

**REPORT OF
ISRAELI NGOs FOR FATHERS' RIGHTS
THE COALITION FOR THE CHILDREN AND FAMILY
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**To the 47th Session of the Committee on Economic, Social and Cultural Rights,
(November 15-16, 2011)**

Regarding Implementation of ICESCR (Israel's 3rd periodic Report)

Introduction

1. The NGOs dedicated to fighting discrimination against divorced and separated men in Israel, and fathers who are disengaged or alienated from the children during divorce and/or separation hereby file objections to Israel's Third Periodic Report.
2. No fathers' rights organizations are ever invited to submit comments especially when systematic persecution of men is ongoing and getting worse. Only women NGOs are allowed to participate in regular Government and Parliament sessions, as well as Committees to elect judges, Committees to examine reforms of the laws, and training sessions of personnel. Bias against men in the Judiciary, Administrative and enforcement arms of the Government has created the most distorted, cruel and unconscionable family law system in the Western World. Men are ignored, ridiculed, impoverished, jailed and disengaged from their children on a daily basis.
3. Changes in the area of economic, social and cultural rights applicable to men in dissolution of family relations are only changes for the worse. It is becoming a life threatening issue for this generation of fathers, and for the next generation of fatherless children.
4. Every child who is alienated or disengaged from his father by a Judge or social worker is a source of grief for the entire extended family on the side of the father, including grandfathers, grandmothers, aunts, uncles, nieces.
5. Legislation is blatantly discriminatory against men. The parliament and judges refuse to eliminate discriminatory preferences and presumptions which favour women. That is coupled with automatic and instant decisions in favour of women, compared with deliberate procrastination in disposing of motions filed by men, general attitude of

ridiculization and marginalization of all men, labeling all men as potential aggressors and dangerous to spouses and children. It is prevalent in custody, visitations, child support, enforcement, orders of removal and police proceedings. It turns the lives of men unbearable, driving most of them into poverty, inability to carry jobs, imprisonments, and a large number of suicides (200 suicides a year, 8 times greater than everyone else, and 50% of the national average number of occurrences).

6. The Government's statement that "the fundamental rights protected by the Covenant are effectively protected" is simply untrue. Art. 25 of the Capacity and Guardianship Law contain a presumption of custody with mothers, and Attorney General 2.5 contains immunity from false police complaints. There is not even one official source that recognizes a father's right to access his children post-divorce.
7. Divorced fathers, or any male in matrimonial proceeding, are automatically treated as "second class citizens" who lose the protections of their human rights at once.
8. The "status" of a "man in divorce proceedings" Israel is subject to institutionalized torture and denial of civil rights. The state refused to recognize any rights to fatherhood, family life and contact with child/ren, and it freely violates such rights. The State officially interprets the right to family life as dependant on the concept of "mother's consent", a concept which the international community discarded long ago.
9. The statutory Tender Years Presumption (Art. 25, Capacity and Guardianship Law) gives automatic custody of children to mothers. All men are sent to social workers who act as personal criminal Probation Officers and cancel visitations at whim. The rate of supervised visitations in Israel is the highest anywhere (20-25%), compared with 1-3% in the U.S. The rate of children's removal and outplacements is also the highest in the world. The rate of false arrests and false convictions is also extremely high, and the false arrests are one more institutionalized tool to disengage fathers from children.
10. The Government also refuses to take into account the women's income in considering amount of child support. Child support awards are not based on income. Many men are slapped with child support awards that exceed their income. This makes divorce a very attractive option for any woman to break a family. It also means that the woman immediately qualifies as a Single Parent Household, and a variety of Government benefits.
11. Women are exempt from false report prosecution, thus encouraging free and careless false reports, which result in automatic police orders of

removal of husbands from homes. Fathers are arbitrarily removed from homes. Children are routinely disengaged from their fathers, and all fathers are subjected to compelled interventionist methods of social workers, and costly “parental fitness” evaluators, thereby increasing the impoverishment of fathers. It affects about 10,000 fathers every year.

12. Family Courts avoid the requirement of conducting fair trials, by simply holding endless numbers of “conferences”, behind closed doors, during which the husbands’ attorneys are constantly silenced. Decisions on applications benefiting husbands, such as equitable distribution of marital assets or child access, are deliberately delayed for several months. Applications benefitting women are decided within days or on the spot, based on “affidavits” containing ridiculous allegations that are not tested by cross examination.

13. Appeals from Family Court are non-affordable, since a \$3,000 bond is necessary. The State fails to provide judicial remedies, as Family Court judges routinely refuse applications to summon witnesses or financial records, deny applications to cross examine social workers’ hearsay reports, or issue “Judgments” at whim, without trials at all.

14. The per-capita rate of supervised visitation in “Contact Centers” is the highest in the world (2,200 families per year, out of 6,000 divorces-with-children (with 1,500 in waiting list). Periods of State-enforced disengagement and Alienation can last 2 years, 5 years and in an extreme case, 12 years.

15. There is no real judicial evidentiary determination of father-child contact decisions, orders or judgments, and Family Court judges simply delegate the authority to determine father’s levels of contact with children to State Social Workers. Women enjoy a presumption that they are the parent best suitable for custody under Capacity and Guardianship Law, Section 25. Women routinely get primary physical custody rights on application alone, while men are sent to social workers for “investigation”, and character assessment. Social workers routinely threaten the fathers, collect rumors and libels against them; entice women to file false domestic violence complaints to expel men from their own homes, or delay proceedings pending referrals to private and costly “Dangerous Propensity Tests” or “Parental Fitness Tests”, at \$5,000 per test.

16. The fathers who must take Parental Fitness Tests, are essentially being degraded, punished, and subjected without consent to non-scientific experimentation, since such “tests” are non scientific.

17. Appointed social workers routinely send the men to see their children in supervised visitations centers, where the fathers are treated like criminals, branded as “dangerous”, and the children only get an hour or two per week with the fathers, for several years. The supervised visitations take place at social workers’ convenience, and the children only get one or two hours a week, during the fathers’ work hours. Thus, when social workers condition visitations with children on supervised visitations (because the mother refuses to consent), fathers accumulate absences from work and risk losing their jobs and livelihoods. In order to see their children, they have to jeopardize their job.
18. While women enjoy the benefits of preferential treatment, and receive custody without a trial, men are compelled to submit to the authority of a biased and ill-trained social worker, so that she would write a report about whether she allows the father the grace of maybe seeing the child. Fathers normally wait for it 6 months up to 9 months. Sometimes longer. After that, Courts routinely ask several more “supplementary reports”.
19. The social worker’s reports are pure character assassination of men.
20. Social workers are cloaked with absolute immunity. 99% of them are women. Once appointed, the SW becomes the real judge of the case. The right to family life becomes conditioned on satisfying the whims of a hostile and biased social worker in every case and as to each child.
21. Regarding domestic violence policies, since Attorney General Guideline 2.5 immune women (but not men) from prosecution for false DV arrest, women are encouraged to file as many DV complaints as they can, in order to perpetuate the child alienation and disengagement periods. Thus, the Guideline is a tool used to cut off children from fathers.

Article 2

22. The Government’s claim in §10, that “economic, social and cultural rights continue to be widely recognized in Israel”, applies only to women.
23. "Tender Years Presumption" favors women in custody disputes. It affords women automatic interim custody without any evidentiary hearing. It also creates disengagement/alienation of fathers from children during long and intolerable periods.
24. Child support awards are unconscionable, not based on disposable income, and do not take into account the women’s income.

25. While fathers must await a social worker's report, mothers get instant custody, and indirectly receive the power to block the fathers' access to see their own children.
26. There is no legislation or provisions in the Social Workers Manual addressing joint custody, thus fathers are denied the right to equal opportunity to be a significant factor in their children's lives post-dissolution of marriage.
27. Attorney General Guideline 2.5 exempts mothers from the consequences of false domestic violence complaints. The Police do not accept complaints of abused men.
28. Lack of Appellate remedies from Family Courts due to unaffordable appeal bonds, block most men from appealing.

Article 3 Prohibition of discrimination

29. Family Courts deliberately procrastinate issuing decisions on any application for relief submitted by the father, sometimes 6-12 months, while the mother's applications are granted ex parte or within days.
30. Courts refuse to conduct hearings or trials. Instead, they schedule multiple "conferences". The father's attorneys are silenced. There is no true transcript. Judges merely dictate to the record what they want.
31. Courts refuse to summon witnesses on behalf of the husbands or allow cross examine social workers.
32. Judicial determinations of guardianship, child access, custody and visitations without evidence, or based on evidence fabricated by a biased social worker. The fact is that the entire domain of custody and visitations is judicially handled without probative evidence or any shred of fair trial whatsoever. Every divorcing father is sent to welfare authorities for a social worker Report. The Report is a collection of libel and defamatory, non-credible evidence, together with some intuitions and "sensations" of the social worker. Based on that alone, Courts "so order" the social worker report, even if it "sentences" fathers to be automatically separated and alienated from children. This feeds a booming industry of contact-center operators, social workers and psychologists, at the expense of the children.
33. Family Courts erect every obstacle possible to Joint Custody. It is an undefined concept and almost impossible to achieve, because of the practice of automatic interim custody to the wife, without any actual evidentiary hearing.

34. The Government fails to address shared parenting or joint custody.
35. Re: §129, the Government must meticulously eradicate any form of discriminatory statute, or statutes with obvious discriminatory impact, in order to equate the starting point of both parents in divorce.

Article 6 - Right to work

36. Incessant number of Court “conferences”, social worker meetings or coerced therapy sessions, the tests, meeting with attorneys, and having to see children at supervised visitation centers during work hours, all jeopardize fathers’ ability to maintain a job.
37. Child support awards in Israel are 4 times higher than an award in the United States, based on same data. When Family Court judges impose outrageous and unconscionable child support payments (sometimes exceeding the salary itself), the entire salary is garnished, and finding a job is impossible, because employers cannot handle the constant stream of salary garnishments, and incessant Court orders against them to transfer the salary to the mother, or be dragged into a costly litigation.
38. Courts regularly ignore actual evidence of actual salary, and instead they rely on arbitrary “imputed income”, without hearing evidence what or why the father is alleged to be able to work more hours than he actually does. As a result of inability to afford excessive child support awards, professional licenses are revoked or suspended, driving licenses are cancelled, and the passport may be confiscated, thus again curtailing even further the ability to earn a living.

Article 10 - Familial rights

39. The Government refuses to interpret the adult’s right to family life as including his right to relationship and access with his children during and after the dissolution of the marriage. Father’s access to children is considered a matter of judicial grace, not a legal right.
40. The Government compels fathers to prove that they are fit to be parents during and after dissolution of the marriage, rather than take it for granted that the same parent who raised the child during the marriage has a right to non-interventionist relationship with his children during and after divorce.
41. The right of fathers’ to family life in Israel is not judicially handled. Rather, the Judiciary divests its powers and authorities to a social worker, who is not bound by evidence, and is immune from any scrutiny.

42. The father's right to family life is abridged when every father in dissolution of marriage proceedings is forced to become a welfare client, and be subject to threats, intimidations and invasion of privacy, if and when he wishes to exercise this right.
43. The right to family life is also abridged, because of the Courts and social workers requirement that the mother consent to the father's contact with the children.
44. The interpretation of "best interests of the child" in Israel does not include the fathers' right to family life. In fact, fathers in Israel do not have any right to family life whatsoever. Courts and social workers consider contact between fathers and children as a matter of judicial grace.
45. It is unfathomable that fathers are prevented from seeing their own children, while other men in the life of the divorced woman enjoy full access to the children without any investigation by social workers. Similarly, the same divorced man who is prevented from seeing his own children may meet another divorced woman and raise her children, without anybody investigating him.
46. Re: §369: because the Single Family Law qualifies women in divorce for Government benefits as a single mother, the Government actually gives incentives to the break-up of families rather than to the protection of the family. This law is also discriminatory, since custody is automatically awarded to women, therefore automatically qualifying them for Government benefits and subsidies. It also deters women from agreeing to joint custody, in order not to lose the single family benefits, thereby increasing litigation over the children.
47. Re: Protection of children, Judges and social workers disengage fathers from children on a regular basis, and thus creating a generation of children with unnecessary guilt feelings, unnecessary abandonment phobias, and parental loyalty conflicts. Those children are not protected from the alienating woman. On the contrary, alienation is encouraged.
48. The Government refuses to recognize that children need equal and qualitative access to both their parents without intervention of authorities.

Compulsory and Needlessly Interventionist welfare services

49. Too many children are becoming clients of welfare services, and too many fathers are involuntarily subjected to the arbitrary powers of social workers, instead of working to reduce the client base of the welfare

services. The definition of children at risk is too overbroad. Even children in poor households can easily be declared at risk, and removed from the homes. There is no effort to implement kinship foster care, or remedy the “at risk” situation with monetary support within the children, as the preferable choice is outplacements and external child facilities.

50. Social workers take control of men’s lives, and are officially trained to collect libel and defamation, intrude on the father’s privacy, beyond what is necessary, engage in character assassination, sometimes using “cut and paste” defamatory scripts.

51. Welfare services fail to distinguish between referrals from Family Court that merely require a basic profile investigation, and those that require intervention. The National Training School for Welfare Employees emphasizes intervention in every divorce case, and its curriculum reeks of stereotyping and gender based emphasis approach to the Court appointments to investigate parental fitness of each and every father.

Article 11 - Adequate standard of living

52. The government promotes extraction of unconscionable child support from fathers, even when clearly they cannot afford it, under the theory that it is in the “best interests” of the child, even though it results in denials of almost every aspect of humane life (imprisonment, lack of bank account or credit card, inability to work, *nè exeat* injunctions, going into hiding, and lack of ability to see the children outside “contact centers”).

53. Women’s incomes are not considered. Actual income of the father is ignored by the artificial concept of “imputed income”.

Article 12 - Right to health

54. Relentless persecution of fathers, who are stripped of everything they own, cherish and love, including children, all being transferred to their former wife. All of these fathers live stressful lives coupled with mental anguish resulting from disengagement from their children. This brings 200 divorced fathers every year to commit suicide, out of 400 national occurrences, without any program to address or prevent the high rate of suicide among divorced men.

* Submitted by the “Coalition for the Children and Family”, “Two Parents”(Israel), “Hakshava”, “Movement for the Future of Our Children”, “Zionist Women Forum”, “Equal Parents”(Israel)(“Horim VeShavim”), “Dads4Justice” (Israel).