

Situation report on discriminations against women in Israel

March 2023

INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

1991

CEDAW Ratified, reservations: Art. 7(b), 16

Optional protocol not ratified

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

Invited to sign

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

1991
Ratified

International Covenant on Economic, Social and Cultural Rights

1991
Ratified

MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



Both the religious court systems and civil family courts continue to maintain patriarchal and gender-discriminatory laws, procedures, and perspectives.



Exclusion of Arab Palestinian women from politics and decision-making processes (informal positions on Council committees and as councillors in local authorities).



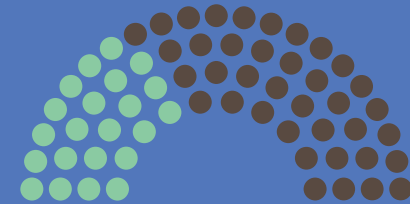
Arab Palestinian women make up more than half of the female murder victims in Israel, even though they compose just 20% of the population.

Did you know?

RECOMMENDATIONS

- Accelerate the ratification of the **Istanbul Convention** and ensure that the CEDAW Convention and related national legislation are made an integral part of the continuing legal education of the judiciary and all actors in the justice system, so as to cultivate a culture supportive of women's rights and access to justice.
- Intensify efforts to **combat gender-based violence**, including femicide and domestic violence against Arab Palestinian women, by ensuring that such acts are effectively investigated, fully prosecuted, and adequate sentences imposed on the perpetrators.
- Establish a clear policy addressing issues of **harassment** (especially sexual harassment), that strengthens the complaints-receiving system in law enforcement systems, opens consultation lines and provides accessible mental support in Arabic for Arab Palestinian women.
- Revoke all policies on the practice of **house demolitions** and forced evictions, and cease the implementation of eviction and demolition orders that are based on discriminatory planning and zoning policies.
- Intensify efforts to guarantee **equal opportunities** for women in the labour market by combating segregation, and take specific measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys.

30%
Proportion of seats held by women
in national parliaments

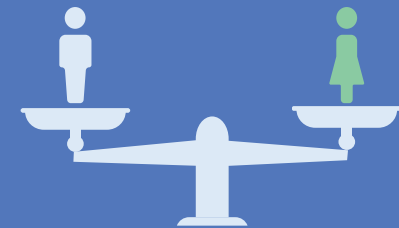


22,6%
Gender pay gap



Near-equal

Inheritance rights for
widows and daughters



58,52%
Female labour force
participation



Note : This Situation report covers Israel, with a focus on Arab Palestinian women.

1. LEGISLATIVE FRAMEWORK

Israeli law is based mostly on a common law legal system, though it also reflects the diverse history of the territory of the State of Israel throughout the last hundred years (which was at various times prior to establishment of the state under Ottoman, then British sovereignty), as well as the legal systems of its major religious communities. The Israeli legal system is based on common law, which also incorporates facets of civil law. The Basic Laws of Israel function as the country's constitutional laws. Statutes enacted by the Knesset, particularly the Basic Laws, provide a framework which is enriched by political precedent and jurisprudence. Foreign and historical influences on modern-day Israeli law are varied and include the Mecelle (Hebrew, the civil code of the Ottoman Empire) and German civil law, religious law (Jewish Halakha and Muslim Sharia; mostly pertaining in the area of family law), and British common law.

International conventions

Israel is a State Party to CEDAW, which it ratified in October 1991. Israel had submitted 6 reports to the committee, the latest in 2017.¹ Israel's Seventh Report is overdue since November 30 of 2021. Upon ratification, Israel entered substantive and procedural reservations to the CEDAW, namely Article 7(b), which concerns the

appointment of women to serve as judges of religious courts, and Article 16, which concerns personal status.

Israel signed the International Covenant on Civil and Political rights and the International Covenant on Economic, Social and Cultural Rights in 1991. Other treaties signed by Israel are: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of the Child and the Optional protocols on the involvement of children in armed conflict and on the sale of children child prostitution and child pornography; Convention on the Rights of Persons with Disabilities.

In 2022, Israel was invited to sign the Istanbul Convention, but it has not yet done so.

Constitutional equality

The principles of equality and non-discrimination are not incorporated in Basic Laws.² The State Basic Law, Human Dignity and Liberty (1992), which serves as Israel's bill of rights, does not contain a general provision on equality between women and men or the prohibition of either direct and indirect discrimination against women. The State of Israel has not invested sufficient resources for the effective promotion of the advancement of women and gender equality. It has also failed to adopt a national plan of action for the advancement of women, in line with the CEDAW Convention.

Civil and familial rights

In **Israel**, there are both civil and religious courts that have overlapping jurisdiction over many areas of personal status. Personal status refers to a woman's rights as related to family law, and can include but is not limited to: divorce law, child custody, alimony, inheritance, and assets. Each religious group has their own court system, with its own procedures, regulations, and laws. Thus, there are separate courts for each of the 12 Christian denominations, Islamic courts, Druze courts, and Rabbinical courts. In 1995, Israel first introduced secular family courts into the judiciary system, but these courts were only accessible for Jewish women. Thanks to the advocacy done by feminist and women's rights organisations, in 2000 civil family courts were opened to Palestinian women. Despite the fact that civil family courts now exist for Palestinian women, the religious courts are still the ruling authority over marriage and divorce, as there is still no civil marriage within Israel.

The main discriminations inscribed in the Personal status law are:

- **Marriage:** In Israel, marriage and divorce follow the laws of religious court, which discriminate against women. For example, in Sharia law, the man is allowed to marry up to four wives, and his wives do not have the right to ask for a divorce if they disagree to him marrying multiple wives.
- **Divorce:** The reasons that justify asking for a divorce differ between men and women in most religious laws. The attitudes of the law are more tolerant towards men than to women. For example, the definition of intimate relations outside of marriage

according to Orthodox Christian laws are different for men and women. If a woman leaves her home and doesn't go directly to her family, and goes to another family instead, her husband has the right to ask for a divorce. Also, if the husband of a woman finds out that she was not a virgin when he married her, he has the right to ask for a divorce. However, these reasons don't apply when it comes to women. Furthermore, in Sharia law, the law of obedience gives the man the right to divorce his wife if she disobeys him, and that law only applies to women and doesn't exist for men.

- **Child custody:** According to religious laws, especially Sharia laws, if a woman remarries, she could risk losing custody of her children, especially daughters, because she married a man who is a stranger to them. In this case, the woman is asked to prove that she is a good mother and will maintain the best interest of the child according to religious laws.
- **Inheritance:** According to civil laws, men and women are equal, but according to applied Sharia laws, women receive half of what their brothers inherit.

Political rights

According to the Knesset Election Law, **men and women have equal rights to vote** and equal rights if they want to run in local and national elections. There are no parity laws in place in Israel at any level that establish quotas in the election list or percentage of representation in the Parliament or local councils.

Sexual and reproductive rights

Abortion is permitted subject to receiving the permission of the pregnancy termination board. However, the possibility to apply for this **permission is restricted** in a number of ways and women must fulfil one of the following criteria in order for the board to consider their case: to be under the age of 18 or over the age of 40; for the pregnancy to have resulted from unlawful sexual intercourse (rape or incest); for the pregnancy to endanger life or cause physical or psychological harm; for the pregnancy to occur outside of marriage; if the foetus will be born with mental or physical defects.³

Same sex conduct between consenting adults isn't criminalised. Same-sex marriage cannot be legally performed in Israel, although Israeli law allows the registration of same-sex marriages performed elsewhere.

Laws on gender-based violence/violence against women

In Israel, the **Family Violence Prevention Law** has been enacted since 1991.

The Sexual Harassment Prevention Law of 1998 and the regulations to prevent sexual harassment specify employers' responsibilities in the enforcement of the law and require the employer to designate a sexual harassment appointee in workplaces.

Economic and social rights

The principle of equality and the issue of gender discrimination are reflected in the Equal Pay for Male and Female Employees Law (the **Equal Pay Law**). According to Israel's sexual harassment prevention law (1988), all employers with 10 or more employees must have published sexual harassment protocols and an appointee for the prevention of sexual harassment.

Vulnerable and/or marginalised populations.

There are **no laws specifically for women with disabilities in Israeli civil law.** Instead there is a law establishing equal rights for persons with disabilities (1998) that protects the dignity and freedom of people with disabilities, to anchor their right to equal participation in society in all areas of life and to provide response to their special needs. There is also the National Insurance Law, 1955-55 that ensures several additional rights for this group, and several benefits, such as: benefits in education, health, social security.

There are **no specific laws for LGBTQ+ persons that aim to ensure full, equal rights** – but there is no law that criminalise LGBTQ+ people in Israeli civil law. There are court decisions that gave several rights and forms of recognition to same sex couples rights.⁴

Regarding **domestic workers**, information is available [here](#).

2. DE FACTO DISCRIMINATION

Civil and familial rights

Palestinian women in Israel currently face major obstacles in claiming their rights. These obstacles stem from social norms, Palestinian women's marginalised economic status, a lack of access to knowledge and resources in Arabic, and a lack of independence and self-determination. In particular, Palestinian women who face violations that may be considered socially taboo or which challenge gender-norms (such as sexual harassment violations, domestic abuse cases, and more), require a gender-sensitive approach.

Both the religious court systems and civil family courts continue to maintain patriarchal and gender-discriminatory laws, procedures, and perspectives. Religious courts in Israel don't provide equal access to justice and legal protection to those under their jurisdiction. 'Obedience lawsuits' continue to be filed against women before Sharia courts, and in custody cases wherein the mother marries another man after a divorce, she might lose her right to custody. In this case, the woman is asked to prove that she is a good mother and will maintain the best interest of the child according to religious laws. This process is very exhausting, and women are asked for highly demanding proofs of being a good mother.

From Kayan's experience, this process is terrifying for mothers. The need to constantly repeat the process of gaining custody causes them to live in fear, instability and anxiety for a long time, throughout the custody process and the new marriage period until the child is

18. This discriminatory and patriarchal mindset also applies when it comes to inheritance. Women have a choice according to the law to be applied, choosing between the religious or the civil process. However, society pressures women to compromise and choose and accept the religious laws of inheritance.

Ecclesiastical courts also violate fundamental human rights, expressed mainly in unreasonably high fees, and lack of transparency. Most of their legal procedures, and decisions are unpublished and unreported.

Political rights

In Israel, Arab Palestinian Women are systematically excluded from politics, excluded from informal positions on council committees, and from positions as councillors in local authorities. This disproportional representation leaves Arab Palestinian women vulnerable, as their needs are rarely addressed within political bodies. According to Kayan's own research in 2017⁵, only 14 women won council seats in some form in Arab Palestinian constituencies during the 2013 elections, even though there are nearly 1800 such council positions overall (in the Arab Palestinian society).

Sexual and reproductive rights

In Israel, abortion is relevant to the civil system only. There is no allowance of abortion except for certain cases. Such as the case of minors (women under 17, or over 40 or during army service), cases where the pregnancy happens within an illegal relationship

in criminal law (rape or incest), the child is likely to have a physical or mental defect, continuation of pregnancy may endanger the life of the women and others.⁶ Sexual education is not part of the education formal system and curriculum and it is not provided in all schools, specifically not in Arabic schools.

Laws on gender-based violence/violence against women

In **Israel**, the **Family Violence Prevention Law** has been enacted since 1991, but laws meant to prevent GBV do little to combat femicide. Various state agencies, including the police and social welfare institutions, are not doing their job properly, and the result is the continuation of the killing of women, of which Arab Palestinian women make up the majority.

One service offered by the state for women victims of domestic violence is protection shelters, that woman in danger, or women subjected to violence, can move to in order to seek protection. However, these shelters face major problems: according to official data there are 15 shelters⁷ across Israel, only two of which are designated for Arab Palestinian women, and two for a mixed population (Arab and Jewish women).

The Ministry of Welfare allocates its budget according to a “Services Basket” rather than actual needs, which has created a significant shortage of medical supplies, causing serious repercussions, especially for Arab Palestinian women, who make up a large percentage of the victims of domestic violence (especially in relation to their proportion among the wider population).

The shelters are operated by civil society organisations, but the privatisation policy followed by the ministry leads to inadequate management, as the tenders do not require the applicant to adhere to any feminist values, show a commitment to women’s dignity and rights, or even to prove experience and professionalism in the field, and the result is a lack of adequate shelters, and an increase in violence against women. Consequently, Arab Palestinian women lose trust in affecting change through official authorities and laws.

In its March 2016 report, the Knesset Research and Information Centre showed that 54% of Arab Palestinian women have a constant feeling of insecurity and a fear of losing their houses. Thus, most women who are victims of domestic violence do not often file complaints to the police.

Violence against Arab Palestinian women in Israel creates a serious threat to their safety and security. According to a study by Kayan, a yearly average of 12 Arab Palestinian women were killed by men between 2015 -2022.⁸ Arab Palestinian women make up more than half of the female murder victims in Israel, even though they compose just 20% of the population.

It is observed that the police and other actors fail to follow up on cases of violence and femicide. For all femicides in Israel, more than half of the victims had reported domestic violence to the police before their murder, and yet the police failed to prevent the killing. Furthermore, the police do not give disaggregated information about cases of violence concerning Arab Palestinian women including complaints, investigations, reasons for closing the files without trial, etc.

Economic and social rights

In **Israel**, Arab women face discrimination regarding their economic and social rights. These include ethnic discrimination as a national minority in Israel, and gender-based discrimination. As part of the Palestinian minority in Israel, Palestinian women face ongoing barriers to fair employment that are a direct result of State discrimination. For example, poor infrastructure in Palestinian society, a lack of public transportation to and from Palestinian areas, a lack of State subsidised day cares in Palestinian areas, and a lack of industrial zones in Palestinian areas have all contributed to the marginalisation of Palestinian women in the workforce.

According to the reports published by the Ministry of Labour on the 31st of July 2019, the percentage of Arab Palestinian women participating in the labour market was 38.2%, while the percentage of Orthodox Jewish women was 76%, and the percentage of other Jewish women (not orthodox) was 83%.

According to Israeli Central Bureau of Statistics, 2021 report, the present percentage of working Arab Palestinian women in Israel is about 41.4%, compared to 81.3% of working Jewish women.

50% of Arab Palestinian families live under the poverty line. The wage gap between Arab Palestinians and Jews is 35% and between women and men is 30%, while Arab Palestinian women earn 30% less than Jewish women. Two significant barriers to access are the lack of transportation infrastructure and the lack of workplaces and industrial areas in Arab Palestinian society. The Israeli government does not have any plans to improve this or to implement effective

laws. In terms of discrimination at work, the gender pay gap remains wide, with the average income of women being 63% of the average income of men across the country.

Israel continues to implement **forced eviction and house demolition policies**, violating the fundamental human right to adequate housing, which negatively impact the physical and psychological well-being, as well as the development and advancement of Arab Palestinian women citizens of Israel.

Sexual harassment is covered by the Sexual Harassment Prevention Law of 1998 and the regulations to prevent sexual harassment specify employers' responsibilities in the enforcement of the law, and require the employer to designate a sexual harassment appointee at workplaces. However, the law is deficient, because there is no requirement or regulation about the ratio between the appointee to the number of employees, no financial remuneration associated with the appointee position, no professional criteria required for appointment, no work procedure, and no budget dedicated to dealing with sexual harassment in the workplace. Moreover, no enforcement supervision system has been established.

The Israeli police is not prioritising the issue of sexual harassment and does not address it in an appropriate way. The police do not provide culturally and gender-sensitive ways or plans of treatment to prevent sexual harassment in order to handle cases appropriately.

Vulnerable and/or marginalised populations

In Israel, there are laws that promote the rights of people (citizens mainly) with disabilities. The law protects workers with disabilities from discrimination which could affect their salary, work conditions, and employment termination. However, the laws are not always applied and there is **not a specific focus on women with disabilities**.

LBTA women often face societal discrimination and violence. In the Palestinian society, which is a conservative one, there is a fear of expressing sexual identity, and a fear of violence based on sexual identity.

In general, **domestic workers** are unregistered, which means there is no monitoring for their status, and that they don't have insurance or a pension. This also means that there is no protection against abuse.

3. RECOMMENDATIONS

To the State of Israel

- Accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and ensure that the CEDAW Convention and related national legislation are made an integral part of the continuing legal education of the judiciary and all actors in the justice system, so as to cultivate a culture supportive of women's

rights and women access to justice. .

- Intensify efforts to combat gender-based violence against women, including femicide and domestic violence against Arab Palestinian women, by ensuring that such acts of violence are effectively investigated, fully prosecuted, and adequate sentences imposed on the perpetrators.
- It is Israel's duty to establish a clear policy that addresses the issue of harassment (especially sexual harassment) and strengthens the complaints-receiving system in law enforcement systems, opening consultation lines and to provide accessible emotional and mental support in Arabic for Arab Palestinian women.
- Israel should be requested to revoke all policies on the practice of house demolitions and forced evictions, and to immediately cease the implementation of eviction and demolition orders that are based on discriminatory planning and zoning policies.
- Intensify efforts to guarantee equal opportunities for women in the labour market by combating segregation and take specific measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys.

To the European Union regarding Israel

- The EU to undertake clear measures that address the root causes of discrimination against Arab Palestinian women citizens of Israel, including a review of Israeli laws and policies that contradict article 2 of the EU Israel Association Agreement.

- The EU to urge Israel to abide by its international obligations including international treaties ratified by Israel, namely CEDAW.
- The EU should leverage the fact that it's Israel's largest trading partner and leverage close EU-Israel collaborations to promote and protect the human rights of the Arab Palestinian minority, including to firmly acting in cases of gross human rights violations and systematic discrimination.
- Address the specific impact of Israel's new legal reforms that weaken the legal system and undermine the rule of law.
- The EU should demand that the benefits of the EU-Israel agreement be enjoyed equally, including the enjoyment of economic benefits for the Arab Palestinian minority (men and women).

ENDNOTES

1 OHCHR, CEDAW/C/ISR/CO/6, November 22, 2017. Accessed at : [CEDAW/C/ISR/CO/6: Concluding observations on the sixth periodic report of Israel | OHCHR](#)

2 Israel does not have a written constitution and uses its own system of Basic Laws which hold semi-constitutional status. See: https://knesset.gov.il/constitution/ConstIntro_eng.htm#:~:text=Israel%20has%20no%20written%20constitution,which%20enjoy%20semi%2Dconstitutional%20status.

3 <https://www.gov.il/en/service/pregnancy-termination-permission>

4 For more information, [see this link](#).

5 <http://www.kayanfeminist.org/sites/default/files/publications/Book-%20Exclusion%20of%20Palestinian%20Women%20from%20Government.pdf>

6 For more information, see here: <https://abortion-policies.srhr.org/country/israel/>

7 https://www.nevo.co.il/law_html/law04/24_lst_621169.htm

8 <https://www.kayanfeminist.org/publications/femicide-grim-reality-and-possibilities-resistance>

