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High Court: Take down gender-separation barrier in J'lem

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Justice Beinisch says minority groups cannot take over public spaces, says there should be no segregation in Mea Shearim.

Separation barriers erected in the streets of Mea She'arim designed to prevent male and female intermingling during Succot have been ordered dismantled.

At a hearing of the High Court of Justice on Sunday, Supreme Court President Dorit Beinisch ordered the police to remove the separation barriers and also ordered the police to remove private security personnel enforcing the gender separation.

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As of Sunday night, barriers with canvas partitions were still present along the sidewalks of a small section of Mea She'arim street close to the Breslov and Toldot Aharon centers, behind which were the designated walkways for women, with men passing down the middle of the road. The private security personnel were also present, directing women to the designated walkways.

The decision, also heard by Justice Asher Dan Grunis and Justice Hanan Melcer, comes following a petition filed by Jerusalem City Councilwoman Rachel Azariah on Friday, demanding that last year's high court ruling, which affirmed that gender separation is illegal, be enforced.

"Succot has arrived and once again there is illegal segregation [of men and women]," Beinisch stated during the hearing. "There has been a takeover of public places by a minority in the neighborhood... The private-security personnel and the canvas partitions should be removed now and beginning at the end of Succot, and from then on, there should be no segregation in Mea She'arim [in the future]."



As has occurred in recent years, thoroughfares in the Mea She'arim neighborhood have been separated between male and female pedestrians during this year's Succot festival to prevent intermingling – particularly during the evening, when traditional Simchat Beit Hashoeva parties are staged.

Thousands of people descend on the area every year to watch and participate in the celebrations conducted by different yeshivot and hassidic groups, and communal leaders have sought to separate men and women during this period.

"The court established today once again that segregation in the public domain on the basis of gender is illegal and has to be acted against," said Azariah in response to the decision. "There is a long way to go until we reach equality between men and women, but... if Rosa Parks succeeded in the racist period of US history in the 1950s, then we in the democratic State of Israel of 2011 will also succeed."

During the hearing, lawyers from the State Attorney's Office said that the situation was not ideal, but that resolving it was "a process" in which progress was being made year by year.

Beinisch rejected this, saying that the trend appeared to be one of increasing radicalization.

"It began with buses, continued with supermarkets and arrived in the streets. It's not going away – just the opposite," she said.

Jerusalem District Police Commander Nissan Shaham said that he agreed the situation was shocking.

"Nevertheless, it needs to be seen proportionately: we're talking about a few tens of meters, and next year it will be even better."

Haredi activist Shraga Neiman claimed that the barriers were erected for only three or four hours in the evening at the time of the Simhat Beit Hashoeva parties and were not designed to separate men and women, but instead to allow a clear path for people to gain access to the various yeshivot and synagogues which are otherwise blocked by the large numbers of passersby.

That would be fine, said Azariah, if the partitions were not two meters high and did not include canvas curtains and private security personnel instructing people where to walk.

"In the public domain there is one law for everyone," she told *The Jerusalem Post*. "If people want to be extreme in their own homes then that's fine, but if this radicalization spreads to public places, it is unacceptable."

“This kind of separation is humiliating for women.

Whether it's being confined to the back of the buses or being told to use alternative streets, it is women who are having to deal with the takeover of religion by extremists. Moreover, women in the haredi community are afraid to speak out for fear of being ostracized, and this is why the state needs to step in.”

Some community members expressed dismay at the court's decision.

“Who does it harm? No one from our community is complaining about it so why should the secular community complain?” asked one hassid from the Toldot Aharon group. “Everyone in this country breaks one law or other, but this is what the High Court chooses to focus on?” Meretz MK Nitzan Horowitz welcomed the High Court's intervention saying that the police are obliged to enforce the law to prevent the imposition of the values of a “radical and violent minority” on others.

“This segregation is illegitimate, discriminates against women and degrades them, and therefore has to be fought so that the law will be enforced and segregation will disappear,” she said.

A statement made by the Jerusalem Municipality in response to the court's hearing said that the municipality opposed gender segregation and would assist the police to enforce the law.



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