

ANNEXES TO THE
FOURTH PERIODIC REPORT OF ISRAEL
TO THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

Employment of Women (Amendment No. 19) Law, 5760-2000*

Amendment of section 7

1. In the Employment of Women Law, 5714-1954¹ (hereinafter referred to as "the principal Law"), the following shall be inserted in section 7(c), after paragraph (4):

"(5) during the period in which she is residing in a shelter for battered women with the approval the welfare office or the Ministry of Labor and Social Welfare; provided however that such period does not exceed six months in the twelve-month period after the commencement of her aforesaid stay at the shelter; the absence of a female worker from work by virtue of this paragraph shall be deemed to be leave without pay and the period of absence shall not be taken into account in determining seniority rights. The provisions of this paragraph shall apply to a female worker who has worked at the same employer or at the same place of work for not less than six months in succession. For the purposes of this paragraph -

"approval" means prior referral or retroactive approval;

"welfare office" is within the meaning in the Welfare Services Law, 5718-1958²;

"shelter for battered women" is a place in which a battered woman resides due to fear for her life or her children's lives, including any such place which is not supported by the State or local authority;

entitlement under this paragraph shall not be valid unless the female worker has notified her employer of the exercise of such entitlement in the manner and period prescribed by the Minister of Labor and Social Welfare."

Amendment of section 9

2. In section 9 of the principal Law, the following shall be inserted after subsection (c):

"(d) An employer shall not dismiss a female worker residing in a shelter for battered women during her days of absence from work under section 7(c)(5) or for a period of thirty days after the expiration of the aforesaid days of absence, and a notice of dismissal shall not be given for a period commencing during the aforesaid periods, except with a permit from the Minister of Labor and Social Welfare, and the Minister shall not permit any such dismissal where the dismissal is, in his opinion, connected to her residence at the shelter."

* Passed by the Knesset on the 15th Tammuz, 5760 (18th July, 2000) and published in *Sefer Ha-Chukkim* No. 1748 of the 25th Tammuz, 5760 (28th July, 2000), p. 246; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 2856 of the 6th Adar B, 5760 (13th March, 2000), p. 317.

¹ *Sefer Ha-Chukkim* of 5714, p. 154; *Sefer Ha-Chukkim* of 5759, p. 79.

² *Sefer Ha-Chukkim* of 5718, p. 103.

Amendment of the Severance Pay Law - No. 19

3. In the Severance Pay Law, 5723-1963³, the following shall be inserted after section 7:

"Resignation following residence at shelter for battered women

7A. Where a female worker has resigned following residence at a shelter for battered women, with the approval of the welfare office or the Ministry of Labor and Social Welfare, resignation for this purpose shall be deemed dismissal; provided however that immediately prior to her resignation she had resided at the aforesaid shelter for a period in excess of 60 days. For the purposes of this section, "approval", "welfare office" and "shelter for battered women" are within the definition in section 7(c)(5) of the Employment of Women Law, 5714-1954."

Commencement

4. This Law shall come into effect on the 1st Ellul, 5760 (1st September, 2000).

Ezer Weitzman
President of the State

Ehud Barak
Prime Minister

Avrum Burg
Speaker of the Knesset

Ehud Barak
Acting Minister of
Labor and Social
Welfare

³*Sefer Ha-Chukkim* of 5723, p. 136.

Criminal Procedure Law (Amendment No. 36) – 2002***Addendum Article 59a**

1. In the Criminal Procedure Law [Consolidated Version] – 1982⁽¹⁾ (Hereinafter: The Primary Law), the following will appear after Article 59:

“The decision to not investigate a sex crime or spousal abuse”

59a.(a) For the purpose of this Article –

“Spouse” – An individual who maintains a relationship with another individual

“The Center” – The Family Abuse Prevention and Treatment Center in the Local Authority where the complaint is filed. Should the Local Authority lack such a center – then the Center is defined as the Department of Social Services in the said Local Authority;

“The Complainant” – the spouse who files the complaint

“Sex Crime

or Violent Crime” – a crime as defined in Articles 192, 334, 336 with no aggravating circumstances, 337, 346(b), 347 (1a), 348(c) and (e), 376, 377 with no aggravating circumstances, 379, 380 and 381(a) of the Penal Law – 1977⁽²⁾

(b) A complainant’s request to not investigate a sex crime or a violent crime committed towards the complainant by the spouse will not, in and of itself, constitute the sole reason for a decision in accordance with Article 59 to not investigate due to lack of public interest.

*Passed by the Knesset on 11 June 2002; Draft Law and commentaries published on draft law 3107 on 7 May 2002, p.454.

⁽¹⁾ law clause p.43 1982, p.15

⁽²⁾ law clause 1977, p.226

(c) Should the complainant ask to not investigate the sex crime or violent crime perpetrated against complainant by the spouse, and the request comprises one of the reasons for a decision to not investigate, the following directives will apply, despite the aforementioned in Article 59:

- (1) The decision to not investigate will be approved by the police officer serving as the district investigations division officer (In this article – the District Investigations Officer);
- (2) Before the officer specified in Article 59 decides not to investigate, or prior to the district investigations officer's approval of the decision, each is entitled to refer the complainant, the spouse or both, pursuant to their consent, to the Center;
- (3) Should the complainant or the spouse, or both, turn to the Center, the Center will submit a report to the police officer who referred them to the Center; the report will refer to the level of risk the spouse poses to the complainant, and will rely on information possessed by the Center;
- (4) Should neither the complainant or the spouse turn to the center, the police officer will decide, in accordance with Paragraph (2) whether to open an investigation even without report specified in Paragraph (3);

(5) The police officer who referred the complainant or the spouse or both to the Center as specified in Paragraph (2), will notify the Center regarding the referral of either individual who consented that their personal information be submitted to the Center in order to track if one or both of the individuals turned to the Center, and whether to wait for report specified in Paragraph (3) before issuing a decision;

Addendum to Article 62a

2. The following will appear after Article 62 of the Primary Law:

“Closing a sex crime or spousal abuse case”

62a.(a) in this Article

“Spouse”, “The Center”, “The Complainant” – as defined in Article 59a(a);

“Sex Crime or Violent Crime” – As defined in Article 59a(a) and any crime as defined in Articles 203, 203a, 305, 307, 327, 329, 330, 332, 333, 335, 336 under aggravated circumstances, 345, 346(a), 347(a) and (c), 348(a), (b) and (d), 368b, 368c, 369, 370, 371, 372, 373, 374, 375, 377 under aggravated circumstances, 381(a), 382(b) in conjunction with 379, 382(c), in

conjunction with 380, 402, 404, 427, 428,
of the Penal Law – 1977.

- (b) A complainant's request to not try the spouse for a sex crime or violent crime that he committed against said complainant does not constitute, in and of itself, the sole reason for the decision in accordance with Article 62(a) to not try the case due to lack of public interest.
- (c) Should the complainant request that the spouse not be tried for a sex crime or violent crime that he committed against said complainant, and the request constitutes one of the reasons to not try the spouse, the prosecutor is entitled, prior to making a decision as specified in Article 62(a), to refer the complainant, spouse or both, pursuant to their consent, to a Center, and Directives in Article 59a(c)(3) – (5) will apply, for the purposes of a decision, to the required amendments.
- (d) The directives in this article do not derogate from the authorities of the prosecutor to make a decision in accordance with Article 62(a).”

Ariel Sharon
Prime Minister

Meir Sheetrit
Minister of Justice

Moshe Katsav
President

Avraham Burg
Speaker of the Knesset

Crime Victims' Rights Law, 5761-2001*

Chapter One: General Principles

Objective

1. The objective of this Law is to prescribe the rights of crime victims and protect their dignity as persons, without prejudicing the rights of suspects, accused and sentenced persons under the provisions of any law.

Definitions

2. In this Law -

"spouse" , includes any common-law spouse in respect of any person where the crime caused his death; provided however that immediately prior to the death he had been living and running a common household with such person for at least two years;

"family member" means a spouse, parent or spouse of a parent, son or daughter, brother or sister;

"the investigating body" means the Israel Police or the Internal Affairs Department of the Ministry of Justice;

"the Youth Law" means the Youth (Trial, Punishment and Modes of Treatment) Law, 5731-1971¹;

"the Penal Law" means the Penal Law, 5737-1977²;

"the Criminal Procedure Law" means the Criminal Procedure Law [Consolidated Version], 5742-1982³;

"suspect" means a person suspected of having committed the crime injuring the victim;

"accused " means a person accused of the crime injuring the victim;

"sentenced person" means a person who has been sentenced for the crime injuring the victim;

"crime victim" means a person directly injured by a crime, as well as a family member of such person where the crime caused his death, excluding the suspect, accused or sentenced person;

* Passed by the Knesset on the 11th Adar, 5761 (6th March, 2001) and published in *Sefer Ha-Chukkim* No. 1782 of the 26th Adar, 5761 (21st March, 2001), p. 183; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 2978 of the 28th Shevat, 5761 (21st February, 2001), p. 506.

¹ *Sefer Ha-Chukkim* of 5731, p. 134.

² *Sefer Ha-Chukkim* of 5737, p. 226.

³ *Sefer Ha-Chukkim* of 5742, p. 43.

"crime" means a crime satisfying all of the following:

- (1) it is classified as a misdemeanor or felony;
- (2) it was committed in Israel, and where committed abroad, an Israeli court tries the matter;
- (3) the investigation thereof shall be conducted by an investigating body and prosecution thereof shall be conducted by a prosecutor;

"sexual or violent crime" means one of the crimes listed in the First Schedule;

"the Prisons Ordinance" means the Prisons Ordinance [New Version], 5732-1971⁴;

"prosecutor" is within the meaning in section 12(a)(1)(a) or (2) of the Criminal Procedure Law;

"responsible officer" within the Israel Police means the officer in charge of investigations at the police station, in his absence the police station commander, and in their absence, the officer in charge of the station; and within the Internal Affairs Department means a person fulfilling a similar function;

"the authorities" means the investigating authorities, the prosecution and any other authority dealing with crime victims in the criminal system as part of its functions;

"the Ministers" means the Minister of Justice and the Minister of Internal Security.

Principles

3. The granting of rights in a crime victim shall be done with consideration for the victim and his needs, respect for his dignity, protection of his privacy, and within a reasonable time.

Forms of adaptation when exercising rights of crime victims

4. (a) The granting of rights in a crime victim who is a minor shall be made while carrying the necessary adaptations in the particular circumstances, taking into account the age and level of maturity of the minor, in the spirit of the principles of the Charter on the Rights of the Child⁵.

⁴*Dinei Medinat Yisrael (Nusach Chadash)*, vol. 21, p. 459.

⁵*Kitvei Amanot* No. 1038, volume 31, p. 221.

(b) The granting of rights in a crime victim who is a person with disabilities shall be made under the Equality of Rights for People with Disabilities Law, 5758-1998⁶.

(c) Information and notices under the provisions of this Law shall be transmitted, wherever possible, in language comprehensible to the crime victim.

Securing of rights

5. The courts and authorities, each within its own area, shall take the necessary measures to safeguard the rights of the crime victim under this Law.

Chapter Two: Rights of the Crime Victim in Criminal Proceedings

Protection

6. During criminal proceedings a crime victim is entitled to the following -
 - (1) protection, wherever possible and as necessary, from the suspect, accused or sentenced person, or his agents and associates;
 - (2) receipt of protection in court, wherever possible, from any contact or unnecessary communication between himself and the suspect, accused or sentenced person, or his agents or associates;
 - (3) receipt of information from the Israel Police in respect of the current options for protection from each of those persons specified in paragraph (1);
 - (4) enjoyment of the inviolability of his home, without the presence of the suspect, accused or sentenced person, if he lives with him, under a decision of the court pursuant to the provisions of the Prevention of Family Violence Law, 5751-1991⁷.

Restriction on furnishing particulars

7. The authorities shall not submit to any person and shall not include within the documents forming part of the investigation material, within the meaning of section 74 of the Criminal Procedure Law, or the indictment, the home address, work address or telephone numbers of the crime victim; however, the court may permit the disclosure of such particulars to the suspect, the accused or their defense counsel, at their request, for the purpose of conducting the defense of the accused.

Right to receive information on criminal proceedings

⁶Sefer Ha-Chukkim of 5751, p. 138.

⁷Sefer Ha-Chukkim of 5751, p. 138.

8. (a) A crime victim is entitled to receive information on his rights as a crime victim and on the manner in which the criminal proceedings are being conducted, as shall be prescribed by the Ministers.
- (b) A crime victim is entitled to receive information on the stage which the criminal proceedings in connection with the crime from which he was injured have reached; however, information whose transmission is prohibited under the provisions of any law or whose imparting, at the discretion of the person responsible for the investigation or the prosecution, shall impede the investigation or infringe the privacy or safety of any person, shall not be included within the information under this subsection. The Ministers shall prescribe the modes of receipt and content of the information.
- (c) In addition to the provisions of subsection (b) -
- (1) a crime victim so requesting is entitled to be informed by the bodies specified in the Second Schedule, of the stages of the criminal proceedings in connection with the crime from which he was injured, as set forth in the aforesaid Schedule;
- (2) a victim of a sexual or violent crime so requesting is entitled to be informed by the bodies specified in the Third Schedule of additional particulars in the criminal proceedings in connection with the crime from which he was injured, including in respect of his right under sections 16 and 17, as set forth in the aforesaid Schedule.
- (d) The provisions of this section shall not derogate from the obligation to inform a complainant under the provisions of the Criminal Procedure Law.

Right to inspect indictment

9. A crime victim is entitled, at his request, or at the request of his legal counsel, to inspect and receive a copy of the indictment against the accused, except in the case of one of the following:
- (1) such inspection of the indictment is prohibited under the provisions of any law;
- (2) the District Attorney or the Head of the Prosecution Department of the Israel Police, as relevant, is of the opinion, on special grounds to be recorded, that inspection or receipt of a copy of the aforesaid should not be permitted.

Right to receive information on imprisonment or other custody

10. A victim of a sexual or violent crime so requesting is entitled to be informed by the bodies specified in the Fourth Schedule about the state of imprisonment of a sentenced person or the state of any detention of an accused or sentenced person in other lawful custody in consequence of the crime, including in respect of his right under sections 19 and 20, as set forth in the aforesaid Schedule.

Right to receive information on support services

11. A crime victim is entitled to receive information on support services given to crime victims, either provided by the State or by non-governmental bodies, as shall be prescribed by the Ministers.

Conduct of proceedings within reasonable time

12. Proceedings in connection with sexual or violent crimes shall be held within a reasonable time to prevent any perversion of justice.

Examination of investigating body into sexual history

13. (a) During the investigation of a complaint by an investigating body into a sexual or violent crime, the crime victim shall not be investigated on his sexual history, except for any investigation required in the specific circumstances in respect of any former sexual relationship with the suspect, unless the examining officer considers, for reasons which shall be recorded, that such an investigation is essential for a full examination of the truth.

(b) An investigation into the sexual history of a victim of a sexual or violent crime under the provisions of subsection (a) shall be made in strict maintenance of the dignity and privacy of the victim.

Right of accompanying person at examination

14. A victim of a sexual or violent crime is entitled to be accompanied by a person of his choice, who shall be present at the time of his examination at the investigating body, unless the responsible officer is of the view that this is likely to impede the examination.

Right to presence at *in camera* hearing

15. (a) Subject to the provisions of section 172 of the Criminal Procedure Law, a crime victim is entitled to be present at a court hearing in the matter of the crime in which he was injured being conducted *in camera* pursuant to section 68 of the Courts Law [Consolidated Version], 5744-1984⁸, as well as being entitled to an accompanying person of his choice being present with him at the aforesaid hearing.

(b) Notwithstanding the provisions of subsection (a), a court may, for special reasons to be recorded, exclude the presence of the crime victim or the person accompanying him at the court hearing.

Right to express opinion on stay of proceedings

⁸Sefer Ha-Chukkim of 5744, p. 198.

16. A victim of a sexual or violent crime who receives a notice pursuant to section 8(c)(2) of an intent to stay criminal proceedings against the accused, is entitled to be given an opportunity to express his opinion on the matter in writing before the Attorney-General, or any person authorized on his behalf to make a decision on the application, prior to making the decision, on the date and in the manner to be determined by the Ministers.

Right to express opinion on plea bargain

17. A victim of a sexual or violent crime who receives a notice pursuant to section 8(c)(2) on the possibility of the prosecution having reached a plea bargain with the accused, is entitled to be given an opportunity to express his opinion in this matter before the prosecutor, prior to making the decision in the matter; unless the District Attorney or the head of the prosecution department of the Israel Police, as the case may be, has determined that this would cause material harm to the conduct of the proceedings. The Ministers shall determine the dates and the modes of exercising the victim's right under this section.

Declaration of victim

18. (a) A crime victim is entitled to submit a written declaration to the investigating body on any injury or damage incurred by him on account of the crime, including bodily or mental harm, or damage to property. Where the victim has submitted such declaration, he is entitled to the prosecutor bringing this declaration before the court in the hearing in respect of the sentence of the accused, pursuant to the provisions of Chapter Five, Article Seven of the Criminal Procedure Law or in a hearing in respect of a minor, pursuant to the provisions of Chapter Five of the Youth Law.
- (b) Filing of a declaration of a victim to the court under the provisions of subsection (a) shall not derogate from the provisions of section 187 of the Criminal Procedure Law.
- (c) The Ministers shall prescribe instructions in respect of the declaration of the victim under this section, including in respect of the modes of filing, content and updating of such declaration.

Right to state position before parole board

19. (a) A victim of a sexual or violent crime who received a notice under the provisions of section 10 on the date of a sentenced person being brought before the parole board, is entitled to be given an opportunity to state his position in writing before the parole board in respect of the expected risk from release of the sentenced person, on the date and in the manner to be prescribed by the Ministers.
- (b) In this section, "parole board" is within the meaning in Chapter Six, Article Two of the Penal Law.

Right to state position in respect of pardon

20. A victim of a sexual or violent crime who received a notice under the provisions of section 10 on the application of the sentenced person for a pardon or mitigation of punishment from the President of the State, is entitled to be given an opportunity to state his position in writing through the Pardons Department of the Ministry of Justice, prior to the decision of the President of the State in the aforesaid application, on the date and in the manner to be prescribed by the Ministers.

Protection from a criminal or civil action

21. Infringement of any of the rights prescribed in this Law is not sufficient in itself to nullify criminal proceedings or constitute a cause of action for a criminal or civil action against a public authority or public employee; however, the provisions of this section shall not prevent the initiation of disciplinary proceedings under the provisions of any law.

Entitlement of family members

22. Where a crime caused the death of a person, the rights under this Law shall be granted to the family members of the crime victim, according to the following order of priority:

- (1) to a person who was his spouse at the time of his death;
- (2) to his children;
- (3) to his parents;
- (4) to his siblings;

in the absence of any of the aforesaid, to a person who was his guardian at the time of his death.

Establishment of support units at State Attorney's Office

23. (a) The State and District Attorneys' offices shall establish support departments, as prescribed by the Minister of Justice, whose function shall be to ensure the exercise of the rights of a crime victim under the provisions of this Law, and *inter alia*, the following:

- (1) to ensure the transfer of information from the State and District Attorneys' offices to crime victims and from crime victims to the State and District Attorneys' Offices;
- (2) to direct and assist the employees of the State and District Attorneys' Offices in implementing the provisions under this Law;
- (3) to collect and distribute updated information on support services for crime victims to employees of the State and District Attorneys' Offices.

(b) The structure, geographical distribution, functions and modes of action of the units shall be prescribed by the Minister of Justice.

Appointment of responsible persons in the Israel Police

24. (a) The Israel Police shall appoint responsible police officers for the purposes of this Law, as determined by the Minister for Internal Security, whose function shall be to safeguard the exercise of the rights of the crime victim under the provisions of this Law, and *inter alia*:

(1) to safeguard the transfer of information from the Israel Police to crime victims and from crime victims to the Israel Police;

(2) to direct and assist police officers in implementing the provisions under this Law;

(3) to collect and distribute updated information on support services for crime victims to police officers.

(b) The manner of appointment, number, functions and mode of action of police officers shall be prescribed by the Minister of Internal Security.

Chapter Three: Statutory Amendments and Miscellaneous Provisions

Amendment of Criminal Procedure Law - No. 29

25. In the Criminal Procedure Law, the following shall be inserted after section 65:

"Handing down a decision on an objection

65A. A decision on an objection under section 64 for the purposes of a sexual or violent crime classified as a felony shall be handed down and delivered to the complainant within six months of the date of filing the objection, although the Attorney-General may, for special reasons to be recorded, hand down and deliver his decision as aforesaid at a later date; for these purposes, "sexual or violent crime" is within the definition in the Rights of Crime Victims Law, 5761-2001."

Notices

26. Notices under this Law shall be sent to the crime victim according to the address submitted by him for this purpose in the manner prescribed by the Ministers. Notices sent to the address sent by the crime victim as aforesaid shall be deemed to have been delivered to him.

Amendment of Schedules

27. The Ministers may amend the Schedules by order.

Implementation and regulations

28. (a) The Ministers are charged with implementation of this Law and may make regulations as to any matter relating to such implementation.

(b) Regulations and orders under this Law require the approval of the Constitution, Law and Justice Committee of the Knesset.

Commencement and gradual application

29. (a) This Law shall come into force, subject to the provisions of subsections (b) to (e), three months after the date of the publication thereof (hereinafter referred to as "the date of commencement").

(b) Sections 4(b) and (c), 6(b)(2), 7, 8(b) and (c), 10, 16, 17, 18, 19, 20, 23 and 24 shall come into force in stages, commencing on the date to be prescribed in respect thereof by the Ministers and under orders to be prescribed. Application may be according to areas or according to classes of rights or classes of crimes.

(c) The application of sections 7, 8(b) in respect of sexual and violent crimes, classified as felonies, 8(c), 10, 23 and 24, as stated in subsection (b), shall be completed no later than eighteen months after the date of commencement of this Law. The application of sections 4(b) and (c), 6(b)(2), 8(b) in respect of crimes which are not sexual or violent crimes classified as felonies, 16, 17, 18, 19 and 20 as stated in subsection (b), shall be completed not later than thirty months after the date of commencement of this Law.

(d) Section 25 shall come into force nine months after the date of commencement of this Law.

Approval of initial regulations

30. Initial regulations and orders shall be brought by the Ministers for the approval of the Constitution, Legislation and Juridical Committee of the Knesset within nine months of the date of commencement of this Law.

First Schedule

(section 2 on the definition of "sexual or violent crimes")

Offenses in Penal Law

1. Under section 192, Article Nine of Chapter Eight.
2. Under sections 203, 203A and 203B of Article Ten of Chapter Eight.
3. Under sections 298, 300, 302, 303, 304, 305 and 307 of Article One of Chapter Ten.

4. Under sections 327, 329, 330, 332, 333, 334, 335, 336 and 337 of Article Four of Chapter Ten.
5. Under sections 345, 346, 347, 348, 349 and 351 of Article Five of Chapter Ten.
6. Under sections 368B and 368C of Article Six 1 of Chapter Ten.
7. Under sections 369, 370, 371, 372, 373, 374, 375, 376 and 377 of Article Seven of Chapter Ten.
8. Under sections 379, 380, 381 and 382 of Article Eight of Chapter Ten.
9. Under sections 402 and 404 of Article Three of Chapter Eleven.
10. Under sections 427 and 428 of Article Six of Chapter Eleven.

Crimes under the Prevention of Sexual Harassment Law, 5758-1998⁹

1. Under section 5.

Second Schedule

(section 8(c)(1))

Stage of criminal process	Body transmitting information
1. Transfer of investigation material to prosecutor under the provisions of section 60 of the Criminal Procedure Law;	The investigating body
2. Decision not to investigate under the provisions of section 59 of the Criminal Procedure Law; notification in respect of this stage shall be as stated in section 63 of the Criminal Procedure Law and shall also include a notice on the right of objection under section 64 of the aforesaid Law;	The investigating body
3. Decision not to prosecute the suspect under the provisions of section 62 of the Criminal Procedure Law; notification in respect of this stage shall be as stated in section 63 of the Criminal Procedure Law and shall also include a notice on the right of objection under section	The investigating body

⁹*Sefer Ha-Chukkim* of 5758, p. 166.

64 of the aforesaid Law;

4. Release of a suspect or accused from detention under the conditions stated in Article Six, Chapter Two of the Criminal Procedure (Enforcement Powers - Arrests) Law, 5756-1996¹⁰, provided however that the court or the responsible officer determined that all or part of the conditions for release were designed to protect the crime victim; notification of this stage shall also include a written certificate including particulars of the aforesaid release conditions; In respect of release of a suspect - the Israel Police; in respect of release from detention until the conclusion of the proceedings - the prosecutor
5. A decision to bring the suspect to trial under the provisions of section 62 of the Criminal Procedure Law; The prosecutor
6. A decision to stay criminal proceedings under the provisions of section 231 of the Criminal Procedure Law or any other decision, under the provisions of any law, to discontinue legal proceedings; The Attorney-General or the prosecutor, as the case may be
7. Dates of court hearings, excluding a hearing in which the indictment is read under the provisions of section 143 of the Criminal Procedure Law; where there is a restriction on the presence of the crime victim at any of the court hearings, a notice shall also be delivered to him in respect thereof; The prosecutor
8. The reading of the finding under the provisions of section 182 of the Criminal Procedure Law or section 21 of the Youth Law; The prosecutor
9. The sentence under the provisions of section 193 of the Criminal Procedure Law or the decision of the juvenile court under the provisions of sections 24 to 26 of the Youth Law; The prosecutor
10. Filing an appeal on a judgment under the provisions of Chapter Seven of the Criminal Procedure Law. The prosecutor

¹⁰ *Sefer Ha-Chukkim* of 5756, p. 338.

Third Schedule

(section 8(c)(2))

Stage of criminal process	Body transmitting information
1. Name of investigator appointed in charge of investigation of the crime;	The investigating body
2. The detention of a suspect or accused or a person released from detention, under the provisions of Chapter Two of the Criminal Procedure (Enforcement Powers - Arrests) Law, 5756-1996, or Chapter Three of the Youth Law;	In respect of a suspect - the Israel Police; in respect of an accused person - the prosecutor
3. Intention to stay criminal proceedings under the provisions of section 231 of the Criminal Procedure Law; notification in respect of this stage shall also include a notice on the right of the victim to state his position on the matter under the provisions of section 16;	The Attorney-General or any person authorized by him to decide on the application
4. Notice on a decision to bring a suspect to trial as stated in item 5 of the Second Schedule shall also include an explanation on the possibility of the prosecution reaching a plea bargain with the accused and a notice on his right to put forward his position on the matter under the provisions of section 17.	The prosecutor

Fourth Schedule

(section 10)

Stage	Body transmitting information
1. Commencement of serving actual imprisonment or hospitalization at a hospital in which the accused or sentenced person, as the case may be, was hospitalized by court order under the Mentally Sick Persons Act, 5751-1991 ¹¹ (hereinafter referred to as "hospitals");	The Prisons Service or hospitals, as the case may be
2. The sentenced person taking leave from imprisonment or hospital;	Prisons Service or the hospital, as the case may be

¹¹ *Sefer Ha-Chukkim* of 5751, p. 58.

3. The date of bringing the sentenced person before the parole board, under the provisions of Chapter Six, Article Two of the Penal Law and Chapter Two, Article Five of the Prisons Ordinance; notification in respect of this stage shall also include a notice on the right of the victim to state his position before the parole board, under the provisions of section 19; Prisons Service
4. Conditions for release of the sentenced person from imprisonment under the provisions of Article Five of Chapter Two of the Prisons Ordinance, whose purpose is to protect the victim; Prisons Service
5. Escape of accused or sentenced person from imprisonment or hospital; Prisons Service or hospital, as the case may be
6. Date of release of accused or sentenced person from imprisonment or hospital; Prisons Service or hospital, as the case may be
7. Application by sentenced person to President of the State for pardon or mitigation of punishment, as stated in section 11(b) of the Basic Law: President of the State; Pardons Department of the Ministry of Justice
8. Decision of President of the State to grant a pardon or to mitigate the punishment of the sentenced person, as stated in section 11(b) of the Basic Law: President of the State. Prisons Service

Ariel Sharon
Prime Minister

Moshe Katzav
President of the State

Uzi Landau
Minister for Internal
Security

Avrum Burg
Deputy Speaker of the
Knesset

Meir Shetreet
Minister of Justice

Penal Law (Amendment No. 55), 5760-2000*

1. 1. In the Penal Law, 5737-1977¹, the contents of section 329 shall be marked "(a)" and the following shall be inserted thereafter:

"(b) A person committing an offense under subsection (a) against a family member shall be liable to a penalty of no less than one fifth of the maximum penalty prescribed for the offense, unless the court decides on special grounds, to be recorded, to lower the penalty. In this subsection, "family member" shall be within the definition in section 382(b)."

Avrum Burg
Acting President

Ehud Barak
Prime Minister

Avrum Burg
Speaker of the Knesset

Yoseph Beilin
Minister of Justice
of the State

* Passed by the Knesset on the 7th Tammuz, 5760 (10th July, 2000) and published in *Sefer Ha-Chukkim* No. _____, p. ____; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 2839 of the 3rd Shevat, 5760 (10th January, 2000), p. 187 and in *Hatza'ot Chok* No. 2852 of the 22nd Adar A, 5760 (28th February, 2000), p. 302.

¹ *Sefer Ha-Chukkim* of 5737, p. 266; *Sefer Ha-Chukkim* of 5760, p. 194.

Law for the Prevention of Violence in the Family (Amendment No. 5)
– 2000

Amendment Article 1 –

1. In the Law for the Prevention of Violence in the Family – 1990⁽¹⁾ (Hereinafter – The Primary Law), the ending in Article 1 will contain:

“Security Authority” – Israel National Police, Knesset Guard as defined by the Knesset Law – 1968⁽²⁾, the Israel Defense Force, General Security Services and the Prison Services”;

Amendment Article 2 -

2. In Article 2 of the Primary Law –
 - (1) In sub-article (a), Paragraph (4) – will be deleted.
 - (2) Sub-articles (d), (e) and (f) will be nullified.

Addendum to Articles 2b-2f

3. The following will come after Article 2a of the Primary Law:

“Ban on possessing and bearing firearms”

- 2b . Should a protective order be issued as stated in Article 2, the party bound by the restraining order will be prohibited by the order to possess or bear firearms, including weapons issued by the security authority or any other government authority; the court, as the instrument issuing the order, will order the immediate confiscation of the obliged party’s weapon.

Permit to possess and bear firearms

2c. (a) Despite the directives in Article 2b, should a protective order not include the ban specified in 2(a)(1), the court is entitled, at the request of the party bound by the order, who legally possesses or bears firearms, to permit said party to continue to possess the firearm if it believes that the obliged party poses no risk to the welfare of the relative, and one of the directives in Paragraphs (1) – (3) is fulfilled:

- (1) The firearm is required for self-defense in the presence of real danger.
- (2) The firearm is used by the said party bound by the restraining order in the framework of his job as an owner of a special permit or in a certified factory and when the following two terms are fulfilled:
 - (a) Ban on possession or bearing a firearm could end in the termination of his job or in truly hindering the execution of his job;
 - (b) The supervisor of the party bound by the restraining order with the special license or in the certified factory, the court submitted a detailed written request pertaining to the continued possession and bearing of firearm by the obliged party in the order;

In this paragraph –

“Owner of a special license”

Owner of a special license in accordance with Article 10c of the Firearm Law – 1949⁽³⁾ (Hereinafter – Firearm Law);

“Certified Factory” – as defined in Article 10 of the Firearm Law;

- (3) Is a member of the Security Authority and his supervisor in the security Authority filed a petition with the court with a detailed written request to permit the party bound by the restraining order to continue to possess and bear the firearm; in this ruling “the supervisor” – one of the following:

Commander or higher;

- (b) When the party bound by the restraining order is a member of the Knesset Guard – a supervisor is ranked deputy protector or higher;

- (c) When the party bound by the restraining order is a member of the IDF, the supervisor is ranked unit commander ranked Lt. Colonel or higher;

- (d) When the party bound by the restraining order is a member of the prison services – the supervisor will be ranked Lt. Colonel or higher.

- (b) Regarding a party bound by the restraining order who is a member of the IDF regular forces or with the IDF reserve forces, the unit commander with a rank of Lt. Colonel or higher is entitled to file at his own initiative a request to the court that the obliged party be permitted

to possess or bear weapon, and the court is entitled to grant such permissions to the party bound by the restraining order if it believes that the party poses no threat to the welfare of the relative.

Hearing with both Parties present

2d. A hearing of the petition in accordance with Article 2c will be held in the presence of both parties and as long as the petition –

- (1) In accordance with Article 12(a)(2) or (3), the hearing will be held in the presence of the representative of the owner of the special license, certified factory or Security Authority;
- (2) In accordance with Article 2c(b), the party bound by the restraining order will be summoned to the hearing as well.

Arrangements to ensure The welfare of the relative

2e. Should the court permit the party bound by the restraining order to bear or possess firearm in accordance with Article 2c, the court will specify its reasons and will set conditions and terms in the order to ensure the welfare of the relative of the party bound by the restraining order; Should permission be granted based on the petition in accordance with Article 2c(a)(2) or (3) or (b), the court will specify the steps the owner of the special license, the owner of the certified factory or Security Authority agreed to take in order to

ensure the enforcement of the terms and conditions established for this purpose.

Issuing of Court Ruling

12. The court will submit to these parties notification of a protective order that is issued in accordance with Article 2 as well as permission it granted in accordance with Articles 2c and 2e:

- (1) License official as defined in the Firearm Law
- (2) Israel National Police
- (3) Israel Defense Force – if the party bound by the restraining order is a member of the IDF reserve forces or if the party was issued a weapon by the IDF or has its consent to possess a weapon, including a weapon issued to the party in accordance with the permit as stipulated in Article 5b(c) of the Firearm Law.
- (4) Security Authority – the security force that the party bound by the restraining order is a member.

4. The stipulations in Article 5 of the Primary Law will be marked “(a)” and will be followed by:

“(b) The ban on bearing and possessing a weapon as specified in Article 2b will remain in effect even after the expiration of the protective order and until the court revokes the order pursuant to the request by the party bound by the order; regarding an individual who is a member of the IDF regular forces or reserve forces, pursuant to the request by the unit commander who ranks Lt. Colonel or higher; the hearing on the petition in accordance with this sub-article will be

held in the presence of both parties; regarding the hearing pertaining to the petition by the unit commander, the party bound by the order will also be summoned.

“(c) The terms and conditions by which the party bound by the order was permitted to bear and possess a firearm as specified in Article 2e will remain in effect as long as the court has not revoked said terms and conditions pursuant to a petition by the party bound by the order. Regarding a member of the IDF regular or reserve forces, pursuant to a petition by the unit commander who is ranked Lt. Colonel or higher; the hearing on the petition in accordance with this sub-article will be held in the presence of both parties as specified in sub-article (b).

(d) Should a hearing regarding the revocation of the ban or cancellation of the terms and conditions specified in sub-articles (b) or (c) have already taken place, the court will not discuss a repeat request on these matters unless six months have passed since the issuing of the decision from the previous hearing.

(e)

(1) Should the court comply with the petition to revoke the ban or cancel the terms and conditions in accordance with sub-articles (b) or (c), the firearm will not be returned to the party bound by the order until a valid license is presented in accordance with the Firearm Law, if such a license is required in order to bear or possess the firearm.

(2) Cancellation of the ban to bear or possess a firearm by the court in accordance with this article does not derogate from the authority of the licensing official in accordance with Article 12 of the Firearm Law”.

Amendment Article 6

5. In Article 6 of the Primary Law, "Article 5(b) or (c) will follow "Article 4(b)".

Ehud Barak

Yosef Beilin

Moshe Katsav Avraham Burg

Prime Minister

Minister of Justice

President

Speaker of the Knesset

**Law for the Prevention of Violence in the Family (Amendment No. 7)
– 2001**

Addendum Article 11a

1. In the Law for the Prevention of Violence in the Family – 1991⁽¹⁾, following Article 11 will come:

“Mandatory notification”

11a(a). In this article –

“Department of Social Services” –

Welfare Bureau as defined in the Social Services Law – 1958⁽²⁾;

“Crime”

Crime as defined in Articles 329, 333-335, 345-348, 377, 380 and 382(c) of the Penal Law – 1977⁽³⁾

(b) Should a doctor, nurse, educator, social worker, police officer, psychologist, clinical criminologist, paramedic, lawyer, religious cleric or rabbinical pleader, who, pursuant to treatment or advice they provided to an individual within their professional capacity, had reason to believe that the individual has been the victim of a crime (in this Article – the patient) perpetrated by his or her spouse or by a former spouse, said professional will inform the patient of their option of turning to the police, department of social services or family abuse prevention centers within the department of social services, and will provide said patient with the telephone numbers of said parties that are near their place of residence.

(c) The Minister in charge, after consultations with the Minister of Justice and pursuant to approval by the Knesset Committee for the Advancement of Women, will formulate

directives to execute sub-article (b) and to document actions that were carried out; in this sub-article, “The Minister in Charge” –

- (1) for doctors, nurses, psychologists, social workers in the healthcare system, clinical criminologists and paramedics – is the Minister of Health.;
 - (2) for educators – Minister of Education;
 - (3) for social workers, other than social workers in the healthcare system – Minister of Labor and Welfare;
 - (4) for police officers – Minister of Internal Security;
 - (5) for religious clerics and rabbinical pleaders – Minister of Religious Affairs.
- (d) The Israel Bar Association, with the approval of the Minister of Justice and the Knesset Committee for the Advancement of Women, will institute rules for the execution of sub-article (b) and for documenting actions that were carried out to execute the article as pertaining to the lawyers.”

Effect

This law will come into effect on the 1st day of the month following the three months from the day of publication.

Ariel Sharon
Prime Minister

Meir Sheerit
Minister of Justice

Moshe Katsav
President

Avraham Burg
Speaker of the Knesset

Prevention of Family Violence Law, 5751-1991
[as amended by Amendment no. 3, 5748-1997 and Amendment no. 4, 5748-1998]

1. Definitions (Amendment: 5755, 5756)

In this Law -

“court” - Magistrate’s Court, Family Court, as well the Religious Court with regard to the parties in matters which it may decide;

“religious court” - Rabbinical Court, Shari’a Court, Christian Court and Druze Court;

“spouse” - including common-law spouse

“family member” - including a person who was a family member in the past, and he is one of the following:

(1) a spouse, parent or spouse of a parent, parent of a spouse or spouse of a parent, grandfather or grandmother, offspring of a spouse, brother or sister, brother-in-law or sister-in-law, uncle or aunt, nephew or niece;

(2) the person responsible for the sustenance, health, education or welfare of a minor or incapacitated person residing with the person responsible for him as stated.

“incapacitated person^{*}” - as defined in section 368A of the Penal Law, 5737-1977;

“minor” - as defined in the Legal Capacity and Guardianship Law, 5722-1962;

“welfare officer” - a person legally appointed as such.

2. Protection order (Amendment: 5756, 5758)

(a) A court may issue an order prohibiting a person from doing all or some of the following acts, or attach conditions thereto (hereinafter “protection order”):

(1) enter the dwelling where the family member resides or be found within a certain distance of such dwelling, notwithstanding that he has any right therein;

(2) harass a family member in any manner and at any place;

(3) act in any way which prevents or hinders the use of an asset lawfully in use by a family member, notwithstanding that he has any right to the asset;

* The previous English term “helpless person” has been modernized.

(4) carry or possess a weapon, including a weapon given to him by the Israel Defense Forces or by any other State agency.

(b) A protection order may also include a requirement to post bail with regard to compliance therewith and good behavior, or any other directive, as the court shall see fit, to guarantee the well-being and safety of the family member, and may also include directives in respect of the arrangement required as a result of granting the order.

(c) Conditions in respect of bail as stated in subsection (b), including its revocation, shall be specified in the protection order.

(c1) The court may, on particular grounds to be set out in its decision, extend the validity of bail on good behavior for a period that shall not exceed one year from the expiry of the protection order.

(d) Where a protection order has been issued which includes a prohibition pursuant to subsection (a)(4), notice thereof shall be given by the court to the licensing officer as defined in the Firearms Law, 5709-1949, and if the person bound by the order is a member of the Reserves of the Israel Defense Forces, notice thereof shall be given to the Israel Defense Forces.

(e) Where a protection order has been issued which includes a prohibition pursuant to subsection (a)(4) and the person bound by the order is a member of the security service, the court may prescribe conditions in the order according to which that person may carry or possess a weapon in order to carry out his duties. Notice of such an order shall be given by the court to the relevant security service, and it shall make the necessary arrangements to ensure compliance with the order. For the purposes of this section, "member of the service" is a member of the Israel Police Force, the Prison Service or General Security Service or a soldier as defined in the Articles of War Law, 5716-1955.

(f) Where a protection order has been issued which does not include a prohibition pursuant to subsection (a)(4), the court shall specify the grounds for not including the said prohibition in the order.

(g) (1) Where a protection order has been issued for the protection of a minor, notice thereof shall be given by the court to the welfare officer within the meaning of the Youth (Care and Supervision) Law, 5720-1960.

(2) Where a protection order has been issued for the protection of a minor, the court may order the welfare officer, as set out in paragraph (1), to file a written report at the time it sets out.

(3) Where a protection order has been issued for the protection of a minor as set out in subsection (a)1 in respect of the person responsible for the minor, the court shall order the welfare officer as set out in paragraph (1) to file a report with the court. The said report shall be filed within 30 days and the welfare officer shall state his position regarding, among other things, regarding the

existence of the possibility of maintaining a connection between the minor and the person responsible for the minor.

(4) If it is the opinion of the court, based on the report as set out in paragraph (3), that maintaining the connection between the person responsible for the minor in respect of whom the protection order was issued falls in line with the good of the minor, it may grant orders in the matter.

(h) Where a protection order has been issued for the protection of a minor as set out in subsection (a)1 in respect of the person responsible for the minor and the purpose of the order is not to protect the minor, the court may order maintaining the connection between the person and the minor, but only where it is convinced, on the basis of the report pursuant to the provisions of section 6 or otherwise, that there will not be harm to the minor.

(i) In respect of this section, "responsible for a minor" means a parent, step-parent, guardian, or one who has the care and custody of the minor.

2A. Undertaking to obtain treatment (Amendment: 5756)

(a) Where a protection order has been granted, the court may, upon issuing the order or at a later time, order the person to whom the order applies to give an undertaking that he shall obtain treatment from a person to be determined by the court (hereinafter in this clause "undertaking to obtain treatment").

(b) The court shall not order an undertaking to obtain treatment unless a report as stated in section 6 was filed with the court as stated in section 6, and the court is convinced that the person to whom the protection order applies is suitable for the treatment as well as agrees to and understands the terms and the nature of the treatment, and there is a framework for treating him.

(c) Where the court has ordered an undertaking to obtain treatment, it shall order the submission of a report to the court regarding progress of the treatment, at such times and in the manner it determines.

3. Application to grant a protection order and conditions for granting the same (Amendment: 5756, 5758)

At the request of a family member, the Attorney General or his representative, a police prosecutor or welfare officer nominated pursuant to the Youth (Care and Supervision) Law, 5720-1960, the court may grant a protection order against a person if it sees that one of the following has occurred:

(1) shortly before the petition was filed the person acted violently against a family member, committed a sexual offense against him or unlawfully detained him;

(2) his behavior constitutes a reasonable basis for assuming that he poses a substantial physical threat to a family member he may commit a sexual offense against him;

(3) where he has committed continuous mental abuse or behaved in a manner which does not permit a family member to run his life in a reasonable and proper manner.

For the purposes of this section, "sexual offense" means offense pursuant to Article Five of Chapter Ten of the Penal Law, 5737-1977.

4. Procedure (Amendment: 5758)

(a) The court may grant a protection order ex-parte; where an ex-parte order has been granted the hearing in the presence of both parties shall be conducted as soon as possible and no later than seven days from the granting of the order.

(b) Where a hearing is held as stated in subsection (a), the court may extend the validity of the order as stated in section 5, cancel it or insert changes in it, even if the person to whom the order applies is not present at the hearing.

(c) Notwithstanding subsection (a), an order as stated in section 3(3) shall be granted only with both parties present, unless the respondent has been legally served and is not present at the hearing.

5. Period of validity (Amendment: 5758)

The validity of a protection order shall not exceed three months. The court may extend the validity of the order from time to time, provided that the total period shall not exceed six months. However, on special grounds to be specified in its decision, it may extend the validity of the order for a total period not to exceed one year.

6. Report (Amendment: 5758)

For the purpose of procedure pursuant to clause 4(b), the court may order a welfare officer to prepare a written report by the time it shall adjudicate in any matter relating to a protection order, and the provisions of the Welfare (Procedure Regarding Minors, Mentally-ill and Missing Persons) Law, 5716-1955, shall apply, *mutatis mutandis*, even if report is requested regarding someone not included in the said Law.

7. Breaching an order (Amendment: 5758)

(a) Abrogated

(b) Where a complaint has been filed with the police in respect of the breach a protection order which includes a prohibition pursuant to section 2(a)(1), a police officer may arrest the offender.

(c) It shall not be a valid defense for one who has violated a protection order to claim that his family members did not insist on its compliance or the operation of the Law as a result of the breach.

8. Rules of evidence (Amendment: 5755)

(a) In proceedings pursuant to this Law, the provisions of sections 3 and 4 of the Evidence Ordinance (New Version), 5731-1971, shall not apply.

(b) The provisions of the Family Courts law, 5765-1995, shall apply to the Magistrate's Court hearing a claim pursuant to this Law.

9. Methods of furnishing

Court documents and orders pursuant to this Law shall be furnished by a clerk of the court or by one authorized in writing by a court of the director of the courts; however, a family member of a party to proceedings or anyone on his behalf shall not be authorized unless it is his lawyer, if he agrees to it.

10. Jurisdiction

In a proceeding under this Law, the court may not be precluded from considering or providing relief in the matter on the basis that it is being heard in another proceeding or on the basis that a family member waived his right pursuant to this Law or for another reason.

11. Costs and damages

Where the court has dismissed a claim to grant a protection order as vexatious, it may impose on the person who sought the protection order all or part of the following:

- (1) Costs in favor of the State and the aggrieved party, at such rate as it sees fit;
- (2) Adequate damages to the party aggrieved by the filing of the petition.

12. Observance of laws

The provisions of this Law are in addition to the provisions of any law and do not derogate from them.

13. Implementation and regulations (Amendment: 5756(2))

(a) The Minister of Justice is responsible for the implementation of this Law and he may make regulation regarding anything related to its implementation.

(b) The Minister for Religious Affairs, with the consent of the Minister of Justice, may make regulations as set out in subsection (a), for all religious courts, *mutatis mutandis*.

14. Amendment to the Youth (Care and Supervision) Law

In the Youth (Care and Supervision) Law, 5720-1960, the following shall be inserted after section 3:

3A. "Protection order

The court seized with a matter in respect of a minor may, if it views it as necessary, issue a protection order pursuant to the Prevention of Family Violence Law, 5751-1991".

15. Amendment to the Criminal Procedure Law

In the Criminal Procedure Law (Consolidated Version), 5742-1982, at the end of section 44, there shall be added "the court may also grant a protection order as stated in the Prevention of Family Violence Law, 5751-1991".

16. Commencement

This Law shall come into force 90 days from the day of its publication.

Yitzchak Shamir

Dan Meridor

Minister of Justice

Prime Minister

Chaim Herzog
President

Dov Shilansky
Speaker of the Knesset

Prevention of Stalking Law – 2001 [No Amendments]..

Published 30/10/01, p.6 law clause 1809

*Passed by the Knesset on 16 October 2001; Draft Law and commentaries published in the draft law 3028 on 23 July 2001, p.769

Amendments:

Prevention of Stalking Law – 2001 1

1. Objective

This law is designed to protect people from having their lives, privacy or choices disrupted or from suffering physical injury by another person who has stalked or who has caused physical harm.

2. What is stalking?

- (a) Stalking is defined as harassment of an individual by any other individual, or by making threats against an individual under circumstances that provide a reasonable basis for assuming that the stalker or person posing a threat might continue to harm and disrupt the victim's life, privacy or choice, or could potentially cause physical harm.
- (b) Without derogating from sub-article (a), stalking an individual may be defined as any one of the following:
- (1) Spying, ambush or any other form of tracking the actions of an individual, or infringing upon an individual's privacy in any manner;
 - (2) Imposing threat of harm or the threat itself;
 - (3) Establishing verbal, written or any other form of contact with the individual;

(4) Damaging an individual's property, tarnishing an individual's reputation or limiting an individual's freedom of movement.

(c) For the purpose of this law, one is stalking if the acts specified in sub-articles (a) or (b) are performed, either explicitly or implied, directly or indirectly, against an individual or against someone close to the individual,.

3. Definitions

For the purpose of this law -

“Court” – Magistrate Court, and any of the following:

- (1) Pertaining to the victim who is a relative of the perpetrator – a court and judges that are authorized by the Law for Prevention of Violence in the Family to hear the case;
- (2) Pertaining to a perpetrator or victim, either of whom is a minor, and the juvenile court that hears the case in accordance with the Youth Law (Treatment and Supervision) - the juvenile court;

“Juvenile Court” – as defined by the Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971 2;

“Family member” – as defined in the Law for the Prevention of Violence in the Family, and any term in said definition will be interpreted in accordance with said law;

“Youth Law (Treatment and Supervision) – 1960 3;

“Firearm Law” – firearm law – 1949 4;

“Law for the Prevention of Violence in the Family” – Law for the Prevention of Violence in the Family – 1991 5;

“Victim” – whoever is the object of the following:

-
- (1) Stalking;
 - (2) An individual in danger as specified in Articles 4(b) (1);
 - (3) An individual who might potentially be injured party in a sex crime as stipulated in Article 4(b) (1);
 - (4) Victim of said act stipulated in 4(b) (2); and pertaining to a victim who is a minor – whoever is legal guardian over said minor;

“Perpetrator” – any individual who stalks or complies with any of the conditions stipulated in Article 4(b) (1) or (2);

“Restraining Order against Stalking” – order as stipulated in Article 4(a) or (b);

“Minor” – individual under the age of eighteen;

“Security Authority” – Israel National Police, Knesset Guard as stipulated in the Knesset Law – 1968; the Israel Defense Force, General Security Services and Prison Services.

4. Restraining Order against Stalking

- (a) Should an individual be found by the court guilty of stalking, the court is entitled to place a restraining order prohibiting that individual from committing any of the acts specified in Article 5(a)(1) – (4), and if the circumstances of the stalking provides a reasonable basis to fear continued disruption or actual harm to another individual’s life, said court is entitled to include in the restraining order a ban on committing the acts specified in 5(a)(5) and (6).
- (b) Should the court find an individual guilty of committing one of the acts specified in Articles (1) or (2), or of harming an individual, the court is entitled to place a restraining order prohibiting said

individual from committing any of the acts specified in Article 5(a)(1)–(6):

- (1) An individual's behavior, including behaviors listed in sub-article (a) above, provides reasonable grounds to assume that he/she poses a real physical danger to another person or that he/she might potentially commit a sex crime;
 - (2) Near the time of the filing of the petition, the perpetrator physically harmed another individual, or committed a sex crime against another individual or illegally imprisoned another individual.
- (c) The directives in sub-articles (a) or (b) shall not apply if the court finds that the acts that were the subject of the restraining order against stalking were committed under circumstances that constitute a satisfactory defense in a criminal or civil trial due to infringement of privacy, in accordance with Article 2 (18)(b)-(d) or (3) in the Protection of Privacy Law – 1981, or under circumstances that constitute a total exemption in accordance with the directives in Article 19 of said law.
- (d) The following individuals are entitled to apply for a restraining order against stalking:
- (1) A victim or an individual representing the victim;
 - (2) The Attorney General or his/her representative;
 - (3) The police prosecutor
 - (4) Welfare official appointed in accordance with the Youth Law (Treatment and Supervision).

5. Order's Directives

(a) The restraining order against stalking prohibits the perpetrator, in accordance with the directives of Article 4, from any or all of the following actions and may include the following conditions:

- (1) Harassing the victim in any form and in any location;
- (2) Threatening the victim;
- (3) Spying, ambushing, tracking the movements or actions of the victim, or infringing upon the victim's privacy in any other manner;
- (4) Establishing any verbal, written or other form of communication with the victim;
- (5) Being present within a certain distance from the victim's residence, car, workplace or school, or any other location the victim regularly attends;
- (6) To bear or possess firearms, including weapons issued by the security authority or any other government authorities, against the victim or a relative of the victim, either explicitly or implied, directly or indirectly.

(b) A restraining order against stalking includes a ban on the aforementioned in sub-Article (a) (6)-

- (1) The court is entitled to issue an order to immediately confiscate the weapon of the party bound to the restraining order;
- (2) The court will notify the following authorities of the issuing of the order:

- (a) Licensing official, as defined by the Firearms Law;
- (b) Israel National Police;

-
- (c) The Israel Defense Force – if the individual bound by the restraining order serves in IDF reserves, or if the individual has been issued a firearm from the IDF or has received IDF permission to bear arms, including the firearm issued to him with a permit as specified in Article 5b(c) of the Firearm Law;
- (d) Security Authority – the Security authority that bound by the restraining order.
- (3) Pertaining to the party bound by the restraining order as defined in Article (2) (c) or (d), or an individual whose weapon is used as part of the job and has a special license or in a certified factory, the supervisor of the individual who is bound to the restraining order, is entitled, either on his own initiative or at the bequest of the subject of the restraining order, to submit a written request to the court listing the reasons why said individual should be allowed to continue to keep and bear the firearm; for this purpose, “owner of a special license”, “certified factory” and “supervisor” – as defined in Article 2c (a)(2) and (3) of the Law for the Prevention of Violence in the Family.
- (c) Should a restraining order against stalking be issued in accordance with Article 4(a) or 4(b) that does not include said ban specified in sub-Article (a)(6), the court will interpret in its decision the reasons for the non-inclusion of the ban in the restraining order.
- (d) A restraining order against stalking can include a demand for guarantees for the enforcement of said order and for good behavior, or any other required directive as seen fit by the court needed to ensure the safety and security of the victim or any other individual

related to the victim, and can also contain directives regarding the arrangements required as a result from the issuing of said order.

- (e) The terms of the guarantee as stipulated in sub-Article (d), including confiscation, will be specified in the restraining order against stalking.

6. Term of Validity

Should the term of the restraining order against stalking not exceed six months; the court is entitled to extend the validity of the order as long as the overall term does not exceed one year, and excepting special reasons specified in the decision, it is entitled to extend the period of the order for an overall period not exceeding two years.

7. Legal Procedures

- (a) The court is entitled to issue an ex parte restraining order against stalking, if it believes that this move is required in order to provide immediate protection for the welfare of the victim, or when the respondent fails to appear at the hearing.
- (b) Should an ex parte restraining order against stalking be issued, a hearing will take place in the presence of both parties as soon as possible and no later than seven days from the issuing of the order.
- (c) Should a hearing be set up as specified in sub-article (b) above, the court is entitled to extend, cancel or amend the order, even if the subject of the restraining order fails to appear at the hearing.
- (d) A hearing on the request in accordance with Article 5(b) (3) will take place in the presence of both parties and with the presence of the representative of the holder of the special license, certified factory or security authority, whichever applies.

8. Violation of the order

- (a) Should a complaint be filed with the police pertaining to a violation of the restraining order against stalking, the police officer is entitled to arrest the violator.
- (b) Violators of the restraining order against stalking cannot use failure of the victim or person related to the victim to comply with the existence or application of the directives of the law as a justifiable defense for violating the said restraining order.

9. Expenses and Compensation for Groundless Accusation

Should the court reject a petition to issue a restraining order against stalking and should the court determine that the petition was provocative, it is entitled to order the party petitioning for the restraining order to pay all or some of the following expenses:

- (1) Expenses incurred by the State and by the injured party at a rate to be determined as fair;
- (2) Fair compensation to the injured parties resulting from the petition.

10. Authority

In the proceedings in accordance with this law, the court will not avoid hearing or making a decision regarding a request to issue an order in accordance with Article 4, on the account that the issue had been disclosed in another proceeding, due to the claim that it lacks the local authority or if the individual conditioned his right in accordance with the law.

11. Reservation of Laws

The directives of this law increments, rather than derogates, from the directives of any law.

12. Execution and Regulations

The Minister of Justice is appointed to carry out this law and is entitled to amend, with the approval of the Knesset Committee for the Advancement of the Status of Women, regulations pertaining to its execution.

13. Amendment to the Youth Law (Treatment and Supervision) – No. 15 In the Youth Law (Treatment and Supervision), in Article 3a –

- (1) In the subtitle, the phrase “and an Order of Restraint against stalking” will follow “Protective Order”;
- (2) The phrase “and issue an Order of Restraint against Stalking in accordance with the Prevention of Stalking Law – 2001” will appear at the end.

14. Amendment to the Law for the Prevention of Violence in the Family – No. 6

In the Law for the Prevention of Violence in the Family –

- (1) In Article 2, subsequent to sub-article (h), the following phrase will appear:
 - (h1) “The court that discusses the issuing of a protective order in accordance with the directives of this law is also entitled to issue an order of restraint against stalking to an individual, including a family

member, in accordance with the directives of the Prevention of Stalking Law – 2001.

(2) Instead of Article 10, the following will appear:

10. “Authority”

During the proceeding in accordance with this law, the court will not avoid discussing or providing assistance in the matter for the sole reason that the matter being disclosed in another proceeding where the claim was made lacks the local authority or if the individual conditioned his right in accordance with the law.

Ariel Sharon	Meir Sheerit	Moshe Katsav	Avraham Burg
Prime Minister	Minister of Justice	President	Speaker of the Knesset

Document library loading, please wait...



**STATE OF ISRAEL
MINISTRY OF JUSTICE**

PREVENTION of SEXUAL HARASSMENT LAW, 5758-1998

Purpose

1. The purpose of this law is to prohibit sexual harassment in order to protect human dignity, liberty and privacy and to promote equality between the sexes.

Definitions

2. In this Law -

“in service” means in the service of the Security Forces, where there is no employee-employer relationship between the Security Forces and the person serving in the Security Forces;

“has shown” means has shown by words or by conduct, provided that there is no reasonable doubt as to the meaning of such conduct;

“reference” means rereference in writing, orally, by way of a visual or vocal medium, including computer or computer material, or by conduct;

“the Employment (Equal Opportunities) Law” means the Employment (Equal Opportunities) Law, 5748-1988¹ ;

“the Penal Law” means the Penal Law, 5737-1977²;

“helpless person” - as defined in section 368A of the Penal Law;

“Security Forces” means the Israel Defence Forces, the Israel Police, the Prison Service and the other security organizations of the State;

¹ Sefer HaChukkim of 5748, p. 38

² Sefer HaChukkim of 5757, p. 226

“computer” and “computer material” - as defined in the Computers' Law, 5755-1995³;

“labour relations sphere ” means the workplace, another place where an activity on behalf of the employer takes place, in the course of employment or where, in any place whatsoever, a position of authority in a work relationship is being exploited;

“manpower contractor” - as defined in section 1 of the Employment of Persons by Manpower Contractors Law, 5756-1996⁴;

“minor” means a person who has not yet attained the age of 18.

Sexual Harassment and Adverse Treatment

3. (a) Each of the following acts constitutes sexual harassment:
- (1) blackmail by way of threats, as defined in section 428 of the Penal Law, where the act demanded to be performed by the person is of a sexual character;
 - (2) indecent acts, as defined in sections 348 and 349 of the Penal Law;
 - (3) repeated propositions of a sexual character to a person, where that person has shown to the harasser that he is not interested in the said propositions;
 - (4) repeated references directed towards a person, which focus on his sexuality, where that person has shown to the harasser that he is not interested in the said references;
 - (5) an intimidating or humiliating reference directed towards a person concerning his sex, or his sexuality, including his sexual tendencies;
 - (6) propositions or references as described in subsections (3) or (4), directed towards one of those enumerated in subsections (a) to (c); in such circumstances as specified in such subsections, even where the person harassed has not shown the harasser that he is not interested in the said propositions or references:
 - (a) a minor or a helpless person, where a relationship of authority, dependence, education or treatment is being exploited;
 - (Two) a patient undergoing mental or medical treatment, where a relationship of authority between the patient and the person treating him is being exploited;
- (c) an employee in the labour relations sphere and a person in service, within the framework of such service, where a position of authority in a work relationship or in service is being exploited.
- (Four) Prejudicial treatment is any harmful act, the source of which is sexual harassment or a complaint or court action filed in relation to sexual harassment.

³ Sefer HaChukkim of 5755, p. 366

⁴ Sefer HaChukkim of 5756, p. 201

Prohibition of Sexual Harassment and of Adverse Treatment

4. A person may not sexually harass another or subject him to prejudicial treatment.

Sexual Harassment and Adverse Treatment are Offences

5. (a) A person who sexually harasses another, as defined in section 3(a) (3) to (6) shall be liable to imprisonment for a term of two years.
- (b) A person subjecting another to adverse treatment, as defined in section 3(b), is liable to imprisonment for a term of three years.
- (c) A person who sexually harasses another, as defined in subsection (a), and subjects him to adverse treatment, as stated in subsection (b), is liable to imprisonment for a term of four years.
- (d) The provisions of sections 2(a) and 2(b) of the Amendment of Procedure (Examination of Witnesses) Law, 5718-1957⁵, shall apply to the examination of a person harmed by an offence under this section and to his evidence concerning such an offence.
- (Five) The provisions of sections 352 of the Penal Law shall apply to the publication of the name of a person harmed under this section.

Sexual Harassment and Adverse Treatment are Civil Wrongs

6. (a) Sexual harassment and adverse treatment are civil wrongs, and the Civil Wrongs Ordinance [New Version]⁶, shall apply to such acts, subject to the provisions of this Law.
- (b) A court may award compensation for sexual harassment and for adverse treatment to an amount which shall not exceed NIS 50,000, without damage having to be proved; this amount shall be updated on the 16th of each month in accordance with the rate of excess of the new index over the basic index;
- for the purposes of this subsection -
- “index” means the cost of living index published by the Central Bureau of Statistics;
- “the new index” means the index for the month last preceding the month of updating;
- “the basic index” means the index for the month of March, 1998.

⁵ Sefer HaChukkim of 5718, p. 16

⁶ Laws of the State of Israel, New Version 10, p. 266

(c) A court, or a labour court, as the case may be, shall not hear an action in respect of a civil wrong under this section or under section 7 which has been filed after three years have elapsed from the date upon which the cause of action has arisen.

Steps to be taken by an employer

7. (a) An employer has a duty to take such steps as are reasonable in the circumstances, so as to prevent sexual harassment or adverse treatment in the labour relations sphere, on the part of his employee or on the part of a person in charge on the employer's behalf, even where such a person is not his employee; an employer is also obliged to deal with cases of sexual harassment and adverse treatment. To this end, an employer is obliged to:
- (1) prescribe an efficient procedure for filing a complaint in respect of sexual harassment and for the examination of the complaint;
 - (2) deal efficiently with a case of sexual harassment or of adverse treatment which has come to his notice and do everything within his power to prevent the recurrence of the said acts and to rectify the harm caused to the complainant as a result of sexual harassment or adverse treatment.
- (b) An employer who employs more than 25 employees shall, in addition to his duties under subsection (a), prescribe a code of practice which shall include the principal provisions of this Law concerning sexual harassment and adverse treatment in the labour relations sphere and which shall detail the procedures prescribed by the employer for filing complaints in respect of sexual harassment or adverse treatment and for dealing with such complaints prescribed by the employer (hereinafter -"code of practice"); the employer shall publish the code of practice among his employees.
- (c) An employer who has failed to comply with his duties under subsections (a) (1) and (2) and (b) shall be liable for a civil wrong pursuant to section 6 and for a civil wrong for harmful conduct as defined in section 7 of the Employment (Equal Opportunities) Law, committed, in the labour relations sphere, by his employee or by a person in charge on behalf of the employer even if such a person is not his employee.
- (d) The Minister of Justice, with the consent of the Minister of Labour and Social Affairs and with the approval of the Knesset Committee for the Promotion of the Status of Women, shall prescribe -
- (1) rules in relation to the implementation of employers' duties under

this section; such rules may be of general application or may apply to types of workplaces, branches of employment or professions;

- (2) a model code of practice which shall serve as a model for employers (hereinafter referred to as a model code of practice).
- (e) In order to implement the duties of an employer under subsection (b) the employer shall adapt the model code of practice as required.
- (f) For the purpose of this section, "adverse treatment" - includes harmful conduct within the meaning of section 7 of the Employment (Equal Opportunities) Law.
- (g) The provisions of this section shall apply *mutatis mutandis* to institutions which provide theoretical or professional education to persons of adult age, and for this purpose the institution shall be regarded as the employer; the teacher or the lecturer shall be regarded as the employee or person in charge on behalf of the employer; and the pupil or student shall be regarded as the employee.

Failure to Publish a Code of Practice is an Offence

8. An employer who has failed to publish a code of practice pursuant to section 7(b) is liable to a fine and to an additional fine for every week in which the offence continues in the amount of the fine prescribed by section 61(c) of the Penal Law.

Extension of Application

9. The provisions of this Law in relation to employers and employees shall apply, *mutatis mutandis* also to a person who in practice employs another through a manpower contractor and to a person so employed.

Jurisdiction of the Labour Court

10. (a) The Labour Court shall have exclusive jurisdiction in civil proceedings pursuant to sections 6, 7 and 9 in one of the following -
- (1) sexual harassment of an employee, in the labour relations sphere, committed by an employer or a person in charge on his behalf, or by another employee;
- (2) adverse treatment of an employee, in the labour relations sphere, on the part of an employer or a person in charge on the employer's behalf, or on the part of another employee;
- (3) the liability of an employer under section 7 in respect of sexual harassment or adverse treatment of an employee, in the labour relations sphere, committed by a person in charge on behalf of the employer or committed by another employee;

(b) The provisions of this section shall not apply to a civil proceeding in respect of sexual harassment or adverse treatment in service.

(c) The provisions of sections 10, 10A, 12 and 13 of the Equal Opportunities in Employment Law shall apply to proceedings pursuant to this section.

Status of the State

11. This Law shall apply to the State; for the purposes of sections 7 and 8, where there is no employee-employer relationship between the Security Forces and the person serving in the Security Forces, the Security Forces shall be regarded as the employer and the person serving shall be regarded as the employee.

Saving of Laws

12. The provisions of this Law shall not derogate from the provisions of any other law.

Implementation and Regulations

13. The Minister of Justice is charged with the implementation of this Law and may, with the approval of the Knesset Committee for the Promotion of the Status of Women, publish regulations in any matter concerning implementation.

Duty to Make Regulations

14. Regulations pursuant to section 7 shall be presented for the first time for approval by the Knesset Committee for the Promotion of the Status of Women within five months from the date of publication of this Law.

Amendment of the Employment (Equal Opportunities) Law

15. In the Employment (Equal Opportunities) Law, 5748-1988 -

(1) Section 7 shall be replaced by -

“Harmful Conduct based on Sexual Harassment

7.(a) In the labour relations sphere an employer or a person in charge on his behalf shall not harm an employee or a person seeking employment in the matters enumerated in section 2 or in any other way, where the source of such harmful conduct is one of the following:

- (1) Sexual harassment of an employee or of a person seeking employment committed by an employer, a person in charge on the employer's behalf or by another employee;

in this Law, "sexual harassment" has the same meaning as in the Prevention of Sexual Harassment Law, 5758-1998 (hereinafter referred to as the Prevention of Sexual Harassment Law), provided that in respect of harmful conduct the source of which is sexual harassment under section 3(a)(3) and (4) of the said Law, a single proposition or reference is sufficient;

- (2) a complaint or a court action filed by an employee in respect of harmful conduct as described in in this section;
(3) Assistance given by an employee to another employee in respect of harmful conduct as described in this section;

(b) The provisions of section 6(b) shall apply to harmful conduct, the source of which is a complaint or court action as described in subsection (a)(2) and (3).

(c) The provisions of this section in relation to employers and employees shall apply *mutatis mutandis* also to a person who in practice employs another through a manpower contractor and to a person so employed.”;

(2) in section 9, subsection (b) shall be replaced by -

“(b) In an action by an employee or by a person seeking employment for infringement of section 7(a), the onus of proof that he has not engaged in harmful conduct as stipulated in the said subsection shall lie with the employer, where the employee or the person seeking employment has proved the existence of circumstances enumerated in one of paragraphs (1) to (3) of section 7(a);

(3) in section 10 -

(a) the section shall be numbered “(a)” and at the end of paragraph (1) add the following: “however in a civil proceeding in respect of harmful conduct as stated in section 7, the Labour Court may award compensation of up to NIS 50,000 without damage having to be proved.”

(b) after subsection (a) insert:

(c) the amount prescribed in subsection (a)(1) shall be updated on the 16th of each month in accordance with the rate of excess of the new index over the basic index;
for the purpose of this subsection -
“index” means the cost of living index published by the Central Bureau of Statistics;
“the new index” means the index last preceding the month of

adjustment;

“the basic index” means the index for the month of March 1998.”;

(4) in section 10A subsection (a) shall be replaced by the following:

“(a) In a proceeding under this Law in respect of harm the source of which is one of the matters enumerated in section 7(a) or in respect of discrimination on the grounds of sexual tendencies under section 2(a), the Labour Court may sit *in camera*; where a prosecutor or a complainant has requested a hearing *in camera*, the Court shall accede to his request, unless the Court shall decide otherwise on special grounds which shall be recorded.”

(5) at the end of section 14 add: “however in respect of a civil action pursuant to section 7, the period of prescription shall be three years from the day upon which the cause of action has arisen.”

(6) In section 15 -

(a) in subsection (a), “6, 7 or 8” shall be replaced by “6 or 8”;

(b) insert after subsection (a) -

“(a1)(1) A person contravening the provisions of section 7 shall be liable to imprisonment as prescribed in section 5(b) of the Prevention of Sexual Harassment Law;

(2) An employer or a person in charge on his behalf, who has sexually harassed his employee pursuant to section 3(a) of the Prevention of Sexual Harassment Law and has harmed him as stated in section 7, shall be liable to imprisonment as prescribed in section 5(c) of the said Law.

(a2) The provisions of section 5(d) and (e) of the Prevention of Sexual Harassment Law, shall apply to an offence under subsection (a1).”;

(7) in section 18, after subsection (d), insert:

(e) An inspector appointed pursuant to subsection

(Six) shall also supervise the implementation of section

7(b)

of the Prevention of Sexual Harassment Law, and to this end he shall be invested with the powers stated in this section.”

Amendment of the Labour Courts Law

16. At the end of the Second Schedule of the Labour Court Law, 5729-1969⁷, add: “section 8 of the Prevention of Sexual Harassment Law, 5758-1998.”

⁷ Sefer HaChukkim of 5729, p. 70.

Amendment of the Courts Law

17. At the end of section 68(b)(5) of the Courts Law [Consolidated Version], 5744-1984⁸, add: "or an offence pursuant to the Prevention of Sexual Harassment Law, 5758-1998.

Commencement

18. (a) This Law shall come into force upon the expiry of six months from the date of the publication of this Law.
- (b) Notwithstanding the provisions of subsection (a), section 7 shall not come into force before the expiry of one month from the publication of regulations thereunder.

⁸ Sefer HaChukkim of 5744, p. 198.

Regulations for the Prevention of Family Violence (Notification by a Police Officer) – 2002 [no amendments]...

=====

Regulations for the Prevention of Family Violence (Notification by a Police Officer) – 2002 1

By virtue of my authority in accordance with Article 11a(c) of the Law for the Prevention of Violence in the Family – 1991 2 (Hereinafter – The Law), pursuant to consultations with the Minister of Justice and subject to the approval of the Knesset Committee for the Advancement of the Status of Women, I hereby institute these regulations:

1. Terminology

For the purpose of these regulations, “proper authorities” – Police, Department of Social Services, center for the prevention and handling of family violence in the Department of Social Services.

2. Notification of Proper Authorities

A police officer, required to notify an individual in accordance with Article 11a(b) of the law –

- (1) Will notify the individual about the possibility of referring to proper authorities to receive assistance;
- (2) Will provide the individual with the address and telephone number of the nearest proper authority to their residence, in accordance with a list issued by the Israel National Police that will be periodically updated.

3. Documentation of Notification Procedures

Police officers will document in writing the procedures they conducted, as stipulated in Regulation 2, to execute Article 11a(b) of

the Law; in accordance with the form in the Addendum, and will keep the form in accordance with the directives issued by the Police.

2nd Addendum

(Regulation 3)

Notification of the Possibility of Assistance Regarding Family Violence

Information on the Acquaintance

Name.....

Address.....

Telephone No.:.....

Notification

On this day..... I notified Mr./Ms. of the possibility to refer to the Police, Social Services and a center for the prevention and resolving of family violence, and provided him/her with addresses and telephone numbers needed to establish contact with the aforementioned proper authorities.

.....

Date

.....

Police Officer Signature

(Het-Mem 3-3170)

37 Sivan 5762 - 27 May 2002

Uzi Landau Minister of Public Security

Document map loading, please wait.....

Regulations for the Prevention of Family Violence (Notification by a Social Worker) – 2003 [no amendments]...

=====

Regulations for the Prevention of Family Violence (Notification by a Social Worker) – 2003 1

By virtue of my authority in accordance with Article 11a(c) of the Law for the Prevention of Violence in the Family – 1991 2 (Hereinafter – The Law), pursuant to consultations with the Minister of Justice and subject to the approval of the Knesset Committee for the Advancement of the Status of Women, I hereby institute these regulations:

1. Terminology

For the purpose of these regulations -

“Proper Authorities” – Police, Department of Social Services, center for the prevention and handling of family violence in the Department of Social Services.

“Social Worker” – other than a social worker in the healthcare system;

“Patient” – as defined in Article 11a(b) of the Law.

2. Notification of Possibility of Turning to Proper Authorities

A Social Worker, who is required to notify a patient in accordance with Article 11a(b) of the law –

- (1) Will notify the patient about the possibility of referring to proper authorities to receive assistance;
- (2) Will provide the patient with the address and telephone number of the nearest proper authority to their residence, in accordance with a list

that will be periodically issued by the Ministry of Labor and Welfare.

3. Documentation of Notification

- (a) A social worker will document in writing the procedures they conducted, as stipulated in Regulation 2, to execute the provisions in Article 11a(b) of the Law
- (b) Documentation in accordance with sub-article (a) will be prepared in accordance with the form appearing in the Addendum, and will be saved by the social worker in a manner, a location and a period of time similar to other information about the patient.

Addendum

(Regulation 3(b))

Notification of the Possibility of Assistance Regarding Family Violence
 On this day..... I notified Mr./Ms. of the possibility to refer to the police, social services and a center for the prevention and resolution of family violence, and provided him/her with addresses and telephone numbers needed to establish contact with the aforementioned proper authorities.

.....

Date	Name of Education Employee	Signature of Education Employee
------	----------------------------	---------------------------------

25 Tevet 5763 - 30 December 2002

(Het-Mem 3-3170)

Shlomo Benizri, Minister of Labor and Welfare

Document map loading, please wait.....

Regulations for the Prevention of Family Violence (Notification by an Education Institution Employee) – 2002 [no amendments]...

=====

Regulations for the Prevention of Family Violence (Notification by an Education Institution Employee) – 2002 1

By virtue of my authority in accordance with Article 11a(c) of the Law for the Prevention of Violence in the Family – 1991 2 (Hereinafter – The Law), pursuant to consultations with the Minister of Justice and subject to the approval of the Knesset Committee for the Advancement of the Status of Women, I hereby institute these regulations:

Terminology

For the purpose of these regulations –

“The Minister” – Minister of Education

“Proper Authorities” – Police, Department of Social Services, center for the prevention and handling of family violence in the Department of Social Services.

“Educational Institution” – As defined in Article 1 of the Law of Mandatory Education – 1949 3.

2. Notification of the Possibility of Turning to the Proper Authorities

An educational institution employee, required to notify a person in accordance with Article 11a(b) of the Law -

- (1) Will notify an individual about the possibility of referring to proper authorities to receive assistance;
- (2) Will provide the individual with the address and telephone number of the nearest proper authority to their residence, in accordance with a list that will be periodically issued by the Ministry of Education.

3. Documentation of Notification

- (a) An educational institutional employee will document in writing the procedures they conducted, as stipulated in Regulation 2, to execute Article 11a(b) of the Law
- (b) Documentation in accordance with sub-article (a) will be prepared in accordance with the form appearing in the Addendum, and will be kept in a special file (Hereinafter – The File) that will be allocated for this purpose by the head of the educational institution where the education employee who notified the person (Hereinafter – The Principal) is employed, and if the person was not employed in the educational institution – an official in the Ministry of Education that was appointed by the Minister for this purpose (Hereinafter – The Official).
- (c) The form will be saved in the file by the head of the institution or by the official, in a locked storage area that is not accessed by anyone other than the head of the educational institution or official.

Addendum

(Regulation 3(b))

Notification of the Possibility of Assistance Regarding Family Violence
 On this day..... I notified Mr./Ms. of the possibility to refer to the police, social services and a center for the prevention and resolution of family violence, and provided him/her with addresses and telephone numbers needed to establish contact with the aforementioned proper authorities.

.....

Date	Name of Education Employee	Signature of Education Employee
------	----------------------------	---------------------------------

21 Tamuz 5762 - 1 July 2002

(Het-Mem 3-3170)

Limor Livnat, Minister of Education

Document map loading, please wait.....

Regulations for the Prevention of Violence in the Family (Notification by Attorney) – 2002 [no amendments].

=====

Regulations for the Prevention of Violence in the Family (Notification by Attorney) – 2002 1

By virtue of its authority in accordance with Article 11a (d) of the Law for Prevention of Violence in the Family – 1991 2 (Hereinafter – The Law), and in accordance with Article 109 of the Bar Law – 1961 3, and subject to the approval of the Minister of Justice, and the Knesset Committee for the Advancement of the Status of Women, the Central Committee of the Israeli Bar Association has instituted these rules:

1. Terminology

For the purpose of these rules, “proper authorities” – Police, Social Services, center for prevention and handling of family violence in the Social Services department.

2. Notification of the Possibility of Turning to the Proper Authorities

An attorney, required to notify an individual in accordance with Article 11a(b) of the law –

- (1) Will notify an individual about the possibility of referring to proper authorities to receive assistance;
- (2) Will provide the individual with the address and telephone number of the nearest proper authority to their residence, in accordance with a list that will be periodically submitted by the Ministry of Justice to the Israeli Bar Association, and which it will distribute.

3. Documentation of Notification Procedures

Lawyers will document in writing the procedures they conducted to execute Article 11a(b) of the Law, as stipulated in Regulation 1; documentation will be prepared in accordance with the form attached to the Addendum.

4. Reservation of Laws

These rules do not derogate from Article 19 of the Israeli Bar Association Rules (Professional Ethics), 1986 4.

Addendum

(Article 3)

Notification of Possible Assistance Regarding Family Violence

On this day..... I notified Mr./Ms. of the possibility to refer to the Police, Social Services and a center for the prevention and resolution of family violence, and provided him/her with addresses and telephone numbers needed to establish contact with the aforementioned proper authorities.

.....

Date

.....

Attorney

26 Kislev 5763 - 1 December 2002

(Het-mem 3-3170)

Yisrael Kluf - Chairman of the Central Committee of the Israeli Bar Association

Was approved

Meir Shitrit - Minister of Justice

Document Map loading, please wait...

Regulations of Woman Employment (Prohibited Work, Restricted Work and Hazardous Work), 2001 [no amendments]

=====

Regulations of Woman Employment (Prohibited Work, Restricted Work and Hazardous Work), 2001 1

By virtue of my authority in accordance with Articles 1 and 20 of the Law of Woman Employment – 1954 2, and pursuant to consultations with the trade union that represents the largest number of workers in the nation, and with an employers organization that I believe is a relevant and reliable organization, and subject to the approval of the Knesset Labor and Welfare Committee in accordance with Article 48(a) of the Basic Law: The Government 3, and Article 2(b) of the Penal Law, 1977 4, I do hereby institute these regulations:

1. Terminology

For the purposes of these regulations -

“A woman of childbearing age” - a woman under the age of 45;

“School” – a school that provides systematic education for 10 or more children aged up to and including 12 years;

“Educational institution” – school, preschool, daycare

“Medical institution” – hospital, clinic, microbiology laboratory and family healthcare stations (Tipat Halav);

“Employer” – includes an employer as defined in the Law for Hiring Employees through Personnel Contractors -1996 5, including institutions that train women to work in an educational or medical institution;

“Employee” – includes female students and interns residing in the educational or medical institution as part of their studies.

2. Hazardous work for women of childbearing age

A woman of childbearing age who works or is scheduled to work in an educational or medical institution -

- (1) will be informed by the employer that due to the nature of the workplace, she faces increased risk of contracting Rubella, and that contagion of Rubella during pregnancy increases the danger to the development of the foetus, and will be sent to the family healthcare system (Tipat Halav) operated by the Ministry of Health (Hereinafter – Tipat Halav);
- (2) Should Tipat Halav find that the woman does not possess medical documentation regarding vaccination against Rubella (Hereinafter – the vaccination), it will recommend that she be vaccinated; the vaccination will be given in the Tipat Halav stations operated by the Ministry of Health.
- (3) A woman who has been vaccinated, as mentioned in Paragraph (2) will receive from Tipat Halav documentation of having received the vaccination. Tipat Halav will document the giving of the vaccination and will issue a medical confirmation.
- (4) Should a woman refuse to receive the vaccination, she will sign a form of refusal to receive vaccination that appears in the 1st Addendum, and this form will be kept in her medical records in Tipat Halav for 26 years or until she turns 53, whichever comes last.

3. Prohibited work for women of childbearing age

A woman of childbearing age is prohibited from working in a place that manufactures Etretinate or in a location where the air that she might breathe contains substances specified in the 2nd Addendum in

concentrations that exceed the numbers listed in the aforementioned appendix.

4. Obligation to Inform Employers of Pregnancy

An employee who is exposed at her workplace to substances specified in the 3rd to 5th Addendums, or an employee who works near a source of heat that could raise her body temperature above 38.5°C for four consecutive hours, will notify her employer of her pregnancy within 10 days of learning of the pregnancy; the employee will attach medical documentation of the pregnancy to her notification.

5. Employment Restrictions during Pregnancy

Once an employer is notified of an employee's pregnancy, they will not allow her to –

- (1) Work in the manufacturing of substances specified in the 3rd Addendum;
- (2) Be exposed to substances specified in the 4th Addendum or to substances specified in the 5th Addendum in concentrations that exceed the number listed in the Addendum; the provisions of paragraphs (1) and (2) will not apply to the injection of anticancer cytotoxins specified in Appendices Three and Four, if ready to be injected;
- (3) To work near a source of heat that might raise her body temperature above 38.5°C for 4 consecutive hours.

6. Absence from Work during Pregnancy

Should an employee be forbidden to work in accordance with the provisions of Regulation 5, and no alternative employment suitable for

the employee was found, help will be provided to the employee in the form of medical authorization as stipulated in the National Insurance (pension for high-risk pregnancies) – 1991 6.

7. Mandatory Notification during the Lactation Period

An employee exposed at her job to substances specified in the 2nd to 5th Addendums in concentrations that exceed those appearing in the Addendums, or to substances specified in the 3rd to 4th Addendums, and is breastfeeding, must notify her employer regarding this.

8. Restricted Employment during Lactation

Once an employee submits to the employer, in compliance with Regulation 7, a written notification regarding her lactation period on a form appearing in the 6th Addendum, the employee will not work in a job that exposes her to substances specified in the 2nd to 5th Addendums in concentrations exceeding those appearing in the Appendices, or to substances specified in the 3rd or 4th Addendum; this directive will not apply to the injection of anticancer cytotoxins specified in the 3rd and 4th Addendums, if ready to be injected; Employers must find an alternative position, if possible.

9. Display of Regulations and Obligation to Inform

An employer who employs women of childbearing age in one of the jobs specified below must display these regulations in a clearly visible and freely accessible site to all employees. These regulations must specify the risk of the workplace:

- (1) Educational or medical institution;
- (2) Job that entails the manufacturing of Etretinate;

-
- (3) Job that entails the manufacturing or preparation of one of the substances specified in the 2nd to 5th Appendices;
- (4) Job that contains a source of heat that might raise body temperature above 38.5°C for more than 4 consecutive hours.

10. Revocation

Regulations of Woman Employment (Prohibited Employment and Restricted Employment) – 1979 7 – revoked.

11. Effect

These regulations come into effect 3 months from the day of publication.

1st Addendum

(Regulation 4) 2))

Form of Refusal to Receive Rubella Vaccination

I, the undersigned, do hereby declare that on this day..... Dr. / Nurse did explain to me that due to the nature of my workplace, I was at increased risk of contracting rubella and that contagion of rubella during pregnancy could endanger fetal development and cause congenital defects such as impaired vision, impaired hearing, damage to the central nervous system and heart conditions. I do hereby confirm that I have received these aforementioned explanations and am not interested in receiving a rubella vaccination First and Last Name ID No.

Signature Name of Individual Providing Explanation..... Signature of Individual Providing Explanation.....

2nd Addendum

(Regulations 3,7,8,9)

Concentration in the Air

- | | |
|--|-------|
| 1. Lead and derivatives 0.05 | 3m/mg |
| 2. Cadmium and derivatives 0.005 | 3m/mg |
| 3. Organic Mercury and Derivatives 0.005 | 3m/mg |

3rd Addendum

(Regulations 4,5,7,8,9)

1. Arsenic and Inorganic Derivatives;
2. Benzene;
3. Warfarin;
4. Thalidomide
5. Diethylstilbestrol;
6. Anticancer cytotoxin preparations, including
 - (1) Anthracyclines;
 - (2) Epipodophyllotoxins;
 - (3) Vinca Alkaloids;
 - (4) Antimetabolite such as: Fluorouracil, Methotrexate; Thioguanine;
 - (5) Alkylating agents such as: mechlorethamine;
 - (6) Cyclophosphamide;
7. Ethylnitrosoutrea;
8. Polychlorinated Biphenyls;
9. Retinoids – Isoretinoids;

4th Addendum

(Regulations 4,5,7,8,9)

-
1. Arsenic and Inorganic Derivatives
 2. Benzene
 3. Liquid anticancer cytotoxin preparations, including
 - (1) Anthracyclines;
 - (2) Epipodophyllotoxins
 - (3) Vinca Alkaloids
 - (4) Antimetabolites such as: Fluorouracil, Methotrexate;
Thiogaunine;
 - (5) Alkylating Agents such as Mecchlorethamine clophosphamide;
 4. Ethylnitrosourea
 5. Polychlorinated Biphenyls

5th Addendum

(Regulations 4,5,7,8, 9)

-----	Name of Hazardous Substance
Concentration in the air	
1. Ethylene Oxide	0.75 m/mg
2. Vinyl Chloride	0.75 m/mg

6th Addendum

(Regulation 8)

Declaration

I, the undersigned, do hereby declare:

- (a) I am an employee who is exposed at work to substances specified in 2nd to 5th Addendums of the Regulations of Woman Employment (Prohibited Work, Restricted Work and Hazardous Work) – 2001(hereinafter – the Regulations), in concentrations that exceed

those appearing in the Addendums, or to substances specified in the 3rd and 4th Addendums of the Regulations (Hereinafter – The Substances).

(b) I gave birth on day..... and I am nursing my child/ren; I hereby promise to notify my employers should I decide to stop nursing my children.

(c) I am aware that as long as I am nursing, I am prohibited from my job working with the substances in accordance with the regulations.

.....
Date	First and Last Name	ID No.	Signature

4 Adar 5761 - 27 February 2001

(Het Mem 3-2906)

Raanan Cohen

Minister of Labor and Welfare

Document map loading, please wait...

Regulations to Protect the Rights of Crime Victims – 2002 [No Amendments]

Regulations to Protect the Rights of Crime Victims – 2002 1

By virtue of my authority in accordance with Articles 8(a), 11 and 28 of the Law to Protect the Rights of Victims of Crime – 2001 2 (Hereinafter – The Law), and pursuant to approval by the Knesset Constitution, Law and Justice Committee, we are hereby instituting the following regulations:

1. Definition

For the purpose of these regulations, “Department of Social Services” – the Welfare Bureau as defined in Article 2 of the Social Services Law – 1958 3.

2. Information regarding Rights and Procedures

In order to enable crime victims to actualize their right to receive information, in accordance with Article 8(a) of the Law, the locations specified in Regulation 5 will issue information sheets that will specify the rights granted to crime victims by the law, and will provide a general description of the stages in the management of the criminal procedure.

3. Information about Services that Provide Assistance

In order to enable crime victims to actualize their right to receive information, in accordance with Article 11 of the Law, the facilities mentioned in Regulation 5 will issue information sheets that include the telephone numbers of institutions or local branches of institutions that the victims can turn to receive assistance:

-
- (1) Department of Social Services
 - (2) Centers for Prevention of Family Violence
 - (3) Other institutions that provide assistance to crime victims that will be included on the information sheets by the head of the crime victims division in the Israel National Police, in conjunction with the State Prosecutor and the Ministry of Labor and Welfare.

4. Information about Protective Measures

In order to enable crime victims to actualize their right to receive information, in accordance with Article 3(6) of the Law, the facilities specified in Regulation 5 will possess information sheets that will provide a general description of possible protective measures.

5. Distribution of Information Sheets

Information sheets in accordance with Regulations 2,3 and 4 (Hereinafter – Information Sheets) will be distributed in an accessible and prominent location in each of the following locations:

- (1) Police stations and community police centers;
- (2) Offices of police investigations unit in the Ministry of Justice;
- (3) Courts;
- (4) Criminal Secretary in the District Attorney's office and the State Prosecutor's Secretary;
- (5) Departments of Social Services;
- (6) Centers for the Prevention of Family violence in the Department of Social Services;
- (7) Hospital emergency rooms;

-
- (8) Civilian Counseling Services in the Ministry of Labor and Welfare (CCS);
 - (9) Legal Aid operating in accordance with the Legal Aid Law – 1972 4;
 - (10) Magen David Adom stations

6. Information Sheets in Different Languages

Information sheets will be provided in Hebrew, Arabic, Russian, Amharic and English, and in Braille or large print for the visually impaired.

7. Review and Receipt of Copy of Indictment

(a) For the purpose of this Article, “The responsible party” – is the director of Prosecutor’s Office or the District Prosecutor who filed the indictment in the matter, or by his or her representative.

(b) Actualization of the crime victim’s rights in accordance with Article 9 of the Law will occur in one of the following ways, in accordance with the directives issued by the responsible party:

- (1) A review by the victim or by his representative of the indictment, and a receipt of a copy of said indictment, at a time and location determined in advance by the responsible party;
- (2) Delivery of the copy of the indictment to the victim or the victim’s representative, by fax or

email in accordance with the information submitted for this purpose.

(c) A review and copy of sub-regulation (b) will be made after the petitioner provides identification, or in any other manner as directed by the responsible party; should the petitioner be a representative of the crime victim – he/she will also present the power of attorney document in the manner directed by the responsible party.

8. Effect

These regulations, other than Regulation 60, will go into effect 7 days from the day of publication.

20 August 2002

(מס' 3-3158)

Meir Sheerit

Uzi Landau

Minister of Justice Minister of Internal Security