

Civil Union Law for Citizens with no Religious Affiliation, 2010

(Unofficial Translation)

Definitions 1. In this law –

"Religious Court" – Rabbinical court, Sharia court, court of the Christian community, or court of the Druze community

"Court" – family court

"Couple" – a couple consisting of a man and a woman

"Request to resolve a dispute" – The beginning of a legal process to resolve a dispute between a couple according to the Regulations for Civil Procedure, 1984

"Civil Union" – Agreement between a couple to live together and to establish a family life and a common household

"Judge" – Any one of the following, according to the situation:

- (1) For Jews – A judge according to the definition of the Rabbinical Judges law, 1955, as appointed by the High Rabbinical court of Israel;
- (2) For Druze – A Qadi-Madhab according to the definition of The Druze Courts Law, 1962, as appointed by the Druze court of appeals;
- (3) For Muslims – A Qadi according to the definition of the Qadis Law, 1961, as appointed by the Sharia court of appeals;
- (4) For Christians – A judge of the appeals court of Israel for that specific Christian community

"Population Registry Law" – Population Registry Law, 1965;

"Lacking religion" – Someone who is not Jewish, Muslim, Druze, or Christian and the religious court does not make a different decision according to article 6;

"Population registry" – The population registry as managed according to the Population Registry Law, 1965;

"Couple's registry" – The registry of couples that enter into a civil union according to this law;

"Christian community" – The religious Christian community according to the meaning of article 54 of the King's Declaration on Israel, 1922-1947

"Head of a religious court" – Any one of the following according to the situation:

- (1) For Jews – The President of the High Rabbinical Court of Israel;
- (2) For Druze – The head of the Druze Court of Appeals;
- (3) For Muslims – The President of the Sharia Court of Appeals;
- (4) For Christians – The head of the Appeals Court of Israel for that specific Christian community;

"Marriage registers" - The authority that registers marriage and divorce (registration)

"Couple's registrar" – the person who is appointed according to article 4;

"Resident of Israel" – A person who lives in Israel for 3 of the last 5 years from the day that the request is submitted to the couple registry according to article 5 who is also one of the following:

- (1) A citizen of Israel;
- (2) Someone who possesses an immigrant authorization or a certificated of immigration according to the Law of Return, 1950;
- (3) Someone who possesses a license for permanent residency according to the Law of Entering Israel, 1952;

"The Minister" – The Minister of Justice.

2. A couple without religion, who agree to join in a civil union, are allowed to hold that civil union in front of a couple registrar to register in the couples' registry when the conditions that are specified below are met and in accordance to the provisions in articles 5 through 8:

- (1) They are at least 18 years old;
- (2) They are residents of Israel;
- (3) They are registered in the population registry as not having a religion;
- (4) They are not related; on this matter –
"Related" – parent, grandparent, child, spouse or anyone who was a spouse of any the above, a brother or sister and their spouses;

"Spouse" of a person – someone who is married to the person and is registered as the spouse of the person in the couples' registry;

- (5) They are not married to each other and not registered in the population registry as married to each other;
- (6) They are not married to anyone else, not registered in the population registry as being married to anyone else and not registered as someone else's spouse in the couples registry or a similar registry that functions according to the laws of another state;
- (7) If one of them is legally incapable or has a legal guardian - the court will authorize that they are able to give informed consent to enter a civil union;

3. The court has sole jurisdiction to legislate the aspects of this law, except for determining who is defined as not having religion.

4. (a) The minister will appoint someone capable to be a judge in the courts, to register couples and he can appoint numerous people to register couples if the situation calls for it, the minister will appoint a number of couple registrars and one of them will be appointed as the head registrar.

(b) The couples' registrar will manage couples' registration; the minister will appoint a number of couples' registrars. The head registrar will oversee the activities of the couples' registrars and will be responsible for the proper management of the registry.

(c) So that he can fulfill his role, the couple's registrar will have the authority to investigate according to articles 9 until 11 of the Law of Investigative Committees, 1968

5. (a) A couple that asks to enter into a civil union before a couples' registrar and to register in the couple's registry will submit the request to the couple's registrar (as follows – the request to register); the request will be submitted on a form as instructed by the minister, the couple will attach a declaration that they have fulfilled the conditions as put forward in article 2 to the request. They will also attach any other documents that the minister requests.

(b) When the request is submitted according to the provisions of subsection (a) and the couple's registrar finds that the couple has fulfilled the conditions as put forward in article 2, after the couple's registration details are checked in the population registry, including registration details regarding religion and

marital status, the public will be made known that a request has been submitted and a copy will be passed to all of the religious courts or to those courts' proxy for these matters according to section 6(e); if at that point the couple's registrar finds that all of the provisions of section 2 are not fulfilled, the request will be rejected and a message will be sent to the couple.

(c) The head of the religious court can inform the couple's registrar, in a general statement, that there is no need to pass along the copy of the registration according to subsection (b) with regards to registration with the couple's registrar.

(d) The minister will decide the provisions for the publication of the announcement that a request has been submitted according to subsection (b) and the details within it.

6. (a) If one of the heads of the religious courts suspects that one of the members of the couples that submitted the request is part of another religious community whose marriage falls under the juridical authority of that community's religious courts, or if there is an appeal that doubts the connection of one of the members of the couple's connection to the community in question, the matter will be referred to the religious court in question and the court shall inform the couple's registrar within 60 days from the reception of the request; the couple's registrar shall delay the decision on the registration request until the decision of the religious court has been made according to the provision of this section.

(b) A religious court whose request is passed on for a decision in accordance with subsection (a) is authorized to decide from one of these, after the couple whose case is being discussed is given an opportunity to plead its case:

(1) No opposition to the couple's registration in the couple's registry;

(2) Opposition to registration in the couple's registry due to the fact that the couple is part of a religious community whose marital affairs are under the jurisdiction of the religious courts or due to the establishment of a doubt regarding the connection of the couple to a religious community.

(c) The head of the religious court will inform the couple's registrar of the religious court's decision as per subsection (b) immediately after it is made; if there is no communication from within 3 months of the reception of the request for registration as described in section 5, will be viewed by the court as a lack of opposition as per subsection (b)(1).

(d) If the couple's registrar receives the decision of the religious court as per subsection (b)(1), he will continue the registration process at the couples registry as per section 8; if the couple's registrar receives the decision of the religious court as per subsection (b)(2), the request to register the couple will be rejected.

(e) The head of the religious court is authorized to appoint a judge from the religious court of which he is the head or a marriage registrar from the religious community whose marital affairs fall under the authority of the court in order to assert its authority as per this section; the head of a religious court who appoints a judge or registrar for this purpose will inform the couple's registrar.

7.(a) Anyone is authorized to come to the couple's registrar within 30 days from the day that the message is publicized to the public according to section 5(b), opposition to the request to register due to a failure to meet the conditions laid out in section 2; the opposition will be submitted to the couple's registrar, the registrar will give a copy of the opposition to the couple who will be allowed to respond to the opposition within a period that will be established by the minister.

(b) After the opposition is submitted as per subsection (a), the couple's registrar will examine the opposition and decide to either reject it or accept it; if the couple's registrar decides to reject the opposition, the registration process at the couple's registry will continue as per section 8; if the opposition is accepted by the couple's registrar, the request to register will be rejected and the couple will be informed.

(c) Despite subsection (b), if opposition to the request to register is submitted as per subsection (a) based on the fact that one of the members of the couple is Jewish, Muslim, Druze or Christian, the couple's registrar will give a copy of the opposition to the head of the appropriate religious court or to the person who the head of the religious court appointed for the purpose according to section 6 (e); when the notice of the opposition is passed on, section 6 will apply mutatis mutandis and with this change: the numbers of the appointed times in sections (a) and (c) will apply from the time that the copy of the opposition is received.

8. (a) If opposition was not submitted or if it was rejected according to section 6 or 7, the couple's registrar will invite the couple to appear before him to enter into a civil marriage.

(b) The couple will appear before the couple's registrar who will explain to them the meaning of a civil marriage; the couple will declare before the couple's registrar that they have fulfilled the conditions as per section 2 and that they agree to enter into a civil marriage.

(c) When the couple's registrar confirms that the conditions found in section 2 have been met and that both members of the couple freely agree to enter into a civil marriage and that they understand the significance and its consequences, they will sign the civil marriage contract and the couple's registrar will verify the agreement with his signature.

(d) The couple's registrar will add the details of the couple to the couples' registry in a manner set by the minister; a copy of the registration will be sent to the couple and to the official in charge of registration according to article 15 of the Law of Population Registration.

9. (a) The registry will not be open for review except for the below individuals so that they can fulfill their duties

(1) The Minister of the Interior or someone who the Minister appoints;

(2) Someone who the secular or religious courts appoint for a specific purpose that they are dealing with;

(3) Marriage registrar or someone who is appointed for the purpose;

(4) Another job set up by the Minister

(b) Any person is authorized to accept the message regarding registration in the couples' registry as well as the copy or summary from the registry.

10. (a) A couple who agrees to end their civil marriage are authorized to submit to the couple's registrar a request to erase them from the couples registry by way of a form and attached documents as set by the Minister; if one of the members of the couple is legally incapable, or has a legal guardian, the request will be submitted to the court as per section 11(c).

(b) If a request is submitted according to subsection (a), the couple will come before the registrar and announce that they have agreed to end the civil marriage.

(c) When the couple's registrar receives the couple's freely agreed upon declaration, he will authorize the declaration with his signature and erase their entry from the couples' registry.

(d) Without taking away from subsections (a) through (c), the couple's entry will be erased from the couples' registry if one of the following conditions are met:

- (1) One of the members of the couple dies;
- (2) A court gives a legal decision that dissolves the civil marriage as per section 11; in this case, the time when the decision becomes final will be considered the time of the erasure;
- (3) If a decision is made based on section 4a of the oversight of marriage and divorce (registration) according to which the couple is married to each other.

(e) When the couple is erased from the couples' registry according to this section, a confirmation of the erasure will be sent to the couple and the registration official according to section 15 of the Law of Population Registration.

11. (a) If an agreement needed is not reached between the couple who is registered in the couples' registry, which is necessary to submit a request for the erasure from the registry according to section 10 (a), the member of the couple interested in dissolving the civil marriage can submit a request to a court to resolve the dispute.

(b) After the request is submitted to the court to resolve the dispute as per subsection (a), the court can dissolve the marriage in one of the following situations:

- (1) The couple has agreed to settle the conflict, including an agreement to dissolve the civil marriage;
- (2) The couple did not reach an agreement as laid out in article (1) within 6 months from the submission of the request to resolve the dispute and one of the members of the couple informs the court that they are interested in the dissolution of the civil marriage; the court is authorized to delay the legal decision until the processes related to financial considerations between the couple are finished or the processes related to legal guardians and custody;
- (3) A year passes from the day of the submission of the dispute resolution request and they are not able to locate the other member of the couple to give him the request.

(c) If the couple agreed to dissolve the civil marriage between them and one of them is legally incapable or has a legal guardian, the request will be submitted as per section 10 (a) to the court, and they will declare before the court that they agree to dissolve the civil marriage; if the court makes a legal decision to dissolve the civil marriage after finding that an incapable person or that the legal guardian appointed to him is able to understand what is occurring and that both members of the couple freely agree to dissolve the civil marriage and understand its significance and consequences.

(d) Without interfering with subsections a through c, the court is authorized to deliver a legal decision that dissolves the civil marriage if one of the following conditions hold true:

- (1) The civil marriage had become only for appearances;
- (2) The registration in the couples' registry was done on the basis of false or mistaken information;
- (3) A court can determine that an agreement to dissolve the marriage cannot be given by one of the members of the couple due to mental or intellectual disabilities that do not allow the member of the couple to understand the significance or consequences of dissolving the civil marriage;
- (4) The spouse of the member of the couple who submitted a request is married to another person or is registered as a member of a couple in the couples' registry or in a similar registry managed by another country.

12. All of the details in the above sections are able to be appealed to a court after the decision by the registrar as detailed in those sections:

- (1) A member of a couple who submitted a couple to be registered – the decision of the registrar to reject the request can be appealed according to section 5(b) or 7 (b);
- (2) A person who submits opposition according to section 7 – the decision of the registrar to register the couple in the couples' registry according to section 8;
- (3) A member of a couple who is registered in the couples' registry or who has been erased from the couples' registry – the decision of the registrar made as per section 10.

13. (a) Subject to the provisions in this section

- (1) The law for a couple registered in the couples' registry as per this law is like the law for married couples;

(2) The law for a couple whose registration is erased from the couples' registry is like the law for a couple whose marriage is dissolved;

(3) The law for a person whose spouse dies at the time that they are registered as a spouse in the couples' registry, is like the law for a widow

(b) The aspects of the Law of Financial Relationships Between Couples, 1973 (in this section – the Law of Financial Relationships), will apply to couples who are registered in the couples' registry, mutatis mutandis and with this change: without interfering with section 2 of the Law of Financial Relationships, a financial agreement between a couple who enter into a civil marriage can be confirmed also by the couple's registrar at the time of registration in the couples' registry according to section 8 or at the time of erasure of the registration at the hands of the registrar according to section 10(c), this can be done after it has been shown that the couple has freely agreed that they understand its significance and consequences; confirmation of the financial agreement by the couple's registrar, its law in every matter, including for appeal, is like the law of a legal decision of a court.

(c) Despite what is written in subsection (a) –

(1) The Citizenship Law, 1952, Law of the Right of Return, 1950, and the Entrance to Israel Law, 1952, which applies to married couples, do not apply to couples registered in the couples' registry;

(2) The laws mentioned in the addendum, which apply to married couples, will apply to couples registered in the couples' registry only after 18 months have passed from the day that the couple registers in the couples' registry; the Minister, with the authorization of the Constitution Law and Justice Committee of the Knesset, is allowed, with an ordinance, to change the addendum.

(d) This section does not apply to the aspect of the rights and obligations of personal law and to the aspect of registration according to the Law of the Population Registry.

14. This law will not take away from Laws of Marriage and Divorce with the judicial authority of the religious courts in any law.

15. (a) The Minister is responsible for executing the law and is able to make amendments in order to carry it out in the following aspects:

- (1) Proceedings before the couple's registrar;
- (2) Judicial process before the courts;
- (3) Fees for submitting requests to register in the couples' registry or a request for erasure from the couples' registry as mentioned above.

(b) Regulations according to subsection (a)(3) will be made with authorization of the Constitution Law and Justice Committee of the Knesset.