

REPORT OF THE COALITION FOR CHILDREN & FAMILY (ISRAEL)

ON THE USE OF INVASION OF PRIVACY, LIBEL, POLICE COMPLAINTS AND GAG ORDERS TO SILENCE FATHERS' RIGHTS ACTIVISTS FROM EXERCISING FREEDOM OF SPEECH AND CRITIQUE OF THE GOVERNMENT IN ISRAEL

To the Honorable Frank La Rue,

The public in Israel has only recently been exposed to the Government of Israel's attempts to curtail freedom of speech and freedom of expression by proposing a bill to Amend the Libel laws by increasing no damages statutory award from about \$19,000 to \$86,000 without a showing of actual damages. This is gaining support in the Knesset and will surely affect the public and media's ability to express opinions and expose corruption.

However, some sectors in Israel have been exposed to Government sponsored silencing techniques, for example, men in divorce. Briefly stated, the law provides that women get automatic interim custody ("tender years presumption"), and men are sent to a government appointed social worker to examine their parental fitness for visitation rights. The Ministry of Welfare's most frequent response is to recommend visitations in a supervised contact center. Already Israel's rates of supervised visitation are the highest in the world (20% to 25%) as opposed to 1%-2% in the United States. Women are also exempt from paying child support, and are immune from being prosecuted for false domestic violence complaints.

Currently, parliamentary commissions are about to file reports on parental equality (Schnit Commission), and fair adjustments of child support (Shifman Commission). However men fathers' rights organizations are not at all represented in these commissions. They are not invited to regular sessions of parliamentary committee meetings that affect them.

Fathers' rights activists may be affected in any one of these ways:

1. Special Commissions established to make legislative recommendations that affect the relationship between men and women, are populated with radical feminists who disseminate anti-male speech, while no member of the men's rights organization is appointed as sitting members of the panel. This is not just a matter of participating in the democratic process; it is also an issue of exclusion of the same people whose lives are affected.
2. Regular sessions of the Knesset Committees (Committee for the Advancement of Women, Committee of Labor and Welfare and Committee for the rights of the child), are conducted without invitations to men's

rights NGOs, while highly paid representatives and lobbyists of the women's organizations, are regularly invited, allowed to express their opinions, and participate in the democratic process.

3. Social workers scan the various internet blogs and facebook groups to "fish out" fathers who express frustration with the "system". They are called to interviews and being asked point blank if they are active in men's' rights groups. Whether they admit it or not, their visitations rights with the children are suspended, and they are sent to a Contact Center, where they get one hour a week with the children in prison like setting.
4. Family courts judges, where proceedings are in closed doors, and no genuine transcript is maintained, also ask men, who are usually the Defendants, if they are active in men's' rights organizations, particularly the Movement for The Future of Our Children. Here the consequences are severe, because the man can be enjoined from entering his home, his visitations suspended, and his half of the marital property confiscated to "compensate the wife".
5. Two more silencing tools are used to suppress fathers' freedom of expression and opinion, and to express criticism against the family court, the social workers, and to fight to change the discriminatory laws. The first is the automatic gag orders on anything occurring within the family court and under direction of the family court. The second is the use of "invasion of privacy" tort action against the father. (Men have no chance in launching parallel tort actions).
6. Here are some examples: A father who wrote about his pain in a blog without identifying the woman was slapped with \$15,000 in compensatory award. He merely described his pain that the daughter is not allowed to sleep overnight over the weekend. The wife argued that her identity may be assumed because the writer's name was public, and she may be presented as an emotional extortionist. Judge Mira Dahan stated that by suing under "invasion of privacy", "truth" in the publication is no defense.
7. Another father who wrote a literary book, laden with sexual descriptions, although the wife was not named, and the literary creation may or may not be fiction, the wife managed to enjoin the printing of the book, and obtained \$60,000 in damages. She argued again that her privacy was invaded, because "a reader may attribute the character to her". Thus, even the freedom to express oneself in literary creations has become a very risky matter in the backdrop of divorce. (Civ. Index 3213/09, Judge Gila Kanfi Shteinitz, District Court Jerusalem, November 21, 2011).
8. A father appeared last month on television (for the first time) without pixelating his face, with full name, and described the horrible experiences of separation from his two year old. The Judge, Esther Shtein in Rishon LeZion, immediately retaliated (case of Shipperman v. Shipperman).
9. A new cause for alarm is the announcement by the Minister of Welfare that a new law is being promoted to direct social workers to file police

complaints against fathers (who are essentially coerced clients of the welfare authorities), whenever they feel threatened. This means that any time father may argue with a social worker about the extent of visitations she allows him; she can terminate the “services” by filing a police complaint. This silencing technique has been used in the past (complaint of Ronit Tzur v. Yaakov Ben Isaschar), but not as a system wide operative directive.

10. The Ministry of welfare has launched libel cases against such “coerced clients” fathers, who write guides for the public warning them of nefarious activities of welfare agents, exposing corruption and brutality used at outplacement facilities for children.
 - In one case, the father called the social workers’ discrimination practices between parents “Apartheid” and “Hitler modus operandi”. He was ordered to pay compensation in the amount of 206,000 NIS (\$59,000).
 - The Ministry of Welfare also petitioned the Court to compel psychiatric commitment to a facility solely on account of public activities expressing disdain from the Ministry of Welfare anti-father policies. This has been documented in a documentary movie, “Fathers’ Rights” that was voted “public’s choice” at a DocAviv festival.
11. Although not directly on the freedom of speech in the public arena, at family Courts, judges limit litigant’s time for evidentiary trials, and place armed guards next to the fathers so as to intimidate them/silence them (Judge Rivka Mekayes, Kfar Saba family court).
 - In the case of Dr. Eric Cohen-Addad, when his wife got extensive time to express herself, and he lifted a finger for the right to address the Judge, the Judge gave a nod to the guards to brutally beat up Dr. Cohen-Addad.
 - In the case of Joel Leyden, also a litigant in front of Judge Mekayes, the father who was in the business of news aggregation and reporting regarding all aspects of life in Israel, *The Israel News Agency*, the first Internet news organization out of Israel, est. in 1995 with credentials by the Government Press Office, when this father reported stories from the courtroom of Judge Mekayes, the Judge ordered the server to take the site down abruptly, thousands of news stories were lost and Mr. Leyden was fined \$14,000. The site has been partly restored and is now operating in the US
12. The Ministry of Welfare also targets the press when unflattering reports are published by launching grievances with the Israel Press Council, which conducts a full a blown trial based on the press ethics code. In one case, the major newspaper overstated the number of children removed from parental

care to outplacement facilities. This creates a chilling effect on reporters not to “mess” with welfare office, or else their integrity will be tarnished.

- See, Ministry of Welfare v. Yedioth Achronot, January 18, 2009. The newspaper was directed to issue an apology, and since then systematically refrains from exposing any issues that place it in conflict with this powerful organ of the state.
- Reporter Meirav Batito on August 8, 2008 brokered a story about the abuse of orphans at Welfare facilities. The newspaper received a barrage of intimidating legal demands, and refrained from follow ups ever since.

13. The Ministry of welfare systematically refuses to include representatives of the serviced population in its various councils and policymaking meetings. For example, the statutory Council of Social Work is an advisory body to the Minister, Moshe Kahlon. The law provides that three representatives of the serviced sector be appointed to the Council by the Minister. The Minister appointed only one representative for the gay and lesbian sector, and left two slots deliberately empty. Efforts to populate the slots by authentic representatives who are not pacifiers of the ministers, failed. The Council meets behind closed doors.

In conclusion, on the one hand the Government unnecessarily and unreasonably interferes with people’s lives and liberties, (for example by turning all men in divorce clients of the ministry of welfare), and on the other hand the Government uses a myriad of undemocratic tools to silence discontent via “invasion of privacy” and libel tort cases, penalties of disengagement from children, and initiated police complaints to suppress public opposition.

The overreaching gag orders at family courts prevent fathers and men from expressing natural feelings such as joy, or happiness (for example posting pictures with the children on the net without the woman’s consent), or feelings of anger, disappointment or frustrations, because those can be interpreted by the woman, again, as defamation or invasion of privacy. There is also a widespread witch-hunt of those fathers wishing to participate in the democratic process by wishing to change the laws, and render them gender neutral. Fathers and men’s NGOs are excluded from parliamentary committee sessions and from commissions to investigate their own miseries.