



המרכז לקידום מעמד האשה
ע"ש רות ועמנואל רקמן

THE RUTH AND EMANUEL
RACKMAN CENTER
FOR THE ADVANCEMENT
OF THE STATUS OF WOMEN



Bar-Ilan University
אוניברסיטת בר-אילן
הפקולטה למשפטים

Annual Report

2012 תשע"ב



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Welcome	3
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Achievements at a Glance...	4-5
Our Mission and Objectives	6
The Legal Aid Program	7
True Stories—from hotline and Court	8-9
Projects	10
Social Change	11
ICAR and Social Change	12-13
Fighting Exclusion of women	14-15
Law Enforcement Project	16-17
The Student Training Program	18-19
The Moot Court	20-23
Words from our students	24
Thank You	25
Visits and International Work	26-27
HaDin VeHadayan	28-29
Conferences	30-31
Conclusion	33
Meet the staff	34
Thank You	35
Media Articles	From 36

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Advancement of the Status of Women**

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DIRECTOR

Professor Ruth Halperin-Kaddari

Introduction from the Director

Professor Ruth Halperin-Kaddari



Once again it is with pleasure that I have the privilege of presenting The Rackman Center's Annual Report for 2012.

This year has seen laws set in place to protect women in violent marriages and difficult divorces—we have ensured that women will not lose their social public housing if they are forced to leave the family home to protect themselves and their children, and among other laws we have worked hard to ensure that the “tender years’ presumption” favouring maternal (physical) custody for of children under 6 is not changed. I am proud to say that we are the first organization to see the law to raise the age of marriage to 18 years old pass through the first stage of Knesset, ensuring it is now ready for the second stage towards legislation in the new Knesset. We have also trained another 20 intelligent and exemplary law students to be experts in fighting for women in family law and we have run successful conferences and published important material on vital issues in the field.

It really is such an honor to be part of The Rackman Center and I want to take this opportunity to thank once again our hard-working professional team, the Law Faculty at Bar Ilan University and of course thank our generous donors whose unwavering support enables us to do so much.

It is important to celebrate and consolidate our significant achievements, but in doing so we must also be mindful of the continued challenges. We will soon have a new government and Knesset in Israel and hope that we will be able to ensure women's rights are heard. With your help, we have come so far. We hope that we will be able to continue along this road together - in order to create a better world for all our children—and make long term social change for women in family law and society at large.

Looking forward to 2013 and beyond there will undoubtedly be significant challenges, but looking back on the past year I am given hope that with the continued commitment of our staff and supporters that The Rackman Center will continue to make remarkable achievements.

Best wishes,

Legislation and Public Policy

We passed **2** amendments to laws

We have **2** other law amendments that have passed the first stage of legislation and will continue in the 19th Knesset.

We worked on **8** more law amendments (including 2 joint with ICAR)

We worked on **8** law regulations for various issues

We sat on **20** different Knesset Committees

We submitted **15** Position Papers.

At a

Legal Aid Clinic for Women in Family Law

23 Women received full free legal representation

245 women phoned our legal aid hotline

We trained **20** high caliber students

We held **one** Moot Court

We contributed **12** updates on the topic of Family Law to the Web project '**All Rights**' www.kolzchut.org.il

We conducted **3** Student tour days; visiting a Family Law Court, Rabbinical Court and Women's shelter and the Knesset

We submitted and were involved in **4** High Court Appeals

Publications

We published **3** issues of **HaDin VeHadayan** (The Law and its Decisor) including the 30th issue

We published a comprehensive **Index** for all the volumes of HaDin VeHadayan

We published our first book of **Moot Court Proceedings**

glance....

Conferences and Groups

We held **3** conferences with over **500** attendees

We ran **1** Student orientation group

We ran **1** Client Support Group

Publicity

The Rackman Center was mentioned **67** times in the newspapers and internet

We participated in **16** Radio Interviews and **3** TV shows



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Our Mission:

The Rackman Center was established in 2001 at Bar-Ilan University's Faculty of Law, with the goal of improving women's status and bringing an end to gender discrimination in Israeli society. The Rackman Center utilizes its unique position as an academic center in a law faculty to translate academic research, knowledge and training into action through social change in legislation, appeals to the High Court, Bill Proposals to the Knesset, conferences, training courses, and various publications, all of which contribute to the advancement of the status of women in family law in Israel.

The Center is at the **forefront of social change** for women in family law in Israel.

- We identify flaws in the legal system and inequalities in society and set out to change them.
- We accomplish this through High Court appeals, submitting bills to pass new laws and regulations to existing laws at the Knesset and fighting against the daily struggles women face in family and rabbinical courts.

Legal Aid, Advocacy & Outreach

Professional Education & Training

Policy & Outreach

We are also responsible for the unprecedented initiative of publishing and disseminating Rabbinical Court decisions that would otherwise remain unpublished and inaccessible to the public, and for publishing the bi-annual statistical report, "Women and Family in Israel"

With the benefit of our academic setting we also organize annual Conferences on such relevant

topics as child maintenance and custody, domestic violence and legal aid to women in the sphere of family law.

Established through your generosity, The Rackman Center is fulfilling its goals, as attested by all other activities listed herewith, according to the three aspects (above, center) on which it was founded.

The Program for Legal Aid, Advocacy and Outreach in Family Law and Women's Rights

Legal Aid Hotline

*The Rose & Louis Klosk
Fund Hotline for legal aid*

245 women received legal advice via our hotline this year.

The average time spent with each client was **one hour**, with callers often giving us legal documents to review beforehand.

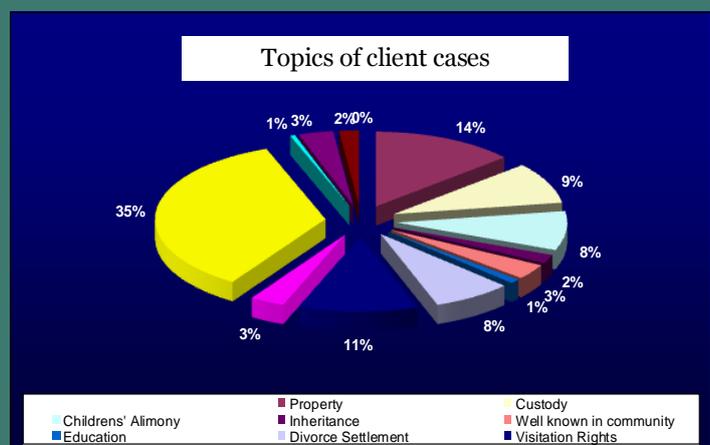
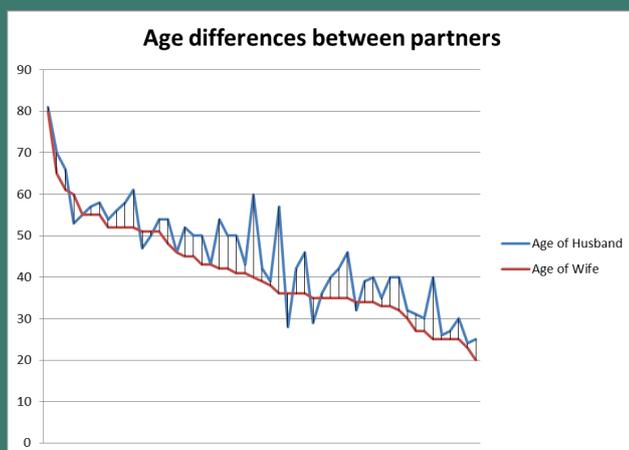
The average client age was 42 years, and clients on average had 2 children.

38 children were helped through our hotline.

After calling the hotline some callers were invited for a meeting and then we decided which cases to represent.

During the academic year, full representation was given to **23** Women. Every case entails between 3 and 5 legal procedures (property, custody, alimony etc.)

We compile reports yearly to analyze the cases we have dealt with in family law. For example, the fact that men are most often older than their spouses in divorce cases (see graph, left), and that the main reason clients come to us is regarding their divorce settlement (table, right).



Hotline Feedback from our client, Avigayil

"I wanted to thank you for the advice I received via The Rackman Center's Legal Aid Hotline. I was put in touch with a lawyer who could not have done more for me. She spoke to me almost every day, one day until midnight and then we spoke again the next day. If it wasn't for her I would have signed the agreement that my husband had put forward and I would have regretted it forever. She added so many clauses to the agreement—she turned one and a half pages into ten and ensured that I was in a far better position in the divorce. She checked over the final draft of the agreement and we were both able to sign it. I cannot thank the Rackman Center enough for this referral. I can now get on with my life with the rights I deserve. Thank you!"

Examples of cases we are dealing with...

A *Get* and visitation rights

Maayan and her husband had been married five years and had two children. Their relationship broke down and the couple signed a divorce agreement in court. Six months later her husband left the country before giving her a *Get* and fled to Canada, severed ties and could not be found. Maayan was left without a *Get* or child support. In addition to all this, the husband's mother filed a lawsuit for visitation rights accusing Maayan of abusing her children. As soon as the Legal Aid Clinic decided to take on this case, our lawyers set out on a worldwide mission to help Maayan -

dealing with Rabbinical Courts both here in Israel and in Canada. We were persistent and successful – managing to ensure Maayan received her *Get*. The court also dealt with the grandmother's claim for visitation rights, granting her to see her grandchildren every two weeks, per arrangement with the mother and on condition she does not bad mouth about Maayan to the children.



A Difficult Custody Case

Sara got married around 10 years ago and had two daughters who are now aged 8.5 and 5 years old. Her husband filed for divorce against her in 2009. The main area of dispute during the divorce settlement has been over custody of their daughters.

Unfortunately Sara went through some major tragedies in her life – losing both her mother and sister within months of each other while she was pregnant with her second child. This put a lot of stress on the relationship and led the couple to move their whole family from Jerusalem to Haifa. This made the situation even more stressful with particular pressure on Sara leading to the separation.

In January 2011 both parties were assessed for parental suitability and it was decided that temporarily, for now, the father would have custody over the children. Sara moved back to Jerusalem, while the father remained in Haifa. The ruling stated that the girls would be with their mother, Sara, 3 weekends a month – and the fourth one with their father. The distance between the parents makes this such a hard arrangement for all parties – in particular for the girls who have to make the journey.

Despite Sara's offers to pay for travel expenses, the father refuses to drive the girls to Sara's home so the girls are forced to travel on Saturday night on the bus, late at night. They fall asleep on the steps of the bus station in Tel Aviv and from there the father collects them for the journey of another hour to Haifa. The father makes it extremely difficult for the girls to speak to their mother and often ignores or does not respond to her calls.



Sara came to the clinic desperate for help after several lawyers refused to represent her. So far she has been let go by three attorneys.

Since the transfer of custody to the father, Sara has pulled herself together dramatically and has regular therapy that has made her stable for a long time. She has expanded her circle of friends, joined a support group for personal empowerment and has found steady work as a kindergarten assistant and at the same time - opened a cosmetic clinic in her home. She has great support from her family and now has the ability to raise her daughters superbly.

The girls love their mother and want to be with her. Her daughter tells her how she dreams of when they will live together and when her she will collect her from Kindergarten. It is so incredibly painful for Sara going to work every day with the thought that she is not with her daughters.

The Rackman Center Clinic is representing Sara in the Rabbinical Court where there will be a custody hearing. Social factors will be involved in the case and professionals. A few weeks ago the parties divorce finally went through and Sara received her *Get*. This is a lady who has turned her life around in order to be a devoted and loving mother and both she and the children deserve to be together. The custody decision is yet to be resolved in the rabbinical court and we are currently waiting for this decision in the hope that she will get custody and the father will of course also retain visitation rights. We will update you on the results soon...

More stories...

Withholding the Get

This is a painful story that is unfortunately very true and real.

Rivka called our hotline over a year ago for advice on her case. After trying to get help from other organizations, in the end her case was too difficult so she came to us a few months ago, desperate for help to rescue her from her marriage – from which she has now been waiting for her *GET* for over 10 years!

Rivka and her husband separated over ten years ago when her children were very small. After five years, her husband still refused to give her a Get and the Rabbinical Court used the necessary sanctions and ultimately sent him to Jail for withholding the *Get*. For the last five years, the husband has been in jail and still refuses to give a *Get* without conditions.

Ever since he went to Jail, the mother decide to protect her children but not telling them he was in jail - no one spoke to them about the situation at all so as not to make them scared. That was until their child at school a few months 'it's your father calling from derstandably hurt, angry nothing to do with their fa-



father phoned the older ago and the secretary said jail! The children were un- and ashamed and want ther.

In the meantime the only give a *Get* is after he has with his children to get reacquainted. Only after this has happened will he agree to hand over a *Get*. After so many years with no contact, the children to do not know their father and cannot be expected to do this – and they refuse any notion of the idea. The other issue is that the Rabbinical Court will not release him from jail unless he gives the *Get* and he is demanding to spend this time with his children first. On top of this, the father has threatened his wife in court that she will pay for the fact that he does not know his children... implying that he will harm her through harming the children. This is another serious concern with letting him be alone with the children.

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The husband is now saying that he will leave the *Get* in the hands of a Rabbi while he spends time with his children, and after some time with them he will tell the Court to handover the *Get* to Rivka. However we cannot allow this to happen as he can go back on his word and cancel giving the *Get*.

This truly is a troubling and sad case. Rivka is religious and she has lost ten years to this struggle. The Rackman Center is doing everything we can to resolve this situation. We took the initiative to appoint a psychologist who is working with the children – aged 12 and 10 to give them a chance to express their feelings and hopefully encourage them to get to know their father again. This is a difficult process as you can imagine as they are refusing to meet him at all at the moment. We hope that slowly they will agree to speak to him, and perhaps at some point the older child will meet him as a first stage towards getting their father to give their mother a *Get* and free her from the marriage.

At the same time, we are fighting the Rabbinical Court to ensure Rivka doesn't end up accepting any conditions, ensure the children's best interest, including visitation rights for the father, and get her the *Get*. We will update you on our progress.

OUR PROJECTS

SUPPORT GROUP FOR WOMEN

This year the clinic opened a support group for women who have divorced or are in the process of divorce. Group meetings were organized in conjunction with The School of Social Work at Bar Ilan University, including qualified social workers.

The project aims to provide support emotionally and socially for women undergoing a divorce transition above and beyond the advice and support given by our clinic lawyers. This is because we strongly believe that the two components - legal advice and emotional support - complement each other and should run in parallel to help women as much as we can.

The project group met once a week for an hour and a half. Group sessions ended a few months ago and were highly successful, both from feedback from the women involved and the staff who participated. As a result we very much hope to repeat this valuable service in the coming year.



Feedback from the social workers

“The aim of this group was to get women together who are all going through the divorce process, and provide them with a place to discuss their feelings, to get support from other women and realize that they are not alone. Going through a divorce is not something one expects in life and can be really difficult. Women often feel isolated and this group provided a place for them to share their problems and feel empowered by each other in order to cope with their new lives. We were there for them to give advice and help them feel empowered which in turn helped them in the divorce process—it gave them confidence to tell the lawyers what they wanted and get what they deserved in the process. This is such an important part of the legal aid clinic work and we hope we will be able to do more joint projects like this in the future.”

Project ‘All-Rights’



This is the second year of our involvement with this project. ‘All Rights’ includes a collaboration of many organizations across the country to contribute to a thoroughly informative website like Wikipedia that explains all Human Rights in Israel. Our Legal Aid Clinic works on the section for Women’s Rights in Family Law which is an exciting and important project that is being written by students at the clinic under our lawyers’ supervision. www.kolzchut.org.il

Social Change in Family Law

Legislation and Public Policy

This year has seen **significant progress in the area of Social Change**.

We have made such an impact in the Knesset, changing and advancing laws to protect women's rights—This year we have worked on **8 bills**, including **2** with ICAR .

In addition we have **passed 2 recommendations** to amend laws, and

have another **2** that have passed the first stage of legislation and will go forward in the new Knesset.

We are also continuing to follow up on over **15** position papers and working on **8** other recommendations to change regulations on various topics affecting Family Law.

Over the past year, our lawyers have appeared before **20 different Knesset Committee meetings**.

NEW LAWS PASSED!!

RETAINING THE RIGHT TO SOCIAL HOUSING FOR WOMEN WHO ARE *AGUNOT* OR HAVE TO LEAVE THEIR HOUSE (BECAUSE OF A VIOLENT HUSBAND OR IN THE DIVORCE PROCESS)

This bill was submitted to Knesset together with Yad L'Isha. Until earlier this year, by leaving their violent household in order to protect themselves, women risked losing their homes as the law gives the home to whoever stays there with the children. Women who had escaped to battered women's shelters found themselves returning to their homes despite the risk to their lives because of the fear of losing their homes. The same applied to women waiting for a divorce—*Agunot*— who were at risk of losing everything due to this - even though they should still have a right to social housing. With the support of MK Ruhama Avraham this bill was passed and the law now ensures that these women will not lose their right to social housing. This will enable women to escape bad marriages without risking their future.

WOMEN TO CONTINUE TO RECEIVE CHILD SUPPORT FROM SOCIAL SECURITY IN THE EVENT THAT THEY TRAVEL ABROAD

This bill was submitted because as the law stood, women who received Child Support from social security (because husbands were not paying it) would automatically lose a month of payments for their child with any trip abroad – even if they only left the country for work reasons for 24 hours. We pushed for the cancellation of this but it was rejected by the Treasury Minister. We came back to Knesset with a compromise that child support should still be sent as long as the woman's travel is limited to 72 days abroad, across 4 different trips. With the support of MK Faina Kirschenbaum (see right-with Adv Michal Loev-Schwartz) who really fought hard for this law, our bill was finally accepted and will allow women sufficient time to travel if necessary while still retaining their children's right to child support.



Our Advocacy and Agunah Work with ICAR

The Rackman Center is very proud to be an active and prominent member of the ICAR Coalition which fights for *Agunah* rights (women who are being refused their Get). We participate in ICAR Committees and often host meetings—by working together, our combined strength makes for strong results. Together with fellow ICAR members, here are some examples of what we are fighting for:

Cancel the Race for Jurisdiction

ICAR drafted a bill to cancel the race for jurisdiction and put it to the Knesset over a year ago (!). Following the proposal, the Minister of Justice set up an expert committee to formulate recommendations to resolve the problem in which Prof Halperin-Kaddari is a member. Rabbinical Judges boycotted the committee and refused to appear before it. ICAR called on the Minister of Justice to cancel the race for jurisdiction immediately.

Appointment of rabbinical judges

ICAR continues to fight that the appointment of rabbinical judges meet the criteria in the law to appoint fair judges. It is so critical to improve the selection of judges and court system to increase public confidence in the system. We are also fighting for women on the selection committee.

Appointment of rabbinical judges - Bar Association

selects its representatives to the committee without including women?! ICAR drafted a law demanding that women constitute half the members but ended up drafting a compromise law that a minimum of two women would be committee members. We obtained sponsorship of MKs from the coalition and opposition, including orthodox MKs. This latter law passed the ministerial legislative committee and received government approval but was later blocked by Shas (see page 15) We will continue to fight this!

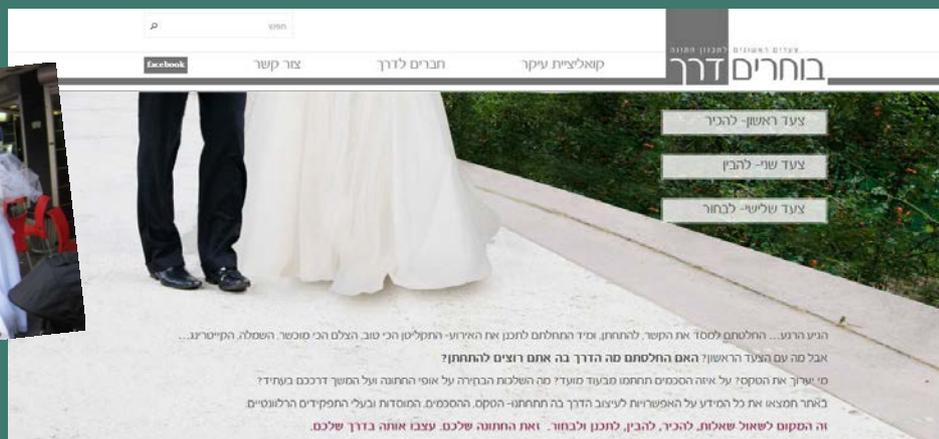


AGUNAH DAY

ICAR has put together a new web site <http://www.hatuna.org.il/> for Agunah Day, in order to provide information to young couples about the choices they have regarding the way they decide to marry and the implications of their choice, encouraging them to sign prenuptial agreements, and handed out flyers in Tel Aviv on Agunah Day to advertise the site.



Handing out flyers to advertise the new website



Social Change

High Court Appeals

This year we made 4 High Court Appeals (3 in collaboration with other organizations), to cancel the Race to Jurisdiction, to ensure women's inclusion on the committee to appoint new Rabbinical Judges, *Baalah vebaulah* (see below), and to extend prison sentences for men withholding the Get. For more details, read on...

A Committee to appoint new Rabbinical Judges

The committee that selects the Rabbinical Judges is currently made up of only men despite a promise to include at least 1 woman. It is discriminatory that no women are able to help select the Rabbinical Judges, when they are so influential in making life changing decisions for women in the Rabbinical courts. We are therefore fighting for better representation for women on the selection committee. See p15 for more details.

'Baalah Vebaulah'

This is an appeal based on a case where a couple had a straight forward divorce ten years ago. At some point the husband told the Rabbinical Court that his (ex) wife had an affair during their marriage. Without her consultation this was noted down in their records meaning that she is forbidden to remarry her husband (Baalah) or the man she had an affair with (Baulah). Her son, now religious, discovered this and is afraid it will affect his chances of marriage. We are appealing together with other organizations that this note be removed as it was not based on any word from the wife and was irrelevant to their divorce. In addition we want to ensure that the Rabbinical Court has no right to go into the private lives of a couple unless it is brought up by the couple themselves.

The Race for Jurisdiction

This is possibly the number 1 problem in family law. Rather than being able to resolve a divorce amicably and outside of the court there is a pressure on each spouse to ensure they submit the divorce to the court they want first, in order to get authority to deal with the case there. This is a waste of resources, time and emotional stress. We won our particular case, where the couple spent many many years fighting over who had authority to take on the case, and are only now dealing with the actual divorce. We hope this case demonstrates how crazy this situation has become. And will continue to work hard to eliminate this problem.

Prison sentence extension

We put forward a High Court Petition (in collaboration with four other organizations) to give rabbinical courts the authority to extend the prison sentence of a husband who refuses to give the get for over 10 years in jail. In the case itself, 10 years have come to an end and her husband still refuses to give the *get*. We hope this appeal will mean he will have to remain in jail, and allow the courts to retain men in jail without the need for an extension after ten years. We are waiting for a decision.

The fight to ensure women's involvement in the appointment of Rabbinical Judges



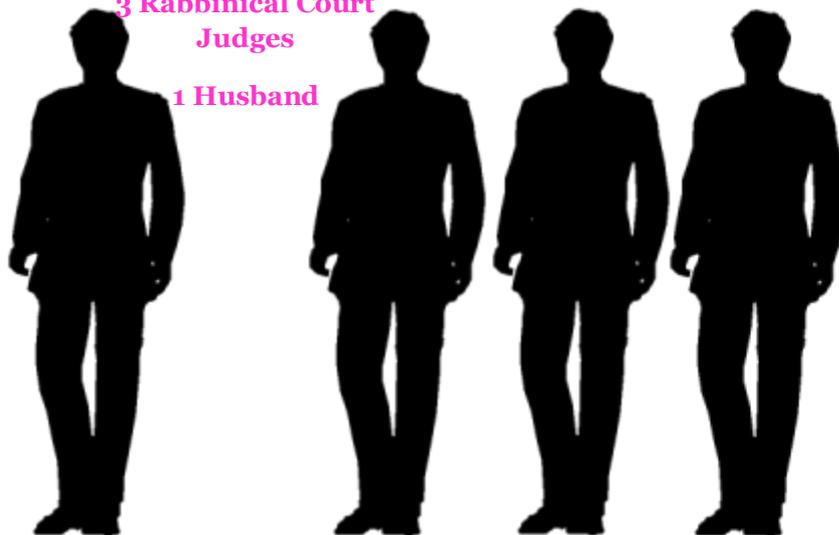
10
Men in the committee to appoint rabbinical judges

1 Woman



3 Rabbinical Court Judges

1 Husband



SOCIAL CHANGE—Fighting the exclusion of women

The Committee to appoint Rabbinical Judges

As the diagram opposite illustrates, currently 10 males are on the committee to appoint rabbinical judges. 2 are Ministers, 2 are MKs, the 2 Chief Rabbis, 2 Rabbinical Judges and 2 Bar Association lawyers. In the past there used to be 1 woman from the Bar Association but despite a promise to include at least 1 woman, this time 2 men were selected. So in the diagram opposite you see the inequality faced by women—all those in the committee to select the judges are male, they then select male rabbinical judges and the woman comes for judgement by males who were totally selected by men. Despite the fact that the final court decision will have a great impact on the life of a woman, no females were involved in the selection of the judges at all.

So what steps are we taking to fix this situation?

The first step is to ensure that women are included in the selection committee for rabbinical judges.

The Rackman Center together with ICAR (see p12) nominated Adv Batsheva Sherman from the Bar Association for the selection committee and when she was not selected we joined with other organization and submitted a High Court Appeal that women must be on the selection committee.

The High Court responded with an injunction order that stopped the process of selecting new rabbinical judges and ordered the Knesset to find a way to resolve this issue. The Knesset then accepted a law recommendation put together by ICAR and it passed through at the Committee of Ministers. However, the Shas party prevented it getting further and then there were elections...

We have since waited for the new Knesset that was elected in January, along with the appointment of a new Minister of Justice and are hoping to start the process again and hope that the next selection committee will include women, and that the bill recommendation ensuring women's representation in this committee will pass.

פרויקט פא"י

פיקוח אכיפה יישום של חוקים
בתחום דיני המשפחה

תשע"א-2011

דוח מס' 1 בנושא:

חוק בתי דין רבניים
(קיום פסקי דין של גירושין)

התשנ"ה-1995

פרופ' רות הלפרין-קדרי

עו"ד תמר אדלשטיין-זקבך



Social Change

The Law Enforcement Project

The Sanctions Law

One of our constant challenges in Israel across the whole field in fact, is that while laws are established, they are either **not enforced at all or are not properly enforced**.

We began this project to specifically ensure that for laws that already exist and in the progress we have made in changing laws, that the process is seen through to the end and laws are being properly enforced.

The Sanctions Law (the basis of our first report) allows the Rabbinical Court to apply serious sanctions against men who refuse to give a Get. From our statistics, which we included in the report, this law is used in only 1.5% of cases in which it could have been enforced. Sanctions are key in most cases—most normal men would be put off by these sanctions and be quick to give the Get sooner, but this law is not being enforced properly.

We submitted this report to the committee of the State Comptroller. *They agreed that measurements must be taken.*

We then pushed that the ‘sanctions law’ should be strengthened with an amendment that Rabbinical Courts should be given the tools (e.g. special software) to follow up each case to avoid *agunot* being forgotten about for unnecessarily long periods of time. The Law amendment passed the first stage but stopped here because of a lack of funding. MK Zevulun Orlev managed to secure funding for this software but because he is no longer an MK we will now have to start the whole process again with the newly elected Knesset members.

“We are not content in making social change ‘on paper’, but want to see action in practice and will work our hardest to ensure that this happens.”

Skill

Students at Knesset



Experience

&

At the Family Court



Empowerment

At the Rabbinical Court



Social Change

The Legal Aid Student Training Program

This year 20 students completed the training program in our aim to mold the **lawyers of tomorrow** into committed fighters in the battle for women's and children's rights.

The program is part of an obligatory third-year course that students work in a legal clinic. Students apply for the program and are selected based on their academic excellence and commitment to women's rights.

A great deal of thought and planning are invested in the students' studies and practical training, in which we emphasize both theoretical and practical solutions in all areas of family Law.

Training includes bi-weekly group meetings and lessons in which the Program's cases are analyzed and Halachic and legal solutions raised and discussed as well as other dilemmas faced as lawyers.

“we emphasize both theoretical and practical solutions to all areas family law”

The meetings with the students in the past year were led by Professor Ruth Halperin-Kaddari, Adv. Yossi Mendelsohn, and our Center's lawyers. We also brought in specialist lecturers including judges, social workers and lawyers who specialize in areas taught on our program. Training also included individual meetings with students where all factors involved in choosing appropriate legal procedures in each case were discussed. Students also participated in client meetings and in Courts hearings, writing pleas and were active participants in drafting new bills for legislation and writing lawsuits.

Students in the training program also participated in **educational tours**: a tour of the Knesset, a visit to the Ramat Gan Family Law Court, a tour of the Rabbinical Court, and a tour of a Battered Women's Shelter. The Knesset tour is especially significant so the students could **see firsthand the process of bill submission and legislation** which is so vital for making long term social change.

The training not only builds the student's skills and experience, but also **empowers** them as individuals – as a group lawyers with strong ideals and the confidence and tools to make **positive change**, helping their community and supporting women and children.





Adv Atara Kenigsberg, Prof Ruth Halperin-Kaddari, Judge M Cohen, Judge T Swan, Judge S Joyossy, Adv Orit Dror-Harel, Adv Yossi Mendelsohn and Adv Adi Raz.



The Defense



The Prosecution



Professor Ruth Halperin-Kaddari



Moot Court Proceedings Publication

After such a positive response from the Moot Court we run annually as part of the Student Training Program, we published last year's Moot Court Proceedings as a useful resource for Judges, Rabbinical Judges, lawyers, professionals in the field and law students.

This topic was on the issue of whether Prenuptial Agreements will hold in the Court in the event of a divorce.—a prominent and important issue that is becoming more and more prevalent as the idea of Prenuptial Agreements slowly becomes more common in Israel.

משפט מבזים

הקליניקה לסיוע משפטי לנשים
בענייני משפחה

הסכם קדם נישואין

למניעת עגינות בבית הדין הרבני

קליניקה תשע"א - 2011

הפקולטה למשפטים, אוניברסיטת בר-אילן



המרכז לקידום מעמד האשה
ע"ש רות ועמנואל רקמן

THE RUTH AND EMANUEL
RACKMAN CENTER
FOR THE ADVANCEMENT
OF THE STATUS OF WOMEN



A few words from our students

Orel, one of our students who participated in the Moot Court says,

“I applied to join the Rackman Center Legal Aid Clinic in Family Law because I have always been interested in feminism, in gender and the relationship between them in court. On this Family Law course I learned that usually women are given the last thought in family-related issues, It pains me to see this and I have always wanted to really learn about this field to enable me to help fight for these women when other doors have been closed to them. I made the right choice choosing this course!



This area of law evokes feelings and emotions more than other areas of law and it is essential to treat each case sensitively and empower the women with the most suitable solution to the problem. We worked directly with clients and it is true to say that in some cases, the road was long and difficult but we were taught how to deal with this and the best way forward.

Our sessions on the training program focussed on fascinating topics run by experts in the field including judges, lawyers, rabbinic court experts and academics. We learned about divorce and *get* conditions, *get* cancellations, claims for refusal to divorce, domestic violence, prenuptial agreements and more.

In addition to classes we toured a shelter for battered women (and no, it's not a sad and dark place), the Knesset, rabbinical court and family court. We had interesting discussions which again demonstrated to me just how much sensitivity Family Law demands. We learned about the real people and instead of making unqualified judgements, we appreciated that these are real families experiencing grief and loss, which affected me and made me decide to focus on this subject in the future to try to help.

During the program I also learnt how to draft pleadings and did litigation work for the Clinic. The Clinic Lawyers were brilliant and taught us and encouraged us patiently and with a smile, teaching us to always have hope—even the most complex cases have a solution.

I want to just thank the whole Clinic team for a really wonderful year –it was thoroughly useful and interesting and will definitely impact and help me with my choices as a lawyer in the future.”

At the end of this year I really feel that I have learnt important tools in dealing with High Court Appeals and preparing bills. We covered such a range of topics and I will definitely take what I learned with me in the future.
Thank You!

This year was so valuable to me and I hope to continue as a Family Lawyer. It is reassuring to know that I can always come back to the Clinic at The Rackman Center for help and advice in the future. Well done on a great program!

I am just so proud to have had the privilege of participating in this program. I had heard of it before as it has such a reputation as a well regarded program and I am so glad I have now done it!

With Thanks to the Supporters of the Legal Aid Clinic

*The Clinic's activities were made possible this year thanks to
the generous support of:*

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President of Bar Ilan, Prof Kaveh, The American Ambassador Daniel Shapiro, Prof Halperin-Kaddari and Adv Atara Kenigsberg



CEDAW—left to right—Fran Butensky, Rita Fishman, Ruth Halperin-Kaddari and her daughter Avital, Madeleine Brecher

International Relations

Professor Halperin-Kaddari continued her tremendous work as member of **the CEDAW committee in the UN**. She attended the UN three times this year and is working hard to add issues to the convention particularly on the economical rights of women.

December—We were honored to host guest, Prof Havkin from The Washington College of Law who gave a special lecture for the law students at Bar Ilan University and joined us for Chanukah celebrations pictured here with clinic lawyer, Adv Adi Raz (see right).



March— our executive director, Adv Atara Kenigsberg was



guest speaker at the Diplomat's Spouses Club in Israel hosted by the Canadian Ambassador's wife, Ms Pauline Mantha at the Official Residence of Canada (see left). Atara also spoke at an event for young US diplomats.

May—We hosted the US Ambassador, Daniel Shapiro at The Rackman Center (see opposite page)

Prof Ruth Halperin-Kaddari was honored to attend a special meeting with Justice Elana Kagan, an Associate Justice of the Supreme Court of the United States.

June—We were invited to the Ambassador for Sweden, Ms Elinor Hammaraskjold for Sweden's National Day.



July—Ruth participated in her annual trip to New York for CEDAW and enjoyed a special evening celebrating the 30th anniversary of CEDAW, commencing with a panel 'focusing on women's political participation and leadership—in pursuit of equality' (see photograph p26).

July 4th—Prof Ruth Halperin-Kaddari and Adv Atara Kenigsberg attended the US Embassy Independence Day Celebrations (see above with Ambassador Shapiro and his wife)

Prof Ruth Halperin-Kaddari attended a meeting with the Swedish Ambassador at her residence together with H.E. Ms Birgitta Ohlsson, Minister of EU Affairs.

הדין והדיין 28

פסקי דין רבניים בנושאי משפחה
גיליון מס' 28
The Law and Its Decisor: Rabbinical Court Decisions in Family Matters
תשרי תשע"ב אוקטובר 2011

עילות גירושין
רכוש
ממזרים

המרכז לקידום מעמד האישה ע"ש רות ועמנואל רקמן
THE RUTH AND EMANUEL RACKMAN CENTER
FOR THE ADVANCEMENT OF THE STATUS OF WOMEN
הפקולטה למשפטים אוניברסיטת בר-אילן

יד לאישה
מוסדות אור תורה 5000
The Monica Dennis Goldberg
Legal Aid Center and Hotline

פרסום זה התאפשר הודות לתרומתם הנדיבה
של ערד רומי תגר וג'ון רומי טאג'ר.
This publication was made possible through the
generous support of Dr. Romie Tager, QC,
and his wife Esther, London, England

הדין והדיין 29

פסקי דין רבניים בנושאי משפחה
גיליון מס' 29
The Law and Its Decisor: Rabbinical Court Decisions in Family Matters
טבת אדר תשע"ב פברואר 2012

תנאים למתן גט
עילות גירושין
נישואין אזרחיים
בטלות קידושין

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הדין והדיין 30

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גיליון מס' 30
The Law and Its Decisor: Rabbinical Court Decisions in Family Matters
חשוון תשע"ב דצמבר 2011

גליון נושא:
מאבקי סמכות

לגיליון מיוחד זה מצורף
30 מפתח
מראי מקום, פסקי דין ורשימת נושאים

המרכז לקידום מעמד האישה ע"ש רות ועמנואל רקמן
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Ha Din VeHadayan

The Law and its Decisor

Together with The Yad L'Isha Legal Aid Center, we publish the "**HaDin VeHadayan**" - the Law and its Decisor, made possible through the generous support of **Mr and Mrs Romie Tager, QC, London, England.**

The first issue was published in February 2003, and contains **summaries of cases and rabbinical court decisions in family matters.**

This publication consistently and regularly offers crucial accessibility to verdicts of the rabbinical courts. The importance of this project is twofold. From a professional, legal perspective, these cases are now being made available to all lawyers and judges involved in family law. One lawyer even wrote how one of the cases in one of our issues was used as evidence in the court. In addition, the publication of rabbinical court decisions and deliberations will contribute to an increased public awareness of both the problems and potential solutions, while serving as an internal review mechanism.

Issue number 28 of *HaDin VeHadayan*

Grounds for divorce, Property, *mamzerim*

The 29th issue of *Hadin Ve'Hadayan*

Conditions for granting divorce, Grounds for Divorce, Civil Marriage, retroactive invalidation of marriage.

The 30th issue of *HaDin VeHaDayan*:

Jurisdictional Battles.

This issue also came with an index enabling readers to search and find articles on all the topics in all the issues of *HaDin VeHadayan*.

"I have just received *Hadin veHadayan* 30, including the index pages. I don't know how to thank you enough for your incredible work. How can I express the importance of this publication, in particular the index issues.

You are so blessed in what you have achieved and I only hope you continue and continue."

A quote from a letter received from a lawyer who regularly receives *Hadin veHadayan*.

The Ninth Annual Conference of Women, Family and Law in Israel



The ninth 'Annual conference on women, family and law in Israel' was once again a success, addressing over 400 people altogether.

Picture left—the clinic students welcome the conference visitors.



Far Left—Director Prof Ruth Halperin-Kaddari with Executive Director, Adv Atara Kenigsberg

This year we held two conferences.

The morning conference was for Social



Workers in the Ministry of Social Affairs and held in collaboration with the Ministry for Social Affairs -see picture above right of The Minister of Justice, Professor Yaakov Ne'eman addressing the audience. The topic was 'custody of children - research and reality'

The second conference was held in the afternoon and was for lawyers. The conference discussed all the various committees that have been established in The Ministry of Law regarding topics in Family Law.

From left, Prof Ruth Halperin-Kaddari, Minister of Justice ,Yaakov Neeman and Dean of Law Faculty, Prof Arie Reich

The Annual *Halachic* Conference

In memory of Rabbi Rackman Z'L

This year we held our first successful conference in memory of Rabbi Rackman.

The conference was crucial and informative, focussing on the important topic of a conditional marriage and prenuptial agreements.

The keynote speaker was Rabbi professor Michael Broyde, who is a renowned Rabbinical judge in America, a professor of law at Emory University in Atlanta and the academic director of its law and religion Program. He spoke to legal professionals, academics and lecturers and presented his prenuptial agreement. His agreement provides that if a married couple live apart for more than 15 consecutive months, their marriage is annulled without the need for a husband to give a *get* or the mutual agreement of the partners, both of which are required by Jewish Law. While he doesn't advocate the use of this, as he thinks the Prenuptial agreement endorsed by the Beth Din in America is sufficient, he discussed his reasoning, research and background to this agreement.

Our research shows that in 12.5% of cases, more than four years elapsed before a *get* was granted, and in 28.4% it took at least two years.

If prenuptial agreements could be acceptable and accepted—and signed just like a Ketubah, this could change women's position in the event of a marriage breakdown.

This is therefore a very prevalent and crucial topic that is high on our agenda.



Top—Professor Amichai Radziner with Prof Kaveh, President of Bar Ilan University

Above right, Rabbi Broyde, and left—a well attended conference.



At the High Court with other women's organization representatives for our appeal to extend prison sentences to more than 10 years for men withholding the Get



Prof Halperin-Kaddari with former Head of legislation, Adv Michal Loev-Schwartz and MK Shelly Yachimovich



Clinic Directors, Adv Osnat Karplus & Adv Adi Raz

The Rackman staff at the High Court





Conclusion & The Future

The Ruth and Emanuel Rackman Center for the Advancement of the Status of Women in Israel continues to play a crucial role in activities, research and measures to promote the status of women in Israel.

Thanks to your on going kind generosity, the Center works towards the goals for which it was established, fulfilling the vision of Rabbi Rackman z'l in promoting women's equality and rights.

In doing so, The Rackman Center is also achieving the goals for which you so generously founded and supported us.

We continue to face hurdles in our work but we are progressing so well and our reputation and professionalism is bringing with it more influence and successes, both at home and internationally.

**We are making social change for Women and children
in Family Law and we are striving towards
equality for Women in Israel**

We look forward to updating you throughout 2013,
for what is sure to be another highly productive year.

Thank you so much for your continued support

From all the staff at The Rackman Center

Staff Leadership



Professor Ruth Halperin-Kaddari-Director of the Rackman Center, Ruth is a senior lecturer at Bar-Ilan University's Law School in Feminist Jurisprudence and Bioethics, and a member of the UN Convention on the Elimination of Discrimination Against Women (CEDAW). A graduate of Yale Law School under a

Fulbright Scholarship, Professor Kaddari is co-founder of Kolech - the Religious Women's Forum and the Israeli Association for Gender and Feminist Studies, and serves on the board and on the legal advisory committees of a wide range of women's organizations in Israel. She was awarded the U.S. State Department's International Woman of Courage Award and is a former Vice-President of UN CEDAW Committee and remains an active member this year. She was selected as Woman of the year 2011 by the esteemed legal publication, 'HaPraklitim'.



Adv. Atara Kenigsberg-Executive Director of the Rackman Center, Atara is a Ford Fellow, having received a Ford Fellowship with the 92nd St. Y. She received both her LLB and LLM in Law from Bar-Ilan University, and worked in various prestigious law firms in Israel. She also supervised the preparation of the official report of the State of Israel to the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW).



Adv. Adi Raz-Head of the Legal Aid Clinic, Adi earned her L.L.B. in The College of Management, and did her legal internship in one of Israel's most prominent family law offices. For four intensive years she worked in a family

law office, and became highly specialized and professional, both through her daily work and the many cases she represented, and through the many professional training programs in which she participated. She recently gained an LLM in Law and Mediation at Bar Ilan University.



Adv. Osnat Karplus-Head of the Legal Aid Clinic and responsible for the legal aid clinic hotline, Osnat earned her LLB from Netanya Academic College. Osnat began her career in criminal law and then spent 5 years working in personal status and family law before joining us.



Adv Adina Silis-Garussi—Head of Legal Aid Clinic (maternity cover) —LLB from Haifa University and a BA in Economics and Business Management. She specialized in the fiscal department as a Haifa district attorney and then specialized in a law firm in the field of personal status and family law.



Adv. Adi Blutner - Head of Legislation and Public Policy .BA (LLB) in Law specializing in Women and Gender Studies, Tel Aviv University.. As part of her work today, she regularly participates in various Knesset committees, such as the Constitution, Law and Justice Committee on the Status of Women and the Committee on children's rights, and submits recommendations on bills and laws in family law.



Michal Loev-Schwartz—Former Head of Legislation and Public Policy 2011-12 Michal earned her BA (LLB) in Law and Theater at the Hebrew University of Jerusalem. She has worked at Yigal Arnon & Co in civil-commercial Law and in the attorney office of Gidon Koren & Co in litigation, labor laws, tenders, property and construction.

**With thanks to our Founders,
Supporters and Friends**

The Ruth and Emanuel Rackman Center for the Advancement of the Status of Women is deeply grateful to its friends, supporters, and founders, who have played an instrumental role in making this prestigious enterprise what it is today. Through your encouragement and assistance we have been able to advance a wide range of vital activities and projects, to reach out to women in need and to make social change to improve the status of women in family law in Israel .

Founders:

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We are grateful to the following individuals and organizations for their support this year of the Ruth and Emanuel Rackman Center for the Advancement of the Status of Women:

The Joseph Alexander Foundation
The David Berg Foundation
The Greater Miami Jewish Federation
The Hadassah Foundation
Romie & Esther Tager QC
The Rose & Louis Klosk Fund
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A selection of Media Articles
Followed by some of our promotional
material from the past year

P37-The Newsletter of the Diplomatic Spouses' Club

P38-41 - 'Chained Against their will' - International Aguna Day

P42—Sanctions for recalcitrant husbands following our Law Enforcement Report

P43—Women not on the rabbinical court's Judicial appointments committee.

P44—Raising the Age of Marriage

P45—Tender Presumptions Law

P46—Halachic Conference about Prenuptial Agreements

P47—French interview with Prof Ruth Halperin-Kadarri

P48—Halachic Conference schedule

P49—9th Annual Conference Schedule

Diplomatic Spouses' Club in Israel Newsletter

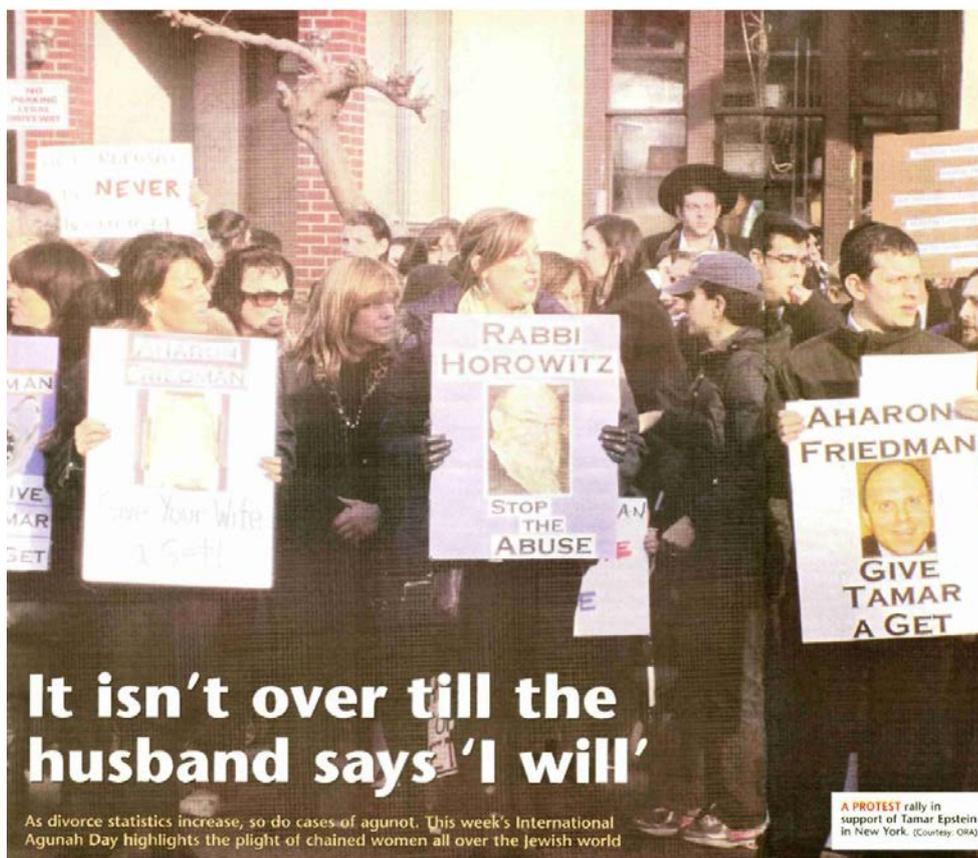
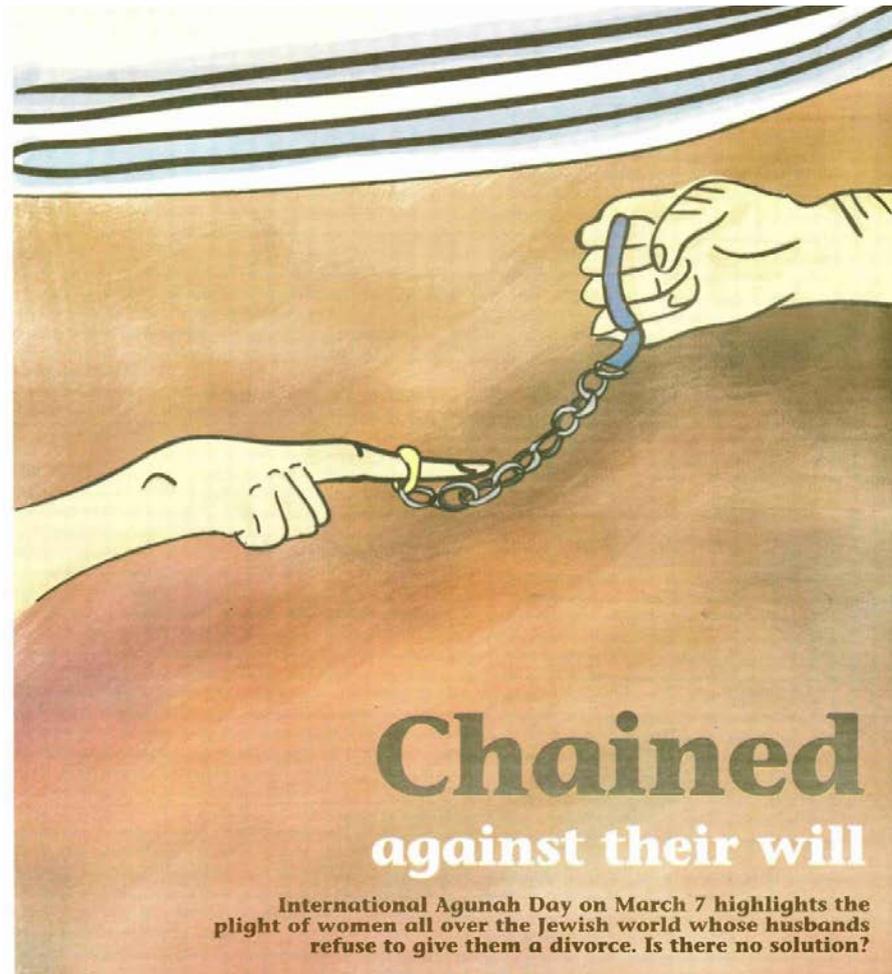
April 2012

March Events

March Coffee Morning

To mark International Women's Day, the DSCI March 2012 Coffee Morning held at the Official Residence of Canada focused on the status of women in Israel. The dynamic speaker, Atara Kenigsberg, Executive Director of the Ruth and Emanuel Rackman Center for the Advancement of the Status of Women, declaring herself an orthodox feminist, captivated the group with her enthusiasm and energy. Drawing from her experience and knowledge, her insightful reflections on the interface between the Jewish faith and the status of women prompted many questions. Approximately 60 members attended and learned a great deal from lively presentation. Thank you Atara for your generosity! Keep up the good work!





With over 30,000 views on YouTube and hundreds of people taking to the streets in New York and Washington in protest, Tamar Epstein, a 28-year-old Orthodox woman from Silver Spring, Maryland, has become the reluctant subject of a cause célèbre that has been unfolding in the US for the past four years.

The reason behind all the attention Epstein has been receiving has less to do with what she did and more to do with what her former husband, Aharon Friedman, didn't do: Namely, grant Epstein a *get* – a Jewish writ of divorce.

Epstein first asked Friedman for a *get* in August 2009, 18 months after the couple had separated following a tumultuous two-year marriage in which they had a daughter, now four. Despite a civil divorce, Epstein's *get* is still pending, and in June 2010 Rabbi Shmuel Kamentsky signed a letter stating that Epstein had the status of an *aguna* – or “chained woman.”

The issue of *agunot* is a complicated one in Jewish law and prevents the woman from remarrying until she has received a *get* from her husband. Any subsequent children that the woman has with another partner during the time that she is still “chained” to her husband are considered *manzerim*, who will themselves be very restricted as to whom they can marry.

What makes Epstein's story more high profile than other cases surrounding *agunot* is the fact that Friedman, an attorney by profession, is the aide to the chairman of the Ways and Means committee, Congressman Dave Camp. So how did a public figure on Capitol Hill, ostensibly with a desire to maintain a certain reputation and level of respect, turn into a *get*-refuser?

Epstein believes that part of the reason is due to the attitude of the Orthodox community – and included within that is the Beth Din of America – of being “too soft” on the subject of *get*-refusal. Initially, friends of Friedman, as well as rabbis and *dayanim* (religious-court judges), fully legitimated and supported his decision to hold off on giving his wife a *get*. Epstein avers that had the rabbis taken a hard-line approach from the beginning, the entire affair may well have been resolved years ago.

One by one, the rabbis dropped their support of Friedman, and in September 2011 the Union of Orthodox Rabbis of the United States and Canada took the very rare step of issuing a declaration of contempt which demanded that Friedman give his wife a *get*.

In accordance with the Jewish laws relating to *gittin* (divorce) rabbinical authorities can coerce the husband into granting his wife a *get* by imposing sanctions which include excommunicating him from his

community and synagogue. But it seems that by the time the *beit din* (rabbinical court) had decreed that sanctions were to be imposed on Friedman, it was too late. In Epstein's own words, Friedman had “become comfortable” with his status as a *get*-refuser and had turned into what she calls “a formidable opponent.”

Epstein further decries the recommendations given to her at the beginning of her ordeal when she was told to try to understand “where [her husband's] coming from” and to “give him time to come to terms with it.” She was further advised to “be nice to him and gain his trust before asking for a *get*.” But perhaps the attitude that proved to be the most detrimental was to allow Friedman to think that all of the other issues surrounding divorce, including custody of children and division of property, should first be resolved before agreeing to grant a *get*.

THIS PARTICULAR point has been raised by many organizations advocating the rights of Jewish women. Rachel Levmore received her doctorate in Talmud and Jewish Law and is the coordinator for the *Agunot* and *Get-Refusal Prevention Project* of the Council of Young Israel Rabbis and the Jewish Agency. With an indefatigable passion, Levmore has been active in trying to find solutions to the *aguna* problem for more than 15 years. Levmore says:

“We've reached a point that the linkage of giving a *get* and all the issues inherent to giving divorce [including child custody and division of property] must be severed because the second issue is obfuscating first. These are two separate areas of Halacha and there is no connection between them, even in the *Shulhan Aruch*. Mixing them is giving rise to *get*-refusal and justification for *get*-refusal in people's minds.”

Levmore believes that there should be two different courts handling each issue: one *beit din* should be dedicated to supervising issues such as child support, while another should be devoted solely to the handling of the *get*. The fact that one has become contingent on the other and has no basis in Jewish law.

Rabbi Asher Ehrentrau is the assistant director for *Agunot* Affairs in the Israeli rabbinical courts. Ehrentrau admitted that when a couple appears before the *beit din* following the wife's request for a *get*, many times the husband will say, “I'm prepared to give a *get*. These are my terms.” Ehrentrau explains that the husband will not grant a *get* until all the other issues have been resolved – in other words, until his terms have been met. The thing is, says Ehrentrau, he can't do anything to force or coerce the husband into giving a *get* because he had already expressed that he is fully prepared to do so.

But according to Atara Kenigsberg, executive director of the Ruth and Emanuel Rackman Center for the Advancement of the Status of Women at Bar-Ilan University, a research institute that deals with

PROTESTING IN

Washington.

Recalcitrant husbands will always be the ones in power; so much so that even if the *beit din* decides to incarcerate the husband for life, it doesn't resolve the matter.

(Courtesy: Noah Zwillinger)



women's rights in Jewish family law, this is precisely the problem. The recalcitrant husband will find favor in the eyes of the *beit din* by stating unequivocally that he will grant his wife a get. Yet of course, this is invariably followed by what he wants in return.

Kenigsberg believes that from the very first hearing, the methodology that the rabbinical courts use is part of the reason so many cases drag on for years. The courts are often guilty of giving in to the *prima donna* attitude of the husband, who believes he has the right to get whatever he can out of his wife, including money and custody rights.

Rabbis have become accustomed to posing the following question to the husband once a divorce file has been opened: "Your wife is asking for a get. What do you want in return?"

Not only has this question no halachic justification, it is also dangerous. It empowers the husband and makes him feel like he's the one holding all the cards. Which, sadly, might just be the case. In civil society – and indeed, in most areas of Jewish law – anyone who does not adhere to the legal system in place will run the risk of appearing before a court and will be forced to rectify any wrongdoings, or made to pay the price. The system – represented by law-enforcement agencies, judges, courts and so on – is ultimately the one with the power to deal with the misdemeanor as it sees fit.

However, this is not the case with get-refusers. When all is said and done, recalcitrant husbands will always be the ones in power; so much so that even if the *beit din* decides to incarcerate the husband for life, it doesn't resolve the matter and he can still refuse to give his wife a get from within the prison walls.

In his book *The Shame Borne in Silence*, Rabbi Dr. Abraham J. Twersky posits that get-refusing is the climax of abusive behavior that happened during the course of the marriage. Epstein agrees, and even though she no longer shares a home with Friedman, by refusing to grant her a get he is now exer-

cising the ultimate weapon in domestic abuse. Not to mention a major abuse of human rights.

So just how many agunot are there in Israel today? Well, that's the million-dollar question. According to the director of Agunot Affairs, Rabbi Eliahu Maimon, the number does not exceed 200. Maimon asserts that last year 98 cases were "solved," whereby women who were deemed as having the status of aguna finally received a get. According to Maimon, an aguna is any woman whose husband does not show up for a hearing once a request for a get has been made by the wife.

THERE ARE four halachic terms that the Beth Din has at its disposal to coax a get out of the husband: Recommendation; commandment; obligation; and coercion – with the latter being the strongest term used. Maimon's office deals with the later stages of get-refusal, i.e. those cases where the *beit din* has used one or more of those terms on the husband and he still refuses.

According to the Rackman Institute, the number of agunot in Israel far exceeds the statistics of the rabbinical courts and is well into the thousands. This discrepancy is due to a myriad of reasons, primarily relating to a difference in the definitions of an aguna: Firstly, each year many cases are closed by the courts due to "inactivity," i.e. when there was no progress and no hearings over a long period of time following the initial divorce claim. But these stalemated cases are often due to one or the other partner simply giving up on the hope of ever receiving a get.

Alternatively, in some cases, the husband might be the one to make the initial divorce claim once he learns from his wife that she wants a divorce. In these cases, the issue becomes much harder for the wife and gaining the status of aguna is near impossible since she was not the one to initially file the divorce claim. Sadly, this is nothing more than a ploy by the husband to ensure that he is the one in control. He can file the initial claim and in subsequent hearings he

can request from his wife that they preserve *shlom bayit* – marital harmony – at the courts' behest.

Ultimately, if the husband files the claim first, he is the one holding the cards and his wife will not be regarded as an aguna by the courts. Additionally, since the husband was the one to file for divorce, even in cases where he might disappear and not show up to any of the hearings his wife will in all likelihood not be considered an aguna.

The final reason behind the discrepancy in numbers is quite simply because the rabbinical courts will not consider a woman an aguna if the husband actually shows up to the hearings – regardless of whether he grants her a get, and this is most often the case and the reason that so many of these cases drag on for years.

The Rackman Institute reports that in 2006 some 3,402 get-refusers were deemed by the rabbinical courts as being applicable to have sanctions imposed on them. These sanctions extend as far as sending the get-refuser to jail. In 1995, a new law came into effect which meant that the rabbinical courts were able to make an autonomous decision to send a get-refuser to jail without receiving an additional ruling from civil courts. However, the rabbinical courts ended up imposing sanctions on only 50 of those men – a mere 1.5 percent out of the 3,402.

So what is the solution to the modern agunot problem relating to recalcitrance? This is the second million-dollar question, but one that is far more critical to answer than the question of numbers.

Rabbi Emmanuel Rackman, after whom the eponymous institute at Bar-Ilan is named, adjudicated agunot cases before his death in 2008 by invoking halachic concepts such as error in the creation of marriage and marriage by coercion to dissolve or annul marriages without the need for a traditional writ of divorce. The problem is that most rabbinical authorities, including the Rabbinical Council of America in the US and the rabbinical courts here in Israel, do not accept Rackman's *beit din* as being consistent with accepted principles and precedent within the confines of Jewish law.

Rabbi Michael Brody, a professor of law at Emory University School of Law and former director of the Beth Din of America, devised an alternative document signed by the couple before they marry that would prevent agunot cases. The advantage of the document is that it doesn't rely on external factors – such as money – to free a chained woman. It even excludes the husband from the picture, which means that in extreme cases where the woman is an aguna because her husband is unable to give a get (for example, if he's in a coma or has absconded and his whereabouts are unknown), this document would be used as a last resort in procuring a get for the woman. It essentially takes the power out of the hands of the husband and puts it back in the rabbinical courts.

But by Brody's own admission, the tripartite agreement was not formulated to be the set standard. According to Brody, the No. 1 form of prevention is the prenuptial agreement that couples are encouraged to sign before getting married. The prenup is a

binding arbitration agreement which names the Beth Din of America as the arbiter. It uses monetary mechanisms to set up spousal support in cases where a get is not given. Still, not all Orthodox Union or RCA rabbis inform couples of the existence of the prenup, and they certainly do not make it prerequisite for couples seeking to get married.

HERE IN Israel, the agreement has been translated and altered slightly to fit the Israeli milieu. Called an agreement for mutual respect, the document is authored by Dr. Rachel Levmore, Rabbi Elyashiv Knohi, Rabbi David Ben-Zazzon and can be found in five languages on the Council for Young Israel Rabbis website. Unlike the American version, this agreement is signed by both the man and the woman before marriage and protects them equally; further requiring the couple to attend marital therapy if one demands it.

The Rackman Institute, along with various other organizations, has advocated that a prenup such as this actually be added into the rabbinic's standard *ketuba*. At the very least, signing it as a separate agreement must become standard practice if cases of agunot are to be avoided in the future. Levmore would like to see the concept of agunot become as obsolete as diseases like polio or smallpox. In her words, "you can fix diseases functionally so long as you have the vaccine. To date, the prenup is the most effective vaccine to prevent agunot." And the reason for that? Quite simply, nothing talks like money.

A husband or even a wife is far less likely to deny a get if they have to dish out large sums of money (something along the lines of \$200 a day) in spousal support.



RACHEL LEVMORE at a screening of the agunot film 'Women Unchained.'

(Courtesy: Rachel Levmore)

"The beauty of the prenup," says Levmore, "is that the husband is not going to give you an argument. He's going to give you a get."

As well as eliminating the possibility of mamzerim, not to mention eliminating the abuse of a woman's basic human rights, as in the case of Tamar Epstein, preventing future agunot will mean that women will be free to remarry and free to continue procreating

should they wish.

Ahead of International Agunah Day, which this year coincides with the Fast of Esther on March 7, Levmore's message to the Jewish people as well as to rabbinical authorities is singular and unequivocal: "By encouraging the signing of a prenup as standard procedure among all couples wishing to get married, you're seeing to the expansion of the Jewish nation." ■

Bar-On urges rabbinical courts to impose punitive sanctions on recalcitrant husbands

• By JEREMY SHARON

Knesset State Control Committee chairman Ronnie Bar-On (Kadima) called on Wednesday for broader implementation by rabbinical courts of a law that allows *dayanim*, or rabbinical judges, to impose punitive sanctions on men who refuse to give their wife a bill of divorce.

In a committee hearing, Bar-On told the rabbinical courts director Rabbi Shlomo Daichovsky that *dayanim* should start utilizing the full scope of the sanctions law and hold hearings on punishments for any man who has not complied with their directive that he give

his wife a *get* (halachic divorce).

"The problem is that the courts are simply not implementing their power to impose these punitive measures," Batya Kehana, director of the divorce rights group Mavot Satum, told *The Jerusalem Post*. "As long as no fundamental change is made, and as long as the rabbinical courts system remains under the management of the Ministry of Justice, even another 10 [committee] hearings like this won't help solve the problem."

In Jewish law, a woman must obtain a *get* from her husband before she is able to marry again. According

to divorce-rights groups, there are hundreds of open cases in Israel in which women are unable to remarry, sometimes for several years.

In 1995, a law was passed to allow the imposition of sanctions against recalcitrant husbands, but according to a new study conducted by the Rackman Center for the Advancement of the Status of Women at Bar-Ilan University, and which was presented during Wednesday's committee hearing, sanctions are used in only 1.5 percent of the cases in which they are applicable. Such measures include preventing a recalcitrant husband from traveling abroad,

confiscating his driver's license, and even imprisonment.

In response, Daichovsky promised to carry forward the proposals and also called on women whose cases have been delayed for a long time to approach him directly to examine the cause of the delay.

Bar-On, however, was sharply critical of the conduct of the rabbinical courts and their attitude to the plight of women who are denied a *get* by their husbands.

"The rabbinical courts are not providing a sufficient service to their clients, those who seek their rulings," Bar-On said flatly.

"Those who turn to the courts have nowhere else to go, but there are hundreds of [divorce] cases open which are just not being dealt with. The courts aren't providing even the most minimal of services."

He also censured the attitude of the courts in which "issues are raised but never improve."

During Wednesday's hearing, a woman whose husband has refused to give her a *get* for the past two years, highlighted some of the shortcomings of religious divorce proceedings. She said that one panel of judges had heard the evidence she brought showing that her husband had beat



RONNIE BAR-ON
(Marc Israel Sellem/The Jerusalem Post)

her, and after two years a different panel ruled that the couple should try to reconcile. The woman, who requested that her name not be published, is appealing this ruling in the Supreme Rabbinical Court with the assistance of Mavot Satum.

"The rabbinical courts must make greater use of the halachic authority that the law provides them, including taking steps to impose punitive sanctions on the initiative of the rabbinical courts themselves," said Prof. Ruth Halperin Kedar, co-author of the Rackman report, during the hearing.

Rabbinical courts are extremely wary about using the sanctions tool because of a concern within Jewish law that if a bill of divorce is issued under duress, it is invalid. If a man issued a *get* in such circumstances, his wife would, in the eyes of Jewish law, still be married to him, and any future child she has with another man would be considered a *mamzer*, someone born of an illicit sexual relationship or his descendants.

According to the Rackman report, the average time it takes for a woman to receive a *get* after proceedings are initiated in a rabbinical court is 642 days. Between 1995 and 2007, 12.5% of the cases took more than four years before a *get* was given, and 28.4% took at least two years.

Haredi pressure may keep woman off rabbinic committee

By Yair Ettinger

Pressure to support candidates acceptable to Israel's two main Haredi parties suggests that neither of the bar association's two slots on the rabbinic courts' Judicial Appointments Committee will be filled by a woman.

Thus, for the first time in 12 years, the committee would have no woman member. Women's rights groups have warned that the makeup of the committee will contribute to extremism in the rabbinic courts.

Political sources have told Haaretz that Yori Geiron, a former head of the Israel Bar Association, would not fulfill his written pledge two months ago to support the only woman candidate for membership on the committee.

The sources say Geiron and the current bar association head, Doron Barzilay, will support only candidates accepted by one of the two main ultra-Orthodox parties, Shas and United Torah Judaism.

The only woman candidate for membership on the committee is Batsheva Sherman-Shani, director-general of the Yad Laisha legal aid center and hotline, and director of the women's organizations' legal office. "It's shocking to discover that women have once again been shunted aside due to political considerations," Sherman-Shani said.

Seven candidates are vying for two places on the rabbinic courts' Judicial Appointments Committee. By law, only one representative of the Israel Bar Association may run for election to the committee, while the other is appointed by the association's chairman.

Barzilay, who was supported in the elections to the Israel Bar Association by an independent ultra-Orthodox faction that is a rival of Shas and United Torah Judaism, is

expected to backtrack on his pledge to support that faction.

A senior Shas official yesterday confirmed reports in the Haredi press that the party had closed a deal with Justice Minister Yaakov Neeman for Shas to support his bill to change the way judges are selected by the secular Judicial Appointments Committee. In exchange, the bar association chairman will select a representative on the rabbinic committee whom Shas approves.

Shas chairman and Interior Minister Eli Yishai and Barzilay decided that Barzilay would appoint Doron Shmueli, a former Likud and Tzomet party member who also briefly served as an MK.

As for the bar association member to be elected to the committee, Geiron's choices are Asher Axelrod, a private attorney who represents Haredi businessmen, and Mordechai Eisenberg, who supported Geiron's election as IBA chief and introduced Geiron to several influential ultra-Orthodox leaders.

Geiron had written to a coalition of women's groups two months ago: "For 12 years our faction has sent a respected and suitable woman attorney to the rabbinic courts' Judicial Appointments Committee. I pledge to you to continue doing so." But recently, Geiron conveyed a message to the women's groups that due to political pressure he would be unable to fulfill his obligation.

Geiron did not respond to queries from Haaretz on the matter.

Sherman-Shani said four slots reserved on the committee – two for Israel's two chief rabbis and two for judges – can be filled by men only.

"Particularly in the rabbinic courts, where 50 percent of those appearing are women, no women take part in the selection of judges," Sherman-Shani said. "I hope the members of the Israel Bar Association's national council come to their senses and pick a woman."

According to Prof. Ruth Halperin-Kaddari, head of the Rackman Center for the Advancement of the Status of Women at Bar-Ilan University, "In light of the storm over the appointment of judges, no one cares about the appointment of religious judges, a critical issue in our lives. The public totally ignores that there is a system that is entirely male, and that now, even in the narrow, sole area where a woman can be appointed, there will be a terrible setback. This shows the extent to which the Israel Bar Association has become a pawn in the political arena."

The bar association's national council, which elects the association's representative, received a petition last week signed by women MKs across the political spectrum. The MKs asked the council to elect a woman to the committee "in recognition of the difficulty women have in rabbinic courts."

Ministerial committee okays bill raising marriage age to 18

But some Haredi and Arab lawmakers doubt police will be able to enforce new legislation, predict rise in illegal unions

By Yair Ettinger, Jonathan Lis and Jack Khoury

The Ministerial Committee for Legislation yesterday approved legislation that would raise the minimum age for marriage in Israel under most circumstances from 17 to 18. Draft legislation relating to this issue had been stalled since 2004, primarily due to opposition from the ultra-Orthodox community.

On Tuesday, the Knesset is scheduled to vote on and pass this and another bill concerning the issue of marriage, since it has received the coalition's backing.

Some Knesset sources have expressed doubts about the capacity of the police to enforce a change in the law, in part because of the exceptions that will be allowed. The

courts will be empowered to recognize marriages of couples under 18, in cases where religious traditions or special social norms of minority groups are involved. Furthermore, the courts would be allowed to recognize marriages between children under the age of 18 of ultra-Orthodox Hasidic rabbis, and in cases of pregnancy out of wedlock. It has been suggested that

raising the marriage age will only expand the number of illegal marriages.

"Marriage by juveniles does not permit them to get a higher education, hurts the potential social mobility of the boys and perpetuates the intergenerational cycle of poverty," said Deputy Minister Gila Gamliel (Likud), who initiated one of the bills, which was proposed by MK

Yariv Levin (Likud). "A law raising the marriage age will enable juveniles to exercise their rights under the free education law in full."

The Rackman Center for the Advancement of Women's Status at Bar-Ilan University has recently published data showing that more than 4,500 people a year under the age of 18 married in Israel. The center's director, Ruth Hal-

perin-Kaddari, said the law setting the marital age at 17 was legislated more than 60 years ago and fails to reflect social changes. Ironically, the average age at which Israelis, including ultra-Orthodox Jews and Israeli Muslims are tying the knot is on the rise. Nonetheless, there are conservative segments of society

See AGE, Page 2

AGE

Continued from page 1

where marriages at younger ages are common. The phenomenon is particularly widespread in the Bedouin and ultra-Orthodox Hasidic communities.

MK Hanin Zuabi, who sponsored the other bill in question, has emphasized its implications vis-a-vis Israeli Arabs. In this population, about 3,000 people under the age 18 get married every year, she noted. This prevents young women from making intelligent choices about their future in general, and their spouses, because it is usually the family that chooses the husband for the young woman, Zuabi said. Fully 82 percent of girls under 17 who marry in Israel are Arab, according to data from women's organizations.

In some instances, under

the current law, underage marriages are carried out privately without any involvement by government authorities. Nonetheless, after the fact, couples can get a rabbinical or Muslim religious court ruling certifying that their marriage was performed in accordance with religious law, and their union will be legally recognized by the Interior Ministry.

Few people seek such recognition, the Religious Services Ministry said, and virtually no complaints are filed with the police against those who perform the underage marriages. In light of the fact that conservative religious groups have been giving a stamp of approval to underage marriages for years to couples who are even under the current minimum age of 17, increasing that age to 18 will likely result in more illegal marriages, Religious Services Ministry sources said.

In addition to the rabbin-

ate, there are five official rabbinical organizations that are authorized to issue marriage certificates. Four of them are ultra-Orthodox and the fifth, Tzohar, is an organization of more liberal, national religious rabbis. Sources at the Religious Services Ministry said a computerized system that will be up and running in the coming year to prevent the issuance of any marriage certificates by rabbinical authorities which are in violation of the law. These sources acknowledge, however, that underage marriages might still be performed, following which the couples will wait until they are 18 to register their unions.

MK Yariv Levin's bill allows courts to approve of marriages of people under 18 under "special circumstances." So if the legislation passes in its current form, prospective spouses under that age could seek a court order approving their marriages.

Gov't panel recommends revoking controversial custody law

Women's rights activists prepare to challenge legislation

• By RUTH EGLASH

A Justice Ministry panel called to revoke a 40-year-old law that grants custody of all children under age six to the mother. The proposal suggested the law be replaced with a gender-equal alternative but did not spell out the details.

The panel, charged with assessing a law determining which parent should receive custody of a child during divorce proceedings, reached its conclusion this week.

While the findings of the committee, which has been meeting for more than five years and is headed by Dr. Dan Schnitt, have yet to be made public, they were discussed in detail at a conference held at the Rackman Center for the Advancement of the Status of Women at Bar-Ilan University on Tuesday.

Already Schnitt's recommendations are causing a stir.

The controversy is over

whether or not Article 25 of the Capacity and Guardianship Law, known as the Tender Years Presumption Law, which automatically awards custody of children under six to the mother, has a place in today's society.

Dr. Ruth Halperin-Kadari, chairwoman of the Rackman Center, a member of Bar-Ilan University's Faculty of Law and Israel's representative on the UN Committee on the Elimination of Discrimination against Women, told *The Jerusalem Post* Thursday that the problem was not over whether or not to cancel the law but about the alternatives.

"The problem is that the [Schnitt Committee] recommendation to cancel the law comes without any guiding principle to put in its place," she commented, adding that such a vague system could be disastrous, forcing couples involved in custody disputes to take unprecedented measures against each other and exposing children more than ever to the custody process.

"The Presumption Years Law managed to leave the children out of the dispute," said Halperin-Kadari, "but canceling it will mean involving them in a major way, which is ironic because everyone wants to do what is best for the children but the result will be exactly the opposite." She added that women's rights

activists have already planned to challenge the Schnitt proposal on every level.

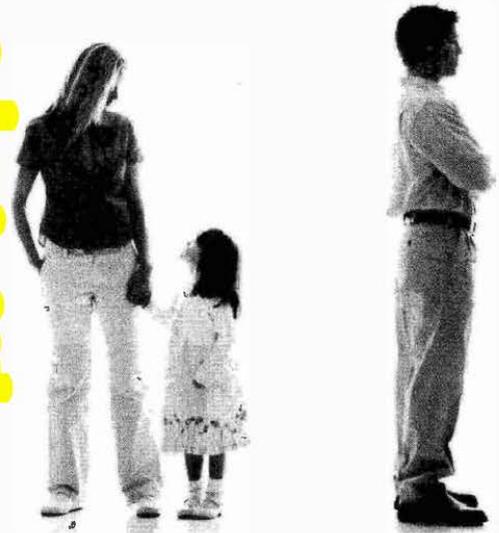
Calling it "populist legislation," she added: "It seems to us that the proposal to abolish the Presumption Law is simply yielding to political correctness using the rhetoric of equality.

"What we are saying is that our society has not yet reached the time or situation where mothers and fathers are truly equal and truly share in upbringing children in Israel," she continued. "This is simply not the case in Israeli society, there has been no social revolution in changing the roles of fathers and mothers."

A spokesman for Justice Minister Yaakov Neeman told the *Post* that the minister had yet to receive the Schnitt Committee's official report and that he would need time to study its conclusions.

In its preliminary recommendations made more than three years ago, the committee – which was made up of both secular and religious judges, lawyers and non-government professionals, academics and medical staff – pointed out that "Guardianship is the responsibility of both parents even after divorcing" and that the courts should place an emphasis on "what is best for the child in order to ensure his or her healthy development."

In addition, a complaint submitted last year to the United



AUTOMATICALLY GRANTING custody to the mother is 'blatantly discriminatory against men,' said an Israeli NGO. (Thinkstock)

Nation's Committee on Economic, Social and Cultural Rights, the Coalition for Children and Family (CCF), an Israeli non-profit organization vying for father's rights, blasted the legislation as "blatantly discriminatory against men."

Despite Israeli government reassurances that the Tender Years Presumption Law does take into consideration the best interests of the child and that joint custody is an increasing phenomenon

here, the UN committee expressed serious concern over the practice.

"If it was not for crazy feminist hate-inciting monsters we could have achieved this change in legislation in 2003," commented Daniel Zer, a father who has not seen his son for more than two years and who is active in the CCF. "This would already have brought us a whole slew of changes, including in the area of divorces and the rabbinical courts, which is also a problem for many men."

Zer said that Schnitt's recommendations were not that relevant because it was the state's obligation to remove this specific law because "Israel's basic laws require equality."

He said that it was time for Israel to adopt similar measures followed in most Western country regarding custody placement.

"There either needs to be gender mutuality, where the law is simply silent about the gender of the parent and bases the decision on the best interest of the children," said Zer, "or there needs to be joint custody with a two-home pre-sumption."

Bar-Ilan conference promotes prenuptial agreement as way to circumvent men who refuse to divorce wives

• By JEREMY SHARON

The Rackman Center for the Advancement of the Status of Women at Bar-Ilan University on Wednesday held a conference on promoting the use of prenuptial agreements compatible with Jewish law.

The agreement presents a multi-layered approach to solve the problem of men who refuse to give their wives a bill of divorce, or *get*, thereby conferring upon them the status of an *aguna* – and preventing them from getting remarried and having children.

The agreement allows for a marriage to be ended without requiring the agreement of both parties. Although the Chief Rabbinate and the rabbinical courts system do not recognize this kind of arrangement, proponents of prenuptial agreements argue that there are reliable rabbinic sources for the idea and it is well-founded in Jewish law.

According to Jewish law, a

man must grant a *get* to his wife of his own free will before they can be considered divorced. Without the document, women cannot remarry and any children they might have would be considered *mamzerim*, a status within Jewish law that prevents them from marrying Jews who do not also fall within the same narrow parameters.

Rabbi Michael Brojde, an expert on the issue from the US, has devised what he terms a tripartite prenuptial agreement, designed to provide a solution to the problem of agunot.

Brojde, a professor of law at Emory University in Atlanta and the academic director of its Law and Religion Program, presented his prenuptial agreement at the Ramat Gan conference.

According to this agreement, if a married couple live separately from each other for more than 15 consecutive months, their marriage is retroactively

annulled without the need for a husband to give a *get* or the mutual agreement of the partners, both of which are required by Jewish law.

Brojde's prenuptial agreement is based on three concepts, including the notion of conditional marriage whereby the union can be conditioned on the fulfillment of certain requirements. According to him, conditional marriage was an accepted practice for many centuries to prevent the application of levirate marriage, in which the brother of a married man who dies is obliged to marry his brother's widow.

Brojde cites the opinion of Moshe Isserles (the Rema), an authoritative rabbi of 16th-century Poland who endorsed the use of conditional marriage to prevent the imposition of levirate marriage, and says it is possible to take this concept and apply it to the agunot issue as well.

Yet in an interview with *The Jerusalem Post* on Tuesday,

Brojde said the concepts and foundations of his prenuptial agreement "require examination and contemplation," and advised caution in its application.

He also commented that he has never advocated its use in the US, since in his opinion the prenuptial agreement endorsed by the Beth Din of America is sufficient.

Brojde refrained from commenting on whether his agreement could or should be used in Israel.

According to a Rackman Center report published last year, the average time it takes for a woman in Israel to receive a *get* after proceedings are initiated in a rabbinical court is 642 days.

Between 1995 and 2007, in 12.5 percent of the cases more than four years elapsed before a *get* was granted, and 28.4 percent took at least two years.

Officials in the rabbinical courts system, which has exclusive jurisdiction over all mat-

ters of marriage and divorce, claim that there are only 200 or so cases open in which men who refuse to give their wives a bill of divorce.

However, the Rackman Center and other divorce rights groups argue that this figure is not representative of the actual numbers, since the rabbinical courts only consider a woman to be a *mesurevet get* (a woman whose husband refuses to grant her a *get*) after the court has issued a particularly stringent ruling against the husband that in practice are rarely handed down by the rabbinical judges.

Rabbinical courts are generally worried that these stringent rulings will effectively force recalcitrant husbands into giving the *get*, thereby invalidating it and potentially causing the man's wife to give birth to children who will have the status of *mamzerim*.

In the overwhelming majority of cases, the courts issue more lenient rulings against the husbands and do not consider the women to be agunot. Because of the preponderance of such cases, the Rackman Center and other divorce rights groups say that there are in fact several thousand women in Israel whose husbands are refusing to give them a *get*.

The state comptroller has rejected the figure presented by the rabbinical courts.

According to Mavoi Satum, a divorce-rights lobbying group, men often refuse to provide the document to their wives, as a bargaining tactic for more favorable terms in the divorce settlement for division of assets, custody of children and other similar issues.



A PRENUPTIAL AGREEMENT. A new, tripartite version has been proposed to solve the problem of men who refuse to give their wives a bill of divorce. (Thinkstock)

Du tac au tac

Une femme de droits

Voilà 15 ans que **Ruth Halperin-Kaddari** travaille à améliorer la condition des femmes en Israël et dans le monde, via son implication à l'ONU. Experte, **elle est l'une des militantes pour l'égalité des sexes, les plus en vue du pays**

Nom : Ruth Halperin-Kaddari

Age : 44 ans

Profession : Professeure à l'Université de Bar-Ilan, directrice du Centre pour l'amélioration de la condition des femmes à Bar-Ilan, membre et ancienne vice-présidente du Comité pour la lutte contre la discrimination envers les femmes, à l'ONU.

Lieu de naissance : Ramat Gan

Lieu de résidence : Shoham

Ruth Eglash

■ Qu'est-ce qui vous tire du lit le matin ?

Le sentiment que ce que je fais, en compagnie de ceux qui travaillent avec moi, est important pour la société israélienne en général, et ses femmes en particulier. La conviction intérieure que je participe au **Tikoun Olam** à apporter ma modeste contribution pour rendre le monde un peu meilleur.

■ Qu'est-ce qui vous tient éveillée la nuit ?

Un goûter de minuit avec mes enfants dans la cuisine, des mails en attente qui n'en finissent jamais, et tenter de lire quelques pages d'un livre qui ne finit jamais non plus.

■ Quel a été le moment le plus difficile de votre carrière ?

Très récemment, lors de l'adoption des "conclusions d'observation" du Comité de lutte contre la discrimination envers les femmes, dont je fais partie, sur le rapport sur l'Etat d'Israël. J'ai été confrontée à la délicate relation entre Israël et l'ONU, et plus particulièrement à la façon dont le conflit israélo-palestinien plane sur tous les autres sujets. Au détriment, dans cet exemple, des femmes en Israël, qu'elles soient juives ou non.

■ Comment fêtez-vous vos réussites ?

Je suis contente de moi, et je prends mes amis, et mes enfants dans les bras.

■ Si vous étiez Premier ministre, quelle est la première chose que vous feriez ?

Je retournerais à toutes les propositions faites par les Arabes au cours de ces dernières années, y compris la proposition dite saoudienne, et j'appellerais à la reprise des pourparlers sur la base de ces propositions, avant qu'il ne soit trop tard.

Sur le front intérieur, je créerais un ministère de l'Egalité, et un institut national pour les droits de l'Homme.

■ Quel Israélien mériterait qu'on lui consacre un film ?

Shimon Peres, Aharon Barak, Alice Shalvi et Léa Shakkdiel.

■ Que changeriez-vous chez les Israéliens, si vous le pouviez ?

Ce serait agréable si les Israéliens parlaient un peu moins fort, étaient un peu plus polis et avaient un peu moins de *hutzpa*. Mais j'imagine qu'ils finiraient alors par ne plus être plus israéliens !

■ Vous êtes plutôt iPad, Blackberry ou papier et crayon ? iPhone !

■ Comment rédigeriez-vous une publicité pour encourager les touristes à venir en Israël ?

Il y a tout en Israël : l'Occident et l'Orient, le sacré et le profane, la pluie et le soleil, la mer, le désert et la montagne. Pourquoi aller ailleurs alors que tout est là, dans un petit pays ?



Halperin-Kaddari : "Apporter ma modeste contribution pour rendre le monde un peu meilleur". (© DR)

■ Quel est le principal problème d'Israël à l'heure actuelle et comment peut-il être résolu ?

Le conflit israélo-arabe, et ses implications intérieures sur le plan social : des écarts économiques croissants, une inégalité des deux côtés qui nourrit les points de vue extrémistes. Ces derniers, en retour, maintiennent le conflit. Enfin, une crise du leadership qui ne fait qu'élargir l'impasse sur tous les fronts. Si je savais comment résoudre ces problèmes, je proposerais ma candidature comme Premier ministre.

Il y a tout en Israël : l'Occident et l'Orient, le sacré et le profane, la pluie et le soleil, la mer, le désert et la montagne. Pourquoi aller ailleurs alors que tout est là, dans un petit pays ?

■ Comment voyez-vous le pays dans 20 ans ?

Il y a deux scénarios possibles, aussi plausibles l'un que l'autre : Après plusieurs années d'intenses négociations, des accords de paix seront signés avec les voisins d'Israël et dans 20 ans, les relations se seront même un peu réchauffées.

Et si ce n'est pas le cas, alors j'ai bien peur que le roman de Michael Chabon, *Le Club des policiers yiddish*, sur Sitka, le terrain en Alaska que les anciens Israéliens reçoivent suite à la perte d'Israël en 1948 ne décrive l'idée générale. ■



אוניברסיטת בר-אילן
הפקולטה למשפטים
מרכז רקמן לקידום מעמד האשה



הננו מתכבדים להזמין
לכנס השנתי הראשון לענייני הלכה ודיני משפחה
לזכרו של הרב פרופ' עמנואל רקמן

בנושא:

תנאי בקידושין – עבר שיש לו עתיד?

יום רביעי כ"ד באייר תשע"ב, 16 במאי 2012
בנין פלדמן אולם הסנאט באוניברסיטת בר-אילן

בתכנית:

- 14:30-14:00 התכנסות וכיבוד קל
- 14:45-14:30 דברי ברכה- פרופ' משה קווה נשיא אוניברסיטת בר-אילן
פרופ' עמיחי רדזינר, הפקולטה למשפטים,
אוניברסיטת בר-אילן
- 15:45-14:45 ד"ר תהילה בארי-אלון, מכללת שערי משפט
יסודות התנאי בקידושין במקורות התלמודיים
- 16:45-15:45 ד"ר איילת סגל, אוניברסיטת בר-אילן
*תנאי בקידושין בספרות ימי הביניים
וראשית העת החדשה*
- 17:15-16:45 הפסקה
- 18:15-17:15 ד"ר אריאל פיקאר, מכון שלום הרטמן
תנאי בנישואין- הצעתו של הרב עוזיאל והפולמוס סביבה
- 19:15-18:15 עו"ד ירדנה קופ-יוסף, מתן- מכון תורני לנשים
הרב אליעזר ברקוביץ, "תנאי בנישואין ובגט"
- 19:30-19:15 הפסקה
- 20:30-19:30 הרב פרופ' מיכאל ברויד, הפקולטה למשפטים,
אוניברסיטת אמורי אטלנטה, דיין בית דין- אמריקה
*על ההצעה בת זמננו לתנאי בקידושין וסיכוייה**
- 21:00-20:30 דיון מסכם בהנחיית פרופ' עמיחי רדזינר
- מספר המקומות מוגבל. נא אשרו השתתפותכם עד לתאריך 9.5.12

*ההרצאה תיערך בשפה האנגלית

במייל: rackman.center9@gmail.com או בטלפון 03-5318895

9 הועידה השנתית ה- לענייני נשים, משפט ומשפחה בישראל

בנושא:

"הקימות ועדה":
דיני המשפחה ביום שאחרי
סיום עבודת הועדות

יום שלישי ח' טבת תשע"ב
3 בינואר 2012
אוניברסיטת בר-אילן



מרכז לקידום מעמד האשה
"ש רות ועמנואל רקמן"
THE RUTH AND EMANUEL
RACKMAN CENTER
FOR THE ADVANCEMENT
OF THE STATUS OF WOMEN

9 בתוכנית:

- 15:30 - 16:00 התכנסות וכיבוד קל
- 16:00 - 16:15 דברי ברכה:
פרופ' **אריה רייך**
דיקן הפקולטה למשפטים, אוניברסיטת בר-אילן
- 16:15 - 17:30 פרופ' **רות הלפרין-קדרי**
ראש מרכז רקמן לקידום מעמד האשה,
הפקולטה למשפטים, אוניברסיטת בר-אילן
- 16:15 - 17:30 **תפקיד ועדות המומחים של משרד המשפטים והשפעתן על דיני המשפחה בישראל**
דברי פתיחה: פרופ' **יעקב נאמן**, שר המשפטים
יו"ר: פרופ' **מיכל אלברשטיין**, ראש התכנית
לניהול וישוב סכסוכים, אוניברסיטת בר-אילן
משתתפים:
השופט **שואל שוחט**, בית המשפט המחוזי
תל אביב-יפו
יו"ר הועדה לחלוקת זכויות מסייה בין בני זוג שנפרדו
פרופ' (אמריטוס) **דן שניט**, אוניברסיטת תל-אביב
יו"ר הועדה הציבורית לבחינת ההיבטים המשפטיים של האחריות ההורית בגירושין
פרופ' (אמריטוס) **פנחס שיפמן**, האוניברסיטה
העברית בירושלים, המרכז האקדמי למשפט
ולעסקים רמת-גן
יו"ר הועדה הציבורית לבחינת מחונות ילדים
- 17:30 - 18:00 הפסקה
- 18:00 - 19:45 השופט (בדימוס) **יצחק שנהב**, סגן נשיא לשעבר
בית המשפט לענייני משפחה, מחוז תל-אביב
מ"מ יו"ר הועדה לבחינת סוגיית "מירץ הסמכות"
בין בתי הדין הרבייים ובתי המשפט לענייני משפחה
ד"ר **דפנה קרר**, הפקולטה למשפטים והתכנית
ללימודי נשים ומגדר, אוניברסיטת תל-אביב
חברת הועדה לבדיקת נבישת הנרכשות למחקר אקדמי
דיון בהנחיית: פרופ' **רות הלפרין-קדרי**

אנו מתכבדים להזמין
לועידה השנתית התשיעית:
נשים, משפט ומשפחה בישראל

בנושא:
"הקימות ועדה":
דיני המשפחה ביום שאחרי
סיום עבודת הועדות

הועידה תתקיים א"ה ביום שלישי,
ח' טבת תשע"ב (3 בינואר 2012)
בין השעות: 19:45 - 15:30,
באודיטוריום ע"ש מינץ, אוניברסיטת בר-אילן

לועידה השנתית התשיעית שני חלקים. בחלקו
הראשון של היום יתקיים כנס סגור לעובדי/עובדות
רווחה בנושא משמורת והחזקת ילדים. הכנס
יפתח בהרצאתה של פרופ' **בניסר מקינטוש**
מאוטרליה (באמצעות Video Conference)
ובהמשכו יתקיימו הרצאות מאת השופטת
סבינה רוטלי וד"ר **דפנה קרר**. הכנס יסתיים
בסאנל בנושא המלצות ועדת שניט.

מספר המקומות מוגבל
נא אשרו השתתפותכם עד: 27.12.11
במייל: rackman.center9@gmail.com
או בטלפון: 03-5318895



מרכז לקידום מעמד האישה
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