



מדינת ישראל  
משרד המשפטים  
State of Israel  
Ministry of Justice

Office of the Deputy Attorney General (International Law)

Date: November 29, 2021

Kislev 25, 5782

To: Ms. Reem Alsalem,

Special Rapporteur on violence against women, its causes and consequences

Subject: **The State of Israel's Submission to the Special Rapporteur on Violence against Women's Report on Femicide**

The State of Israel respectfully submits its contribution in relation to the above-mentioned questionnaire.

**The existence of a national femicide watch**

The murder of women by their spouses or family members is abhorrent and must be eradicated. In 2004, following a Government Resolution, the Director General of the Ministry of Welfare and Social Affairs created a committee of relevant governmental representatives, mandated to study cases in which women were killed by their intimate partners, and to offer evidence-based recommendations; its participants included the National Supervisors for the Treatment and Prevention of Domestic Violence, representatives of Child Services, and representatives of the Ministries of Health, Immigration and Absorption, the Police and Local Social Services. The goal of the committee was to study the intervention steps taken in each case before the act of homicide occurred, in order to improve the prevention process in the future, including intergovernmental cooperation.

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The committee continues to meet and evaluate cases, and the Ministry of Welfare and Social Affairs is looking into expanding its mandate to include homicide of women by other family members, in addition to intimate partners.

In November 2020, The Government approved its **Resolution No. 513**, titled "Formulation of a plan for detection, prevention and improvement of the treatment for reduction of domestic Violence by the Ministry of Welfare and Social Affairs". According to this resolution, the Minister was tasked with forming a plan that will make the fight against domestic violence better coordinated and the identification and treatment of victims more efficient.

Moreover, on January 6, 2019, **Government Resolution** No. 4439 was adopted for the expansion of the activities in the Ministry of Welfare and Social Affairs to reduce domestic violence. The Resolution allocated a total of 15.9 Million NIS (4.5 Million USD) for the prevention and rehabilitation of perpetrators, as well as a total of 27.5 Million NIS (7.85 Million USD) for the protection and rehabilitation of victims. A strong focus of this Resolution is the Arab population, which led to implementing concrete actions, including:: the allocation of 27 new positions of social workers for treating battering men in Arab localities; a TV campaign in Arabic against domestic violence was aired at the beginning of the Covid-19 crisis; allocation of resources for the development of a model for fighting domestic violence in the Arab population.

### **Other measures undertaken**

The Police Crime Victims Unit internally analyzes each femicide case. The Unit notes whether the victim had submitted complaints prior to the incident, how the complaint was addressed by the officers, how the case was handled in relation to the specialized guidelines for domestic violence procedures, if it was reported to Social Services and how the case was handled by the State Attorney's Office. Since 2013, the unit maintains and regularly updates a spreadsheet of each case of femicide including data targeting, and conducts follow-ups with the Prosecution regarding each case.

Other measures undertaken include research conducted by the Parliament (Knesset) Research and Information Center in 2017 regarding femicide, which was submitted to the Committee for the Advancement of the Status of Women and Gender Equality, and later adapted for the Committee to Eliminate Crime in the Arab Population for a special

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session on femicide in the Arab population. The study included data on cases of femicide by intimate partners investigated by the Police, analysis of the common factors of the cases, as well as analysis of cases of attempted femicide.

In 2020, the Knesset Research and Information Center published a review of the data on femicide, violence against women by their intimate partners, and domestic violence in the COVID-19 pandemic.

### **Results of the analysis**

In the inter-ministerial committee's analysis, the following were determined as recurring variables in cases of femicide. The following situations or signs were identified as possible triggers for femicide, and are now considered critical risk factors for assessing and eliminating it:

Separation, divorce and post-divorce; destabilization of the man's status in the relationship; mental and general state of health; difficulty to obtain the women's consent to the recommended protection plan for a variety of reasons; difficulty within the system, including intergovernmental cooperation; a traumatic turning point or trigger; difficulty in processing risks and lack of awareness on the part of legal counsel; sub-reporting from representatives of the Ministries of Health, Immigration or Education to the welfare authorities; a growing rate of femicide among the elderly; communication and cultural gaps among special cultural groups.

The majority of the studied femicide cases had several of these variables, which heightened the danger.

Following the recommendations of the committee, a special Director General Circular was adopted, which formalized the procedure for improving the cooperation between the Ministry of Welfare and Social Affairs and the Police in the context of domestic violence, specifically women at high levels of risk. The procedure, which came into effect in 2016, defines criteria for determining the priority level of each case, the methods of information transferal, and outlines the regular meetings to be conducted between representatives of various levels and ranks in order to improve cooperation and minimize information gaps.

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An additional result of the analysis of cases of femicide is the communication established between the Police and Israeli Prisons Service with regards to domestic violence convicts prior to their release.

The critical importance of preventing femicide has been expressly stated by the High Court of Justice. For example, in HCJ 3011/17 *Mikha Makhluף Peretz v. The State of Israel* (31.1.19), the Court rejected an appeal of a severe sentencing for attempted murder of the appellant's wife, stating that eradicating the phenomenon of domestic violence against women is of paramount importance. In Cr.Ap. 2333/17 *John Doe v. The State of Israel* (2.12.18), the Court affirmed that due to the global phenomenon of domestic violence against women, cases of femicide by an intimate partner must be addressed with special consideration.

### **Measures to improve victim support and prevent femicide**

The Police conducts risk evaluations of victims of domestic violence based on analysis of the report conducted at the time of the complaint submission. The report includes dozens of questions, aimed at providing the full context to the relevant officers. Once the report is filled out, an indication is given regarding the risk level the woman faces; this indication is the basis of the officer's recommendation whether or not to release the suspect from detention.

The Prisons Service offers treatment to prisoners convicted for domestic violence based on a variety of criteria, including: motivation, consent and mental preparedness to undergo the treatment process, as well as the length of the sentence. Each treatment program is implemented subjectively based on the needs and background of the offender. The goals of the treatment for domestic violence are raising awareness towards violent behavior and its ramifications, and obtaining behavioral and coping tools to minimize the danger towards potential victims. The treatment is offered in both personal and group settings, as well as in specialized clinics. There are currently six (6) specialized clinics for holistic treatment of domestic violence convicts, one of which was established during the COVID-19 pandemic due to the rise in cases.

Before a domestic violence offender is released, a prison social worker files a report to the Police; the report includes the prisoner's details and the social worker's assessment regarding whether or not he/she poses a danger. Upon receipt of the report, a police

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officer contacts the victim and their family, and she is added to the list of women at risk in her local police stations. The local station increases the patrols in and around the woman's home and immediate vicinity of her for at least three (3) months following the prisoner's release.

Centers for victims of domestic violence - Center for victims of domestic violence, which offers protection and treatment, as well as legal and police counsel and relevant social services were established in Acre, Haifa, Tel Aviv-Jaffa and Be'er-Sheva. Several initiatives for improving the protection of victims are in advanced planning stages. The Police is evaluating the use of electronic monitoring of persons with restraining orders against them in the context of domestic violence, as a means to protect potential victims. A pilot program was conducted in 2018, and currently an analysis of legal aspect of the program is taking place. Additionally, the Police is examining the option of establishing a special unit for protecting threatened women.

Denial of guardianship from parent convicted of a serious crime – In December 2020, the Knesset (Israel's Parliament) unanimously passed a law denying guardianship rights from a parent due to murder, attempted murder or rape in the family. The Amendment no. 19 to the Legal Capacity and Guardianship Law (5781-2020) was put forward after a murder and an attempted murder of two women by their husbands in Israel last year, and sought to prevent a situation where a husband who murdered or injured his wife or children can still remain their legal guardian. It corrected a distortion whereby the victims and families of victims of these serious crimes were still required to obtain the perpetrator's consent for important life decisions and remained subjected to his authority as a guardian.

### **Recent Jurisprudence**

On October 5, 2020, an indictment was filed against a man for attempted murder and grievous harm and injury to minors and defenseless persons, after he tried to murder his wife while coercing his small child to watch. On August 25, 2021, the defendant was convicted for attempted murder and child abuse. The defendant is yet to be sentenced. (S.Cr.C. 5589-10-20, *The State of Israel v. Aviad Moshe* (August 25, 2021) (sentence is still pending)).

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On April 22, 2020, the Central-Lod District Court convicted a defendant for murdering his wife by shooting her in the head. The Court noted that the defendant, who was a police officer and carried a gun, decided to kill his wife, and did not operate in the heat of the moment, "this is not a case in which the defendant operated without thought and consideration". The defendant was sentenced to 29 years imprisonment, 12 months suspended imprisonment, and compensation of 258,000 NIS (approx. 80,500 USD) to the children and sister of the deceased. (S.Cr.C. 885-11-18, *The State of Israel v. Wassah Msarshe* (6.1.21)).

In yet another case, the Jerusalem District Court convicted a defendant for murdering his wife under aggravated circumstances. The defendant is yet to be sentenced (S.Cr.C26738-11-19, *The State of Israel v. Eliran Malul Selah* (6.10.21)).

### **Good practices and implementation challenges**

The procedure for improving the cooperation between the Police and Social Services has been implemented effectively; the administration receives regular positive feedback from both investigatory units as well as Social Services representatives. The procedure allows for a variety of measures to be undertaken:

Tracking and evaluating the woman's cooperation with the protection plan established by the Social Services; a close connection with the woman from both Police and Social Services representatives; referral for a Court protection order; shortening the length of time between the submission of the complaint and the investigation and the submission of an indictment; adding the woman's phone number to the emergency hotline system; assisting the woman in downloading the Police emergency application; and high-level meetings between Police and Social Services representatives regarding cases with particular circumstances.

Regarding the challenges - The State of Israel faces various systemic and cultural challenges in the prevention of femicide, but is firmly committed to establishing effective evidence-based procedures to best contend the phenomenon.

Social workers designated to work with adults in domestic violence situations were deployed in more than 30 different police stations. In 2019, 11 additional position of such social workers were added in police stations in Arab localities.

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In recent years the Ministry of Welfare and Social Services is operating a special 24/7 call center for information and assistance regarding domestic violence (118). At the beginning of the Covid-19 pandemic, the Ministry has introduced a new option of a quite application to this center by sending a text message.<sup>1</sup> In addition there are emergency call centers that are designated for ultra-Orthodox women, religious women, religious men, Arab women, abusive men and more – all of these in addition to one main emergency center that offers emergency assistance to all.

Finally, as of 2021 there were 15 permanent shelter for battered women and an additional temporary shelter that was established due to the increase in the number of women requiring such shelter due to the Covid-19 crisis.

### **Data on femicide**

The following represents the data aggregated on femicide from the two (2) years preceding the COVID-19 pandemic, as well as during the pandemic in the year 2020, as reported by the Police:

In the year 2018, there were twenty-nine (29) cases of femicide; eight (8) women were killed by their intimate partners and twenty-one (21) were killed by others.

In the year 2019, there were eighteen (18) cases of femicide; five (5) women were killed by their intimate partners and thirteen (13) were killed by others.

In the year 2020, there were twenty-six (26) cases of femicide; thirteen (13) women were killed by their intimate partners and thirteen (13) were killed by others.

According to the Central Bureau of Statistics, between October 2019 until April 2020, out of seventy-six (76) victims of homicide, ten (10) were killed by their intimate partners or family members, wherein seven (7) of whom were women.

The Israel Prisons System reports that as of April 2021, there are one thousand two hundred and forty-one (1,241) prisoners serving sentences for domestic violence, and seven hundred and thirty-five (735) detainees; among whom four hundred and eight (408) have a domestic violence profile. Forty-three (43) percent of prisoners for

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<sup>1</sup> State Comptroller Report, Reports on Review of Local Authorities, Treatment of Domestic Violence, 5781-2021 (p.476).

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domestic violence are serving sentences of up to three (3) years; fifty-seven (57) percent are serving sentences of more than three (3) years, among whom twelve (12) percent are serving life-sentences. Forty-five (45) percent of prisoners for domestic violence committed the crime against their female intimate partners.

According to the Knesset Research and Information Center, seventy-two (72) women were killed from the year 2018 until November 2020; twenty-six (26) of whom were killed by their intimate partner. In 2021 (until November) twenty-three (23) women were killed, five (5) of whom by their intimate partner.

In 2020, thirteen (13) of the femicide cases were committed by an intimate partner, four (4) by a different family member, while seven (7) remained undetermined.

Of femicide cases committed by intimate partners, forty-two (42%) percent of the victims were Jewish and fifty-eight (58%) percent were from Arab society.

Between 2019-2020, there was an increase of 265% in calls to the Ministry of Welfare and Social Affairs hotline regarding intimate partner violence. In 2020, 5,229 complaints were submitted, of which 4,337 were from women and 892 were from men. As of 2021, there are 169 centers for domestic violence care. Between 2019-2020, there was an increase of 12% in requests made to these centers. Additionally, there was an increase of 19% in requests to enter shelters for victims of domestic violence.

Between the years 2018-2019, thirty-two (32) percent of victims had previously submitted complaints of domestic violence to the Police, whereas sixty-eight (68) percent had not. Of victims who were killed by their intimate partners, thirty-one (31) percent submitted complaints; of victims who were killed by different family members, forty (40) percent submitted complaints; of victims who were killed by strangers or their cases were undetermined, twenty-six (26) percent submitted complaints. Forty-one (41) percent of victims of other religions and twenty-seven (27) percent of Jewish victims submitted complaints; there were no new immigrants who submitted complaints prior to their killing in these years.