



# PolygaMeToo

Polygamy in Israel: Overview and Recommendations | March 2018



"وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ  
الْمِيلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ "

القرآن, سورة النساء 129

**"לעולם לא תוכלו לעשות צדק בין הנשים, אף אם  
תשתדלו. אל תרחיקו לכת בפנייתכם אל האחת, פן  
תשאירו את האחרת תלויה ועומדת".**

הקוראן, סורת הנשים, 129 (תרגום: אורי רובין)

**"And you will never be able to be equal [in feeling]  
between wives, even if you should strive [to do so].  
So do not incline completely [toward one] and leave  
another hanging".**

Qur'an, An-Nisa, 129

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## PolygaMeToo

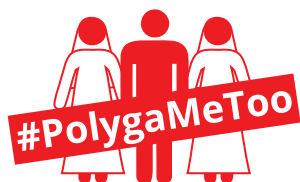
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## Abstract

**This study will prove, by cross-referencing the findings of several independent statistical surveys, that the rate of polygamy as well as the rate of population growth in the illegal Bedouin settlements is 1.5 times higher than the rate among the Bedouin population of legal, recognized settlements.**

This report examines the practice of polygamy (more precisely, polygyny – marriage to multiple wives) in the Bedouin community in southern Israel. Polygamy is illegal in Israel, and constitutes a criminal offense under Israeli law. Many publications and studies have analyzed the social and economic repercussions of the practice of polygamy in the Bedouin sector. Other studies, some of which are cited below, have exposed the emotional, personal and economic hardships to which women are subjected when their husbands take an additional wife or

wives, as well as the educational, social, and economic ramifications for the children of polygamous households.

These studies accurately reflect the magnitude of the personal difficulties engendered by polygamy. The dire personal consequences of polygamy are universally acknowledged in academic and professional literature, and are not in dispute. However, the scholarly literature reflects the point of view of the women and children who are victims of polygamy, but fails to take a macro view of the subject from the point of view of public policy and Israel's national interest. This study will address only these larger

issues of public policy: The demographic aspects of polygamy, Bedouin population figures in general and particularly those of the illegal Bedouin settlements in the Negev region, as well as the phenomenon of "importing" women from areas under the jurisdiction of the Palestinian Authority as a means of supplying the demand for marriageable women in polygamous households.

The rate of population growth among the Bedouin of the Negev is the highest in Israel, and among the highest in the world. Population surveys conducted by Israel's Central Bureau of Statistics (CBS) indicate that in the past fifteen years, the Bedouin population of the Negev has doubled in size. This extraordinary rate of population growth is attributable to two inter-related factors: Birth rates among Bedouin women, which are among the highest in the world, as well as the illegal practice of polygamy, which increasingly relies on "importing" women from PA-controlled areas to the Negev (and subsequently, "family reunification," which results in the resettlement of thousands of relatives of these "imported" women in the Negev).

The most recent figures supplied by the CBS, in its September 2017 Population Survey, indicate that the birth rate for Bedouin women in the southern region is 5.45 children per woman – a birth rate that is unparalleled in the western world, or even in the Arab world. Despite population estimates and projections publicized by the CBS and the National Insurance Institute (Bituach Leumi, hereafter referred to as NII) in the past, the birth rate for the Bedouin sector has remained high and stable, unlike the birth rate in the general population of Israel, or the birth rate in the Haredi and Arab sectors. Additional data indicate that the general rate of population growth in the Bedouin sector has risen, from 3.7% in 2015 to 3.9% in 2016, whereas the rate of population growth for the Jewish population of Israel rose by only 1.8% in this same period.

This study will prove, by cross-referencing the findings of several independent statistical surveys, that the rate of polygamy as well as the rate of population growth in the illegal Bedouin settlements is 1.5 times higher than the rate among the Bedouin population of legal, recognized settlements.

The illegal practice of polygamy is inextricably related to other forms of criminal activity, including mass-scale embezzlement of NII funds, illegal



infiltration and migration, extreme domestic violence, criminal neglect and endangerment of children, and more. The practice of polygamy in the Bedouin sector has spawned a new phenomenon akin to human trafficking, in which Palestinian women are “purchased and imported” from PA-controlled areas into the Negev, where they reside as illegal aliens. These Palestinian women - and the children they bear - are not registered in the Population Registry of Israel, resulting in flawed census figures that grossly underestimate the extent of polygamy and the rate of population growth in the Negev. As a result, official data is sorely deficient, and bears very little resemblance to reality.

Polygamy creates a spiral of poverty, hardship, and illiteracy, and exacerbates the housing and planning crises that plague Bedouin communities. It is fair to say that, to date, all official attempts to address the problem of polygamy and its associated ills have been abject failures: Enforcement agencies have made virtually no attempt to bring polygamists to justice, or even to identify or question those involved. On the rare occasions that polygamy-related charges are brought against offenders, the State’s prosecutorial and penal policy have been extremely lenient.

In 2016, when the Government of Israel began to understand that polygamy is a large and growing phenomenon that poses a serious threat to the public interest, Prime Minister Benjamin Netanyahu appointed Justice Minister Ayelet Shaked to coordinate an inter-ministerial panel tasked with drafting a plan of action to contend with the challenge.

The practical recommendations of the Ministry of Justice’s Advisory Council include a list of educational, employment, social, medical and psychological means with which to battle polygamy and the criminal activity associated with it, but, incredibly, include no recommendations for requisite enforcement measures.

In addition, the recommendations of the Ministry of Justice, which are enumerated and critiqued below, do not address the immediate curtailment of the practice of polygamy, nor do they suggest any means of stemming the current tide of lawlessness. In fact, they offer no real solutions for prevention of the practice of polygamy.

Our critique of the Ministry of Justice’s recommendations is followed by our

proposal for eradicating the practice of polygamy in Israel. This proposal includes economic and social assistance and support for the victims, as well as the preventative measures necessary to grapple with the phenomenon on a systemic level: A revamped enforcement policy, new and effective legislation and regulation, coordination among the relevant enforcement agencies, and creation of a new unit within the Police Force dedicated specifically to actualizing government policy and enforcing the law regarding polygamy.

# The Bedouin of the Negev: Background



# The Bedouin of the Negev: Background

**Israel's Central Bureau of Statistics (CBS) Population Survey indicates that over the past 15 years, the Negev's Bedouin population has doubled.**

The rate of population growth among the Bedouin of the Negev is the highest in Israel, and among the highest in the world. In 1951, the Bedouin population in the Negev numbered 12,740<sup>1</sup>; by the first quarter of 2016, the population had grown to 240,500.

Israel's Central Bureau of Statistics (CBS)

Population Survey indicates that over the past 15 years, the Negev's Bedouin population has doubled:

At the start of 2001, the Bedouin population in the south of Israel was 115,200, whereas the opening population figure for 2017 was 250,000. Our study is based on the complete 2016 CBS Survey data.

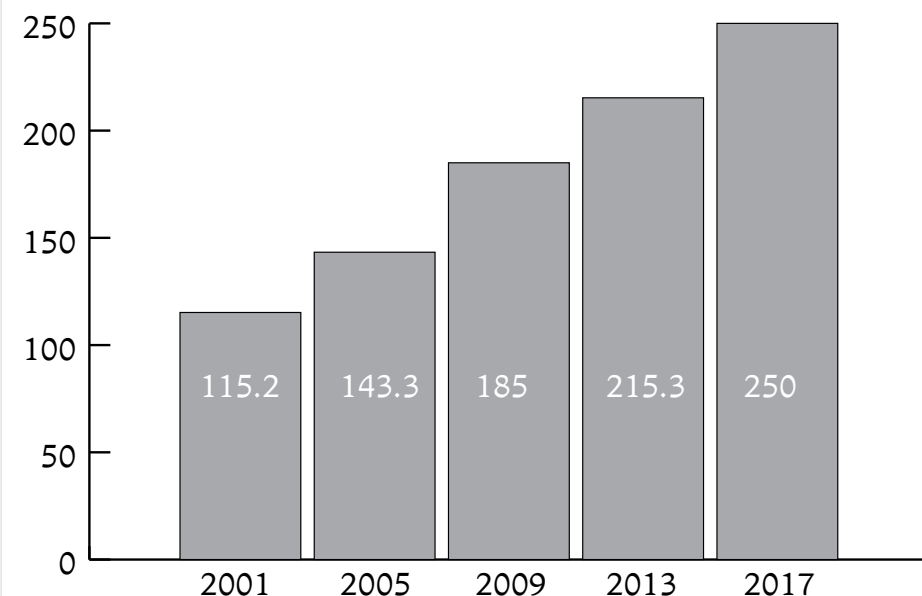
In the fifteen-year period between 2001-2016, the Bedouin population in Israel's southern region grew by some 125,000 people, an increase of 108%.

In this same period, from 2001-2016, the Jewish population of Israel's southern region grew by only 22%: From 731,000 people in 2001 to 894,700 at the start of 2016<sup>2</sup>, an addition of 163,700 people. Similarly, according to

<sup>1</sup> See Recommendations of the Goldberg Commission (2008), section 16.

<sup>2</sup> See Population Size and Natural Population Growth, CBS data tables, "Sources of Population Growth by District, Age Group and Religious Affiliation," for 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 2001. Also see the most recent CBS Report, "SOURCES OF POPULATION GROWTH, BY DISTRICT, POPULATION GROUP AND RELIGION

**Bedouin Population of the Negev, 2001-2016**



data published by the CBS, the overall population of Israel grew by some 25%.

The unusual rate of population growth in the Bedouin sector stems from two inter-related factors: The high birth rate of Bedouin women, which is among the highest in the world, and illegal polygamous marriage, fueled by the "importation" of thousands of women from areas under PA control (as well as thousands of their family members).

Various indicators point to a rise in polygamy among the Bedouin of the Negev. In contrast with the rest of the world, where polygamy is associated with older, more traditional members of society, polygamy among the Bedouin in the Negev is more prevalent among the younger, more educated segment of society.

Until recently, researchers believed that the birth rate among the Bedouin was in 'sharp decline.' This study will show that the most recent data collected by the CBS indicate no such decline, and that the birthrate in the Bedouin sector has maintained its exceptionally high level relative to the general birthrate in

Israel and worldwide. In fact, we will show that the natural rate of population growth in this sector is actually on the rise.

The Bedouin population of the Negev is divided among three types of settlements:

- **The seven townships** – Seven exclusively-Bedouin settlements were created by the State of Israel, from the 1970's through the 1990's. These settlements are semi-urban in character, and are home to most of the Bedouin population of the Negev.
- **Recognized villages** – In its efforts to resettle the Bedouin residents of outlying encampments in legally recognized settlements that provide educational, health and welfare services, the Government of Israel decided in 2003 to legalize 11 unrecognized Bedouin settlements and bring them under the jurisdiction of the newly-created Abu Basma Regional Council. In 2012, this municipal authority was divided into two separate municipalities: Al Kasum and Neveh Midbar.
- **Unrecognized encampments** – Some 2,000 clusters of varying sizes, comprised of illegal structures, in which there is no public infrastructure to speak of, comprise what is known as the "Bedouin hinterland." Residents of these illegal settlements receive partial services through the Al Kasum and Neveh Midbar Regional Councils. It is estimated that every year, between 2000-3000 new structures are erected illegally in these areas.

The lifestyle of Bedouin residents of the illegal settlements differs from that of Bedouin residents of the townships or the legally recognized villages. Analysis of the data indicates that half of all children in these outlying settlements are raised in polygamous households, and the percentage of children in polygamous households is 1.5% times higher than the percentage of children in similar family settings in legally recognized Bedouin settlements.

In addition, our findings indicate that the birth rate per thousand residents in the illegal Bedouin settlements is 1.5% higher than the birth rate per thousand residents in the townships and legally recognized villages.

The shortage of marriageable women caused by the practice of polygamy has created a need to "import" women from outside the Bedouin community. As a result, a practice that borders on human trafficking has become the norm: Palestinian women are "purchased for importation" from areas under

PA control and beyond. Smuggling routes have been created through which these women are transported into the Negev, where they reside as illegal aliens.

This practice is a contributing factor in the inability to precisely quantify the Bedouin population in the Negev, particularly in the illegal settlements. Currently, official estimates of the birthrate in the Bedouin sector rely on reported hospital births, but this fails to take into account the hesitation of women who are illegal residents to give birth in hospital settings for fear of discovery and deportation, nor does it address the practice of home births.

The lifestyle of those living in illegal settlements, therefore, has a significant impact both on the number of polygamous marriages as well as the birthrate per woman – with results that must be considered by the official bodies entrusted with addressing the issue of polygamy.



# Polygamy – Data and Trends

**"The plaintiff, an Israeli citizen who resides in an illegal Bedouin settlement in the Negev, has fathered 56 children with seven different women. The plaintiff is currently married to 4 women who reside in the area and have no recognized legal status vis a vis the State of Israel (i.e., illegal aliens)...As a Family Court judge sitting on the bench in Beer Sheva for several years, I can state that this phenomenon is a cause for concern...If, in the past, the issue was one of multiple marriages between Israeli Bedouin men and numerous Israeli women, it appears that the phenomenon has spread, and now includes marriages between Israeli Bedouin men and Palestinian women from the area...I emphasize that this is not a marginal phenomenon."**

(Excerpt from a decision handed down on 27 March 2017 – Case No. 55724-09-16, by Justice Alon Gabizon, vice-Chief Justice, Beer Sheva Family Court.)





# Polygamy – Data and Trends

Polygamy in the Bedouin sector is a major factor in the exponential annual growth rate of the Bedouin population of the Negev; alongside the exceptionally high rate of births per woman in the Bedouin sector, which is the highest in Israel, many men in the Bedouin sector marry several women simultaneously, and each of these women has a potential birth rate that is twice as high as her Israeli counterparts.

According to estimates made by the various social service bodies active in Israel's southern region, some 30% of Bedouin families in the Negev are polygamous.<sup>3</sup> However, these estimates do not differentiate between Bedouins living in the outlying illegal settlements and those living in recognized settlements.

A study conducted in 2002 found that the percentage of men living in the outlying unrecognized settlements who practice polygamy is significantly higher (42%) than those living in recognized settlements (29%).<sup>4</sup> Another extensive study conducted several years later that examined the characteristics and needs of children in the Bedouin sector came to similar conclusions regarding the extent of polygamy in illegal versus legal settlements. According to this later study, the overall percentage of Bedouin children living in polygamous households is 38%: Within the organized, legal settlements, some 32% of children live in polygamous households,

3 See "The Practice of Polygamy Among the Bedouin Population of Israel – Update (Hebrew)" (October 2013), The Knesset Information and Research Center.

4 See Health and Welfare of Bedouin Women in the Negev, Prof. Julie Cwikel (2002: Ben Gurion Univ. of the Negev), p.46.

whereas in the illegal settlements, some 48% of children are being raised in polygamous households.<sup>5</sup>

In practice, both studies prove that there is a significant variance in the rate of polygamy between the legal Bedouin settlements and the outlying, illegal encampments: The rate of polygamy in the illegal settlements is 1.5 times higher than the rate of polygamy in legally recognized Bedouin townships and villages..

## Polygamy is On the Rise in the Bedouin Sector

In polygamous societies around the world, the rate of polygamous marriage decreases among the younger and more educated segment of the population, but this has not been the case among the Bedouin communities of the Negev. Recent surveys have found that there is a rise in the practice of polygamy that is not associated with age or other similar demographic attributes: Surprisingly, polygamy in the Bedouin sector is more common among the younger age cohort (30-43 years of age).<sup>6</sup>

According to estimates of social service providers, some 30% of Bedouin families in the south of Israel are polygamous.<sup>7</sup> Researchers from within the community itself, who enjoy a greater degree of access to the population they study and are more readily entrusted with truthful responses, estimate that the rate of polygamy is significantly higher, and is more accurately set at some 35% of the overall Bedouin population of the Negev.<sup>8</sup>

According to recent media reports, studies conducted by non-governmental welfare organizations have reported an annual increase of 1% in the number of polygamous households.<sup>9</sup>

A comparison of the statistics reported in the United Nations' recent study of

5 See "Children in the Bedouin Population of the Negev: Characteristics, Needs and Patterns of Exploitation of Services," The Brookdale Institute, November 2009, p. 8.

6 See "The Bedouin Population of Israel – Using the Population Registry Figures versus the Population Estimates as a Basis of Calculating Population Indexes," (Central Bureau of Statistics, 2010), p.13.

7 See "Polygamy Among the Bedouin Population of the South – Update (2013)," published by the Knesset Research and Information Center, p. 2.

8 See "The Arab Bedouin of the Negev – Changes in the Era of Urbanization," by Dr. Thabet Abu Ras (2011: The Abraham Foundation), p. 77, which draws upon the research of Profs. Al Karnawi and Slonim.

9 See "Will Anyone Address the Issue of Polygamy in the Bedouin Sector?" (Haaretz, January 2017).

the status of women illustrates just how extraordinary the rate of polygamy in the Bedouin sector is:

"Outside of sub-Saharan Africa, polygyny is found in a few countries in Latin America and the Caribbean, Northern Africa, and in Southern, South-Eastern and Western Asia. Yet, in these regions, the prevalence of polygyny reaches about 5 to 7 per cent, with the exception of Haiti, where 16 per cent of women were in polygynous unions in 2012, versus 20 per cent in 2000."<sup>10</sup>

### **The Rate of Polygamy – Legal versus Illegal Settlements**

A comparison of the studies conducted in 2002 and 2009<sup>11</sup> proves that the practice of polygamy has increased, both in the legally recognized settlements and in the outlying, illegal Bedouin encampments.

The study conducted in 2002 found that 29% of the households in the recognized settlements were polygamous, as compared to 32% in the 2009 study. In the outlying, illegal settlements, 42% of households were found to be polygamous in 2002, as opposed to 48% in the 2009 study.

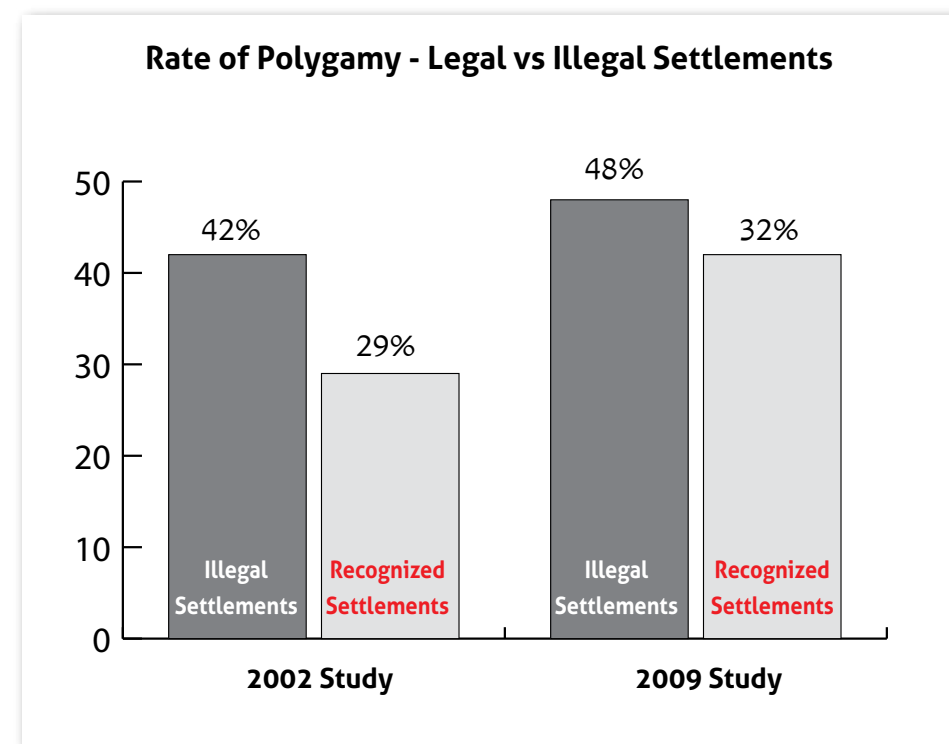
As these figures indicate, not only is the rate of polygamy in the illegal settlements 1.5% higher than the rate of polygamy in the legal settlements, it is growing at a faster rate.

Additional studies have found that living conditions in the outlying illegal Bedouin encampments are conducive to the practice of polygamy, and one of the most significant changes that has curtailed the practice of polygamy is the shift of a segment of the Bedouin population from a nomadic lifestyle to permanent housing and residence in the legal Bedouin settlements.<sup>12</sup>

<sup>10</sup> See "The World's Women 2015: Trends and Statistics." New York: United Nations Department of Economic and Social Affairs, 2015 p. 43).

<sup>11</sup> See Health and Welfare of Bedouin Women in the Negev, Prof. Julie Cwikel (2002: Ben Gurion Univ. of the Negev), p. 46, and "Children in the Bedouin Population of the Negev: Characteristics, Needs, and Patterns of Utilization of Public Services," (Nov. 2009: The Brookdale Institute-JDC), p. 154.

<sup>12</sup> "Polygamous and Monogamous Marriage: Effects on the Emotional and Social State of Arab Bedouin Women," by Prof. Alian Al Karnawi and Prof. Vered Slonim Nevo, in Guard Your Soul: Mental Health of Women in Israel, (2005: Myers-JDC-Brookdale, Ben Gurion Univ.) p. 154.



### **Palestinian Women and their Children in Bedouin Society**

Justice Alon Gabizon's recent decision, handed down in the Family Court of Beer Sheva in March 2017, makes it clear that the practice of polygamy continues to grow. Despite improvements in the status of Israeli Bedouin women, Bedouin men manage to override the objections of their Israeli Bedouin wives to polygamous marriage by "importing" Palestinian women from PA-controlled areas.

According to Justice Gabizon, polygamous men in the Bedouin sector prefer Palestinian women, both because of the relatively low dowry these women fetch and because their lack of legal residency status creates complete dependency on their Bedouin husbands.

In his decision<sup>13</sup>, Justice Gabizon exposed the dire situation with which he has become all too familiar as a Family Court judge in Beer Sheva – a

<sup>13</sup> See the full text of this decision - Family Court Case 16-09-55724 (27 March 2017), pp. 5-7.

situation that is becoming more and more widespread. Justice Gabizon also expressed his concern that the practice of polygamy in the outlying Bedouin settlements has contributed to the entrenched attitude that the Negev is ruled by a different set of laws – if at all – than the rest of Israel.

The following are excerpts from this important legal decision:

- “The claim in the case before me required an in-depth examination of the issue of polygamy among the Bedouin population of the South in general, and of the phenomenon of polygamous marriage to Palestinian women in particular.”
- “Despite the fact that Bedouin society is undergoing a process of modernization, ... the rate of polygamy is not declining, and it continues to be a widespread and common practice, even among the younger and more educated segments of this society.”
- As a Family Court judge who has served on the bench in Beer Sheva for several years, I will say that this phenomenon is a cause for concern, in that it continues to spread and intensify.”
- “Whereas in the past the phenomenon for the most part involved polygamous marriages between Israeli Bedouin men with women who were citizens of Israel, it now appears that the practice has spread to polygamous marriages between Israeli Bedouin men and Palestinian women from the surrounding areas who have no official standing or status in the State of Israel.”
- “Many paternity claims that are filed in the Beer Sheva Family Court involve Israeli Bedouin men involved in polygamous marriages with local Palestinian women. I emphasize that this is not a marginal phenomenon; it is characteristic of many of the claims filed each year, involving many, many children.”

**"As a Family Court judge who has served on the bench in Beer Sheva for several years, I will say that this phenomenon is a cause for concern, in that it continues to spread and intensify."**

- “It appears that polygamous Bedouin men prefer to take Palestinian women from the surrounding areas as wives, both because their dowries are lower than those of Israeli citizens, and because after they are married they are cut off from their families and communities, and have

no legal standing in Israel. They are, therefore, totally dependent on their husbands, and are completely under the husbands’ control. There are those who would draw parallels between this situation and human trafficking.”

- “Moreover, through polygamous marriage to Palestinian women from the surrounding areas, and despite the positive changes in the condition of Israeli Bedouin women, polygamous Bedouin men manage to overrule and bypass the objections of Israeli Bedouin women to polygamy, and import powerless women.”
- “On a national level, polygamy causes a severe drain on Israel’s resources, since the State is forced to invest huge sums in these economically-challenged polygamous families, even though it is clear that the chances of actually breaking the cycle of poverty is very small, and in essence it is a vicious cycle that feeds this illegal and immoral practice of polygamy. As long as the State continues to invest more and more resources in polygamous families in order to lift them out of the cycle of poverty and shore them up financially, and as long as the practice of polygamy is perceived by the head of the household as a legitimate choice, the State itself enables the polygamous man to marry additional women and to bring more children into the world, and thus perpetuates the cycle of poverty.”
- “Obviously, polygamy is incongruent with the foundational democratic values of gender equality espoused by the State of Israel. Polygamy is detrimental to the status of women in the Bedouin sector, and even more so in the case of polygamous marriage involving Palestinian women who are, as we have noted, far less empowered.”
- “The practice of polygamy by the Bedouin of the Negev despite the existing legal prohibition, damages the character of Israel as a State of law and order, and may, God forbid, give rise to the notion that the Negev is a “no man’s land” that operates according to a separate set of laws than the rest of the country.”
- “The spread of polygamous marriages with Palestinian women often brings in its wake other criminal activity, (particularly) illegal residence

**"I emphasize that this is not a marginal phenomenon; it is characteristic of many of the claims filed each year, involving many, many children."**

and harboring illegal aliens. Often, the Palestinian “wife” resides with her Israeli husband in an illegal Bedouin settlement in the Negev without the requisite authorization, creating a situation in which both the husband and the wife are in violation of the law.”

In the estimate of Prof. Arnon Sofer, until 2003<sup>14</sup> some 14,000 women were “purchased” and brought into Israel from Gaza and Hebron, and a smaller number from southern Jordan; the majority of the “acquisitions” were made after 1994. Five years after the date of their arrival in Israel, these women submitted requests, as the law permits, for family reunification with relatives from Judea and Samaria. In this manner, Professor Sofer estimates, some 25,000 additional Arab residents were legally added to the population of the Negev between 1990 and 2004. Additionally, another 25,000 Arabs with no familial ties whatsoever resettled in the Negev, most of them from Hebron. According to Prof. Sofer’s estimate, the northern Negev absorbed between 50 and 60 thousand Palestinians in the decade and a half immediately preceding the publication of his study in 2004.<sup>15</sup>

According to another study, as a result of marriages between Bedouin men and Palestinian women, in 2015, some 40 - 60 thousand Palestinian women and their children were living in the Negev. This estimate is based upon the assumption that the rate of polygamy in this population is 35%, and that 70% of the women in polygamous families are Palestinians.<sup>16</sup>

The case to which Justice Gabizon responded in the decision cited above<sup>17</sup> reflects these estimates. In this case, the plaintiff was married to 7 women, five of whom were Palestinian. It should be noted that at the time this petition was filed with the court [in 2016] the plaintiff was married to 4 Palestinian women simultaneously, after having “divorced” his previous wives, among them two Israelis and one additional Palestinian woman.

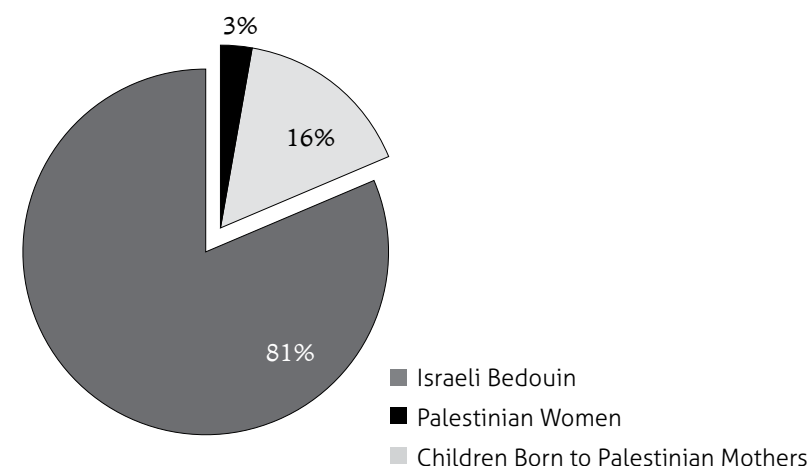
14 The year in which Israel’s Law of Citizenship and Entry to Israel (Temporary Order 5773/2003) was passed.

15 See Prof. Arnon Sofer and Gil Shalev, *Exercise of Palestinian Repatriation Rights* (2004: Haifa University), p. 25.

16 See “Palestine: The Negev Version – The Demographic Time Bomb in the Bedouin Sector,” by Kalman Libeskin (Maariv, August 2015) and “Bedouin Arabs in the Negev – Changes in The Age of Urbanization (2011: The Abraham Fund), p. 77. Also see Dr. Majid a’Thauna’s comments, recorded in the protocol of the Committee for the Advancement of the Status of Women, pp. 23-24: “In terms of supply and demand, the Bedouin will always look to marry more than one woman, but in the past there weren’t enough females. In recent years, certain processes contributed to an increase in the number of (available) women, among them the ability to bring women from Gaza, the West Bank, Jordan, and Egypt.”

17 See Family Court Case 16-09-55724.

### Palestinian Women and Their Children in the Bedouin Sector



According to data published by the CBS in August 2017, there are 27,500 Bedouin families living in the south of Israel<sup>18</sup>. If we assume that the rate of polygamous marriage among the Bedouin is 35% of all Bedouin families, and we further assume that 70% of the wives in polygamous households are Palestinians, we make the following calculations.<sup>19</sup>

- There are currently 9,630 polygamous households in the Bedouin sector.<sup>20</sup>
- Some 6,740 Palestinian women live in polygamous households in the Bedouin sector.<sup>21</sup>
- Some 37,730 children were born to Palestinian mothers and Bedouin fathers.<sup>22</sup>

18 See CBS Report “Families, by Type of Family, Size of Family, District and Population Group,” (August 2017).

19 It is worth noting that these calculations allowed for one Palestinian woman per polygamous family, although it is clear that there are polygamous families in the Bedouin sector that include a large number of Palestinian women, and that the birthrate of these women was calculated as an average of the preceding 7 years, which is relatively lower than that of the years that preceded the cut in child allowances. In this context, we should note that in a conversation with the Knesset Research and Information Center, representatives of “Doctors for Human Rights” estimated that in 2013, 20,000 women who were married to Israeli Arabs resided in Israel without any recognized legal status. See “Health Services for Foreign Workers and Others Lacking Citizenship.” (2013), published by the Knesset Research and Information Center, p. 4 note 6.

20 Some 35% of all families in the Bedouin sector.

21 Some 70% of all polygamous families.

22 The number of Palestinian women multiplied by the lowest estimate of birthrate for this sector (5.6 children per woman), which is the average calculated for the years 2009-2015. See the CBS

- In total, the Bedouin sector currently includes some 44,650 Palestinian women and their children.

According to the most recent data published by the CBS, the Bedouin population in the south of Israel is 250,000 residents,<sup>23</sup> thus, based on this data, Palestinian women and their children comprise one fifth of the Bedouin population of southern Israel.

Professionals who work closely with the Bedouin population in the Negev believe that the extensive familial ties between Bedouin and the Palestinian families of their “imported” wives may cause an identity crisis within the Bedouin sector, which will result in identification with the Palestinian side in the event of renewed conflict with Israel.<sup>24</sup>

Other publications and media reports indicate that in recent years, Bedouin men have begun to import “obedient” women from the Sinai Peninsula, in order to overcome the “rebelliousness” of Bedouin women, at a cost of NIS 11,00 for an “obedient” bride.<sup>25</sup>

### **The Results of Polygamy:**

#### **Exceptional Birth Rates and Child Neglect**

According to CBS data, the median age (the age at which half the population is younger and half the population is older) among the Bedouin of the Negev is 16.2 years, as compared to a median age for the general population (as of 2015) of approximately 30 years of age.

The low proportion of wage-earning males creates a heavy burden on the socio-economic status of the Bedouin sector. In 2013, wage income constituted a mere 30% of overall income in this sector of the population, while the remaining 70% of overall income was sourced in government

press release, “The Muslim Population of Israel – Data in Honor of the ‘Eid al Adha Festival” for 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017.

23 See the most recent CBS report, “Sources of Population Growth by District, Sector and Religion” for 2016, published in Sept. 2017.

24 See Supt. Shalom ben Salmon’s (Consultant for Arab Affairs to the Southern District Commander) testimony before the Committee for the Advancement of the Status of Women (p.14): “I like to use the example of a Bedouin boy born to a Bedouin father and a Palestinian mother. In his view, when the IDF goes into Gaza, the IDF is attacking and killing his cousin, because his mother is from Khan Younis or Zeitun. There is importation of women, and marriage to Palestinian women, there is family reunification for Jordanian women.”

25 See “Young Bedouin Men in the Negev are Importing “Obedient” Brides from Sinai,” Channel 2 News.

stipends and subsidies, including: 34% from welfare payments, 16% unemployment benefits, 7% pensioners’ allowances, and 7% from disability and other medical allowances.<sup>26</sup>

Professor Arnon Sofer described the results of the practice of polygamy as follows:

**“The Bedouin achieve these is exceptionally high rates of reproduction through childbearing with numerous wives. Even in 2009, one third of Bedouin men in the south were married to more than two women—some settled for no less than four wives – and had 10,20, 40, 100 children, and there are a number of cases of families in which one man fathered 150 children...These children grow up as abandoned children; they are neglected, have no formal education, and they are bitter and eager for revenge, violent, and display all the symptoms of marginalized youth. This explains the high rate of violence, unparalleled in any other area in Israel, which has fatal consequences within the Bedouin population itself and in adjacent communities throughout the Northern and Southern Negev and the Coastal Plain. <sup>27</sup>**

26 See “The Bedouin of the Negev: A Strategic Challenge for Israel,” (January 2013), Dr. Reuven Pedatzur, p. 65.

27 See “After the Goldberg Commission: Has Israel Lost the Northern Negev?” (Hebrew) (2009: Haifa Univ. Haikin Chair for Geopolitical Studies), pp.2-3).



# The High Birth Rate – Causes and Trends



# The High Birth Rate – Causes and Trends

According to researchers, a number of factors influence the birth rate of Bedouin women.

In a study of child allowances and their effect on birthrates, it has been argued that the main factors that affect the high birth rates of Bedouin women are religious, economic, and socio-political. More specifically:<sup>28</sup>

- The general attitude of Islam that fertility should be unrestricted. According to the authors of the study, this attitude is more common among residents of rural areas<sup>29</sup>.
- "Children in nomadic societies assist in tending the flock and performing household chores, and they are a source of income in the form of NII child allowances. When they come of age, they support their parents. Therefore, children are a source of income, while the costs of raising them are very low. Because women join their husbands' families and do not support their own parents, having many children ensures that there will be enough male offspring to support the parents when the time comes to do so<sup>30</sup>. Apparently, this factor is more significant among rural Bedouin who rely mainly on shepherding for their livelihood.
- Bedouin society is organized around the patriarchal household and the tribe, both of which place a greater emphasis on numeric superiority

28 See "The Impact of Child Allowances on Birth Rates" [December 2009: The NII], p. 18.

29 Ibid., p. 18.

30 Ibid., p. 18.

(strength in numbers)<sup>31</sup>. While tribalism is significant among the entire Negev Bedouin population, it is far more significant among the rural sector than among those who lead an urban or semi-urban lifestyle.

- According to the researchers, education is a decisive factor in birth rates in the Bedouin sector<sup>32</sup>. Formal education is far more prevalent in legal Bedouin settlements than in illegal encampments<sup>33</sup>.
- Researchers point out that the resettlement of most of the Negev's Bedouin population in permanent housing contributed to a particularly sharp decrease in the general birth rate in the Bedouin sector as a whole.<sup>34</sup>
- An additional finding of the study indicates that birthrates are affected by the age at which women are married, particularly in religious and traditional societies in which women have children almost exclusively in the context of marriage.<sup>35</sup>

## Projected Decrease in Bedouin Birthrate was Disproven

In a study entitled "Long-Term Population Projection for Israel: 2009-2059," published by the CBS in 2012 for the purpose of long-term planning, CBS investigators claimed that the birth rate among Bedouin women was "in sharp decline," and determined that the decrease in birth rates would continue at the same rapid pace. This projection was based upon a comparison of birth rates in the Bedouin sector in 2000, which at the time stood at 8 children per woman, with the birth rate for this population in 2009, which stood at 5.7 children per woman.<sup>36</sup>

The CBS investigators reasoned that the decline in birth rates would continue at the same pace: "In light of the fact that the gradual decline in fertility rates among the Muslim population has been renewed, and there has been a

**The rate of annual growth of the Negev's Bedouin population is on the rise.**

31 Ibid., p. 18.

32 See Y. Patelson, "Demographic Development of the Negev Bedouin Community," pp. 7-8.

33 See "Data Regarding the Education System in the Bedouin Sector," (July 2013: Knesset Research and Information Center), p. 12.

34 See "Demographic Trends in Israel," (February 2015: Keren Kemach), p. 26.

35 See "The Impact of Child Allowances on Birth Rates," (October 2009: NII), p. 13.

36 See "Projection of Israel's Population until 2025," (March 2012, CBS).

particularly sharp decline in fertility rates among Bedouin in the Negev, we have determined that the decline in fertility will continue at its current pace until it stabilizes at a level on par with fertility among the Jewish non-haredi sector, at an overall rate of 2.4 children per woman.” According to this study, the sharp decline in the birth rate among Bedouin women was expected to continue at the same accelerated pace, and to gradually slow as the shift approached its conclusion.

However, the CBS reports issued between 2010 and 2017 prove that earlier projections that had projected a drastic decline in the rate of fertility among Bedouin women were completely erroneous.

According to CBS data, the fertility rate of Muslim women in the southern district has remained stable over the past number of years, at a rate of 5.5 children per woman, with small variations above or below this average.<sup>37</sup>

Rate of fertility among Muslim women in the southern district:

Data for 2009: 5.7 children per woman

Data for 2010: 5.8 children per woman

Data for 2011: 5.5 children per woman

Data for 2012: 5.9 children per woman

Data for 2013: 5.4 children per woman

Data for 2014: 5.5 children per woman

Data for 2015: 5.4 children per woman

Data for 2016: 5.45 children per woman

All told, the fertility rate among Muslim women in the southern district in the period covered by the study declined by a mere 2.5 tenths of 1%, a decline of only some 5% as compared to the rate reported in 2010.

Furthermore, a study conducted by researchers in the Research and Planning Division of the NII and researchers from the Research Department of the Bank of Israel found that as early as 2006 the birthrate among Bedouin women in the southern district stood at 5.6 children per woman, or even 5.5 children per woman in that time period.<sup>38</sup>

In practice, the joint study conducted by the NII and the Bank of Israel's

37 See the annual CBS press release, "The Muslim Population of Israel – Data in Honor of the 'Eid al Adha Festival" for 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017.

38 The Impact of Child Allowances on Birth Rates" [December 2009: The NII], pp. 12-13.

exposed the underlying cause of the decline in fertility rates among the Negev Bedouin: The decrease in births followed a cut in child allowances. The study found that "the decline in overall fertility rates among the Bedouin of the South had been very pronounced; whereas before the cut in child allowances the overall fertility rate stood at some 7 children per woman, after having declined over an extended period, following the cut in allowances the fertility rate dropped sharply and in 2006-2007 the fertility rate reached 5.5 children per woman, far below the level anticipated by the trend-curve."

In similar fashion, a more recent CBS study, published in September 2017, indicates that the rate of annual growth of the Negev's Bedouin population is on the rise: In 2016, the population grew by 3.9%<sup>39</sup>, as opposed to 3.7% in 2015<sup>40</sup>, 3.8% in 2014<sup>41</sup>, and 3.7% in 2013.<sup>42</sup>

According to the study conducted by the NII and the Bank of Israel and the most recent data released by the CBS, we may conclude that the reduction in child allowances brought about a sharp decline in the fertility rate of Bedouin women, but careful study of the CBS data reveals that the rate of fertility plateaued at 5.5 children per woman<sup>43</sup>, and has remained steady for a decade (2006-2016), as has the annual rate of population growth among the Bedouin, which remained steady during this period, at approximately 3.7% - and rose to 3.9% according to the most recent data published by the CBS in September 2017.<sup>44</sup>

## **Fertility Rates among Bedouin Women as Compared to Other Sectors**

As we have seen, data collected for the joint Bank of Israel-NII study indicates that the fertility rate of the average Bedouin woman has remained unchanged

39 See the most recent CBS report, published in Sept. 2017, for data on 2016: "Sources of Population Growth by District, Population Group and Religion"

40 See "Sources of Population Growth by District, Population Group, and Religion," for 2015.

41 See "Sources of Population Growth by District, Population Group, and Religion," for 2014.

42 See "Sources of Population Growth, By District, Population Group and Religion," 2013.

43 We should note that NII investigators are not the first to have predicted a "sharp decline" in the growth of the Bedouin population, and then been proven wrong. As early as 1981, Prof. Avinoam Meir of Ben Gurion University conducted a retrospective analysis in which he examined demographic trends, and came to the conclusion that the rate of population growth among the Bedouin in the 1970's was a peak, and from that time forward would undergo a gradual decline which would rapidly increase - a decline that, as we know, did not materialize. See "And the Land Was Full," by Prof. Alon Tal (2017: United Kibbutz Press), P281.)

44 See "Sources of Population Growth by District, Population Group and Religion," Sept. 2017.

for a decade, and according to CBS data the fertility rate of Bedouin women declined by only some 5% from 2009-2016, whereas the CBS's projections anticipated a very significant decline.

The unusual stability in fertility rates among the Negev Bedouin is even more striking when compared to the decline of some 10% in fertility rates among Muslim women in all other districts in Israel in the same time period, as is reflected in CBS census data:

- Data for 2009- Fertility rate among Muslims in Israel: 3.7 children per woman<sup>45</sup>
- Data for 2015-2016 – Fertility rate among Muslim women in Israel: 3.29 children per woman<sup>46</sup>

The fertility rate of women in the southern district is among the highest in the world, and among Muslim countries, as is apparent from the CBS publication of 2016<sup>47</sup>, in which current data regarding the exceptionally high fertility rate of 5.4 children per woman among Bedouin in the southern district was compared to:

- 2.8 children per Muslim woman in the Northern District, Haifa, and the Central District
- 3.13 children per Jewish woman in Israel
- 3 children per Muslim woman in Saudi Arabia
- 2.7 children per woman in Algeria
- 2.1 children per woman in Turkey
- 2 children per woman in Tunisia
- 1.52 children per woman in Lebanon

## Fertility Rates – Recognized Settlements versus Illegal Settlements

In a CBS analysis of the utility of Population Registry data versus Population Estimates,<sup>48</sup> several significant changes were made to the official statistics of

45 See CBS Report of Nov. 2010, "The Muslim Population of Israel: Data in Honor of the Eid al Adha Festival."

46 See CBS Report of Sept. 2016, "The Muslim Population of Israel: Data in Honor of the Eid al Adha Festival."

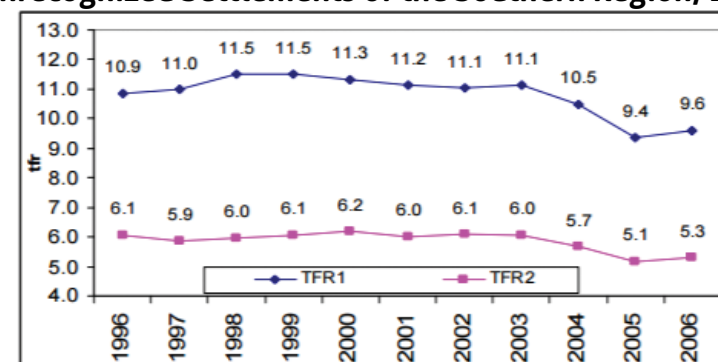
47 See CBS Report of Sept. 2016, "The Muslim Population of Israel: Data in Honor of the Eid al Adha Festival."

48 See "The Bedouin Population in Israel- Population Register Compared with Population Estimation as Basis of Demographic Indexes" (CBS Working Paper No. 50, March 2010), pp. 28-29.

fertility rates among Bedouin residents of the recognized settlement in the Negev versus Bedouin of the illegal encampments in the Negev, based on the TFR1 method of analysis.

The following charts, reprinted from this analysis, illustrate the significant gap that has persisted over an entire decade, between the fertility rates in the illegal settlements and general fertility rates among Bedouin residing in the southern district..

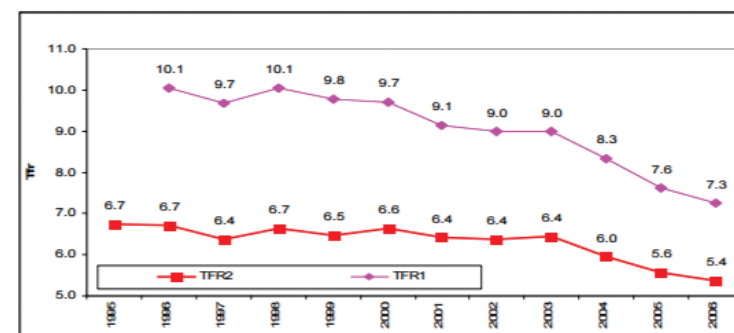
**Overall Fertility Rates among Bedouin Women in the Unrecognized Settlements of the Southern Region, 1996-2006**



TFR1=Overall Fertility Rate as per Population Estimate: Unrecognized Settlements

TFR2=Overall Fertility Rate calculated per Population Registry – Unrecognized Settlements

**Overall Fertility Rates among Bedouin Women in the Southern District. 1995-2006**



TFR1=Overall Fertility Rate as per Population Estimate

TFR2=Overall Fertility Rate calculated per Population Registry



# Actual Numbers – The Gap Between Official Data and Reality

An illustration of the important shift that results from this method may be seen in the data regarding fertility rates among Bedouin women: The TFR1 calculation for 2006 was 2.3 children per woman higher than the data collected by the Population Registry:

- In the illegal settlements – 9.6 children per woman
- Overall fertility rate for the southern region – 7.3 children per woman.

The results yielded by the alternative method, which calculates fertility rates as per the Population Registry (TFR2), is indisputably inaccurate to a very large and significant degree, indicate that the fertility rates of the two populations is similar.





# Actual Numbers – The Gap Between Official Data and Reality

The cultural and social fabric of the Bedouin population makes it very difficult to obtain accurate census figures. The situation is such that, according to the Goldberg Commission, “each of the agencies or groups involved in this field have their own figures and estimates.”<sup>49</sup>

The difficulty to obtain exact numbers regarding the size of the Bedouin population of the Negev is even more pronounced regarding the census of the Bedouin population of the illegal settlements.<sup>50</sup> The CBS attributes this population’s lack of cooperation and the difficulty encountered by census workers to obtain truthful responses to a variety of factors,<sup>51</sup> among them:

- Inaccessibility of the population caused by the very broad geographical dispersion of the population across a very large area;
- Census workers did not visit tents in which there were no men present, in deference to this community’s rules of modesty;
- Residents’ fear that the object of the census is to locate illegal construction, and are therefore hesitant to cooperate with census workers;
- Widespread practice of marriage between Bedouin men and women from the PA.

External researchers who have conducted studies that involve the Bedouin

<sup>49</sup> See the Goldberg Commission Report (2008), para. 15.

<sup>50</sup> See “The Bedouin Population in Israel- Population Register Compared with Population Estimation as Basis of Demographic Indexes” (CBS Working Paper No. 50, March 2010), p. 9.

<sup>51</sup> See “The Bedouin Population in Israel- Population Register Compared with Population Estimation as Basis of Demographic Indexes” (CBS Working Paper No. 50, March 2010), [appendix 1, Census of the Bedouin Population – The 1995 Census], pp. 37-38.

population of the south have also described extreme difficulty in collecting accurate data. Thus, for example, researchers have stressed the need for females to conduct interviews, as opposed to males; the traditional structure and insularity of Bedouin society; the sensitivity and suspicion that exists within this society towards strangers in their villages, particularly the unrecognized settlements; the extensive preliminary work that must be done before entering the village, including the necessity to contact the local leadership and obtain approval to speak to a particular female interviewee for the census, and the necessity, in many instances, of receiving the husband’s consent before interviewing a particular woman; and other obstacles that involve access.<sup>52</sup>

## **The Rate of Population Growth in the Illegal Settlements – 1.5 times Higher than in the Recognized Settlements**

The Central Bureau of Statistics publishes an annual statistical survey, which includes an census of various population sectors in Israel. Among others, the annual report surveys the Muslim population of the south of Israel (Bedouin), and to various demographic parameters that are relevant to this sector (birthrates and emigration). However, the CBS report does not differentiate between residents of the recognized villages and townships and residents of the illegal peripheral settlements.

In addition, the CBS publishes an annual profile of Israel’s towns and municipalities, and included in this report is a survey of the recognized villages and townships in the Bedouin sector. However, because of the difficulties we have described, the CBS does not release a report that focuses on the illegal settlements, despite the fact that this sector constitutes approximately on third of the overall Bedouin population of the south, and has unique demographic characteristics.

To estimate the birthrate in the illegal settlements, we have compared the respective CBS profiles of the towns and municipalities with the CBS census reports of the overall Bedouin population in the Negev. To calculate the size

<sup>52</sup> See Arik Rudnitzky, “Bedouin Society in the Negev: Social, Demographic and Economic Characteristics.”

of the population of the unrecognized settlements in 2014, we subtracted the population of the recognized settlements reported in the CBS census for 2014<sup>53</sup> from the data reported for the overall Negev Bedouin population of the same year.

The calculation of births among the population residing in unrecognized settlements in 2014 as a percentage of the overall population of these settlements yields an average of 46.9 births per thousand residents recorded in the 2014 year-end census, a rate that is 1.5 times higher than the birth rate per thousand residents of the recognized Bedouin settlements as per the 2014 census, which was calculated at 30.2 births per thousand residents at year's end.

These results are consistent with the findings of an additional study, which found that the percentage of children in polygamous households in the unrecognized settlements was 1.5% higher than the percentage of children in polygamous households in the recognized villages and municipalities.<sup>54</sup> Thus, the high birthrate may be attributed to the high rate of polygamy among residents of the illegal settlements.

#### Illegal vs Legal Settlements: Reproduction (Birthrate) and Population Growth - 2014

	Reproduction	Population as of 31/12	% Overall Bedouin Population	% Overall Bedouin Reproduction	Births / 1000 Residents	Data Source
<b>Overall Negev Bedouin Population</b>	8,100	231,800	100%	100%	<b>34.9</b>	CBS
<b>Villages and the Abu Basma Municipality</b>	5,043	166,700	71.9%	62.2%	<b>30.2</b>	CBS Municipalities Profile
<b>Illegal Settlements</b>	3,057	65,100	28.1%	37.8%	<b>46.9</b>	Data Analysis

A similar comparison of the 2015 data<sup>55</sup> yielded similar results: 45.5 births

per thousand residents of the illegal settlements, as opposed to 30.7 births per thousand residents of the legally recognized villages and municipalities. In 2015, the birthrate per thousand residents of the illegal settlements was, once again, 1.5 times higher than that of the recognized towns and municipalities.

#### Illegal vs Legal Settlements: Reproduction (Birthrate) and Population Growth - 2015

	Reproduction	Population as of 31/12	% Overall Bedouin Population	% Overall Bedouin Reproduction	Births / 1000 Residents	Data Source
<b>Overall Negev Bedouin Population</b>	8,400	240,500	100%	100%	<b>34.9</b>	הנמ"ס
<b>Villages and the Abu Basma Municipality</b>	5,299	172,400	71.69%	63.1%	<b>30.7</b>	פרופיל רשויות הנמ"ס
<b>Illegal Settlements</b>	3,101	68,100	28.31%	36.9%	<b>45.53</b>	עיבוד נתונים

#### Data Collected by Local Bodies is Higher than official Census Data

The consensus among those actively involved in the field is that the official data is significantly under-reporting the actual numbers compiled by private and local bodies. The latter enjoy a much higher level of trust among the residents of the illegal settlements, and are not faced with the obstacles described by CBS census workers.

According to the NGO 'Bamakom' and the Council for Unrecognized Settlements in the Negev, the CBS population statistics under-report the size of the Bedouin community, and in their estimation, most of the accurate estimates are far higher. 'Bamakom' and the Council for Unrecognized Settlements explain that the lack of clarity stems for the most part from the data regarding unrecognized settlements<sup>56</sup>, although even the local bodies differ as to the population of the unrecognized settlements.<sup>57</sup>

<sup>56</sup> See "Master Plan for Legalizing the Unrecognized Settlements of the Negev" (2012), p. 48.

<sup>57</sup> See Arik Rudnitzky, "Bedouin Society in the Negev: Social, Demographic and Economic Characteristics," p. 48, note 9.

The following are the estimates of various official bodies as to the reproduction rate of the Bedouin population of the south, as compared to the estimates of various unofficial bodies:

**Official estimates** – According to data published by the Central Bureau of Statistics, the annual rate of growth of the Muslim population in the south (Bedouin) in 2015 was 3.7%.<sup>58</sup>

**Unofficial estimates** – Documents prepared by the Regional Council of Unrecognized Settlements in the Negev for the “Urban Engineering Convention, April 2015: The Unrecognized Settlements of the Negev” estimated the reproduction rate of residents of the illegal settlements at 4.5%.<sup>59</sup>

**Private research institutes** – A report published by the S. Daniel Abraham Institute for Strategic Dialogue (Netanya Academic College) in 2013 determined that the rate of reproduction in the Negev’s Bedouin sector stood at 5.5%.<sup>60</sup>

## Analysis of the Disparate Data and Estimate of the Actual Data

The official bodies involved in estimating the Bedouin population are aware of the obstacles that stand in the way of accurate data collection regarding the Bedouin community, and even more so in the illegal settlements. These difficulties have caused official bodies to underestimate the size of the Bedouin population of the Negev in the past, and have forced them, in two separate instances, to publish “corrections” to the official population estimates.

The first instance followed the 1995 Population Census, when the estimate of the cohort for the age group of 0-14 years of age was “adjusted” to include an additional 6,000 people. The adjustment, it was determined, “should be

58 See “Statistical Survey of the State of Israel, 2016: Sources of Population Growth by District, Population Group, and Religion,” December 2016: CBS, which indicates that even according to the conservative estimates of the Central Bureau of Statistics regarding the natural growth of the Bedouin population, the rate of growth is double the rate of the Jewish population of Israel. According to 2015 CBS report, the rate of population growth among the Jewish population of Israel, 1.9%, includes births as well as Aliyah (immigration of Jews from the diaspora to Israel).

59 See “Conference of the Israel Association of Municipal Engineers, April 2015: Unrecognized Villages of the Negev,” p. 25.

60 See “Bedouin of the Negev: A Strategic Challenge for Israel,” (2013), p.65.

applied proportionally to all Bedouin settlements, in relation to the size of the population,” however, CBS researchers later determined that “in light of the data, we may say with certainty that the adjustment was insufficient. Results of the census did not include those who reside outside the settlements (legal or illegal), and this is a crucial factor regarding the Bedouin of the south. Residents of outlying (illegal) areas, who constitute 1/3 of the overall Bedouin population, were not taken into account in the evaluation of the census’ shortcomings, and it is clear that the adjusted figures are low. The results of this error continue to have influence the quality of population estimates of the Bedouin in the Negev to this day.”<sup>61</sup>

Following the 2008 census, the estimate of Muslim residents in the southern region jumped by some 15,000 additional people. This jump is easily identified in the data: According to the 2009 CBS Annual Statistical Survey of Israel, the number of Muslims residing in the southern district at the end of 2008 was estimated at a mere 170,990 people<sup>62</sup>, while the 2010 Annual Statistical Survey, which was based on the census data collected in 2008<sup>63</sup>, reported the number of Muslims residing in the southern district in 2009 at 185,000.

Officials argue that their census of Bedouin population of the Negev is precise, because it relies upon birth reports received from hospitals, but it does not take into account an unknown number of home births that are not counted by the Ministry of Interior, particularly among Palestinian women who are residing in Israel illegally – who constitute, as we have noted, the majority of women in polygamous households.

Professionals in the Ministry of Interior’s Legal Department have in the past noted the many cases of Bedouin women who give birth at home and who register their children in the Population Registry only several years later.

These issues were raised in 2000, in the deliberations of the Knesset Special Committee for the Rights of the Child, during which MK Tamar Gozansky (Hadash Party) argued that “Bedouin families do not have home

61 See the CBS Report (5770 – 2010), “The Bedouin Population of Israel: Utilizing Population Registry Data as opposed to Population Estimates as the Basis for Demographic Indicators,” pp. 16, 31.

62 The calculation of 170,990 individuals is calculated by adding the overall population growth for that year to the population figure for 2008, including both the growth rate attributable to births and growth due to immigration; see the Annual Statistical Survey for 2009, Table 2.4, “Sources of Population Growth by District, Population Group, and Religion.”

63 See the Annual Statistical Survey – 2001, Table 2.4: Sources of Population Growth by District, Population Group, and Religion,” p. 93.

births, because of the [NII] childbirth grant; therefore, and in light of this, [Bedouin women] go to the hospital to give birth." Att. Daniel Solomon, who represented the Legal Office of the Ministry of Interior at these deliberations, rejected MK Gozansky's claim, and stated that many Bedouin women give birth at home, and do not register their children in the Birth Registry.<sup>64</sup>

**Daniel Solomon:**

**"...There are other problems, for example the Bedouin sector. We receive hundreds of requests daily that come through the court, because at a very late stage, parents of teenage children come and declare that they have, for the sake of argument, six or seven children, but they never took the trouble to register child number four, for whatever reason, and now they want to register him. We see hundreds of cases like this."**

Even today there is evidence that Palestinian women who marry Bedouin men are apprehensive about giving birth in the hospital. An example is Omar Naif Abu Balal, who is married to a Palestinian woman from Jericho, as quoted in an article by Ahmad Abu Suiss published in 2015.<sup>65</sup> "My wife will be giving birth soon, and I don't know what to do with her. It's a problem: When she gives birth they will register the baby without a father's name, and then a lot of checking up has to be done, a lot of headache. We even started to be afraid to go to Soroka (Hospital), for fear that they will catch her and take my wife away from me and arrest me."

The high number of paternity suits that are submitted to Israeli courts each

year, for the purpose of registering children to fathers who are Israeli citizens, is evidence that this phenomenon is still very much current.

## Rising Birth Rates in the Illegal Settlements – versus Declining Overall Birthrates in Bedouin Sector

A survey of settlements conducted by the Council for Unrecognized Settlements in the Negev reveals an additional aspect of the birthrate among the Bedouin population of the illegal settlements.

This Council, which is an non-profit organization and not an official body, conducted a survey in 2010, which it described as "the only comprehensive survey of its kind, which includes all 35 unrecognized Bedouin settlements in the Negev," in which the following chart appeared:<sup>66</sup>

### Population of the Unrecognized Settlements in 2010, by Age Group

Village	Population	Age Group								
		1-2	3-4	5	6-12	13-17	18-21	22-40	41-60	61+
General Total	108650	11300	9127	4563	20076	11952	8692	26076	8692	2173
%Age Group		10.4%	8.4%	4.2%	24%	11%	8%	24%	8%	2%
Unrecognized Settlements, Total	64450	6703	5414	2707	15468	7090	5156	15468	5156	1289
Abu Basma Settlements (In process of recognition and planning) Total	44200	4597	3713	1856	10608	4862	3536	10608	3536	884

Source: Extrapolated from Data of the Survey of Settlements

Includes all residents of the village, both inside and outside the municipal "blue lines."

The Settlement Council's study presents data for 2010, which allows us to draw certain conclusions for the years that preceded the study, as follows:

- The age cohort of 1-2 years reflects the birthrate in the unrecognized (illegal) settlements in 2008-2009.
- The age cohort of 3-4 years reflects the birthrate in the unrecognized

<sup>64</sup> See Protocol No. 56 of the Committee for the Advancement of the Status of Children (July 2000).

<sup>65</sup> See his report, "Thousands of Women from Gaza and the Territories Who Do Not Have Israeli ID Numbers are Married to Bedouin Men and Living in the South," (November 2015), "Walla!" website.

<sup>66</sup> See "Master Plan for Legalizing the Unrecognized Settlements of the Negev," (2012), published by The Regional Authority for the Unrecognized Settlements of the Negev," pp. 13,15.

(illegal) settlements in 2006-2007.

As is evident from the data presented in this chart, prepared by the Council for Unrecognized Settlements, the birthrate in the unrecognized (illegal) settlements in 2006-2009 saw a sharp increase:

- In 2006-2007 (ages 3-4 in the 2010 study) – 9.8%, with an annual average increase of some 4.9%.<sup>67</sup>
- In 2008-2009 (ages 1-2 in the 2010 study) – 11.6%, with an annual average increase of some 5.8%.<sup>68</sup>

These figures are an important tool in determining the birthrate in the illegal Bedouin settlements as they compare to those of the recognized settlements, because in that same time period, CBS analysts projected a “sharp decline” in birthrates among the Bedouin population of the Negev. In other words, the lifestyle of Bedouin residents of the outlying, unrecognized settlements, including birthrates, have a unique rhythm and pace, and are not easily or readily impacted or influenced by external forces.

The data presented in the Council for Unrecognized Settlements study is consistent to a certain extent with the study prepared by NII and Bank of Israel researchers who examined the effects of child allowance cuts on birthrates. These investigators concluded that the reduction of child allowances resulted in a noticeable reduction of fertility rates among Bedouin women in the southern district, both in legally recognized settlements and among women residing outside of these settlements, in illegal encampments throughout the Negev. However, the NII-Bank of Israel study noted that the reduction in birthrates among Bedouin women in illegal settlements following the child allowance cuts was somewhat more moderate than the decline of birthrates in legally recognized Bedouin settlements.<sup>69</sup>

It appears that a greater weight should be assigned to the data presented in the Council for Unrecognized Settlements' study than to the data collected by official State bodies, because despite the fact that the study conducted by the NII and the Bank of Israel are among the most extensive and exhaustive

studies ever conducted on this subject, the NII investigators, like the Bank of Israel investigators, do not enjoy the trust of the residents of the illegal settlements as do representatives of the Council for Unrecognized Settlements. As we have noted, external forces face difficulties in obtaining factual responses and accurate data from the local populace, due to the apprehensive and suspicious attitudes that characterize this insular society. Therefore, the data collected by local bodies is, by definition, more accurate, and this data indicates that the birthrate among this population is on the rise.

Additionally, the Council for Unrecognized Settlements conducted extensive and exacting mapping surveys of the number of residents of each of the illegal settlements, resulting in unprecedented information regarding the size and population of each of the villages.<sup>70</sup>

67 The number of recorded births for this two year period (5,141) in relation to the number of residents in the illegal settlements as of January 2006 (52,333).

68 The number of recorded births for this two year period (6,703) in relation to the number of residents in the illegal settlements as of January 2008 (57,747).

69 See “The Impact of Child Allowance Cuts on Birth Rates,” (December 2009), published by the National Insurance Institute, in Preface p. ii.

70 See “Master Plan for Legalization of the Unrecognized Villages of the South – Full Text,” (2012), pp. 310-350.





# **The Criminality of Polygamy and Associated Criminal Offences**

# The Criminality of Polygamy and Associated Criminal Offences

## Aspects of Criminal Behavior that are Necessarily Associated with the Importation of Palestinian Women

As we have noted, many of the women in polygamous households are “imported” from areas under Palestinian authority control. Several factors explain this fact:

- The extensive practice of polygamy has created a shortage of marriageable women in the Bedouin sector.
- The dowry paid for women from the PA is lower than that paid for Bedouin women.
- Marriage to Palestinian women enables Bedouin men to circumvent the growing opposition among Bedouin women to polygamous marriage.
- Palestinian wives are extremely dependent upon their Bedouin husbands.

Professionals who deal with the Bedouin sector believe that the phenomenon of polygamous marriage between Bedouin men and Palestinian women has become far more widespread in recent years. “Importation” of Palestinian women involves major crimes, including human trafficking, illegal entry to Israel that constitutes infiltration and illegal residence, violation of Israel’s immigration laws, as well as fraudulent registration of the children of these Palestinian women in Israel’s Population Registry.<sup>71</sup>

<sup>71</sup> See the abstract of Case No. 16-09-55724, 27 March 2017, para. 8-14.

## Polygamy’s Harmful Impact on Women and Children

The illegal practice of polygamy spawns child neglect and ongoing abuse of women. According to health, education, and mental health professionals who treat this population, Bedouin men are far more likely to abuse their first wives as soon they secure an “alternative.”<sup>72</sup> In this context, it is worth noting that in the Bedouin sector, women who file complaints against their spouses for domestic violence “disappear.”<sup>73</sup>

The illegal practice of polygamy brings in its wake poverty, illiteracy, and emotional distress of many kinds.<sup>74</sup> Additionally, because the practice of polygamy in the illegal settlements is some 1.5 times higher than in the recognized settlements, polygamy gives rise to a housing crisis and increasingly insurmountable planning difficulties, and, unavoidably, exacerbates the problem of illegal construction..

## Defrauding the National Insurance Institute

Illegal polygamy in the Bedouin sector involves massive defrauding of the National Insurance Institute, through fictitious divorce in the Sharia’a Court<sup>75</sup>, and misrepresentation of women in polygamous households as single parents who are entitled to increased stipends, benefits, and other forms of government support. According to the most recent CBS figures, the percentage of “single parent” families with children in the Bedouin sector is the highest in Israel: 10.2% of all Bedouin families are “single parent units,”<sup>76</sup> as compared to 5.8% of Jewish families with children residing in the country’s central district.

The same percentage of “single parents” in the Bedouin sector continue to bear children, despite the fact that they have declared that they are “unmarried;”<sup>77</sup> thus, 9.7% of all Bedouin women who received a childbirth grant in 2012

<sup>72</sup> See the discussion in “Excluded Against Their Will: Polygamy, and Strategies to Contend With It,” by Atty. Rawia Abu Rabiah, p. 2 and note 4. Also see the Ministry of Education Website, and “And the Land Was Full,” by Professor Alon Tal (2017), p. 290.

<sup>73</sup> See Protocol #98, Hearing of the Committee for the Advancement of Women, 22 Iyar 5764 – 13 May 2004.

<sup>74</sup> See “Polygamous and Monogamous Marriage: Their Impact on the Emotional and Social State of Arab Bedouin Women,” by Prof. Elian al Karinawi and Prof. Vered Slonim Nevo, in “Guard Your Soul: Emotional Health of Women in Israel,” pp.158-160.

<sup>75</sup> On the complicity of the Sharia’a courts in the embezzlement of public funds, see below.

<sup>76</sup> See the CBS report of 3 August 2017, “Families, by Type of Family, Size of Family, District and Population Group.”

<sup>77</sup> See “Polygamy Among the Bedouin Population in Israel – Update,” p. 3 (October 2013), published by the Knesset Research and Data Center.

were “unmarried.” Cross-referencing the CBS data on single mothers in the Bedouin sector (10.2%), which is a traditional Muslim society, with the NII statistics regarding the percentage of single mothers in the Bedouin sector who received childbirth grants (9.7%), indicates that Bedouin women who were recorded as single parents in the CBS study, and who comprise on tenth of all Bedouin families, are not, in fact, divorced; rather, they are women who continue to live in a familial setting with the father of their children.

Social security allowances paid by the NII to single parents [between the ages of 25-55, with 2 children under the age of 18] is currently NIS 3,373 per month.<sup>78</sup> From this sum, the NII reduces child support payments decided upon by the Sharia’a Court that are paid directly to the woman by her “ex-husband.” However, the Sharia’a Courts regularly grant child support judgments that are extremely low (between NIS 50-100 per month),<sup>79</sup> which results in NII payments of over NIS 3,000 per month.

It should be stressed that if these women were considered married, NII social security payments would be calculated according to the overall income of the entire family unit, including the father’s income. On the other hand, when a woman is classified as a single parent, her eligibility for social security stipends is calculated according to her personal income alone. As we know, the rate of unemployment among Bedouin women is the highest in Israel, and is estimated at over 80%.<sup>80</sup> The conclusion is that Bedouin women who claim to be single parents are fraudulently categorized as underprivileged, and become eligible for welfare support of the NII, regardless of their husbands’ income.

Furthermore, even in cases where the original family unit in a polygamous household was entitled to welfare support due to low income, the welfare stipend to which a woman is entitled in the case of a single parent family is thousands of shekels higher than the welfare support paid to a polygamous family for each additional wife [the NII’s terminology is “expanded families”].<sup>81</sup>

The National Insurance Law empowers NII investigators to visit, at any reasonable hour, the homes of those requesting or receiving NII stipends or

78 NII welfare payments may be calculated on the NII website’s “Benefits Calculator.”

79 See “Divorce Under the Radar” by Yehuda Yifrach.

80 See Dr. Yasser Hujirat’s article in The Marker (January 2017).

81 Regarding welfare payments for each woman in a polygamous household (“expanded family”) see Opinion of the NII Legal Counsel, Atty. S. Britzman.

grants or who have received NII support in the past, and to investigate any aspects that have bearing on the stipend.<sup>82</sup> In cases where NII investigators discover fraudulent claims, charges may be brought against the offenders, and harsh penalties, including imprisonment, may be imposed.<sup>83</sup>

However, NII investigators in the southern district find it extremely difficult to prove that Bedouin women who claim benefits as single mothers are, in fact, members of polygamous households. This ongoing failure stems from a critical dearth of trained field investigators. Determining realities among the Bedouin population in the settlements on the whole, and in the illegal settlements in particular, is particularly challenging, and in order for them to do their job, investigators often require bodyguards or a security detail.<sup>84</sup>

Very often, women who are fictitiously divorced and receive stipends and welfare support as single parents, continue to reside in the “ex-husband’s” compound and even to bear his children. These women contend that they remain in the family residential compound because of the threat that they will not be permitted to see their children if they leave; they also claim that children born after the “divorce” are the result of rape. The investigation of fraudulent NII claims by Bedouin women who claim to be single parents is considered among the most difficult of all fields of investigation.

To make matters worse, in recent years the trend to loosen the criteria for recognition of women in polygamous households as single parents has gained momentum, to the point that often women in polygamous households are recognized as single mothers even if they are not divorced. Thus, for example, the recent decision of the National Labor Court<sup>85</sup> to recognize a married woman in a polygamous household as a single parent, despite the fact that at the time her claim was submitted, she and her husband remained

82 See Section 146 of the National Insurance Law 5755-1995.

83 See Criminal Case #06/671: “There is no disagreement that this is a serious offense, which has become a national epidemic of stealing public funds, and the courts are instructed to issue harsh sentences in cases of theft.” The defendant in this case was sentenced to a six-month prison term, in addition to a suspended sentence and a fine.

84 See Appendix A, p. 2, in “Summary of the Inter-Ministerial Committee on Polygamy.”

85 30 May 2016, Case 11-08-34391, Manor Abu Jaber vs National Insurance Institute. Abu Jaber was represented in this proceeding by Atty. Insaaf Abu Sharb, and this statement reflects the position of the NGO Itach-Ma’achi, which is laid out in “The Bond of Silence: Domestic Violence against Arab-Bedouin Women in the Negev,” by Dr. Insaaf Abu Sharb, p. 13, specifically, that Bedouin women who live in polygamous households “are, for all intents and purposes, single parent.” Also see the petition filed by Ma’achi (represented by Insaaf Abu Sharb, among others) and Others (High Court case 10/1480) which called to strike down a number of the criteria used to establish single-parent status.

married under religious law. The decision was based on the argument that the couple did not conduct a joint household.

This Labor Court decision was handed down despite the warnings of representatives of the NII during the course of the hearings that this decision establishes a precedent, and that a decision of this kind will have ramifications for many families in the Bedouin sector.<sup>86</sup> The judgment in this case has forced the NII to apply more lenient criteria in defining single parenthood in the Bedouin sector, and has become the “guiding principle” for cases of this kind.<sup>87</sup>

### **Additional Payments Received by Bedouin Women Fraudulently Posing as Single Parents**

Aside from defrauding the NII in order to receive thousands of shekels in welfare payments each month, the misrepresentation of women in polygamous households as divorced single parents has numerous other monetary ramifications:

- Women who receive welfare stipends are automatically entitled to increased child allowance payments.<sup>88</sup>
- Recognition as a single parent automatically entitles these women to property allotments from the Israel Land Authority.<sup>89</sup>
- Entitlement to welfare payments entitles recipients to Ministry of Housing rental subsidies that can be as high as NIS 1,500 per month for a single-parent family.<sup>90</sup>
- Welfare recipients are automatically entitled to education grants.<sup>91</sup>
- As single parents, these women are entitled to reduced rates for municipal taxes (“arnona”), water, electricity, Bezeq telephone lines, public transportation, exemptions from various fees and tolls, and other subsidies.<sup>92</sup>

<sup>86</sup> Page 6 paragraph 7 of this judgement.

<sup>87</sup> See “Response of the National Insurance Institute” of 8 February 2017, p. 2 paragraph 3.4.5.

<sup>88</sup> See the calculation of child support payments for those eligible for NII welfare payments as opposed to those who are ineligible according to the NII Benefits Calculator.

<sup>89</sup> For more details, see below, in the chapter that examines the defrauding of the ILA by polygamous families.

<sup>90</sup> See the guidelines for “Rental Stipends” on the Ministry of Housing website, and see the updated sums for Ministry of Housing Rental Assistance for Single Parent Families (January 2017).

<sup>91</sup> See the NII website.

<sup>92</sup> See the itemized list of benefits that are granted to those eligible for welfare support on the KolZchut website.

### **Property Allotments of the Israel Land Authority ILA)**

According to existing guidelines, single-parent families headed by a female who is an Israeli citizen are entitled to a land allotment without the need for a tender; therefore, women in polygamous households need only be citizens of Israel, and the guidelines incentivize them to claim that they are single-parent households in order to take advantage of this benefit.

Currently, there are Israeli Bedouin women who are members of polygamous households yet fraudulently claim to be single parents, and are granted an additional property allotment on this basis. In practice, the Bedouin Authority allots land parcels, without issuing tenders, to families that are known to be polygamous, because the household meets the formal criteria, and the Authority does not presently have the authority to refuse to allot land in such cases.

Moreover, there are guidelines for land allotments for minors (ILA Decision #1383), according to which every parent is entitled to purchase 2 plots of land for his or her minor children. In practice, there are Bedouin men who take advantage of this clause and formally purchase land for children born to Palestinian women, but in practice the Palestinian women themselves live on these plots of land.

Additionally, in a number of cases, ILA Regulations regarding Property Ownership by Non-Citizens (Israel Land Council Regulation #1148, now included in Amendment #3 to Para. 2a of the Israel Land Law of 1960) was invoked. These cases generally involved Bedouin who live outside of the recognized settlements, and the women involved were residents of the PA.<sup>93</sup>

### **The Sharia’a Court – A ‘Silent Partner’**

The Sharia’a Court in the Southern District plays a major role in the problem of polygamy, through various practices, among them the practice of “minor divorce” of the first wife in order to enable the man to take an additional wife, as well as the common practice of issuing declarative judgements and de facto recognitions of polygamous marriages.<sup>94</sup>

<sup>93</sup> See Appendix A, pp. 9-10, in “Summary of the Inter-Ministerial Committee on Polygamy.

<sup>94</sup> For an in-depth discussion of the practices employed by polygamists in collusion with the Shari’ah courts, see Protocol No. 4, Hearing of the Sub-Committee for the Advancement of the Status of Women in the Arab Sector, 23.3.2001. On the massive scope of these tactics see



In addition to the very small child support payments adjudicated by the Sharia'a Courts in these "divorces," the Ministry of Justice found that polygamous couples use these specious judgements as the basis of their claims to the NII for increased "single mother" benefits. According to the guidelines for welfare stipends,<sup>95</sup> a claim for NII welfare support is justified if the couple does not maintain a joint household and one spouse has been required by the court to pay child support to the other spouse, and is not the breadwinner of the household.<sup>96</sup>

In this context, it is worth noting that the method of divorce by a mere utterance is injurious to the rights of women and creates extremely grave legal difficulties. The practice of "instant divorce" in Islam, in which a man may divorce a woman by simply saying the word "divorced" a single time ("minor divorce") or three times ("major divorce") was recently struck down by India's Supreme Court, which determined that this practice is unconstitutional because it deals a mortal blow to women's rights.<sup>97</sup>

### **Lack of Systemic Coordination**

The various arms of Israel's government do not share their data with one another – thus, for example, the NII does not submit the names of polygamists to the Israel Police Force and/or the Prosecutor's Office, claiming that "expanded families" to whom the NII pays "expanded family" subsidies are not polygamous households, but are households that include extramarital affairs or "significant others."<sup>98</sup> The Sharia'a Court does not report polygamy, as required by law, and the Ministry of Education chooses not to share the data it collects with the State's enforcement agencies.<sup>99</sup> The result is that the relevant enforcement bodies and government ministries have no access to the information that is most vital and relevant to their work.<sup>100</sup>

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the Freedom of Information Request Submitted to the Ministry of Justice, and the Ministry of Justice's response.

95 Section 7(3) of the National Welfare Code of 5742-1982.

96 See Appendix A, in "Summary of the Inter-Ministerial Committee on Polygamy, pp. 4-5.

97 See "The Supreme Court of India: The Islamic Practice of 'Instant Divorce' violates the Constitution," Haaretz 22.8.2017.

98 See the Response of the Asst. Director of the NII of 12.3.2017, as well as the Response of the NII, 8.2.2017, p. 5 para. A (5).

99 See "Polygamy Among the Bedouin Population of Israel: Update," p.6, by Shiri Spektor-Ben Ari (October 2013), published by the Knesset Research and Information Center.

100 See, for example, the Ministry of Education's response of 11.8.2016 in this matter.

# **The Ministry of Justice's Position**





## The Ministry of Justice's Position

With the understanding that polygamy is a growing national problem, in 2016 Prime Minister Benjamin Netanyahu instructed Justice Minister Ayelet Shaked to coordinate the work of an inter-ministerial commission to address the practice of polygamy.

The description of the Prime Minister's request is included in the Minister of Justice's document, addressed to the relevant ministers, and entitled "Coordination of the Efforts of an Inter-Ministerial Committee to Address the Practice of Polygamy."<sup>101</sup>

Nonetheless, the Ministry of Justice contends that despite the initial and natural tendency to prescribe preventative measures that would target polygamists, it is preferable to focus initially on assistance for the women and children who are victims of polygamy.<sup>102</sup>

101 See the document dated 10 July 2016, "Summary of the Inter-Ministerial Committee on Polygamy", letter #12357-2016, and Appendices A and B.

102 See Appendix A, p. 2, of "Summary of the Inter-Ministerial Committee on Polygamy."

**"The initial and natural inclination is to attribute polygamy to the men who have a spousal relationship with a number of women simultaneously and to focus preventative action on these men. However, the data we have collected and the interviews we have conducted lead us to conclude that women in polygamous households suffer more than others from various difficulties that are inter-related, [including] physical and emotional violence, psychological distress, depression, anxiety, low self esteem...In many cases, the children are raised in emotional, educational, and financial deprivation that increases the danger of their becoming marginalized teens...Therefore, our recommendation is that the initial focus should be on assisting the women and children who are the primary victims of this phenomenon, and whose voice is seldom heard."**

### **Draft of the Panel's Recommendations to Combat the Practice of Polygamy**

In light of this approach, the staff of the Ministry of Justice drafted recommendations that focus primarily on education, preferential employment incentives, health services and mental health care, an awareness campaign that addresses both the general public and government bodies, a comprehensive CBS census of polygamous households, an amendment to the law that would authorize offsetting child support payments from other NII benefits, and the creation of an inter-ministerial team.

The following is a summary of the Preliminary Recommendations draft:<sup>103</sup>

- A A program will be created that will improve the scholastic achievements of female students in the minority population, as well as an educational program that will develop female leadership and contend with the phenomenon of polygamy.
- B Bedouin women will receive preferential employment assistance: Israel's Employment Service will prepare, within three months, a plan of action for creating employment opportunities for women in polygamous households.
- C The Ministry Welfare and Social Services and the National Insurance Institute will formulate, within three months, an amendment to Par. 17 of the Welfare Act of 1980, which will authorize garnishment of wages, without the need to file charges as is presently required, of the sum awarded by the court as child support, from the sums which the law or the court requires one person to pay to another, in cases where the NII pays a stipend to that person or to another person on his or her behalf.
- D The Ministry of Health will prepare, within 3 months, a plan of action for providing health services and mental health counselling to women who live in polygamous households. The plan will focus, among other things, on raising self-esteem and acquiring the means and skills to enable these women to cope with the challenges that are intrinsic to the polygamous household.
- E The Authority for the Advancement of the Status of Women in the Office of the Prime Minister will prepare, within 3 months, a plan of action for raising awareness both among the general public and among government ministries and other public bodies, of polygamy and the problems it causes.
- F The Central Bureau of Statistics will prepare, within 3 months, a plan of action for a statistical survey aimed at presenting a factual picture of the current situation regarding the extent of polygamy.

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<sup>103</sup> The full text of the recommendations and explanatory notes may be found in Appendices A and B of the document "Summary of the Inter-Ministerial Committee on Polygamy."

- G A joint inter-ministerial team will be formed, with representatives of the government ministries, municipalities and the public, that will study additional options for combatting the practice of polygamy and its negative effects, including, but not limited to, the areas of social welfare and NII stipends, land allotments within the context of regulating Bedouin settlements, national service, health, formal and informal education, prevention, legislation, training of appropriate staffers to treat these issues in the ministries and other relevant bodies, with an emphasis on manpower that will be capable of bridging the cultural gap between the target population and service providers such as the National Insurance Institute, and the Ministries of Social Welfare and Health.

These recommendations were submitted by the Minister of Justice in January 2017 and approved by the Government.<sup>104</sup>

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<sup>104</sup> See the suggestions offered in "Grappling with the Phenomenon of Polygamy" submitted by the Minister of Justice on 27 Tevet 5777 (25 January 2017).

# Analysis of the Lacunae in the Ministry of Justice Recommendations

The Ministry's determination that the proper course of action is "to concentrate on assistance for the women and children who are the primary victims of this phenomenon" is problematic for two reasons:

First, the Ministry of Justice's recommendations include a series of educational, vocational, social, medical, psychological and other means to combat the illegal practice of, and the criminal activity associated with, polygamy. At first glance, this appears to be a holistic and worthy approach that emphasizes prevention through education, but the main shortcoming of the recommendations is the complete absence of legal and criminal sanctions against the offenders themselves.

For example, if the Ministry of Justice had been tasked with drafting recommendations for the fight against the scourge of road fatalities, and the final document treated the educational aspects of road safety, strengthening the medical care for road accident victims, installation of effective lighting and improvement of the road maintenance (all of which are worthy and relevant goals), but did not address criminal enforcement against offenders, such as fines and prison terms, the recommendations would be considered ridiculous.

Traces of this approach, which avoids putting its finger directly on the heart of the problem, can be found in recent media reports about the plan presented to the Inter-Ministerial Commission on Polygamy by Emi Palmor, Director General of the Ministry of Justice. The plan, created in cooperation with

professionals in the fields of education and welfare, religious leaders, and local government figures from the Bedouin sector, aimed at "finding common ground for a breakthrough that will advance Bedouin society socially and economically."<sup>105</sup>

It seems that the age-old principle, "The mouse is not the thief, the hole is the thief," would require greater focus on the circumstances that allow the crime to be committed and not on the results of the crime – and this principle is more relevant than ever.

Second, as we will detail below, the steps enumerated in the Justice Ministry's recommendations will have no effect on the immediate cessation of the practice of polygamy and will not stem the tide, nor do they address in any significant way the question of prevention for the future.

## **Empowering Bedouin Women – Improving Girls' Scholastic Performance and Developing Women's Leadership**

The first section of the Ministry of Justice plan to combat polygamy aims to improve scholastic achievements and develop women's leadership<sup>106</sup>. This objective, as important as it may be, does nothing to address the problem of polygamy in the Bedouin sector, because virtually all Bedouin women object to the practice of polygamy even without any additional or supplemental education. Bedouin husbands circumvent or override the objections of Bedouin women by importing Palestinian women. In the words of Justice Alon Gabizon, Assistant Chief Justice of the Family Court of Beer Sheva, in a recent decision:<sup>107</sup>

105 See "Breaking News: Here's How the Government Plans to Fight Polygamy in Israel," Walla!, 31 July 2017.

106 See the draft of the Committee's recommendations, in Appendix B of "Summary of the Inter-Ministerial Committee on Polygamy, p.1 section 1.

107 Case 16-09-55724, and the decision handed down on 27 March 2017, paragraph 14.

**"Apparently, Bedouin men prefer to marry local Palestinian women, because their dowry is smaller than the dowry for a woman who holds Israeli citizenship, and because after they are married, the Palestinian woman is disconnected from her family and her familiar surroundings, and because she has no officially recognized status in the State of Israel, she becomes completely dependent on her husband and completely subject to his absolute control. There are those who would liken the severity of this phenomenon to human trafficking.**

**Furthermore, through the practice of polygamous marriage to local Palestinian women, and in light of the positive changes in the status of Israeli Bedouin women, polygamous Bedouin men manage to overcome the objections of Israeli Bedouin women to polygamous marriage, and simply "import" weaker women."**

### **Empowering Bedouin Women through Preferential Employment Policies**

The second recommendation of the Ministry of Justice's plan to combat polygamy involves "special consideration" for employment of Bedouin women. Increasing the rate of employment among women in the Bedouin sector is worthwhile in and of itself, but will not effectively address the problem at hand.

Professionals in the field estimate that the majority of women in polygamous families are Palestinian,<sup>108</sup> which means that the Ministry of Justice's

108 See "Palestine in The Negev: A Demographic Time Bomb is Ticking in the Negev," (Maariv,

recommendation is to give special employment incentives to illegal aliens at the expense of Israeli citizens. If, on the other hand, the recommendations are to give preferential treatment to the "first wives," who are Israeli citizens, how will this address the problem of polygamy?

### **Dealing with Defrauding the National Insurance Institute – Criteria**

After describing the ongoing fraud practiced by polygamous families who make false claims in order to receive NII single-parent stipends to which they are not rightfully entitled, Ministry of Justice representatives debated the possible solutions at length. Among other suggestions, they considered the possibility of amending the National Welfare Law, but at a later point in the document noted that the position of the NII is that no amendment is necessary, because the NII has already created its own definitions of "separate" households:

**"In the course of our deliberations, the suggestion arose to amend the National Welfare Law of 1980 or alternatively, to amend the NII Welfare Payment Regulations to define the degree of absence of the spouse from the household that would justify granting a separate welfare stipend for each of the spouses. After discussions between our Legal and Legislative Department and a representative of the National Insurance Institute, this suggestion was shelved, because, in the opinion of the NII, definitions of "separateness" of households have already been established and are already in place."**<sup>109</sup>

August 2015), by Kalman Libeskind, and "The Arab Bedouin in the Negev: Changes in the Era of Urbanization," (2011) by Dr. Thabet Abu Ras, published by the Abraham Foundation, p. 77.

109 Appendix A, p. 5; the following are the NII criteria as they appear there:



**"It appears that a legislative amendment to sharpen or clarify the working definition of "separateness" will not make it easier to prove that spouses have not actually separated and that a particular family is polygamous. Because the difficulties faced by the authorities result, among other causes, from the limited resources for investigating claims, which often requires a security detail or police escort, and the investigators' difficulties in gaining entry to the community and getting people to cooperate. Additionally, women who have children after they are divorced often claim that they were victims of non-consensual sex with their ex-husbands, and the authorities**

**find it difficult to disprove these sorts of claims. Moreover, the NII contends that there are cases in which the woman continues to live in the same living space in order to avoid losing custody of her children if she leaves the family compound. On the other hand, legislative amendment that would clarify the definition of "separated" couples would be a clear legal statement of what currently is regulated by internal guidelines (a handbook whose legal standing is not completely clear, and may be no more than an internal instruction memorandum) and therefore subject to criticism.<sup>110</sup>**

**It appears that allocation of earmarked resources to the investigative branch of the NII may help clarify some of the claims of "separateness." As we have noted, the decision requires further clarification with the NII. However, there are claims, as we have already noted, such as involuntary sexual relations and continued residence in the ex-husband's family compound for fear of losing custody of children that additional budgeting will not be able to address."**

This being the case, the Ministry of Justice contends, the NII does not see any need to change the criteria, and in their opinion the difficulties encountered by the authorities is a result of the limited resources available

110 Appendix A, p.6.

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- Who is the father of the applicant's children? Does he have additional children with other women?
- A Do the applicant and the father of her children live in the same residence or near one another? Do they live in separate homes?
- B Did they have children together after they were divorced?
- C Has the woman remained with the ex-husband's family, or was she removed from the extended family setting?
- D Has the divorce, or another event, caused a change in her status or her place of residence?
- E Does her partner visit the applicant at her home? Does he eat there, sleep there, or keep his clothing in the applicant's home?
- F Who owns the house in which the woman lives? Who owns the furniture, electrical appliances, etc.?
- G What is the distance between the house in which the woman lives and the house of her ex-husband or the houses of the other women with whom the ex-husband lives?
- H Who pays the electric, water, telephone and other such bills for the house in which the applicant resides?
- I Who receives the child support stipends, the ex-husband or the applicant?
- J Does the woman have her own bank account, separate from her ex-husband?
- K Does the woman have any other sources of income aside from what she is given by her ex-husband?
- L If the woman purchased a plot of land in order to build herself a house: In whose name is the land registered? Who drew the mortgage, if a mortgage was taken? Who pays the mortgage? With whose resources is the house being built? Who financed the construction? Who actually did the construction work?
- M What was the family dynamic prior to the divorce? Where did the man reside, and where did each of his wives reside before the divorce? What changed after the divorce?
- N Did the man take an additional wife around the time he and the applicant were divorced?



for investigative efforts. On the other hand, the Ministry of Justice contends that incremental legislative changes that sharpen the distinctions and definitions of “separateness” will increase the effectiveness of the existing criteria, as opposed to the current situation, in which the criteria are no more than internal administrative directives.

However, it appears that the NII’s evaluation that there is no need to anchor the criteria in legislation does not take into account the recent decision issued by the National Labor Court, which contradicted the NII’s position and disregarded the NII’s warnings regarding the broad ramifications of such a decision.

As we have already stated, this decision altered the practice for recognition of Bedouin women in polygamous families as single parents.<sup>111</sup> Presently, only a short time after this decision was handed down, it has become the “guiding principle” for the NII’s definition of “separateness.”<sup>112</sup>

We would do well to pay close attention to the insights offered by the Ministry of Justice:

**“Similarly, women who have had children subsequent to their divorce often claim that this is the result of non-consensual relations that were forced upon them by their former spouse, and the authorities have difficulty disproving such claims. In addition, the NII claims that there are incidents in which women continue to reside in the same household compound in order to avoid the loss of custody of their children that will result from leaving the compound.”**

111 30 May 2016, Case 11-08-34391, Manor Abu Jaber vs National Insurance Institute. Abu Jaber was represented in this proceeding by Atty. Insaaf Abu Sharb, and this statement reflects the position of the NGO Itach-Ma’achi, which is laid out in “The Bond of Silence: Domestic Violence against Arab-Bedouin Women in the Negev,” by Dr. Insaaf Abu Sharb, p. 13, specifically, that Bedouin women who live in polygamous households “are, for all intents and purposes, single parent.” Also see the petition filed by Ma’achi (represented by Insaaf Abu Sharb, among others) and Others (High Court case 10/1480) which called to strike down a number of the criteria used to establish single-parent status.

112 See the NII’s response, 8 February 2017, p. 2 section B 3.4.5.

These statements should have sent shock waves through the system, but they simply slipped by without receiving any attention whatsoever. Why do Ministry of Justice employees refrain from recommending investigation and prosecution of men suspected of rape – or, alternatively, of wives who are posing as single parents?! By the same token, should the father who threatens to cut the mother off from their children not be prosecuted for such threats?

## **Contending with Fraudulent Claims to the NII – Low Child Support Judgements**

Ministry of Justice staff are well aware of the argument that Sharia’a courts approve child support payments that are extremely low –as low as NIS 50-100 per month. The Ministry of Justice’s assumption is that Bedouin women agree to these unreasonable judgements because they are participants in a fraudulent scheme that prevents the authorities from collecting child support payments from fathers, as they state clearly:<sup>113</sup>

**“And so, women who are, in practice, members of polygamous family units but receive welfare stipends as single parents who head separate households under NII criteria, routinely claim that they have received the child support payments [as stipulated in the Sharia’a divorce agreement], and as a result no steps are taken to collect from the father, and the child support payments are garnished from the welfare payments that the woman receives from the NII. Because the sums are so small, the amount withheld from the welfare payments by the NII is insignificant, and it is still well worth it for the woman to submit a claim for welfare support as an independent family unit...”**

113 Appendix A, p. 7.

To contend with the low child support allowances routinely granted by the Sharia'a courts, the Ministry of Justice has presented several options; the following are excerpts from the list of suggestions made by the Ministry of Justice – and their reservations regarding each suggestion:<sup>114</sup>

- A Legislating a minimum sum for child support judgements: This suggestion appears, at first glance, to be a workable solution. However, it is reasonable to assume that if minimum child support payments are established by law, they will eventually become the maximum awarded by the courts, which will be detrimental, in a global sense, to the interests of children. This option, therefore, should be very carefully examined and considered, apart from the context of battling polygamy;
- B Involvement of the State, through the Legal Aid Branch: In order for the Legal Aid Branch to be permitted to represent women and children in child support cases, it must receive power of attorney. The chances of finding a woman who is willing to appeal the judgement granted by the Sharia'a court and agreed upon by the husband, within the time allotted for appeal, is extremely slim. Nonetheless, it was agreed that an effort should be made to build a "test case" in which to file an appeal on behalf of the child;
- C State involvement in the process through the presence of the Attorney General: It appears that the due process regulation, Attendance of the Attorney General - [Revised Version], which states that the Attorney General may join any legal proceeding as a party to the motion, could be applied in these cases. However, when the agreement on child support payments is reached on the spot, and without debate, it is doubtful that this suggestion is practical. Even an appeal in the name of one of the sides on the basis of Article 69 of the Legal Competence and Guardianship Law (1962) and the claim that any detriment to the best interests of the child in matters regarding the fulfillment of guardianship responsibilities (and a parent is, of course, a guardian, and one of the parent's responsibilities, according to para. 15 of the law, is to see to the needs of the child), is a solution whose practical application is highly unlikely, and it appears that it is entirely unfeasible, due to the difficulty or even impossibility of monitoring thousands of child support cases (not necessarily in

polygamous households, since low child allowance judgements are a problem that is not exclusive to these households), and submitting appeals as necessary.

- D Involvement through criminal law: It may be argued that an agreement between the parents for extremely low child support payments falls under the category of child neglect as defined by section 362 (b) of the Penal Code of 1977. This is not a simple argument to make, and in any case clarification of the charge is beyond the scope of the civil remedies we have been asked to explore.

The Ministry of Justice regards the establishment of a minimum amount for child support as one element of a broader topic that should not be addressed as merely a side issue of the fight against polygamy. Additionally, the Ministry of Justice is of the opinion that the chances that the Legal Aid Branch will be able to represent women and children in child support cases is slim. Similarly, the Ministry of Justice contends that the practicality of involving the Attorney General in these proceedings is questionable, and interference through the criminal code is difficult to defend and is beyond the scope of the civil aspects the ministry was asked to investigate.

In effect, the Ministry of Justice does not offer clear-cut recommendations in this matter, and sums up the first stage as follows:<sup>115</sup>

**"In our deliberations, it was agreed that an official request would be sent to the Sharia'a court for statistical data regarding the amounts of child support judgements that the Beer Sheva Sharia'a Court, in order to better understand the scope of low child support judgements in the Bedouin community. Therefore, for the first stage, we recommend a study, based on hard data provided by the Sharia'a Court, to establish whether low child support judgements are a mere curiosity or a widespread phenomenon."**

<sup>114</sup> See Appendix A, "Summary of the Inter-Ministerial Committee on Polygamy," pp. 7-9.

<sup>115</sup> Ibid.

**Following this stage, we recommend continued action to raise the sums awarded in child support, by whatever means you see fit. Raising the sums awarded in child support will reduce the incentive to submit claims for welfare payments as a separate family unit, and will benefit the children of polygamous households.**

Only a vague and off-hand solution to the problem was outlined in the recommendations of the Ministry of Justice Inter-Ministerial Panel:<sup>116</sup>

**"The Ministry of Social Welfare and the National Insurance Institute will consider, within 3 months, amending section 17 of the National Income Insurance Law (1980), to allow administrative garnishment of stipends – as a legislated alternative to the current requirement to file suit – in the amount of the child allowance granted by the court – from NII stipends paid to any person who is required by law to support another person, and in whose name the NII transferred the support payment to the intended recipient."**

It appears that the word "legislated" was intended by the Ministry of Justice as an oblique reference to the question of minimum child support allowances..

<sup>116</sup> *ibid.*

## **Addressing the Defrauding of the NII through Administrative Garnishment of Child Support Allowances**

In addition, a child support judgement enables women in polygamous households who pose as 'single parents' to be recognized as such because one of the criteria for 'single parent' status is that the husband has been required to pay support to the wife and he is not the breadwinner of the family unit.<sup>117</sup> Ministry of Justice staff are aware that women in polygamous households who pose as 'single parents' use the judgements they have been awarded for child support in order to fraudulently prove that they meet this criterion. In their words: <sup>118</sup>

**"In the course of examination we were informed that, apparently couples who are part of polygamous households make use of child support judgments in order to qualify, under the criteria set out in Regulation 7(3) of the NII Code, which, as we have noted, entitles each of the spouses independently if "the couple do not maintain a joint household, and one of the spouses has been required to pay support to the other spouse and is not the breadwinner (for the purpose of claims for payment of child support payments under the Child Support Law of 5732-1972)."**

In light of this statement, which asserts that polygamous families utilize court decisions for child support to qualify for "single parent" status, it is very hard to understand the position taken by the Ministry of Justice and the NII, who prefer to treat fraudulent claims of single-parenthood through "administrative garnishment of stipends" [rather than through criminal

<sup>117</sup> See Section 7(3) of the National Welfare Code of 5742/1982.

<sup>118</sup> See Appendix A to the report of the inter-Ministerial Panel on Polygamy, p.5.

charges, as the law currently requires] in the amount of the child support stipulated in the divorce agreement from any stipends paid to the husband (or to a third party, on the husband's behalf).<sup>119</sup>

Although the Ministry of Justice's suggestion will help the NII collect, without the need for bureaucratic processes, debts to the NII on the part of recalcitrant husbands who have failed to pay child support payments made by the NII, this strategy will only be effective in cases of women who have filed a request that the NII pay her child support, and the NII in turn must collect that sum from the husband.

However, the current problematic situation is not that the NII pays the woman her support and then has difficulty collecting from the husband. Rather, the Sharia'a Court hands down judgements for very low child support payments, and subsequently the NII pays welfare stipends of thousands of Shekels [some NIS 3000 above the amount child support], and these sums are not part of the support required of the husband in the Sharia'a Courts decree of divorce. Thus, administrative garnishment of stipends is irrelevant to the large-scale fraud being perpetrated against the NII in the Bedouin sector.

To make matters worse, this suggestion completely fails to address or to discourage polygamous families from defrauding the NII through the use of child support judgments that were handed down to support fraudulent claims: Even in cases in which the husband has been required to pay high child support payments, and the NII paid this sum to the wife and subsequently garnished the equivalent from the husband's NII stipend in an administrative action, in the final analysis the NII has paid out money to a woman in a polygamous household, who then gives it to her husband, who then gives it back to the NII, and so on and so forth.

Moreover, the proposed administrative withholding will only be relevant when the husband is the recipient of other NII stipends or payments from which child support may be withheld. Obviously, many husbands do not receive NII stipends; this is certainly the case among the younger men that are typically involved in polygamy in the Bedouin sector..

<sup>119</sup> See Appendix B to the report of the inter-Ministerial Panel on Polygamy, p.1 para. 3.

## Dealing with the Allotment of Property Without Tenders to Women Who Pose as Single Parents and to Palestinian Women

As we have noted, Bedouin women who are Israeli citizens and are living in polygamous households and posing as single parents receive, on the basis of the NII's recognition of their fictive status, an allotment of an additional plot of land without a tender. The Bedouin Authority also sets aside plots without issuing tenders for families known to be polygamous, since the family appears to meet the formal criteria, and the Bedouin Authority currently does not have the authority to refuse to allot land.

Additionally, there are those who take advantage of the "Allotment for Minors" clause and house their Palestinian wives on the plots allotted to the children of Bedouin citizens.

This was not addressed in the draft of the Panel's recommendations, and in the appendix that preceded it the Ministry of Justice representatives explained their considerations as follows:<sup>120</sup>

**First, a decision to change the present situation may have ramifications for the government's efforts to relocate the Bedouin population to permanent settlements, as the relocation of a large group may be delayed if the needs of individual women in polygamous households are met. Furthermore, linking the battle against polygamy to the question of land allotment – which is a very sensitive issue in Bedouin society – may alienate the members of the Bedouin community who might otherwise have taken a stand against polygamy.**

<sup>120</sup> See Appendix A, "Summary of the Inter-Ministerial Panel on Polygamy," p.10.



**On the other hand, the existing policy, in which plots of land are allotted gratis in the framework of Bedouin resettlement efforts, amounts to back-handed recognition of the practice of polygamy, and rewards lawbreakers. Therefore, those charged with formulating policy on this issue must strike the appropriate balance between the State's interest in resettling the Bedouin and the State's interest not to reward lawbreakers**

Clearly, the Ministry of Justice considers the defrauding of the ILA by those posing as single parents a "policy decision," and their conclusions were made according to "policy" considerations. However, this is also a legal/criminal issue that damages the national economy to a significant degree, and therefore should be subject to enforcement.

Aside from this, representatives of the Ministry of Justice chose to address the application of Decision 1086, and did not state an opinion regarding the defrauding of the ILA in the matter of land allotments to children under paragraph 1383, nor did they address the current practice of allowing these plots to be purchased for Palestinian women who are residing in Israel illegally.

Ministry of Justice representatives also failed to address the legal aspects of applying the property allotment guidelines to foreigners under ILC Decision 1148,<sup>121</sup> regarding Bedouin who reside outside the permanent settlements when one of the additional wives is a resident of the territories.

121 Following Amendment no. 3, pursuant to para. 2a of the Israel Lands Law – 5720/1960.

## **Polygamy and State Employees**

According to the Ministry of Justice, a polygamist may not be denied employment in the civil service sector so long as there are no outstanding criminal proceedings against him on the matter, to the exclusion of certain positions to which the practice of polygamy is deemed relevant, such as the case of educators or law enforcement personnel; even in these special cases, only unequivocal proof may be considered. According to the Ministry of Justice, this policy has also been adopted by the Civil Service Commission:<sup>122</sup>

**In short, the policy of the Disciplinary Board of the Civil Service Commission is that disciplinary action should not be taken against employees who lead a polygamous lifestyle until such time as they are brought up on criminal charges. In cases where a criminal investigation is conducted, and certainly in the case of an employee who is convicted of polygamy, the Civil Service Commission will consider bringing disciplinary charges against the employee, depending on the circumstances. [The Inter-Ministerial Panel] may use its discretion to examine this policy in greater depth. If further examination is undertaken, we recommend considering that not all civil servants fall under the jurisdiction of the Civil Service Commission; thus, for example, the Civil Service Regulations are not binding on bodies such as the IDF, the Police Force, employees of local authorities, employees of government corporations, the Jewish Agency, "Israel Paths - Transport Infrastructure National Company Ltd.," and others.**

122 See Appendix A to the report of the inter-Ministerial Panel on Polygamy, p. 11.



It is apparent from the position of the Ministry of Justice that they do not recommend including questions regarding the practice of polygamy in employment questionnaires, just as there is no discussion of polygamy committed by civil service employees after the Attorney General's directive of 23 January 2017<sup>123</sup>, or even a recommendation to bring disciplinary charges against civil servants who practice polygamy.

## Recommendations: Law Enforcement Against Polygamists



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123 See the State's Attorney's Directive Regarding Polygamy.

# Recommendations

As we noted in the introduction to this paper, there is no argument regarding the need to provide economic and social assistance to the victims of polygamy, but as is the case when contending with phenomena that are both weighty and complex in terms of their possible strategic repercussions, we cannot afford to stop there. Parallel to aide for the victims, broad-ranging and immediate steps must be taken to contain and prevent this phenomenon.

In light of the scope of the problem, prevention methods must be developed: Updated enforcement measures, reworked legislation and regulations, coordination among enforcement bodies, and the creation of a specialized police unit charged with carrying out government policy and enforcing the law.

## 1. Government Decision

The Government of Israel will declare the systematic treatment of the phenomenon of polygamy to be a national priority, and will create an integrated, specialized enforcement task force to address the problem in a comprehensive manner.

## 2. The Joint Enforcement Task Force in the State's Attorney's Office

An Enforcement Task Force will be created to combat polygamy, headed by the Deputy State's Attorney for Special Cases.

- A. The Joint Enforcement Task Force will be comprised of representatives of the following bodies: The Attorney General's Office, The Israel Police Force, the National Insurance Institute, The Taxation Authority, The Population and Immigration Authority, The Immigration Office, the Bedouin Settlement Authority, the Enforcement and Collection Authority, the Israel Land Authority, The Civil Service Administration, The Ministry of Welfare.
- B. The Ministry of Justice will develop a detailed plan of action for the creation and operation of an integrated enforcement task force, including staffing requirements, budget, and operational guidelines.
- C. The Joint Enforcement Task Force will oversee the activities of the various relevant bodies in order to foster systematic treatment of the problem.

## 3. Mandatory Reporting and Data-Sharing

- A. Joint database – The official bodies enumerated above (section 2A) will submit to the Task Force all information pertinent to the investigation of suspicions of polygamy and/or related crimes, including fraudulent claims to the NII or the ILA, illegal entry into Israel, domestic violence, child neglect, and other related crimes.
- B. The Joint Enforcement Task Force will process the data and create a central database, through which it will share information with relevant agencies.

## 4. The Israel Police Force

- A. The Israel Police Force will form a special investigative team dedicated exclusively to polygamy, which will be responsible for, but not limited to, the following areas of activity:
  - Collecting evidence against polygamists who meet the new prosecutorial criteria established by the Attorney General, for the purpose of prosecution.
  - Collecting evidence against those involved in defrauding the NII, the ILA, the Bedouin Authority, and other official State authorities by falsely claiming to be single parents; offenders will be prosecuted for fraud.
  - Investigating cases in which there is a suspicion of polygamy, such as instances of a significant age gap husband and wife, particularly when the wife is below the legal marriage age.

- Collecting evidence against those who violate laws associated with polygamy, such as domestic violence and child neglect, and building a prosecutable case against offenders.
  - Collecting evidence in cases involving childbirth after "divorce" that are attributed to involuntary relations or rape by the "ex-husband," or in cases where the continued residence of the "ex-wife" in the husband's family compound are attributed to threats of loss of custody or visitation rights, for the purpose of prosecution on the grounds of fraudulent NII claims.
  - Collecting evidence against individuals involved in smuggling women from areas under PA control, Jordan, and elsewhere over Israel's borders and into the Negev for the purpose of polygamy, for prosecution under the laws regulating immigration and residency.
  - Collecting evidence against government employees in the Sharia'a court who are complicit in defrauding the authorities, for prosecution under the relevant criminal laws, and in order to bring about their dismissal from the court system.
- B. Pending the creation of enforcement policy by the Joint Enforcement Task Force, the Police Force will take steps to collect evidence against the hundreds of documented or suspected cases of polygamy that are currently known to the Population Registry and the NII.

## 5. The National Insurance Institute

- A. Under the auspices of the Investigative Department of the National Insurance Institute, a new division will be created to deal exclusively with polygamy and the crimes with which it is associated. Ten additional positions for inspectors will be added to the current staffing rolls of the NII's Southern District, five of whom will deal exclusively with polygamy.
- B. The NII will submit to the Joint Enforcement Task Force all data concerning polygamous households that currently receive NII benefits as "expanded family units."
- C. The NII will discontinue the use of the category "expanded family" and will apply only categories that are in accepted use for the general population.
- D. The Minister of Finance will establish rules and enforce guidelines for the determination of "single parenthood," and will adjust them to meet

the challenges posed by the practice of polygamy. On the one hand, the guidelines will reflect the needs of mothers who are actually single parents, while on the other hand the guidelines will preempt attempts to defraud the NII.

- E. The Ministry of Justice will initiate legal proceedings against Sharia'a Court judges who perform marriages or divorces that violate Israeli law, or against any employee of the Court who performs or approves a marriage or divorce with the knowledge that one of the parties is breaking the law.
- F. Currently, one of the criteria used to measure the efficiency of an NII field office is the clearance rate of claims within a specified time-frame. Cases involving suspected polygamy that are submitted by the NII field office for investigation will necessarily skew clearance rates; this consideration may cause NII field staff to hesitate before transferring a case further investigation. In order to avoid this problem, all files submitted to the Polygamy Investigation Unit will be discounted from the general tally of files handled by the District Office, and will be allotted an extended time-frame for clearance.

## 6. Ministry of Justice

- A. Establishing minimum child support allowances: Legislation will be drafted which will establish, in cases in which the mother's monthly income is less than half the average wage, a minimum standard for monthly child support payments of no less than NIS 800 per child. The final child support allowance judgement, which will be no less than NIS 800, will be determined either by the civil or religious court.
- B. Section 9(a)(3) of the National Welfare Insurance Law defines child support payments as one element in the overall calculation of income required for welfare stipend eligibility. Parallel to the legislation of minimum child support payment standards, this section of the National Welfare Insurance Law will be amended such that child support payments will not be awarded below the minimum of NIS 800 per child, even when judgements are handed down for lower amounts.
- C. Pending enactment of this legislation, a directive will be issued instructing the Sharia'a Courts to report to the Joint Enforcement Task Force any instances of child support judgements lower than NIS 800 per child.

- D. A directive will be issued requiring the Sharia'a Courts to report to the Joint Enforcement Task Force any instances in which permission to take a second wife was requested or granted, or any post facto recognition or approval granted by the Sharia'a Court of a polygamous marriage that was performed elsewhere.
- E. The Ministry of Justice will initiate legal proceedings against Sharia'a Court judges who perform marriages or divorces that violate Israeli law, or against any employee of the Court who performs or approves a marriage or divorce with the knowledge that one of the parties is breaking the law.
- F. The Sharia'a Courts will be forbidden to issue divorce certificates in the case of "minor divorce." Until this prohibition is forbidden by legislative act, the Sharia'a Courts will be required to report all cases of "minor divorce" over which it officiated or which it approved post facto, to the Joint Enforcement Task Force.
- G. In order to facilitate the process of prosecution, two additional attorneys will be added to the staff of the Southern District, who will be devoted exclusively to the prosecution of cases of polygamy.

## **7. The Population Authority – Ministry of the Interior**

- A. The Ministry of Interior, through the Population Registry, will submit to the Joint Enforcement Task Force all data regarding residential addresses in cases where there is a suspicion of polygamy.
- B. Significant enforcement activity and penalties will be imposed on parents in polygamous households that register children born to mothers who are illegal residents, under the name of one of the father's other wives who is an Israeli citizen.

## **8. The Authority for Development and Settlement of the Bedouin in the Negev**

- A. The Bedouin Authority will submit any and all information related to suspected cases of polygamy, such as details of irregular allotments of land parcels.
- B. The Bedouin Authority will create a map of land ownership in the unrecognized Bedouin settlements, which will facilitate, among other

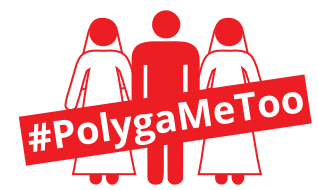
things, the flow of information in cases where there is a suspicion of polygamy.

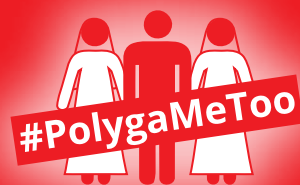
- C. In light of the unstructured lifestyle of residents of the illegal Bedouin settlements, which is a breeding ground for polygamy and other criminal activity, it is necessary to expedite the re-settlement of residents of the illegal encampments into permanent, legal settlements, in accordance with government policy.

## **9. The Civil Service Administration**

- A. The Administration will take action against polygamists who are employed as civil servants, and will refrain from hiring polygamists, particularly in the fields of education and law enforcement.







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