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Knesset approves penalties for prostitution clients

Israel joins small club of nations to criminalize procuring sex services; punishments include fines in the thousands that will grow for repeat offenses

The Times of Israel (31.12.2018) - <https://bit.ly/2sglA88> - The Knesset on Monday gave final approval to a bill that punishes johns caught hiring sex workers.

The new law, approved in its second and third readings by 34 MKs, with none voting against, will criminalize procuring the services of a prostitute, as well as presence in a location chiefly used for prostitution, such as a brothel.

First-time offenders will be fined NIS 2,000 (\$530), with the sum doubled for repeat offenses within three years. Prosecutors will also be empowered to indict prostitution clients in certain cases, with a maximum penalty fine of NIS 75,300 (\$20,400).

The law will come into effect in 18 months, during which time the state will form rehabilitation mechanisms for sex workers, to allow them to find alternative livelihoods.

However, those mechanisms have yet to be approved, and are likely to cost tens of millions of shekels whose allocation is not currently guaranteed.

Among the bill's sponsors were MK Aliza Lavie (Yesh Atid), Justice Minister Ayelet Shaked and MK Shuli Moalem-Refaeli (both formerly of Jewish Home, now of New Right).

Lavie said upon the law's approval she believed it would have a "dramatic impact" and "defines the state of Israel as a society, who we are and what our values are."

She warned, however, that there was still "a long and challenging road ahead" in tackling the phenomenon and vowed "to continue to ensure that the law will be applied in full to protect the rehabilitation, security and well-being of all those on the prostitution spectrum."

Moalem-Refaeli called the law's passage "one the most significant achievements" of the 20th Knesset.

Another major proponent of the law, MK Shelly Yachimovich (Zionist Union), compared the war on the prostitution industry to "the war on slavery... at first it was considered radical and revolutionary... but now we have this law, definitely an important and historic step."

Though pimping, sex trafficking, and running a brothel are punishable under existing Israeli law, prostitution itself remains legal.

Green-lighting the bill in August, ministers also approved the establishment of a team to implement the recommendations of the Committee to Reduce Prostitution, headed by Justice Ministry director-general Amy Palmer.

In 2016, the Welfare Ministry estimated there were 11,420-12,730 sex workers driving the country's NIS 1.2 billion (\$318 million) industry. According to that report, 71 percent of prostitutes said they began sex work out of financial desperation, and 76% said they would leave the industry if they could.

Punishing prostitution clients was first introduced by Sweden in its 1999 Sex Purchase Act — since adopted by Norway, Iceland, Canada, France, and Northern Ireland — which requires consumers to pay a fine or face up to six months in jail.

Defending the apparent contradiction in making buying sex illegal, but selling it legal, Sweden has contended that prostitution is essentially an act of exploitation and violence by the customers, who hold a position of power and should bear the brunt of the penalty.

Israeli divorce refusal to be criminalized in certain circumstances

Divorce refusal by women is not uncommon although occurs to a lesser extent than divorce refusal by men, according to activist groups.

By Jeremy Sharon

The Jerusalem Post (15.11.2016) - <http://bit.ly/2fwGz1d> - A new regulation published by State Attorney Shai Nitzan will allow for the criminal prosecution of men or women who refuse to grant or accept a divorce after being instructed to do so by a rabbinical court.

The measure was welcomed by women's rights groups as a significant step, although some said it would not have a dramatic impact since criminal proceedings will only be possible if the rabbinical court issues a rarely used ruling obligating a spouse to agree to the divorce.

Jewish law requires that a husband willingly give a bill of divorce and that a wife willingly accepts it in order for the marriage to be formally terminated.

These requirements, however, frequently are used to extort better divorce terms, such as division of assets and child custody.

Divorce refusal by women is not uncommon, although it occurs to a lesser extent than divorce refusal by men, according to activist groups.

Some men also obtain a rabbinical dispensation to remarry without a divorce from their first wife, something that is not available to women within Jewish law. In September, Chief Sephardi Rabbi Yitzhak Yosef said that when he sees a case in which a woman has refused to accept a divorce he grants this dispensation.

The State Attorney's Office said Monday that a husband who refuses to grant a bill of divorce "damages the basic rights and independence of the woman who is refused, including the right to remarry, the right to have children without them being considered

to be prohibited to marry [under Jewish law], the right to have intimate relations among others and, in general, can cause economic and social damage to the female spouse.”

The purpose of the new directive, says the state attorney, is to label divorce deniers as criminals who harm the public’s interests and values; use criminal punishments as a form of retribution and deterrence against harming the woman and the system of governance that gave the order [for a divorce]; and as a general warning for potential divorce refusers to reduce the phenomenon of “chained women.”

The directive stipulates that, in a case where a rabbinical court has issued an order for a so-called obligatory bill of divorce to be issued by the husband, criminal proceedings must be examined for violation of a legal instruction.

If someone is convicted of this crime, the prosecutor will be able to request a prison sentence. Should a man who is convicted but not yet sentenced decide to grant a bill of divorce, he would be given a lenient sentence but the conviction would still stand and he still would be liable for punishment.

Batya Kehana-Dror, head of the Mavoi Satum women’s rights group welcomed the measure, but noted that rabbinical courts themselves have had the ability to use various sanctions, including imprisonment, for divorce refusal but they are rarely used.

She also stated that the use of the “obligatory divorce” ruling by rabbinical courts, which is a prerequisite for criminal proceedings under the new guidelines, is used exceedingly rarely.

Pnina Omer, director of the Yad L’Isha organization, said the measure was an important and unprecedented step that would improve the chances of women refused a divorce by their husbands to finally get one.

Omer added, however, that she hopes the rabbinical judges “will not hesitate in issuing “obligatory divorce” rulings whenever possible in order to allow for criminal proceedings.

Israeli court tells city to remove religiously inspired signs directing women to wear modest clothes

Religion Clause (20.06.2016) - <http://bit.ly/28Qf7HH> - In Israel yesterday, the Jerusalem District Court ordered the mayor of the city of Beit Shemesh to remove signs posted around the city by ultra-Orthodox Jews instructing women to wear long sleeves and long skirts. Other signs tell women to keep off sidewalks near synagogues and yeshivas where men congregate. According to today's Haaretz, the suit seeking removal of the signs was filed three years ago on behalf of four Orthodox women who live in Beit Shemesh. They argue that the signs encourage violence and harassment against women who ignore them. A Magistrate's Court ruled in the women's favor last year, but the city has ignored the ruling. So plaintiffs went to a higher court which has now given the city's mayor three weeks to remove the signs, and told the city to act more forcefully in the future to prevent new signs from going up.

