



ANNUAL REPORT

תשע"ד | 2014

Welcome from the Founding Head of The Rackman Center	3
Achievements at a Glance	4-5
Interview with Prof Ruth Halperin-Kaddari on Tzuk Eitan	6-7
Our Mission and Objectives	8
The Legal Aid Program	9
True Stories	10-11
Gorney Prize	12
In Memory of Sara & Yishai Levy z'l	13-16
Legislation & Public Policy	17
What do the Legal Changes Mean?	18
ICAR Achievements	19
High Court Petitions	20-21
'Lawyers of Tomorrow'	22-23
The Moot Court	24-25
Reflections of a Student	26-27
Collaborative Divorce	28-29
Projects	30
Thank You	31
Hadin Vehadayan	32-33
Annual Law Conference	34-36
CEDAW	36
Visits	37
Goodbye	38
Welcome	39
Conclusion & Future	40
Board of Directors	41
Staff Leadership	42
Thank you	43
Media Articles	44-52



Founding Head

Professor Ruth Halperin-Kaddari

Enforcement Family Law Effect Religious Law
Empower **Impact** DualTrack
Social Change Education Sustain
Report Forefront

Shift Research
LegalAid Training Policy
Social Change 2

Introduction from the Founding Head of The Rackman Center

Once again, it is with great pleasure that I have the privilege of presenting The Rackman Center's Annual Report for 2014.

This year, 2014, was a particularly challenging year on many levels, both within and outside the Center.

In June 2014 we dealt with the harrowing case of our dear client Karen Levi. Karen's ex-husband murdered their two young children, Sarah and Yishai, while they were on a custodial visit to Israel. We immediately looked after the needs of our client and ensured her voice was heard—in an emergency court hearing here in Israel, we ensured the children's bodies were flown to US to be buried there, and we have been by our client's side throughout (you can read more about this from Page 13). Together with Karen, we took her story to the Knesset on the International Day Against Violence to Women, where she courageously told the packed Knesset Committee meeting room about what happened to her and how more needs to be done to protect families from violent spouses. This important issue was highlighted to everyone and well-publicized in the press, and has now become a new mission of our own—to ensure there is a free legal aid service for women in violent relationships. We hope to raise funds to establish a legal aid hotline specifically for violence and abuse legal assistance, and call it 'Kav Sheli' which stands for the initials of Yishai and Karen Levi—to memorialise these precious children and to ensure their memory is used to help others.

In addition, Operation Protective Edge during the summer of 2014 took its toll and had an effect on our work. A common by-product during times of conflict is increased pressure and problems within the family unit, and the Center experienced the expected increase in women seeking legal aid from us.

On an internal level, 2014 was also a year of transitions, as we bid farewell to Adv. Atara Kenigsberg, who had served as the Executive Director since the Center was established, and welcomed Dr. Galit Shaul (Adv.), who took over this crucial position. After more than a decade of committed work, Atara had decided it was time for her to move on. We are grateful for the major contribution she made to the Center's growth and success. Galit comes to us with vast experience after an impressive career in the Civil Service, and as of May 2015, she is the CEO of the Rackman Center.

In addition, our former Head of the Legislation and Policy Department, Adv. Adi Blutner took on a new position in Be'er-Sheva, as the Administrator of the first Community Court in Israel. She is replaced by Adv. Keren Horowitz, who joined the Center from the corporate world, leaving a position at Hertzog-Fox-Ne'eman, one of Israel's largest law firms.

I believe that institutions are judged by, among other things, their ability to undergo changes and transitions. I am proud to say that The Rackman Center has remarkably stood this test, and due to the exceptional qualities of our past and present team, we continue to flourish and make progress as the forefront organization for making legal and social change for women in family law in Israel.

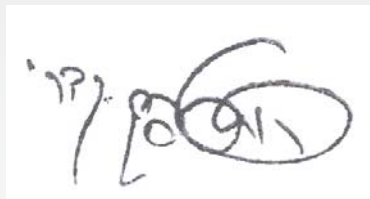
Ultimate proof of our success also came this year, when The Rackman Center was named the recipient of the Gorney Prize of The Israeli Association of Public Law Rights, for our contribution to improving human rights in Israel (see page 12).

Indeed, our past and future achievements are only possible due to our incredible professional team, and I would like to take this opportunity to thank our incredible staff, the Law Faculty at Bar Ilan University, and of course our generous friends and donors whose constant support enables us to do so much.

With your help, we have come so far. We hope that we will be able to continue along this road together in 2015 - in order to create a better world for all our children and to make long term legal and social change for women in family law and society at large.

Best wishes,

Prof Ruth Halperin-Kaddari
Founding Head



At a

Legislation and Public Policy

We passed **3** law amendments (one as a collaboration)

We have **2** bill proposals that passed the first stage of legislation and will continue in the next Knesset

We worked on **8** bills

We worked on **4** regulations for various issues

We passed **1** regulation

We participated in **20** different Knesset Committee meetings

We submitted **12** Position Papers to various Knesset Committees

Legal Aid Clinic for Women in Family Law

42 Women received free full legal representation

268 women received legal aid via our legal aid hotline

We submitted and were involved in **6** High Court Appeals

We trained **24** high caliber students

We held **one** Moot Court

We contributed 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

glance....

Publications

We published **3** issues of **HaDin VeHadayan** (The Law and its Decisor)

We published the **Biennial Statistical Report**

We launched a new **English Website** for The Rackman Center

Conferences and Groups

We held **2** conferences with over **500** attendees

WE hosted the first conference in Israel on Collaborative Divorce

We facilitated **1** Client Support Group

Publicity & Social Media

The Rackman Center was mentioned **40** times in the newspapers and internet

We launched our Facebook page and joined the social media world

We started a Times of Israel blog and published 2 articles

Family Life During Tense Times

Interview with CEO Dr Galit Shaul

About the effect of operation Tzuk Eitan

(Summer 2014) on family life in

Israel.

Israelis are experiencing tremendous difficulties during the current conflict, Operation Protective Edge. Millions of Israelis spend their days in or near bomb shelters and many are suffering from anxiety caused by the constant threat of missile fire. Additionally, the effects of the conflict on Israeli business have been costly for families. A common byproduct during times of national conflict is increased pressure and problems within the family unit. The Rackman Center for the Advancement of the Status of Women provides legal aid in the area of family law to women in need. Following times of national distress there is an increase in women seeking aid from The Center. The legal advisers of The Rackman Center are preparing for this influx following Operation Protective Edge. Dr. Galit Shaul, Executive Director of The Rackman Center said, "Unfortunately the State of Israel has become accustomed to war and the events of these wars have devastating social consequences on the family unit."

What is The Rackman Center?

"The Center is housed at Bar-Ilan University Law School. It is a non-political center, providing research, legal aid and representation for women free of charge, and advances in legislative reform. Additionally, The Center has a hotline which provides legal advice as well as support groups for women going through divorce. The support groups offer assistance and tools for women rebuilding families, careers and lives. Many of the women who turn to The Rackman Center have endured domestic violence and years of "get refusal" (trapped in marriage by husband). These women are also at risk in areas of child custody and asset disputes, largely due to the unequal balance of power in the legal realm."

What else does The Rackman Center do?

"In addition to providing legal aid to women in need, The Center works towards legislative reform. The Center drafts bills and amendments, proposes law reforms, and advises policy makers. By doing so, The Center's goal is to create gender equality in the rabbinical courts and in the family law courts. While attempting to meet this goal, The Center believes in the importance of preserving the Jewish Law and Jewish values. One example of The Center's work in this realm is making sure that there are women seated in all the different government bodies involved in decision making regarding matters of family law. The Center has initiated legislative reform that will open the position of director of the rabbinical courts to women in addition to men. Currently by law, the directors of the rabbinical courts may only be men. The rabbinical courts are the only courts in Israel authorized to deal with matters of marriage and divorce. The current law, which allows for the complete exclusion of women from the rabbinical court staff, subjects women to a male-dominated environment during a crucial time in their lives.

Provide an example of a change that The Rackman Center has made which has positively impacted family law in Israel.

"The Rackman Center was central in passing a law in the Knesset which raised the legal age of marriage to 18 years old. This law, which was passed last year, put an end to the practice of child marriage in Israel (of course excluding marriages not conducted in accordance with the law). In addition, The Center has produced a report that will be submitted to the Knesset that analyzes the effectiveness of the enforcement of the new law and suggests different ways to enforce it in order to protect girls in Israel from being forced into marriage before they have completed their schooling and are emotionally mature enough for marriage."

Provide an example of a challenging case that The Center has worked on.

"One of the women represented by The Center, Keren Levy, made headlines recently for a tragic reason. Her case illustrates the importance of proper care during very difficult family disputes. Keren is an American citizen and lives in the United States. Her children Yishai and Sarah z"l were murdered by their father Avi Levy a month ago, as an act of revenge towards his ex-wife. The murder took place after years of disputes between the ex-husband and wife. Despite the horrific outcome, the legal disputes between the parties were similar to many couples going through difficult divorces. This case illustrates why the legal system must be fair and attentive towards women in distress and the importance of the change that The Rackman Center is trying to bring about in order to support women like Keren."

Please tell us about Professor Ruth Halperin-Kaddari who is The Chairperson of The Rackman Center.

"Professor Ruth Halperin-Kaddari is one of the most important researchers on the topic of law and gender. In addition, she is a member of the UN Committee on the Elimination of Discrimination Against Women. Recently Professor Halperin-Kaddari has been re-elected to a third term on the UN committee, something her predecessors had not achieved. This accomplishment is especially impressive due to the fact that many countries automatically reject Israeli candidates. Despite the odds against her, Professor Halperin-Kaddari received extensive support from the other countries. One of her recent accomplishments is the committee's adoption of an instruction that member countries adopt new legal policies to make the division of property during divorce more reasonable. This change will positively impact many countries, including some western countries, which have discriminatory statutes in family law and inheritance. One example of a result that this change will create is allowing housewives to receive a portion of the assets that their families have accumulated during the time of their marriage. This change demonstrates how The Rackman Center and its chairperson have impacted women all over the world."

How does The Rackman Center instill its values in Israeli society?

"In order to promote equality in family law, The



Rackman Center holds annual conferences, which judges, academics, lawyers, and other people in the profession are invited. Each conference focuses on a different topic in the field, provides solutions to problems, and suggests new and innovative approaches. The Center welcomes all ideas while ensuring that its work does not contradict the Jewish values that are the basis of the character of the State of Israel."

What is The Rackman Center doing during the operation?

"While the IDF is busy defending the Jewish homeland, the lawyers at The Rackman Center are busy working on the complicated situation that families are in during emergency situations like this one. The lawyers are preparing themselves for the expected influx in aid-seekers after the operation, which demonstrates how sensitive family life is and how important this topic is during both routine life and times of national distress."

Interview by: Iris Lavan July 2014

Published in the Israeli newspaper for Israelis in Australia—Eton





The Rackman Center

Leading Israel in making social and legal change for women in family law

Situated in the highest realm of academia, and acting as a grassroots organization, the Rackman Center is a **junction** between research and activism; between legislative work and litigation; between public advocacy and individual support; between domestic and international law; and between the religious and secular legal spheres.

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 and inequality in Israeli society, The Rackman Center is now proud to be **the forefront organization of legal and social change for women in family law in Israel**, working to fulfill the vision of advancing women's rights, and bettering women's standing within family law in general, and Jewish family law in particular.

Believing in a **dual-track approach** for bringing about mobilization and social change, we work from both **within and outside the religious world**, to change the Jewish legal system using its own internal tools and methodology, and at the same time to enable each citizen of Israel to choose a marriage ceremony which suits their beliefs. Our dual-track approach continues when we cooperate with the government to promote policy reforms, and at the same time make an independent stand where appropriate. Our position as an academic institution in a law faculty creates a unique **syner-**

gy between the work we do representing our clients in family law cases and our academic expertise in analyzing the cases, researching scholarship, finding innovative solutions and recommending legal changes. This demonstrates another facet of the **dual-track approach**, engaging in a **bottom-up** method through individual litigations, and at the same time promoting the **top-bottom** process of legislative changes and policy reforms. We translate academic research, knowledge and training into action to bring about social and legal change.



The work that we do affects **agents of change** at all levels: legislatures and policy-makers, civil and rabbinical judicatures, lawyers, welfare workers and other divorce professionals; law students who are the future of this profession; and ultimately the individual women and children who are directly assisted by the Center.

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

Our Legal Aid Clinic advocates for the rights of agunot and works to eradicate extortion of women and exploitation of children as leverage in divorce. We offer free legal representation in both civil and religious courts for over 40 women each year who come to us in financial distress or with particularly challenging cases. We also select potentially precedent-setting cases and bring appeals to the Supreme Court, Grand Rabbinical Court and petition the High Court of Justice, as another effective venue to bring about legal change. In addition our Hotline provides free legal advice to approximately 300 women of all backgrounds each year. Believing in the future and in the critical role education plays in mobilizing social change, we select the best law students to train in our clinic through the Lawyers of Tomorrow Training Program. Those selected demonstrate a commitment to promoting and advancing gender and social justice, and to learning the essential representation and litigation tools that enable them to do this.

- **268** women received legal advice via our hotline this year.
- The average time spent with each client was **one hour**, with callers often providing legal documents for review beforehand.
- The average client age was 42.6 years, and clients on average had 2.5 children.
- After calling the hotline, some callers were invited for a meeting before we selected which cases to represent.
- During the academic year, we selected **42** cases for full representation. Every case entails between 3 and 5 legal procedures (property, custody, alimony, etc., in both family and rabbinical courts) We compile annual reports to analyze the cases we dealt with in family law; for example, we find our clients most commonly seek assistance with divorce settlements.

The Legal Aid Hotline—Real case stories...

GET CANCELLATION:

Dana (pseudonym) was married for 13 years, for 6 of which she and her husband slept in separate rooms. They had 5 children, and throughout her marriage, she and her children were victims of violence and abuse by her husband. She was orthodox, and he was from a Chareidi background. Only four years after they separated in their own house, did Dana have the courage to file for divorce. Her husband agreed to give the Get on the condition that he did not have to provide financial support, and Dana signed an agreement giving her only 35% of their joint apartment – which they had paid for together.

A few years after the couple signed the agreement, Dana filed a request in the Family Courts to increase the amount of child support

she was receiving, which was granted. In response, her ex-husband, who had been remarried for two years, approached the Rabbinical Court to cancel their Get. The Rabbinical Court accepted his request, and furthermore demanded that Dana repay her ex-husband the 400,000 NIS she received from the sale of their apartment as per the original divorce agreement. This invalidated their divorce, meaning her husband was now technically married to two women, and placed Dana in an impossible position to repay money that was hers by right.

Dana contacted us and we set up a hearing with the Grand Rabbinical Court. There, on our request, they cancelled the demand for Dana to repay 400,000 NIS. In addition the court ruled that the original Get was still valid.

CHILD SUPPORT AND VISITATION RIGHTS:

Pnina (pseudonym) called us for help during the divorce process. She and her husband had been separated for ten months, and had a ten-month-old baby. Her husband filed with the Rabbinical Court to handle the divorce, as well as property, custody and child support. The couple had started the divorce process through mediation in order to avoid court, but this was predicated on the condition that the husband chose the mediator he wanted.

Pnina contacted us for assistance in determining acceptable terms for child support and visitation rights. Her husband was only prepared to pay her 500 NIS as child support and, in the meantime, had not even paid her that. Pnina's income is 6,000 NIS per month and she needed the child support. Our lawyer explained to her that the minimum acceptable child support payment is 1250 NIS per month in addition to other expenses. When she reported this back to the mediator he told her there was no minimum amount.

In addition, Pnina's husband had not visited his child regularly during the week, yet was demanding to take him for long weekends. Our lawyer explained to her that it was important for the father to look after his child on a regular basis during the week before he should be able to have him for a long weekend. It was explained that if this could not be settled with mediation, she should turn to legal aid to appoint a lawyer to petition for child support and custody claims. After a few weeks, Pnina called to inform us that indeed the mediation failed. She said she asked for legal assistance but they said they could not deal with it for another three weeks. In the meantime, she still was not receiving any financial support for her child. Our lawyer contacted legal aid in order to speed up the process of setting an appointment. Pnina also asked us to refer her to a good, affordable lawyer. We recommended a great lawyer who was willing to take her case at a reduced rate. Pnina contacted us again to thank us for our assistance and informed us that she was very pleased with her lawyer.



A Letter of Thanks from One of our Clients

GET SUCCESS!

‘I wanted to write you a letter of thanks – especially to Adv. Osnat Prinz, and Adv. Shay Zilberberg. Thank you, from the bottom of my heart. When I first called the Rackman hotline, it had already been 10 months since my ex-husband abandoned us. I went to a well-known Rabbi in Paris to receive my Get but he would not help me. He asked me to be patient and said, “don’t worry, one day you will receive your Get.” I did not know who to turn to; thank G-d, someone told me about The Rackman Center. Straight away you agreed to help me file for my divorce. You gave me hope and because of you I got my self-confidence back! After just three hearings I received my Get, which in my view is nothing short of a miracle! I thought I would be stuck for years; yet today I am free from that heavy weight of worry. You were hard working and caring – thank you for the hours of work, thank you for everything! I am grateful to know that thanks to you, women do not need to fight this alone.’

The Rackman Center is Awarded the 2013 Gorney Prize



We are delighted to share with you the great news that we were awarded the acclaimed Gorney Prize of The Israeli Association of Public Law Rights in Israel.

All our staff were invited to attend a reception in Haifa, held in January 2014 in honor of prize recipients. There, Prof. Ruth Halperin-Kaddari, the Founding Head of the Center, and Advocate Atara Kenigsberg-Reem, the former Executive Director of the Center, received the award on our behalf.

The prize ceremony was attended by: Justice Asher Grunis, former Chief Justice of the Israeli Supreme Court; Chief Justice Drit Benish; Prof. Shachar Lifschitz, Dean of Bar Ilan Law Faculty; and many other prominent judges and scholars of public law.

This achievement is another great sign that our work is being recognized, demonstrating how we have become the forefront organization for advancing women's rights in family law in Israel.



Above (from right): Adv. Shay Zilberberg, Adv. Adi Blutner, Adv. Adi Raz, Adv. Atara Kenigsberg and Professor Ruth Halperin-Kaddari at the ceremony



Above (from right): Adv. Atara Kenigsberg and Professor Ruth Halperin-Kaddari receive the prize from Dr. Edna Gorney Labinger and Prof. Ariel Bendor, Chair of the Association

Enforcement Family Law Religious Law
Empower Social Change Education Sustain
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Social Change

Dealing with Tragedy

We are Here for our Clients Forever



This year we dealt with a tragedy we could never have imagined in a case involving our client, Karen Levy, whose two children were murdered by their father. Here is the letter that Prof. Ruth Halperin-Kaddari sent out to friends of The Rackman Center at the time of this atrocity, in June 2014:

Dear Friends,

As you may have heard during this dark week for Israel, a terrible family atrocity occurred when two young, innocent children were brutally murdered by their father while on a custodial visit from the US. With a heavy heart, The Rackman Center expresses our deep condolences and shares in the grief of our client, the children's mother, as we come to terms with the extent of this unthinkable tragedy.

As dear friends of The Rackman Center, we wish to share with you all the ups and downs of our work – of our successes and of our struggles. This is an example of the most unimaginable way The Rackman Center works over and above for our clients.

Our connection with Karen Levy began three years ago. She came to us for help to get away from her violent ex-husband, and to take her children with her to the US to escape life with him nearby. Our client spent almost a year living in a women's shelter with her children and twice acquired protection orders against her husband before coming to us for help. Three years ago, we successfully won her custody of the children and she was able to move to the US, where she had family and a supportive Jewish community, and she could finally 'live' again. However, part of the agreement required her to send the children (a 11-year-old boy and 10-year-old girl) to Israel twice a year to visit their father. Despite her constant fears for their safety, the past visits went smoothly: the children were happy and everything went as planned. This time, after a large family meal with their father's family, with no sign of what was to happen, the children returned to their father's home where he brutally killed them before turning himself into the police.

Words cannot express the shock and insanity of this criminal act. Words cannot provide comfort the mother, but from the moment we heard the news, we were determined to do all we could to help her.



The first thing we realized was the urgency to talk to the media to ensure that the mother's story was published and not overtaken by the father's family, who all live in Israel. Our client was still in the US, and we became her voice. Adv. Adi Raz, who dealt with the original lawsuit, Adv. Osnat Karplus, and I were interviewed non-stop for Channels 1, 2, and 10, radio shows, and newspapers.



At the same time, we had to ensure that the father's family were not able to hijack the burial and started legal proceedings to ensure the swiftest transfer of the children's bodies to the US. Our lawyers Adv. Osnat Prinz and Adv. Shay Zilberberg contacted the mother with the help of a friend here in Israel, in order to get her legal consent on this. The father's lawyer refused to accept this consent, so we called for an urgent court hearing first thing on Friday morning with both parties.

We were prepared for a fight during the emergency hearing that was set for Friday afternoon (just hours before Shabbat) but then, to our surprise, the father agreed. Our CEO, Dr. Galit Shaul (who has vast experience with crime victims) worked all day dealing with autopsy consent forms, flight coordination, contacting entities responsible for the transfer, and connecting with the Jewish Federation of Greater Columbus, who generously offered to finance the flight costs, etc., in order to move forward as soon as possible, and to avoid requiring the mother to fly to Israel.

Through sheer determination, we managed to pull this all together on Friday and the children are being flown to the US today to be laid to rest.

I could not be more proud of the way The Rackman Center staff handled this – everyone worked above and beyond the call of duty. Our ability to work so hard despite our emotional feelings was really noteworthy.

Of all the horror stories we have seen or heard as part of our work to protect and support women in Family Law, this has to be the most tragic and heart-wrenching one. Dr. Galit Shaul, the Center's new CEO, arranged a counseling session for all our staff who were close to the client, including students who worked on the case. We have been so driven to protect our client to our best ability, we have been deeply affected by this case and it has certainly taken an emotional toll on all involved.

However, this tragedy just highlights the importance of our work in protecting women and children and ensuring that the law is used effectively to protect women. Just before this happened, we passed more stages in legislation to make it easier for women to extend the time for protection orders against violent husbands, but more needs to be done. We will not sit by and let this happen again and we will work tirelessly to ensure that women and children are better protected.

Professor Ruth Halperin-Kaddari, Founding Head of the Rackman Center

Ensuring that Sarah & Yishai are remembered by making legal and social change—a meeting at the Knesset

A mother without children by her side

RUTH HALPERIN-KADDARI November 25, 2014

“Sarah and Yishai, my children! Today I am a mother without my children. It was very hard for me to come to Israel but you gave me the strength to come. When I heard what Avi did to our children, our children like all of your children, I buried myself in a hole so deep, so dark, and so heavy that I too thought I would die. But I am here, Yishai and Sarah, I am here.” When Karen spoke, no one in the Knesset committee room could hold back tears. Trembling but determined, she continued to explain why she had come back to Israel: “What can I do? Who am I? Who I am now? A mother without children, without children by her side. Why am I here [in the Knesset] today? In order to tell Yishai and Sarah’s story, so we don’t forget them and in order to do everything possible to safeguard other women and children, so that this won’t happen to them.”

This is an excerpt from the emotional speech Karen Levy gave at the Knesset yesterday for the Committee for the Advancement of the Status of Women and Gender Equality’s debate on the use of children as a demonstration of violence against women. The meeting was initiated by The Rackman Center at Bar Ilan University and Isha L’Isha in collaboration with MK Aliza Lavie and MK Zehava Galon. Watch Karen’s emotional speech live (in Hebrew) [here](#).

Karen had moved with her children to America from Israel in order to seek refuge from her violent ex-husband. She was represented by The Rackman Center in the relocation procedure, which enabled her to move with her children to the United States. In June 2014, as part of the custodial agreement, Sarah, 10, and Yishai, 11, went to Israel to spend time with their father. They never returned; he brutally murdered them as an act of revenge against his ex-wife.



The meeting was set to coincide with International Day for the Elimination of Violence Against Women. One of the aims of the day was to raise awareness of the fact that women all over the world are still subject in alarming numbers to rape, domestic violence, and other forms of violence. Often, the scale and true nature of the abuse is unseen. At the meeting, Committee Chair Aliza Lavie, MK, said: “We must put an end to the murder of children. Often the violence is directed only towards the woman so the authorities do not recognize the danger to the children. In the last decade, 42 children were killed by relatives and any system that was supposed to protect them failed to prevent it. In 67% of the cases, the father is the murderer.”

MK Lavie asked the Subcommittee of Ministers on the Elimination of Violence to prepare an action plan and present preliminary findings to the Committee within a month. “We have no time for bureaucracy. We must work together and look at the issues that have not been addressed. Sacrificing children for revenge is an unimaginable, monstrous crime, and more must be done to prevent it from happening.”

As Founding Head of The Rackman Center, the point that I personally stressed at the Knesset meeting was that Karen Levy's case is not isolated, and her tragedy is not without context. We do not wish to engage in a post mortem analysis of Karen's personal tragedy. What we wish to do, and what Karen wishes to do, is to put her case in the wider, terrible context, of violence against women, and to overcome the constraints that prevent recognizing the link between violence against women and violence against children.

The responsibility often rests on legal and welfare authorities, who – regrettably – sometimes close their eyes or are unaware of the warning signs. Sometimes this lack of awareness is not intentional, but rather the result of a chronic lack of resources or training. But sometimes they close their eyes to avoid confronting reality, reflecting a fear of what might be taken as stigmatization of all fathers if they are all suspects by definition. But this is exactly where the manipulation is: no one stigmatizes all fathers! The red light should be focused on wife-beaters. There must be a recognition that when Dad hits Mom, the children are also in danger, not just because of the collateral damage caused to them from being exposed to violence, but because violence endangers their very existence! Nevertheless, there are individuals who would have us believe that concern for the welfare of the child when the violence is directed “only” at the mother, is in fact a violation of the father's rights. And unfortunately, some of the welfare and legal authorities buy into this manipulation.

So what should be done? The first thing needed is enhanced access to information. Nowhere is there a compilation of these cases being discussed at Knesset hearings. The data presented yesterday does not analyze the patterns of these murders, and does not isolate cases in which a murder took place within the framework of separation or divorce conflict. There is alarming data from the US: between 2008 to 2014, 355 children were killed by their fathers. Of these, 89 murders were a direct result of clear failures in the legal and welfare systems that did not protect the children despite warnings by their mothers. The murder of 72 of these children was directly due to divorce or separation, as part of revenge by the father, and 92 of these children were killed during the divorce and separation process (source: Center for Judicial Excellence).

Judicial decision-makers and welfare evaluators must be made aware of this data. They must have knowledge of the direct link between violence against women as mothers, and violence against children. More concretely, the existence of violence against a mother must be part of the welfare assessment, as an indication of a child-at-risk, and should not be left to the discretion of the welfare worker. In light of all this, it is shocking to see that the proposed reform of the Guardianship Law (known as the Shnit Proposal) does not even mention violence as a factor to be considered when the Court is deciding on child custody and parental responsibility! We at The Rackman Center have been there for Karen both professionally and as a true friend. We helped her bury her children near her new home in the US and we will help her now. Karen is a remarkable woman. She does not want her children to be forgotten and refuses to watch this happen to someone else; as do we. As she said in the Knesset yesterday: “People think that when there is a court decision, it's the end of violence. They need to know that there is no end to it ... We are in need of change. We need to know how to do this together. To strengthen and establish projects like the ‘SHELI’ hotline (The Rackman Center's hotline, named after Sarah and Yishai, using the acronyms of their names), to fill the hole that my children fell into and the lack of support that I had [in the United States].”

At The Rackman Center, we will do our best to commemorate her precious children by establishing Karen's project in their memory to help legally and socially other women and children at risk from violence.



Legal & Social Change in Family Law

Legislation and Public Policy

In 2014, we continued to work towards in all of our main strategic goals:

Ensuring proper female representation in religious government positions and policy making positions

Reducing post-divorce poverty of women and children

Enhancing access to justice in family law

Promoting Alternative Dispute Resolution tools for families in crisis

Eliminating the Race to Jurisdiction and reducing its impact on family disputes

Our Achievements

3 of our law amendments have passed; we worked on **8** more bills

We worked on **3** sets of regulations regarding various issues, and passed 1 regulation

We participated in **20** different Knesset Committee meetings and submitted **12** Position Papers

Selected examples:

- Passed a law to ensure the same law applies to the nomination committee for civil judges (for all courts)

- We submitted Amendment 15 of the Family Violence Prevention Law, which was accepted

- Regulations were accepted for public housing tenant rights (provisions concerning the right to a public apartment during separation)

- We were highly involved in an important change to the law in dividing up pensions between couples who divorce

- We continued to work on the Rabbinical Court Judges Bill (Amendment – eligibility to serve as a manager of rabbinical courts) to remove barriers to appointing a woman as a manager of the rabbinical courts

- Courts Law Bill - Amendment to publish rulings of the family court without identifying details of the parties, which will enable transparency, research, comparison, and legal development

- We initiated and organized a special discussion in the Knesset regarding violence against women by targeting children – the discussion was broadly covered by the media and brought the subject to the public attention, as you will read in this Annual Report

Our legal aid clinic students helped to draft a selection of our bills.

What do the legal changes mean?

For the first time, there is now an explicit minimum quota of women on the committee that nominates civil judges

Following our achievement last year in passing a law to ensure at least 4 women are included on the rabbinical judges selection committee, we are thrilled to inform you that we have now participated in passing a law to ensure that the same law applies to the nomination committee for civil judges (for all courts). This is very significant because this is the first time there is an explicit minimum quota for including women on the committee. This will bring about concrete social change, as opposed to vague promises of ensuring women's representation on the committee, and will promote greater equality for women in the legal realm.

Improving protection for women from their violent spouses

We passed Amendment 15 of the Family Violence Prevention Law, which enables the court to extend a protection order issued against a violent spouse from one year to two years (a protection order prohibits the violent spouse from entering a family apartment or being nearby, or any other order necessary for protecting their spouse and children). This amendment ensures better security for battered women by making the process to extend protection orders easier for them.

Right to social housing granted to the spouse with the majority of children in their custody

Regulations were accepted for Public Housing Tenant Rights (provisions concerning the right to a public apartment after separation) 2014 – this regulation, along with the Public Housing Tenant Rights Law determines that in the case of separation the right to the public apartment rental will be granted to the spouse with the majority of children in their custody. This regulation is of great importance because it will help prevent the possibility of one spouse exerting economic pressure on the other as a condition for granting a Get.

Ensuring rightful division of pensions in case of divorce

The Rackman Center was highly involved in an important change to the law regarding division of pensions in cases of divorce. The law stipulates that once the pension is divided, the other spouse will directly receive the pension owed to them. This ensures that court decisions are actually enforced, and in cases where a spouse dies, it ensures the surviving spouse still receives the pension.

Our Advocacy and *Agunah* Work with ICAR



The Rackman Center is very proud to be an active and prominent member of the ICAR Coalition, a group of civil society organizations collaborating to fight for *Agunah* rights (women who are being refused their Get). We have led the legal committee of ICAR, regularly participate in ICAR Committees, and often host meetings. By working together, our combined strength makes for strong results. The following are examples of ICAR's achievements, as described by ICAR:

“Legislation: Amendment of the Property Relations between Spouses law: On November 5th, 2008 (after 6 years of hard work), the amendment of the law relating to the Division of Assets of Divorced Couples, drafted and initiated by ICAR, passed its final vote by a large majority in the Knesset. The amendment to the law allows for the division of assets before the granting of the Get, if the objective terms that are specified in the law are kept, including separation. This amendment allows Mesuravot Get to receive their part of the mutual assets and reduces the possibilities of blackmail during the divorce process.

Ending the Race for Jurisdiction: The bill we issued and presented to the 18th Knesset received the support of religious MKs, from both the Likud and Habayit Hayehudi, and brought the Minister of Justice to establish a professional committee. In the current Knesset, we improved the wording, and the bill passed in the Committee of Ministers. A team of MKs was established for a limited time, to establish consensus between the parties and the Rabbinat. Passing the law is one of the major challenges that we are still facing.

Miscellaneous: Activities to equate the fees between the Rabbinical Courts and the Civil Courts; activities against attempts to cancel the young child presumption; supporting the Hafka'at Kidushin bill; impacting the nature of aid units by the Rabbinical Court and more.

Containment of initiatives to expand the jurisdiction of the rabbinical courts: Throughout the years, we managed to block legislative initiatives, private and governmental, even when the commitment was in the coalition agreements.

Improving the Rabbinical Courts: Adding women to the committee appointing rabbinical court judges - Adv. Sharon Shenhav was elected twice as a representative of the office on the committee due to ICAR's campaign. In 2013, the Knesset elected for the first time a woman, MK Shuli Mualem, as their representative on the committee.

The peak of the activity: Ensuring the appointment of a minimum of four women on the panel that appoints rabbinical court judges (June 2013), in addition to the appointment of an 11th member to the committee - a female rabbinical court pleader. Justice Minister Tzipi Livni appointed ICAR member Rabbinic Court Pleader, Dr. Rachel Levmore, as the 11th member of the committee.

The appointment of suitable Rabbinical Court Judges to the Rabbinical Courts: ICAR is significantly involved in the process of electing the committee members (we were able to bring the election, twice, of an ICAR member as a representative of the lawyers' office) and their actual appointing to the Rabbinical Court and the regional rabbinical courts. We were able to delay the convening of the Committee to prevent problematic appointments in the future. We were able to prevent the appointments of specific judges with a history of problematic adjudication when it comes to women and to agunot. We also recommended the appointment of new and suitable judges who have released tens of women from their agunot status (candidates come to us for recommendation).”

Source: Summary of ICAR legislative activities

Legal & Social Change

High Court Petitions

In 2014, The Rackman Center worked on 5 petitions to the High Court of Justice, 2 of which were filed previously:

Religious conversion's effect on the outcome of custody cases:

This case began in 2013 but was concluded in 2014. Hannah (pseudonym), married a Muslim man and was in the process of converting to Islam (but had not completed the conversion) when her children were born. Since Islam confers religion according to the father and Judaism according to the mother, their children were considered both Jewish and Muslim. After repeated violence led her to escape to a women's shelter with her children, Hannah wanted to divorce. She filed for divorce in an Israeli civil court but her husband managed to file in a Sharia court first. The legal question at hand was which court has the authority to rule regarding to the divorce. Hannah was referred to us by the women's shelter and we represented her in the High Court. We claimed that the civil court should have the authority over the divorce since her conversion was not completed. It was decided that we would need to go to the Supreme Court for a decision, where we hope they will rule that the civil family court has authority in this case. The husband is still arguing that the Sharia court has jurisdiction; this appeal continues into yet another year.

There were two appeals regarding who has the authority to rule on child support:

- An appeal regarding the authority of the rabbinical court to rule in child support
- A request for additional discussion in the case regarding the authority of the rabbinical court to rule in child support

Child support from the social security institution in cases when the father refuses to pay:

A child whose father does not pay child support may address the social security institution. Social Security provides payment to the child on behalf of the father and then sues the father to return the owed money. This procedure is meant to spare women and children from taking legal steps against a non-paying father, and to ensure that children will always receive their child support as is their constitutional right (as part of the rights for dignity and property). However, if the mother of the child makes a minimum wage or higher salary, the child is denied the right to receive child support from social security. We have filed a petition to challenge this rule, on behalf of a child who lost her right for child support because her mother's salary increased by 200 NIS a month. (Image below: Lawyers Adv. Adi Blutner and Adv. Adi Raz at the High Court)



The independent standing of children in child support cases: In October, the Rabbinical Court issued a unusual decision challenging the 50-year status of children's child support rights in Israeli law. Together with the lawyer who represented the women and children in the rabbinical courts, we petitioned the High Court to request they cancel this decision and maintain the status of child support as it was. We are waiting for the first hearing.

‘Baalah Vebaulah:’ In 2013, the high court ordered the rabbinical courts to develop a written formal procedure regarding cases to protect women's right to privacy and dignity. The Rackman Center submitted a proposal opinion for the rabbinical courts' new procedure and, at the end of 2014, the case is still pending. (Image below, our legal staff at the High Court of Justice)



Skill

Students at the Knesset



Experience

&

At the Family Court



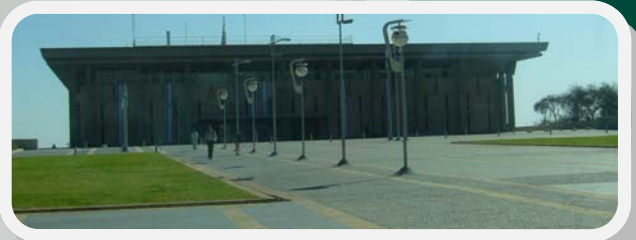
Empowerment

At the Rabbinical Court



Lawyers of Tomorrow

“We emphasize both theoretical and practical solutions to all areas of family law.”



This year, 24 students completed a training program which aims to mold the **lawyers of tomorrow** into committed advocates in the battle for women's and children's rights.

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

A great deal of thought and planning is 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 cases are analyzed and Halachic and legal solutions are discussed, as well as other legal dilemmas.

Student meetings 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 through our program. Students also benefitted from individual meetings to discuss factors involved in choosing appropriate legal procedures in each case. Participants met with clients and attended Courts hearings, wrote pleas and lawsuits, and were active in drafting new bills for legislation.

Students in the training program also participated in **educational tours**, including visits to: the Knesset, the Ramat Gan Family Law Court, the Rabbinical Court, and a battered women's shelter. The Knesset tour was especially significant in allowing the students to **see firsthand the process of bill submission and legislation**, which is so vital for making long-term social change.

This training not only builds students' skills and experience, but also **empowers** them as individuals to become lawyers with strong ideals and the confidence and tools to make **positive change**, helping their community and supporting women and children.

The Moot Court

Lawyers of Tomorrow Program

The Moot Court is one of the highlights of the Lawyers of Tomorrow Program. The Moot Court simulates a real hearing in court. The students prepare both sides of the case and present with a claimant and the respondent to a packed Court (see photos) including three judges who express their views and provide a detailed judgment.

In 2014, we held a moot court on the complex and sensitive topic of "Mamzerut". The concept of a Mamzer refers to a halachic status of a child born from an adulterous relationship (in the case where the mother is halachically married to another man). A mamzer cannot marry within the Jewish community, except for another mamzer or a convert. The question at hand was if a child of an aguna (a women whose husband refuses to provide her a get, and therefore is considered as still married to the recalcitrant husband) will be denied child support from his biological father, who is not the man to whom the mother is still married. The reasoning behind this possible outcome is that in order to obligate the biological father, paternity needs to be established, and this might implicate the child with the status of mamzerut. The case dealt with whether the family court should have the power to examine the paternity of a child. Giving such power raises the concern that the child's halachic status would be a stake and potentially the child could be rendered a Mamzer.

Our moot court was presided by the Honorable Judge Zila Zfat (Central District Court), together with Honorable Judge Varda Plaut (Tel-Aviv District Court) and Honorable Judge Nachshon Fisher (Ramat-Gan Family Court). See top image.

As can be seen, this was indeed a very complicated case. The students were well prepared, and demonstrated how much they have learned in the way they argued. It was a tense and exciting moot court, and the judges were very impressed by the level of the written and oral arguments (as can be seen on our website in hebrew).

The judges eventually found a legal way to obligate the biological father with the child support payments, while refraining from establishing paternity in such a way that may have halachic implications for the child' status.



From left, judges Varda Plaut, Zila Zfat and Nachshon Fisher



A packed Moot Courtroom.



The Moot Court participants and staff members



Moot Court 2014: Adv. Yossi Medelsohn, Adv. Osnat Prinz, Adv. Adi Raz, Adv. Naama Safrai, Dr. Galit Shaul, Judge Zila Zfat, Judge Varda Plaut, Judge Nachson Fisher, Prof. Ruth Halperin-Kaddari, Prof. Shahar Lifshitz.



The defense for the respondent



The prosecution for the claimant



Left: Prof. Ruth Halperin-Kaddari, Center: the Judges, Right: audience



The students and teachers after the Moot Court

Effect
Impact
Education Sustainability
Social Change Forefront
Shift Research Law
DualTrack LegalAid Enforcement Family Law
Empower
Religious Law
Training Policy

A student explains the importance of the Lawyers of Tomorrow Clinic Training Program

Sarah just completed her Clinic training with us, and was full of praise about the course and its importance in work in this field. She wanted to share her experience:

“In 2014, I took part in the ‘Lawyer’s of Tomorrow Program’ in the legal clinic of The Rackman Center. As part of the clinic, I attended weekly classes, conferences, and actually took part in handling the case of a client in the Family Court. The case involved a business woman who was refused a divorce for many years and finally had to buy her freedom by giving up her economic rights, and agreeing to the minimum child benefit for her daughters. The aim of this hearing was to guarantee the rights of their daughters, of whom the mother had full custody.

In Israel today, many women are still faced with a choice between the right to continue their lives, and the right to receive sufficient and entitled economic support for their children. Blackmail in divorce, which I found in my work on this case, is one of many problems that affect women in the sensitive field of family law. When you hear stories about the way religious institutions treat women, especially after studying a course in family law, it is easy to point to Judaism as a problem. I wondered how my religion can create and allow such a great injustice against women and what can be done about it. On the training program we learned about the uniqueness of Halacha and how we can use all possible halachic tools to favor women better—respecting Judaism and using the means that Halacha provided to work towards solving the issues.

For the Advancement of the Status of Women

Enforcement Family Law
Empower Effect Religious Law
Social Change Impact
Education Sustain DualTrack
Report Forefront

Shift Research
LegalAid Training Policy
Social Change

Thanks to the clinic I was exposed to the fact that Judaism and Israel does offer various tools and many solutions, but it is essential to publicize these tools, to encourage their use and most of all, to help those women who remain trapped in marriages for fear of losing everything they hold dear.

The program covers a range of topics, including legislation, conventions, and of course the media. Beyond this, the clinic is developing new tools to bring Halacha in line with modern life. The Rackman Center is influencing real-life social and legal change in the area of family law, whether by changing legislation or changing the lives of the clients we help. Being exposed to the women's own stories throughout this course, by watching and preparing representation of the cases, and through the various classes, I now fully understand that family law is a crucial area for women's rights. As a former client said to us in class one day, 'this clinic actually saves lives,' and I am so glad to be part of that.

Dealing with difficult stories requires mental strength, and the clinic lawyers certainly have that. The program exposed us to the practice of the legal world, and taught us how family law in Israel impacts on society and the individual. We were exposed to the power and importance of family law and the ability to change and influence through it."



Collaborative Divorce

The Rackman Center holds Israel's first major seminar in an academic institution on the topic of Collaborative Divorce

On 31st December 2013, The Rackman Center at Bar Ilan University, Israel, ran a very successful seminar on Collaborative Divorce.

Presented by Adv. Adi Raz (image right), Director of the Rackman Center Legal Aid Clinic for Women in Family Law, the seminar shared viewpoints from excellent speakers.

Mr. Yuval Berger spoke about his vision of Collaborative Divorce from a global comparative perspective.

Mr Berger has worked as a Marriage and Family Therapist for 25 years, and has been involved in the practice of Collaborative Divorce since 2001, both as a consultant and trainer of divorce professionals.

Mr. Berger's main work takes place in Vancouver, Canada, where he practises collaborative divorce, working with therapists and other professionals to help broken families. He also runs training courses in Collaborative Divorce in the US, Canada, Europe and Israel.

Mr. Berger is a board member of the IACP - International Association Collaborative Divorce.

www.biu.ac.il • Information Hotline: #9392

Prof. Ruth Halperin-Kaddari discussed the process of collaborative divorce, both theoretical and practical, as well as the use of mediation and its importance in Israel. She spoke about the real potential in this theory and the important challenge, especially in Israel's complex legal setting, to push for this unique aspect of the divorce process.

Judge Ayelet Golan-Tabori discussed her observations on Collaborative Divorce from the perspective of the family court. Judge Golan-Tabori sits as a family judge in the Family Court in the Central District, Rishon Lezion, and is the author of *Forever Linked - A Guide to Family Law*.

Ms. Rachel Vladimirsky together with Adv Idit Shacham, founded a public center for Collaborative Divorce, the first of its kind in the world. They spoke about the importance of taking responsibility for the public service and the local authority by the state, in dealing with related family conflicts divorce proceedings, and discussed the role of the lawyer in the process of Collaborative Divorce in both the private and public spheres.



Ms. Rachel Vladimirsky is a social worker, couples and family therapist, and directs the family welfare department of the municipality of Ramat Gan. She instructs employees and has dealt in family crises and conflict resolution for many years.

Advocate Idith Shacham is a lawyer and a mediator, who has helped establish a number of working groups using collaborative divorce in the country, both in public and in private spheres and has run training courses in Hebrew.

The event was a huge success and we hope to facilitate similar sessions in the future.

PROJECTS

SUPPORT GROUP FOR WOMEN

Again this year, the Center facilitated a support group for women who are divorced or are in the process of divorcing. Group meetings were organized in conjunction with The School of Social Work at Bar Ilan University, and included qualified social workers.

months ago and were highly successful, according to feedback from the participants and staff. As a result, we very much hope to repeat this valuable service again next year and build it into a permanent program in the future.

This pilot project provides emotional and social support for women undergoing divorce transition, above and beyond the advice and support given by our clinic lawyers. We strongly believe that legal advice and emotional support complement each other and should run in parallel to help women as much as possible.

The project group met weekly for an hour and a half. Group sessions ended a few



Project 'All-Rights'



Once again we continue to be involved with 'All Rights,' a project which collaborates with organizations across the country to provide to a thoroughly informative website that explains all human rights in Israel. Our Legal Aid Clinic provides information on Women's Rights in Family Law, which is an exciting and important project being written by students at the clinic under our lawyers' supervision. www.kolzchut.org.il

**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:

The Joseph Alexander Foundation

The Liling Family

The David Berg Foundation

The Greater Miami Jewish Federation

JWF Palm Beach

The Kochav Endowment

The Hadassah Foundation

The Rose & Louis Klosk Fund

Jacob and Hilda Blaustein Foundation

Private Donors



Ha Din VeHadayan

The Law and its Decisor

Together with The Center for Women's Justice, we publish the "**HaDin VeHadayan**" - the Law and its Decisor, made possible through the ongoing 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 full rabbinical court decisions in family matters.**

This publication consistently offers crucial access to Rabbinical Court holdings. The importance of this project is twofold: first, from a legal professionals' perspective, these cases are now available to all lawyers and judges involved in family law. One lawyer shared with us how this information was used as evidence in court. Secondly, the publication of rabbinical court decisions and deliberations will contribute to an increased public awareness of both problems and potential solutions, while serving as an internal review mechanism.

Issue number 34 of *HaDin VeHadayan*

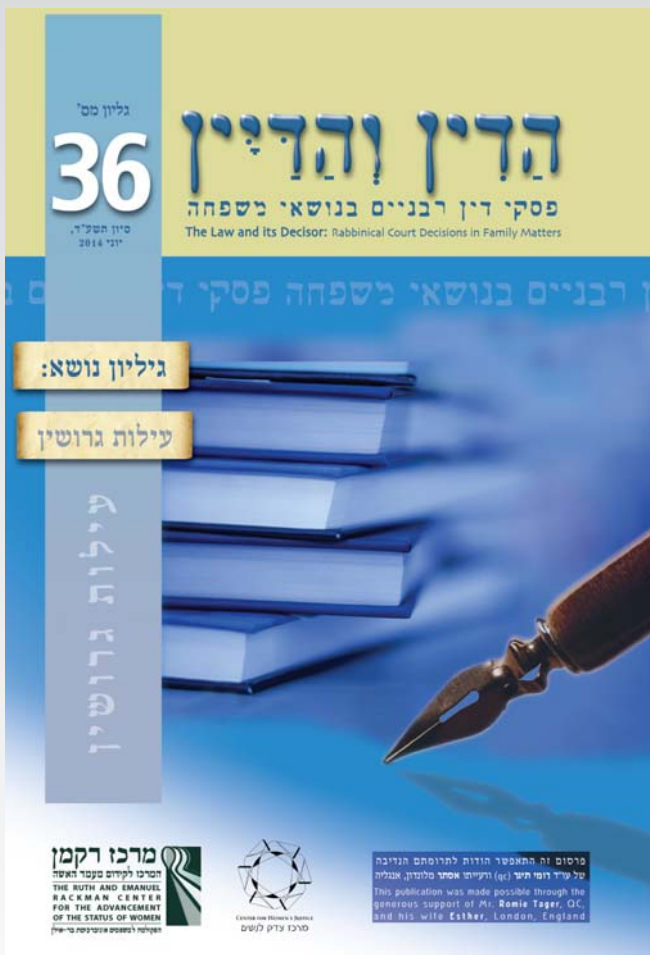
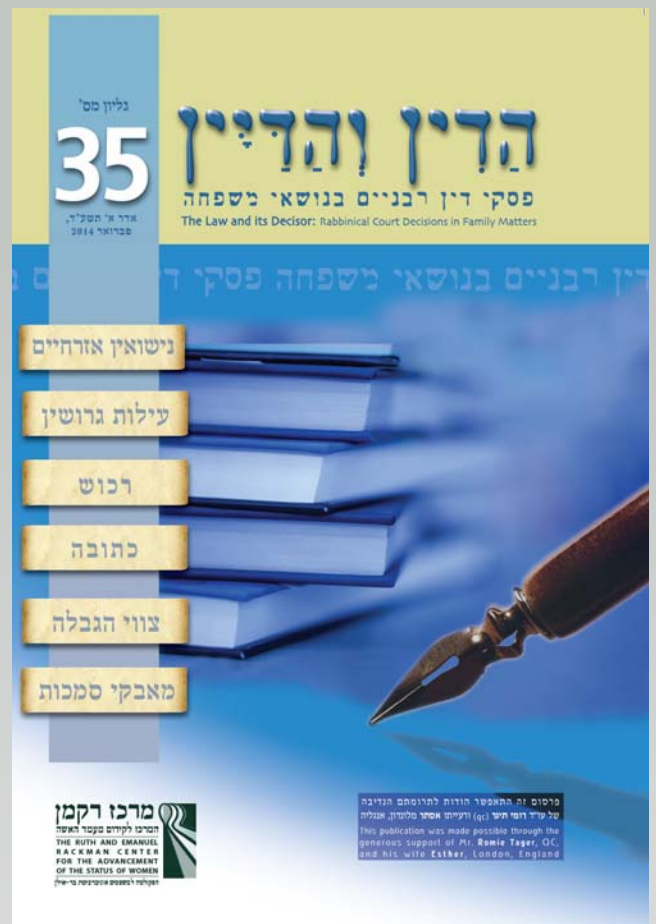
Ketubah, Divorce Expenses, Get Cancellations.

The 35th issue of Hadin Ve'Hadayan

Civil Marriages, Divorce Expenses, Property, Ketubah, Restraining Orders, and Race to Jurisdiction.

The 36th issue of HaDin VeHaDayan:

Divorce Expenses



We were thrilled to receive photographs of HaDin VeHadayan copies available at Harvard's Law School Library!

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



Above:
Prof. Ruth Halperin-Kaddari with Adv Yossi Medelssohn



Above: Adv. Atara Kenigsberg, Prof. Ruth Halperin-Kaddari, Adv. Adi Raz and Adv. Adi Blutner at the conference

Below: Legal professionals arrive at the conference



אנו מחבדים להזמין
לעידה השנתית האחת-עשרה
לענייני נשים, משפחה ומשפט בישראל

בסמך:
נכסי משפחה מהון להון:
כיצד יחולק הרכוש החדש,
החל מהון אנושי
וכלו בהברות הון סיכון

הועידה תתקיים א"ה ביום שלישי,
י"ג שבט תשע"ד (14 במרץ 2014)
בין השעות: 15:30-19:45
באודיטוריום ע"ש מינץ, אוניברסיטת בר אילן

מספר המקומות מוגבל
נא אשררו השתתפותכם עד: 7.1.14
במייל: rackman.center@gmail.com
או בטלפון: 03-5318895

בתוכנית:

15:30-16:00 התכנסות וכיבוד קל

16:00-16:15 דברי פתיחה:

פרופ' **שחר ליפשיץ**,

דיקן הפקולטה למשפטים, אוניברסיטת בר אילן

פרופ' **רות הלפרין-קדרי**,

ראש מרכז רקמן לקידום מעמד האשה

הפקולטה למשפטים, אוניברסיטת בר אילן

מושב ראשון 16:15-18:00

יו"ד: פרופ' **רות הלפרין-קדרי**,

ראש מרכז רקמן לקידום מעמד האשה

עו"ד **אסי מנדלסון**,

הפקולטה למשפטים, אוניברסיטת תל-אביב

השופטת **יאבדו גרימולד-רנר**,

בימ"ש לענייני משפחה בפתח-תקווה

השופטת **ישעיהו שגל**,

סקן נשיאה, בימ"ש המחוזי בת"א

אב"ד ערעורים אורחיים

הרב **יצחק רפפורט**, דיין ביה"ד האזורי חיפה

18:00-18:30 הפסקה

18:30-19:45 מושב שני

יו"ד: פרופ' **צילי דגן**,

הפקולטה למשפטים, אוניברסיטת בר-אילן

פרופ' **שחר ליפשיץ**,

דיקן הפקולטה למשפטים, אוניברסיטת בר-אילן

השופטת ד"ר **מיכל אבנון-גון**,

בימ"ש המחוזי בת"א

רו"ח (LL.M.) **צבי בובנק**,

שותף במשרד ברלב ושות', רו"ח

חלוקת נכסים הנמנים על "הרכוש החדש" מתבצעת מזה שנים, וגם ספר החוקים כבר הכיר בכך. גם ההצדקות התאורטיות להתחשבות בהון אנושי ובכונן השתכרות, הוויכוח בשאלת היותם נכסים בדי-חלוקה, וההצדקות לחלוקת נכסים מסוג חברות הון-סיכון, אופציות, מניות מסוגים שונים וכו' - מוכרים כולם. עם זאת, דומה כי המעבר מן התאוריה לפרקטיקה מעורר קושי ניכר, דברות מן השאלות המעשיות מותרות עדיין חסרות מענה. בכנס זה נבקש לבחון את ההיבטים היישומיים של חלוקת נכסי משפחה מסוג הרכוש החדש: נדון בדרכים להעריך כושר השתכרות עתידי; בבקורות הדמם האפשריות לשומת הנכסים; באופני החלוקה השונים (חד-פעמי או תשלומים עתיים); בחקרים השינויים בהון מתעוררות שאלות אלה (מו"ס או הלך שיפוטי) ובשיקולים השינויים באותם הקשרים. מעל הכל חרף השאלה **אם המבנה המשפטי נקיים** **נוגן מענה לכל התגברים הללו.**

The Eleventh Annual Conference on Women, Family and Law in Israel was once again a huge success, addressing over 450 people altogether.

This year's Annual Conference addressed one of the most intriguing issues at the forefront of family all over the developed world: economic consequences of separation and divorce, and the extent to which spouses' disparate earning potential and human capital is considered within distribution of marital property.

Significantly, Israel is in fact one of the most progressive countries in terms of recognizing these aspects when contemplating distributing of marital property and regulating the economic consequences of separation and divorce. Nevertheless, the implementation is often more complicated and intricate than the theoretical framework, sophisticated as that may be.

Realizing this, the Rackman Center took it upon itself to set the platform for a thorough discussion of the practical challenges that are being faced in the implementation process. For that purpose we gathered first-rate speakers: judges (civil and rabbinical), academics and practitioners, and convened a high-level conference that drew the attendance of hundreds of family law practitioners.

Among the speakers were Yocheved Greenwald-Rand – Judge at the family court in Petach Tikva, Yeshayahu Shneller – Vice-president of the family courts, Tel Aviv, Rav Yitzchak Rappaport – Judge in Haifa region rabbinical court in addition to speakers from Bar Ilan University such as the Dean of the Law Faculty, Professor Shahar Lifshitz and Adv Yossi Mendelsohn.

UN: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

We are once again very proud that Professor Ruth Halperin-Kaddari was re-elected as a member of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see image below).



Image right - Professor Ruth Halperin-Kaddari sits with Ambassador to the UN, Ron Prozor, and the staff of Israel's delegation to the UN, moments before the election.



The election took place at the UN Headquarters in New York and marks the first time an Israeli candidate has been selected for the third time to a UN Human Rights Committee. This accomplishment is particularly significant as the election came at a time when Israel's status at the UN was at an all-time low. Halperin-Kaddari won a staggering 128 votes out of 188 Convention countries, of which 50 nations, including the newly acceded State of Palestine, refused to acknowledge Israel's vote in the first place and abstained. During her 8 years on the CEDAW Committee, Halperin-Kaddari has initiated the adoption of a new General Recommendation on the Economic



Consequences of Family Relations and their Dissolution. This is truly a landmark achievement for Israel and we are sure that she will represent Israel in the best way – benefiting Israel on the international and national front.

Image left—Ruth with CEDAW and YWCA in July 2014.



On one of Ruth's journeys to the UN, she spent some time chatting to then President of Israel, Shimon Peres

Special Guests at The Rackman Center



We were honoured to welcome US and UK Ambassadors' wives for a tour of our Center and to meet clients and our staff. From left: Adv. Shay Zilberberg, Adv. Adi Raz, Celia Leaberry Gould, Julie Fisher, Adv. Atara Kenigsberg, Prof. Ruth Halperin-Kaddari, 'T' and a legal aid clinic student. (Left)

We were thrilled to welcome Tami Baldinger, Head of JWF Palm Beach, and her daughter, who toured our Center and met our staff. From left; Prof. Ruth Halperin-Kaddari, Tami Baldinger, Sarah Baldinger, Dr. Galit Shaul. (Right)



We were delighted to host Rena Genn from the Greater Miami Jewish Federation, who met one of our clients and our staff.

From Left, our client, Adv. Adi Raz, Rena Genn, Prof. Ruth Halperin-Kaddari, Dr. Galit Shaul. (Left)

We welcomed Joseph Rackman, son of the late Rabbi Rackman, who was thrilled to see how we are fulfilling the vision of his father through our work.

From Left, Sara Luzon—Bar Ilan External Relations, Joseph Rackman, Adv. Atara Kenigsberg, Prof Ruth Halperin-Kadarri, and Prof Miri Faust, Rector of Bar Ilan. (Right)



Saying Goodbye to our former Executive Director, Adv Atara Kenigsberg

Adv. Atara Kenigsberg served as the Executive Director of the Rackman Center since its inception in 2001, and has played a vital role in bringing The Rackman Center to the forefront of legal and social change in family law in Israel. In April 2014, Atara moved on to continue empowering people in a new role. (Image right: Adv. Atara Kenigsberg with Prof. Ruth Halperin-Kaddari)



The staff enjoyed a relationship-building hike in the hills of Jerusalem, followed by a celebration of Atara's achievements held at Bar Ilan with staff, students and faculty members. The newly appointed Executive Director, Dr. Galit Shaul (Adv.) also joined us and was introduced to us by Atara (see right).



Thank you Atara, for everything you have done to make The Rackman Center what it is today.

We wish you all the best for the future!



(above image) Adv. Atara Kenigsberg introduces Dr. Galit Shaul

(left) Staff saying goodbye to former Executive Director, Adv. Atara Kenigsberg

Introducing our new CEO, Adv. Dr Galit Shaul

Dr. Galit Shaul is a lawyer by training and holds a Ph.D. in criminology from the L.U.de.S. University of Human Sciences and Technology of Lugano (Switzerland).

In the past, Galit held various positions in the Ministry of Social Affairs and Services, among them: Director of Volunteer Services in the northern region and consultant to the Deputy Director General of the Ministry. In her most recent position, Galit was Director of Volunteer Services at the Ministry.

Bringing her vast experience, Galit's vision is to advance and strengthen the status of women in Israeli society, through legislation and court cases, aiming to prevent gender discrimination and amending family law. She also aims to instill the value of volunteerism amongst the different groups of people living in Israel, in order to create community resilience and to enhance social solidarity.

Galit has settled quickly into her new position and can be seen below with CEO Mandel of the Mandel Institute at a leadership conference with Prof. Ruth Halperin-Kaddari.





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 developing activities, research, and measures to promote the status of women in Israel.

Thanks to your ongoing 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 well and our reputation and professionalism is bringing with it more influence and successes, both at home and internationally.

**We are creating legal and
social change for women and children
in Family Law and striving towards
equality for women in Israel**

We look forward to updating you throughout 2015,
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

Board of Directors

We are grateful for our supportive Board of Directors:



Prof. Shahar Lifshitz , Chair of the Board of Directors

Prof. Shahar Lifshitz is the dean of Bar-Illan University Law School. He is also a Senior Research Fellow at the Israel Democracy Institute, where he co-directs the project on Human Rights in Judaism. His research fields are family Law and contract Law.



Prof. Yaffa Zilberschatz

Vice-president of the International Association of Jewish Lawyers, Member of the Rubinstein Committee for Reviewing Israeli Immigration & Citizenship Law, Lecturer, Faculty of Law, Bar Ilan University.



Prof. Tova Cohen

Former director of the Program in Gender Studies, former director of the Dafna Izraeli Center in Gender and Women's Studies, director of the Rachel and J.L. Gewurz Center for Gender Research, Bar Ilan University



Prof. Noam Zohar

Head of Bar Ilan University General Philosophy Department,
Director of BIU's Bioethics Studies program

Staff Leadership



Professor Ruth Halperin-Kaddari - Founding Head of The Rackman Center. Ruth is a senior lecturer at Bar Ilan University's Law School in Feminist Jurisprudence and Bioethics. 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 legal advisory committees of a wide range of women's organizations in Israel. She was awarded the US State Department's International Woman of Courage Award and is a former Vice-President of UN CEDAW Committee, on which she remains an active member this year.



Adv. Keren Horowitz joined us as the new head of Legislation in May 2014. Keren earned her L.L.B. in Law from Tel Aviv University and a master's degree (B.Sc.) in Computer Science from the Hebrew University in Jerusalem. Keren did her legal internship at the Ehud Shiloni law office and worked as a lawyer specializing in labor law at the Herzog Fox and Neeman law office. Today, she regularly participates in various Knesset committees and submits recommendations on bills and laws in family law.



Adv. Shay Zilberberg - lawyer in the Legal Aid Clinic. Shay earned his L.L.B. from Bar Ilan University. Shay did his internship in the Legal aid Clinic and has stayed on as a certified lawyer.



Dr. Galit Shaul - CEO since April 2014. Galit is a lawyer by training and holds a Ph.D. in criminology from the L.U.de.S. University of Human Sciences and Technology of Lugano (Switzerland). In the past she held various positions in the Ministry of Social Affairs and Services, among

them: Director of Volunteer Services in the northern region and consultant to the Deputy Director General of the Ministry. In her most recent position Galit was Director of Volunteer Services at the Ministry.



Adv. Osnat Prinz joined us as a lawyer of the Legal Aid Clinic covering maternity leave. Osnat received her L.L.B. from The Academic Center of Law, Hod Hasharon. She was a self-employed family lawyer before joining us and prior to that worked in Family Law for seven years. We look forward to her continuing to work with us part time.



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.



Departing Staff:

Adv. Atara Kenigsberg - Outgoing 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 L.L.B. and L.L.M. in Law from Bar Ilan University, and worked in various prestigious law firms in Israel.



Adv. Osnat Karplus - Head of the Legal Aid Clinic and responsible for the legal aid clinic hotline. Osnat earned her L.L.B. 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. Adi Blutner - Outgoing head of Legislation and Public Policy. BA (LLB) in Law specializing in Women and Gender Studies, Tel Aviv University.



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 Liling Family
The David Berg Foundation
The Greater Miami Jewish Federation
The Kochav Endowment
The Hadassah Foundation
Jewish Foundation of Palm Beach
Jacob and Hilda Blaustein Foundation
Romie & Esther Tager QC
The Rose & Louis Klosk Fund
Nitzanei Atid

Private Donors:

Leonie Depicciotto
Proud supporter, Charley Dimston



**A selection of English
Media Articles
in the past year**

Page 45—47: Article about The Rackman Center by Mary Knight, published in the Embassy Newsletter

Page 48 :Article in the Finland Media about Prof. Ruth Halperin-Kaddari's keynote speech at the CEDAW Seminar convened by the Ministry of Foreign Affairs and the Human Rights Center in Finland

Page 49: Prof. Ruth Halperin-Kaddari is named as one of the 'women to know' in Haaretz's list for Israel's Independence Day

Page 50: Article by Barbara Sofer discussing the Agunah case we resolved using an 'international messenger'

EQUALITY FOR WOMEN CHAMPIONED AT BAR ILAN UNIVERSITY'S RACKMAN CENTER



Enroute to teach her class, Professor Halperin-Kaddari, left, discusses advocacy with Julie Fisher. Jill Barwig in center, covers women's' issues for the American Embassy.

While women in Israel function in all sectors of society, from the army to the Knesset, there is one area where the rights of women and men differ starkly— marriage and the family.

On January 15, Julie Fisher and a group of diplomatic spouses visited the Ruth and Emanuel Rackman Center for the Advancement of the Status of women, at Bar Ilan University, to learn more about the

complexities of women's issues in Israel. Julie held discussions with Professor and Director Ruth Halperin-Kaddari and her capable staff; and was joined by Celia Leaberry Gould, wife of the British ambassador in Israel, Mary Knight, wife of DCM Bill Grant and Jill Barwig, who tracks women's issues for the American Embassy.

"The public isn't really aware" (how deep is the divide in the legal protections for women) Professor Halperin-Kaddari told the group.

"They recall the old images of men and women working in the fields side by side, building a new country; and they think we are all equal" she said.



A client spoke with emotion and candor about the difficulties she faced divorcing her husband. She credited the Rackman Center for providing stability during chaos and never leaving her alone. Julie Fisher listened attentively.



But in fact, women suffer in the paternalistic religious court system, where issues regarding marriage and the family are governed. Marriages in Israel are performed by rabbis, under religious law. When a marriage goes bad, its dissolution, according to ages old Jewish law, is predicated on the husband agreeing to divorce—granting the “get.” He is the sole person who can permit a divorce to happen.



Jurisdiction becomes a race between a husband and wife to initiate divorce proceedings in either side’s court. Women tend to file in family court where the needs of the entire family will be protected. But men find it to their advantage to file in a rabbinical court, which is governed by orthodox rabbis and which supports men. Where, and who files first, becomes extremely important because the entity of first filing will govern both parties—the aggrieved wife *and* the aggrieved husband. The result is no amicable separation of property, finances, and most importantly, custody of children.



Atara Kenigsberg, left, is Executive Director for the Rackman Center at Bar Ilan University in Tel Aviv. Adi Blutner, head of Legislation and Public Policy for the center, regularly meets with Knesset committees to advise on such issues as the status of women and children’s rights.

In addition, marriages in Israel involving other religious affiliations are governed by their own ecclesiastical courts. There is no centralized legal entity in Israel to settle the marriage and family disputes, of Jews or non-Jews. There is no civil law in Israel governing marriage and divorce.

This means women simply become marginalized and

impoverished--stuck in limbo where they cannot separate legally and remarry, or start a family. Even in cases where men have been ordered to provide, but withhold payments, the rabbinical courts do not take notice. It is the woman who bears the fallout because she cannot begin anew.



Left to right from top:

Shay Zilberberg, Adi Raz, visitors Celia Leaberry Gould and Julie Fisher, Atara Kenigsberg, Ruth Halperin-Kaddari. Seated: Tiferet Alfi and a student volunteer.

Rackman Center staff offer guidance and free legal aid at their clinic—it is but one of their efforts to help those in need and to promote gender equality. During our visit we heard the first hand story of a woman's difficult struggle, over five years, to become free; and we had the opportunity to view a film created by the center—it is used as an educational tool in discussions with some members of the Knesset who are eager to create change in Israel.

Another important achievement for the Center is the passage of a new law that raised the minimum legal marriage age to 18—it was a three-year effort of which Rackman staffers and Bar Ilan University are justly proud. They continue to work in the Knesset for:

- A bill to oblige family and religious courts to publish their decisions
- A bill to eliminate the "race for jurisdiction" in family law
- A bill to enable women to be appointed as Administrative Director at the Rabbinical Court
- A bill to enable children to receive child-support from the state so mothers can work, when the father does not pay

Professor Halperin-Kaddari and Executive Director Atara Kenigsberg maintain their teaching schedules at Bar Ilan while juggling a daunting list of responsibilities -- testifying in front of the Knesset, creating public policy, publishing professional journals, holding public conferences and speaking to the public—and they are assisted by a handful of dedicated staff and by passionate student volunteers.

Collectively, with determination, they work for nothing less than ethical and equal treatment, under the law, for women and children.

Mary Knight

Article by Mary Knight published in the Embassy newsletter as a follow-up of her visit.

Finland gör inte tillräckligt för att trygga kvinnors rättigheter.

– Det här är ganska pinsamt, säger professor Ruth Halperin-Kaddari som granskat läget.

Den israeliska professorn Ruth Halperin-Kaddari kommer med hårda bud om jämställdhetsutvecklingen i Finland.

– Det här är ganska pinsamt. Inte för att Finland är ensamt om problemen, men vi hade förväntat oss mer, sade hon på ett seminarium i riksdagen i går.

Som medlem av FN:s kommitté för avskaffande av diskriminering av kvinnor har Halperin-Kaddari granskat hur FN:s kvinnokonvention efterlevs i Finland. Konventionen antogs redan på 1980-talet och rapporten är den sjunde i ordningen.

Halperin-Kaddari säger att Finland på flera punkter misslyckats med att förbättra situationen, trots kommitténs tidigare rekommendationer.

– Ni kunde ha tagit itu med många fler av våra observationer. Och med det menar jag att ni faktiskt borde ha gjort något åt alla orosmoment som kommittén lyft fram.

Våld ett stort problem

Våld mot kvinnor är enligt professorn ett av de största problemen. Kommittén föreslår en mängd åtgärder, från att slopa den obligatoriska medlingen vid familjevåld till att öka antalet platser på skyddshem.

Halperin-Kaddari säger också att Finland inte vållat åtgärder för att stoppa olaglig uppsägning av kvinnor i samband med graviditet och mammaledighet.

Enligt henne gör Finland inte heller tillräckligt för kvinnor med funktionshinder och för invandrarkvinnor, romska och samiska kvinnor. Till exempel har alla samiska kvinnor inte tillgång till mödravårdstjänster eller möjlighet att ta sig till ett skyddshem.

Halperin-Kaddari berättar att hon var nervös inför sitt kritiska tal, men hade uppmanats att vara ärlig. Hon betonar att förväntningarna på Finland var högre än på många andra länder.

– Jag hoppas att Finland hittar tillbaks till vägen som ledare för kvinnors rättigheter.

Huovinen överväger kvoter

Utrikesminister Erkki Tuomioja (SDP) och jämställdhetsminister Susanna Huovinen (SDP) har inte

en lika negativ syn på utvecklingen i Finland.

Ministrarna sade på seminariet att jämställdheten tagit steg bakåt, men också många steg framåt.

Susanna Huovinen berättar att staten tar över ansvaret för skyddshemmen. Budgeten har kritiserats för att vara för liten, men Huovinen säger att det är bättre att börja någonstans än inte alls.

Däremot är hon besviken på löneutvecklingen. Sedan 2006 har regeringen tillsammans med arbetsmarknadens parter jobbat för att minska löneskillnaderna mellan män och kvinnor.

Kvinnor har fortfarande i genomsnitt 17 procent lägre lön än män. Skillnaden har minskat från 19 procent år 2006, men målet var att komma ner till 15 procent.

– Vi kan inte vara nöjda med utvecklingen. Därför kommer vi under hösten diskutera med arbetsmarknadens parter om hur vi kunde nå ett bättre resultat, sade Huovinen på seminariet.

Andelen kvinnor i börsbolagens styrelser, 20 procent, duger inte heller åt Huovinen.

– Om situationen inte förändras kan kvoter vara ett möjligt alternativ för att snabba på utvecklingen.

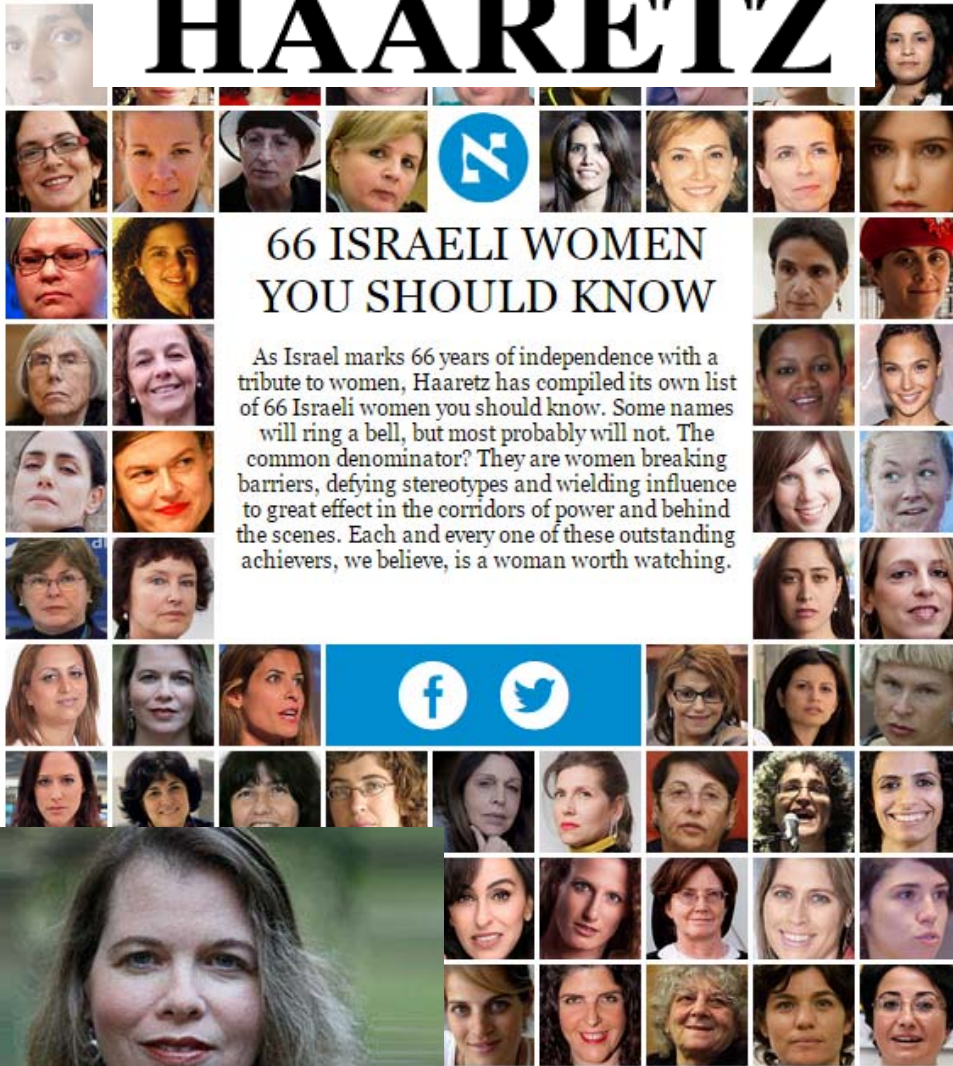
Justitieministeriet ansvarar för eventuella kvinnokvoter. Huovinen's stab uppger att regeringen inom kort ska besluta om man börjar förbereda en sådan lagstiftning.

Annakaisa Suni

annakaisa.suni@hki.fi, Twitter: @annakaisasuni

Prof. Halperin-Kaddari was invited to be the keynote speaker at the CEDAW Seminar convened by the Ministry of Foreign Affairs and the Human Rights Center in Finland, after having served as the Rapporteur for the Periodic Report of Finland to CEDAW during the Committee's 57th session earlier this year. Finland's Minister of Foreign Affairs, as well as the Minister of Welfare and Health, had also addressed the Seminar. This is the first time a State Party to one of the UN Human Rights Treaty Bodies invites a Committee Expert who was in charge of evaluating the State Report to discuss the outcome of the dialogue with the Committee, and it may well serve as an example of good practice for other states to follow. Prof. Halperin-Kaddari's presentation was received with a lot of enthusiasm, and her honest remarks pointing to much that is still needed in Finland – usually viewed as a paradise for women – were highly appreciated.

HAARETZ



66 ISRAELI WOMEN YOU SHOULD KNOW

As Israel marks 66 years of independence with a tribute to women, Haaretz has compiled its own list of 66 Israeli women you should know. Some names will ring a bell, but most probably will not. The common denominator? They are women breaking barriers, defying stereotypes and wielding influence to great effect in the corridors of power and behind the scenes. Each and every one of these outstanding achievers, we believe, is a woman worth watching.



Ruth Halperin-Kaddari

If Israeli feminism has an international face, it is that of Prof. Ruth Halperin-Kaddari, Founding Head of the Ruth and Emanuel Rackman Center for the Advancement of the Status of Women at Bar Ilan University. Between 2002 and 2007, the 47-year-old family law expert, who holds a doctorate from Yale Law School, served as chair of the advisory committee to the Authority for the Advancement of Women at the Prime Minister's Office. Six years ago, she was the recipient of the US State Department's International Award for Women of Courage. But the Ramat Gan native has made her biggest impact in a forum not often friendly to Israel – the United Nations. Halperin-Kaddari, an Orthodox Jew, served as vice president of the UN Expert Committee on Elimination of Discrimination against Women. Her book, "Women in Israel: A State of Their Own," was published in the United States in 2004.

By: Allison Kaplan Sommer - Independence day 2014

THE JERUSALEM POST



The Human Spirit: Free at last, but how?

By BARBARA SOFER
01/02/2014

Free at last. Joy spread throughout the Jewish world. I heard the news, a rumor at first, on Facebook in a private message, and then confirmed it with a knowing friend abroad.

No. Not Jonathan Pollard, America's Jewish prisoner. Not Ron Arad. Not Alan Phillip Gross (remember him?), Cuba's Jewish prisoner – an American Jew serving a 15- year sentence for supposed spying. No, not Russia's Jewish prisoner, oligarch Mikhail Khodorkovsky. Indeed, he's free, too. The message was about Tamar Epstein. Free. Free of her ex-husband. Free to marry if she wishes. Free to go on with her life.

Epstein was until recently called the world's most famous aguna – a term used loosely to describe a woman whose husband refuses to give her a get, a Jewish writ of divorce. The correct term is actually mesurevet get, one who is refused a Jewish divorce document. A true aguna's husband can't be found, lost at sea or missing in battle. Epstein's ex-husband, Aharon Friedman, is very much present. You can find him in Washington, DC, where he's an aide to Congressman David Camp.

Tamar Epstein, a nurse and graduate of Stern College, was 24 in 2006 when she married Friedman, 31, a Harvard Law School graduate from Brooklyn.

Soon after the wedding, their relationship soured. According to Epstein, their already bad marriage deteriorated further after she got pregnant, and got still worse after she gave birth to a daughter. She moved back to the safety and sanity of her parents' home in Philadelphia. She and Friedman agreed to end their marriage, and received a civil divorce in 2010.

Epstein, who was then 28, is a devout Jew and wanted a Jewish divorce, too. Friedman wasn't giving her one. Her home community of Orthodox Jews supported her, as did people around the world. Epstein's physician father was dying of cancer and wanted to see his daughter freed. Friedman wouldn't budge. The Michigan congressman didn't want to get involved.

Then last week, the American-based Organization for Resolution for Agunot, ORA, which had spearheaded the campaign to free Epstein, issued a flyer and fundraising call to celebrate Epstein's gaining her freedom.

That led to the assumption that the lawyer and congressional aide had finally issued a writ of divorce.

What had finally convinced Friedman to change his mind? On Facebook and in the Jewish blogosphere, writers speculated.

And then sources close to Friedman denied that he had granted a get.

The only other option had to be that the scholarly and devout members of an Orthodox beit din had found a way around the recalcitrant husband to free the chained wife.

Anyone who had ever studied the basics of Jewish family law was now speculating about how the rabbinical court had made its ruling. The dominant guess – based on a formula used by the private rabbinical court of the late esteemed Rabbi Emanuel Rackman – is that the court might have seen the marriage as an error. One expert thought that prolonged get-refusal might be viewed as a form of abuse. Since a woman wouldn't marry a man if she knew he was abusive, she'd married him by mistake and the court could recall the marriage.

Again, this is only speculation.

The usually vociferous ORA is close-lipped on further details. So is Epstein, and so, for that matter, is Friedman. The rabbinical court has not made its decision public.

NO SOONER had the news of Epstein being freed started circulating, than Israel's Ruth and Emanuel Rackman Center for Advancement of the Status of Women, which is part of the legal faculty of Bar Ilan University, sent out an email notice about another distressing, if less well-known, get-refusal case that had been resolved.

"Rachel" in New Jersey was free, too.

Rachel's story, according to the Rackman Center: From an American religious family, Rachel married an Israeli when she was 18 and went to live in Israel.

When she could no longer tolerate her husband's abuse, she moved back to the United States with their two small daughters. The get she was expecting never came. That was eight years ago.

Her husband wasn't in a hurry. He was living as man-and-wife with another woman in Israel. Any children born to them would be legitimate. Seven years into this process, the rabbinical court in Israel agreed to take away the husband's driver's license and passport as a form of pressure on him to free his wife. At last he agreed. If she'd bring the children to Israel, he'd deign to divorce her. So Rachel managed to come to Israel with the children, now aged nine and seven.

They hadn't seen their father for seven years. But at the end of their time in Israel, they left without the get. Daddy had changed his mind.

The Rackman Center got involved and petitioned the High Rabbinical Court to jail him. A month ago, he was jailed in Israel, and last week, he agreed once again to give the get for his freedom.

According to the center's experts, usually in international cases like this, a messenger stands in for the divorcee, and then has to deliver the actual document to her hand. In this case, it was feared that the obstinate husband would renege again while the get was being transported to America. To foil the trickster, the rabbinical court, under the leadership of Chief Rabbi David Lau, allowed the messenger to perform the get ceremony as a full proxy, granting an immediate divorce, without hedging it with extra demands.

Rachel was waiting in the office of the beit din in New Jersey. The rabbis told her, "You are free."

"RACHEL" IS a pseudonym. This practice of clouding details is more than a means of respecting privacy. In every Orthodox divorce case in which more progressive rulings are made, parties involved always fear that powerful, rigid decisors might one day have power over the divorcee to question the validity of their divorces, or, more terrifying, declare new children born mamzerim – a category of illegitimacy with serious repercussions. Read some of the comments on websites speculating about the courts in Epstein's case to sample the bitter taste of the opposition to finding new solutions to these problems.

The progressive rulings are encouraging and praiseworthy. In Israel, it's particularly pleasing to hear about the involvement of our new chief rabbi. But imagine trying to explain this to anyone outside the reach of Orthodox Judaism.

They might wonder why I should be celebrating a loophole or courageous ruling in a system that holds a woman hostage for six or eight scarred years.

As a religious Jewish woman who believes in the sanctity of marriage and who idealizes the beauty of the huppa (Jewish marriage canopy), it's getting harder to make the case for young people – who seem less inclined to marry anyway – to entangle themselves in a system with so many dangers. In a Hebrew paper last Shabbat, I noticed three heterosexual couples listed as "life-partners." Two of the three had children together. They've simply skipped the complications of Jewish marriage. Recently a sabra cousin and her sabra fiancé passed on a religious wedding and married in Cyprus, even though they qualified for registering with the rabbinical authority. No, thank you, they said.

These are wake-up calls. The glass under the foot of the groom isn't the only broken part of this system. It needs fixing now.

The author is a Jerusalem writer who focuses on the wondrous stories of modern Israel. She serves as the Israel director of public relations for Hadassah, the Women's Zionist Organization of America. The views in her columns are her own.



For the Advancement of the Status of Women לקידום מעמד האשה