated 4 February 2011, the State of Israel respectfully presents the information requested:

**Concluding Observation no. 23:**

**"The Committee urges the State party 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**

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

**Reply:**

The International Convention on the Elimination of All Forms of Discrimination against Women (hereinafter: "CEDAW" or "the Convention") is implemented by the Government throughout the State of Israel. According to the Israeli legal system, international conventions, as opposed to customary international law, do not apply directly, but through national legislation. Such is the case with the CEDAW which is implemented through a wide range of legal instruments, such as basic laws, laws, orders and regulations, municipal bylaws, and court rulings.

The applicability of the Convention to the West Bank has been the subject of considerable debate in recent years. In its Fourth and Fifth Periodic Reports, Israel did not refer to the implementation of the Convention in these areas for several reasons, ranging from legal considerations to the practical reality.

The relationship between different legal spheres, primarily the Law of Armed Conflict and Human Rights Law remains a subject of serious academic and practical debate. For its part, Israel recognizes that there is a profound connection between human rights and the Law of Armed Conflict, and that there may well be a convergence between these two bodies-of-law in some respects. However, in the current state of international law and state-practice worldwide, it is Israel's view that these two systems-of-law, which are codified in separate instruments, nevertheless remain distinct and apply in different circumstances.

Furthermore, Israel 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. Clearly, in line with basic principles of interpretation of treaty law, and in the absence of such a 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.

**Concluding Observation no. 49:**

"The Committee calls upon the State party to:

- (a) Introduce an optional system of civil marriage and divorce available to all;
- (b) 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;
- (c) Ensure that rabbinical court judges are provided with training on the Convention, with special emphasis on article 16 as well as domestic violence;
- (d) Take active measures 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; and
- (e) Take effective measures to enforce adherence to the minimum age of marriage, and, in this respect, take measures to raise the minimum age of marriage to 18 years for both women and men."

**GOI Reply:****(a) An Optional System**

Please note Israel's reservation to Article 16 of the Convention in regard to personal status matters.

**(b) Race of Authorities**

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 Committee is still working and yet has to present its recommendations to the Minister.

In this regard please note the Israel's Reservation in regard to Article 7(b) and Article 16 of the Convention. The Reservations are related to the very fabric of the Israeli society, comprised of many religions, each with varying degrees of autonomy with regards to certain religious practices. These reservations are being examined from time to time by the relevant authorities.

**(c) Training**

Please note Israel's reservation to Article 16 of the Convention in regard to personal status matters.

**(d) The Polygamy Offence**

Section 176 of the Penal Law prohibits polygamy in Israel And according to this section, polygamy is punishable by five years' imprisonment. According to Section 179, a Jewish person shall not be convicted of polygamy if the second marriage is conducted after receiving a marriage permit according to a final verdict of a Rabbinical Court and after the final verdict receives the approval of the High Rabbinical Court. According to Section 180

to the Law, Polygamy among people of other religions is "permitted" only in two situations: the spouse from the first marriage is unable, for reasons of mental illness, to agree to a divorce or to the cancellation of the marriage or to participate in such procedure; the spouse from the first marriage is missing in circumstances which give rise to fear for his/her life and he/she can not be traced for seven years. The Penal Law also stipulates that a woman can not be forced to annul the marriage without the consent of the relevant court.

In 2009, 51 investigation cases were opened for polygamy. Of these cases, 18 (35%) were transferred to the State Attorney's Office. During 2009, four cases were brought to trial and the offenders were convicted.

In 2010 (until October), 18 investigation cases were opened for polygamy and at least eight were transferred to the State Attorney's Office. In 2011, 24 investigation cases were opened for polygamy and In 2012, 31 investigation cases were opened for polygamy.

In October 2010, following a request of the Minister of Justice for an action plan to combat polygamy and bigamy, a meeting headed by the Deputy Attorney General took place, with representatives from the Prime Minister's Office, the Ministries of Interior, Public Security, Health, Social Affairs and Social services, Industry, Trade and Labor, the National Insurance Institute, the Police, the State Attorney's Office, the Authority for the Regularization of the Bedouin Housing Situation in the Negev and others.

Among the discussion finding, it was found that bigamy exists among the Muslim population in the north (about 1%-2% of the population) and among the Bedouin population in the south (about 35% of the men are in a bigamist relation – approximately 10,000).

According to Police representatives, only few indictments are served for the bigamy offence due to the difficulty of obtaining evidence and lack of complaints. The representatives of the Government Ministries noted that education activities are conducted among women, both in the north and south, in order to reduce this phenomenon. However, the reports also noted that there is a problem to operate in this regard due to traditional and cultural barriers.

In conclusion, it was suggested that the action plan will include the following elements:

The Population and Immigration Authority will set an information center regarding cases of bigamy/polygamy in Israel, to which Government Ministries will provide information they have on this phenomenon. The information center will provide information to the Ministries which require it.

It was also suggested to set special teams on issues such as National Insurance benefits, land administration, education, welfare and employment, that will examine matters that can be dealt with in these areas that will reduce these phenomena. In this frame for example, there is a need to examine providing financial benefits for monogamist families in the Arab population, changes in benefits provided to families living in bigamy or polygamy, setting educational programs for fighting bigamy and polygamy and more.

It was also suggested to establish a joint team of the Southern District Attorney's Office and the Police for locating and handling cases that are most suitable for prosecution.

It was also suggested to set up a joint team of the Police, the Civil Service Commission and the State Attorney's Office for examining and limiting appointments in the Civil Service of persons living in polygamy or bigamy.

In November 2010, the Attorney General passed these recommendations to the Minister of Justice and noted that the suggested action plan may help dealing with these phenomena. Following the implementation of this program, an examination shall be made in order to examine if the program was fruitful or if there is a need for further measures.

**Case Law**

On February 10, 2011, the Petah-Tikva Magistrate's Court convicted a man on polygamy offence according to his own confession and on September 4, 2011, sentenced him to four months imprisonment to be served as community service. The Court mentioned the severity of the polygamy offence and the need to achieve public deterrence by imposing severe punishments. Yet, the Court considered the defendant's personal circumstances, including his will to have a child and his first wife's infertility. In addition, the defendant's first wife supported the second marriages which did not cause any mistreatment or neglect of both his families. (*Cr. C 10-05-31077The State of Israel v. Asama Daud (4.9.2011)*).

**(e) Minimum age of marriage**

The Israeli Knesset continuously promotes and supports legislation aimed at protecting human rights, including women and girls rights in the field of marriage.

In the last few Years several bills regarding raising the marital age were tabled by several Knesset Members, and are in various stages of discussions.

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