



Name of Country and Jurisdiction:

Israel

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Israel, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Israel for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Religious marriage, registered	Israel	The law of the Israeli citizen/resident's religion governs marriage; the Orthodox Rabbinate is the religious authority authorized to perform marriages of Jewish couples.	No
Unregistered cohabitation ("reputed spouses")	Israel	Case law and various statutes, including the Succession Law (5725-1965), Names Law (5716-1956), and Family Courts Law (5795-1995).	For some purposes*

*The requirements for obtaining a particular benefit as a "reputed spouse" depend on the statute or case law conferring the benefit as well as any contractual arrangement between the couple. And, whether a same-sex reputed spouse qualifies for such benefit depends on the particular court interpreting the law. Same-sex reputed spouses have been accorded many of the same rights as opposite-sex reputed spouses, including tax and pension benefits and succession rights.



2. What are the requirements to be able to enter into the above relationships?

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Unregistered cohabitation	There is no requirement for the couple to have cohabited in Israel.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Unregistered cohabitation	Determined on a case-by-case basis, cohabitation is a contractual relationship, but may be implied from circumstances such as living together. Some statutes granting rights to reputed spouses along with married couples impose their own requirements, such as a specific length of cohabitation.



3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



(a)–(c)	Not applicable; marriage is not available to same-sex couples in Israel.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Unregistered cohabitation	Marriage is not a barrier to an unregistered cohabitation. This is because under Jewish law, it is difficult for a wife to obtain a religious divorce (called a get).



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5. When a couple comes to Israel, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	If a couple has a valid pre-existing marriage, the Ministry of the Interior is required to register the couple as “married” in Israel’s Population Registry. This includes same-sex couples. The Israeli Supreme Court has repeatedly emphasized in its opinions that registration in the Population Registry is an administrative act for the purpose of statistics. The impact of such registration thus must be determined on a case-by-case basis.
Foreign cohabitation	Because there is no requirement for unregistered cohabitants to have cohabited in Israel, couples who resided together abroad may be eligible for benefits as unregistered cohabitants.

Q

6. How can each form of relationship be dissolved? What is the residency requirement or other link to Israel for an authority to grant a divorce/ dissolution?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Religious marriage	<p>The requirements are determined in accordance with religious law, as the religious courts have exclusive jurisdiction over divorce between spouses who share the same religion. Under Jewish law, in order to get a divorce, a husband must release the wife by giving her a <i>get</i>. A wife may sue in rabbinical court to compel her husband to give her a <i>get</i> for just cause.</p> <p>If the marriage is interfaith, the secular family courts have jurisdiction. Additionally, where the spouses are both of the same religion but one is a foreigner, the secular family courts have jurisdiction. Under the Dissolution of Marriage Law, the consent of both spouses is sufficient. If both do not consent, then the court may apply the substantive law of one of the following in order of priority:</p> <ul style="list-style-type: none"> • The spouses’ common domicile; • The spouses’ last common domicile; • The common state of citizenship of the spouses; or • The state where the marriage took place. <p>Same-sex couples who were married abroad and whose marriages have been recognized in Israel may also be divorced under the law described immediately above.</p>
Unregistered cohabitation	No formal dissolution is required since this is not a formal status.



■ Sources:

Primary

- Succession Law (5725-1965), available at <http://www.jl-lawfirm.com/files/pdfs/laws/Israeli-Succession-Law-En.pdf>.
- Names Law (5716-1956).
- Family Courts Law (5795-1995).
- Dissolution of Marriage Law (5729-1969).

Secondary

- Talia Einhorn, Same-Sex Family Unions in Israeli Law, 4 Utrecht Law Review 222 (2008), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1146929.
- Shahar Lifshitz, A Potential Lesson from the Israeli Experience for the American Same-Sex Marriage Debate, 22 BYU J. Pub. L. 350 (2008), <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1403&context=jpl>.
- Family Law in Israel, <http://www.family-laws.co.il>.
- Yori Yanover, Israeli Court Allows Country's Most Celebrated Gay Couple to Divorce, JewishPress.com, Dec. 3, 2012, <http://www.jewishpress.com/news/israeli-court-allows-israels-most-celebrated-gay-couple-to-divorce/2012/12/03>.