

*Supplement to the Alternative Report Submitted by the Women's Center for Legal Aid and  
Counseling (WCLAC) Submitted to the*

**Committee for the Elimination of Discrimination Against Women**

*For the Convening of the Committee on its 48th Session from 17 January -4 February 2011*

*Regarding*

**Israel's Serious Breaches of its Obligations under the International  
Convention for the Elimination of Discrimination Against Women  
(CEDAW) in particular regard to Palestinian Refugee and  
Internally Displaced Women**



*Submitted by*

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## 1. Introduction

- 1.1 Badil Resource Center was established in January 1998 based on recommendations issued by popular refugee conference in the occupied West Bank and Gaza Strip. Badil is registered with the Palestinian Authority and legally owned by a General Assembly comprised of activists in Palestinian national institutions and refugee community organizations. Badil has had special consultative status with UN ECOSOC since 2006.
- 1.2 This report is meant to supplement the submission made to the Committee to End Discrimination Against Women by the Women's Center for Legal Aid and Counseling (WCLAC). Badil has endorsed WCLAC's alternative report and considers it a critical contribution in the Committee's review of Israel. Badil believes that the violations sustained by Palestinian refugee women are particularly astute and therefore merit specialized attention. This supplement highlights the heightened vulnerability of Palestinian refugee and internally displaced women and the need for particular attention of CEDAW to the protracted and ongoing violation of their fundamental rights as Palestinian women and victims of forcible displacement.
- 1.3 The findings in this report are based primarily on Badil's 2008-2009 *Survey of Palestinian Refugees and Internally Displaced Persons, as well as recent findings from field studies in the occupied West Bank*. Other sources include the Palestinian Center for Human Rights 2009 report entitled *Through Women's Eyes*, which documents the gender-specific impact and consequences of Operation Cast Lead on the population in the occupied Gaza Strip which is composed largely of vulnerable 1948 Palestinian refugees – a fact which has been often overlooked.

## 2. Background

- 2.1 The total number of Palestinian refugees of 1948 and 1967 was estimated to be 6.6 million by the end of 2008.<sup>1</sup> According to UNRWA records, by the end of 2009, 23.2% of the registered 1948 refugees reside in the Gaza Strip; 16.3% in the West Bank, 41.6% in Jordan, 10% in Syria, and 8.9% in Lebanon.<sup>2</sup> Of the total registered refugee population in the Occupied Palestinian Territories (OPTs), 25.4% live in camps in the West Bank and 45.4% in the Gaza Strip.<sup>3</sup>
- 2.2 Past, current and repeated forced displacement of Palestinians, and the large population of Palestinian refugees and internally displaced persons, is the result of Israel's unlawful policy of forced population transfer, i.e., a policy that seeks to acquire a maximum of Palestinian land with a minimum of Palestinian people. Palestinian land seized and areas vacated are

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<sup>1</sup> 2008-2009 *Survey of Palestinian Refugee and Internally Displaced Persons*, Badil Resource Center for Palestinian Refugee and Residency Rights, Chapter Two. [Hereinafter "Badil Survey"]

<sup>2</sup> Palestinian Central Bureau of Statistics, Press Release: *On the Eve of the International Day of Refugees*, June 20, 2010.

<sup>3</sup> UNRWA, 2010 Figures, January 1, 2010.

developed for the benefit of the dominant Jewish population with the aim of altering the demographic composition of the territory under Israel's jurisdiction and effective control and preventing Palestinian self-determination.

2.3 In the occupied West Bank, ongoing expansion of Israel's Jewish settlements and related infrastructure often results in the expropriation of Palestinian land and means of subsistence from vulnerable communities that have already been victims of massive dispossession and displacement in the past, and induces renewed forced displacement. The projected route of Israel's A1 high-speed train, for example, runs 6.5km through the occupied West Bank. In blatant violation of its obligations under international humanitarian and human rights law, Israel as the occupying power has, without military necessity, expropriated privately owned Palestinian land with the aim of constructing permanent infrastructure, ostensibly to serve the needs of its own civilian population. When completed, the A1 high-speed train will exclusively serve Israeli commuters between Jerusalem and Tel Aviv. It affects vulnerable Palestinian communities, including many Palestinian refugees since 1948 or 1967 as the two case studies below demonstrate:

The Palestinian villages of Imwas, Yalu and Beit Nuba were completely destroyed and their inhabitants expelled by Israel in 1967. Since then, Israel has prevented the return of the Palestinian villagers by means of military orders. New infrastructure developed by the state and the Jewish National Fund includes an afforested recreation area called Canada Park, erected on the ruins of these three villages, the Jewish colony of Mevo Horon, the Wall and the A1 rail project under construction.<sup>4</sup> The direct effect of all this has been the transformation of the Palestinian land into a predominantly Jewish-Israeli area.

Beit Iksa is a village that has offered shelter to many Palestinian refugees, victims of Israel's 1948 ethnic cleansing of the Ramle-Lydda area. In 1967, Israeli military operations induced the flight of a large portion of Beit Iksa's population. Today, 80% of the remaining 2,000 inhabitants are UNRWA-registered 1948 refugees. Israel has already confiscated 40% of the village's agricultural land for construction of the Jewish colony of Ramot, and 60% of the remaining land are slated to fall behind Israel's illegal Wall. On 10 November 2010, Israeli authorities handed a "land acquisition order" to the Beit Iksa Village Council. The order states that 50 dunams will be confiscated for the A1 rail project: 20 dunams will be confiscated permanently to build an access road to the tunnel; and 30 dunams will be confiscated "temporarily" for use as construction site. The Israeli order states that the latter will be given back to the population but it does not say when. Five hundred olive trees are at risk of being uprooted. Among those affected by the A1 rail project are at least ten Palestinian refugee families (350 individuals) who are registered with UNRWA. All of these families are economically vulnerable; they suffer from unemployment and rely on the olive oil they produce. Six of these families will once more have their land confiscated. Another family will not see their land confiscated but

will not have access to it any longer.<sup>5</sup>

2.4 Per the Committee's Concluding Observations in 1999, the refugee women population stands among the most vulnerable and disadvantaged sub-sectors of society, thereby necessitating "special attention."<sup>6</sup> Palestinian refugee women are rendered more vulnerable vis-à-vis their counterparts because their inequitable access to health, education, services, and socio-economic and political parity is exacerbated by the uncertainty of their status, their dismal living conditions, their barriers to entering a mainstream national economy, as well as the general shortage of schools and space to accommodate a growing refugee population.<sup>7</sup> Addressing these structural grievances requires the enjoyment of fundamental rights, enshrined by Article 3 of the Convention, by Palestinian refugee women. This includes the right to non-discrimination by the Occupying Power, self-determination as part of a national body, and the right to return to their homes and properties in the context of durable solutions and reparations, similar to all other refugee populations and victims of serious human rights violations the world over.

2.5 While Israel's policy of forced population transfer is implemented by a discriminatory regime comprised of colonization, apartheid and occupation and that harms Palestinian men and women alike, Badil asserts that refugee women are acutely harmed because their pre-existing vulnerable status in Palestinian society increases the likelihood of gender-based violence. According to the United Nations Population Fund, Palestinian women suffer acute harm because:

The Israeli military occupation has had an overarching impact on all aspects of life, including timely access to quality health care and education. Opportunities to empower women to make informed reproductive health choices and initiatives to reducing early marriage have all been negatively affected by widespread poverty and unemployment. Additionally, widespread psychosocial trauma, high levels of food insecurity and an increase in malnutrition and anaemia, especially among women, present serious challenges to the achievement of the [Millennium Development Goals].<sup>8</sup>

2.6 Badil attempts to highlight the heightened risk of abuse endured by Palestinian refugee women by examining several socio-economic indicators as well as two case studies.

### **3. Socio-Economic Indicators**

#### **Health**

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<sup>5</sup> Data source: Badil Resource Center for Palestinian Residency and Refugee Rights

<sup>6</sup> CEDAW, Concluding Observations 1999, Background, Para. 6.

<sup>7</sup> See generally Badil Survey *supra* note 1.

<sup>8</sup> For a more thorough analysis of gender-based violence in the Occupied Palestinian Territories, see United Nations Population Fund (UNFPA), Women, Peace, and Security Initiative, Technical Support Division, "Gender-Based Violence in Occupied Palestinian Territory," (2005).

3.1 Infant and child mortality rates among refugee populations have generally declined in the past six decades. Consider that in 1950, 200 infants, out of every 1,000 births, died whereas that figure dropped to 24 per 1,000 births in the OPTs in 2006. Mortality rates among refugee infants and children under five remain highest among refugee populations in the Gaza Strip, Lebanon, and Syria.<sup>9</sup>

3.2 While Palestinian refugee women, including those in camps, have positive health indicators including access to health centers during pregnancy and qualified birth assistance, a report by UNFPA indicated that miscarriages increased by 40 percent during Israel's war on Gaza.<sup>10</sup> Consider the following account of Raghda Abed Rabbo as documented by the Palestinian Human Rights Center (PCHR):

Rhagda Abed Rabbo was seven months pregnant during Operation Cast Lead. On 16 January, two days before the ceasefire, Rhagda gave birth to her son Ayham prematurely. The family was unable to reach a hospital, and Rhagda was forced to give birth to Ayham in her home. On April 16, 2009 at three months old, Ayham died of complications relating to his premature birth.

Rhagda told PCHR, "I had a bad feeling that I would deliver. I had to keep running everywhere because of the bombing, upstairs, downstairs, I was worried. My husband kept telling me not to be scared, not to run, not to worry." "I tried to call an ambulance," said Karam, "but it was impossible for them to reach us, it was too dangerous." Early in the morning on January 17th, the family decided to take Ayham to the hospital. "We went to Al Awda hospital," said Karam, "but they told us that we must take Ayham to Al Nasser Children's Hospital to get an incubator.

Ayham's temperature was only 30 degrees, he was dark blue, and barely breathing. In Al Naser they had to put him on a mechanical ventilator. He stayed in the hospital for six weeks, we tried to get him transferred to Israel. I did my best. The decision from Ramallah was that no one from Gaza could be transferred to Israel. Then they said we could bring him to Moqasad hospital in Jerusalem." Ayham was born on 16 January, and transferred 1 March. He died there on 16 April, his mother was with him.<sup>11</sup>

## **Housing**

3.3 Sub-standard housing leads to poor health and has a disproportionately severe impact on women, other caregivers, children, handicapped persons, and the elderly.<sup>12</sup> The international standard for overcrowding is three or more persons per room. This is a problem characteristic to refugee camps whose area has remained the same for the past 62 years whereas their

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<sup>9</sup> Badil Survey *supra note* 1 at 73.

<sup>10</sup> As quoted in Badil Survey *supra note* 1 at 80.

<sup>11</sup> Palestinian Center for Human Rights, *Through Women's Eyes*, 2009. [Hereinafter "Through Women's Eyes"]

<sup>12</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, at 58.

populations have more than quadrupled.<sup>13</sup>

3.4 Palestinian households in Israel, including Internally Displaced Persons households, suffer from a shortage of land designated for development. Approximately 19 percent of Palestinian households have suffered from land confiscation between 1947 and 2007, while 10.8 percent of households have had their homes demolished or confiscated by the Israeli government during the same period. Fifty-eight-point-4 (58.4) percent of households stated that they would need at least one new housing unit in the next ten years, while 34.1 percent said they would need at least two. Nonetheless, 66.8 percent of those surveyed explained that they lack the means or the permits to build their necessary housing unit/s.<sup>14</sup>

3.5 In light of Israel's discriminatory housing policy, that includes home demolitions and a state-coordinated settlement expansion policy, Palestinians in East Jerusalem face greater challenges in meeting their housing needs. A December 2008 European Union Report found that Israel actively pursued its illegal annexation of East Jerusalem by constructing Jewish-only settlements and systematically demolishing Palestinian homes.<sup>15</sup> Consider the following account of Hiba al-'Almi as documented by the Palestinian Center for Human Rights:

My family's dream was to buy our own house. In 2002, my father bought an apartment from Mr. Majed Abu 'Isha, who had built an apartment house. My father paid \$200,000 for it, investing all his savings. The contractor showed him the building permit he had received. On 12 June 2006, we moved in. The next day, policemen and Jerusalem Municipality officials came and handed us a demolition order. On July 27, around 1 A.M., a neighbor called and told me the municipality and the police might come at night to the building, and that I should be at home. Around 3:30 A.M., I heard the sound of stun grenades exploding. After that, there was banging on the door. My aunt and I went to open it. When I opened the door, a few policemen burst in with black masks on their faces. They had five huge dogs with them. They ordered us to leave the building immediately. I told one of them that I wanted to get dressed because I was in pajamas. He said he would go into the room with me and I shouted at him and didn't agree. He swore at me. Then the policemen hit me in the back and slapped me. One of the dogs came over to my leg and almost attacked me. Out of fear, I kicked it. Because I kicked the dog, the policemen hit me again, and one of them grabbed me by the hair and threw me to the floor. One of the policemen stepped on my back and the others kicked me and continued to swear at me. This lasted for a few minutes. Then one of the policemen grabbed me by the shoulder and lifted me up. He pushed me out of the apartment and down the stairs. There were lots of policemen in the stairway, and they hit and punched me. A few minutes later, I found myself outside the building, on the main road. Around 6:30 P.M., I heard a loud explosion. I was about 150 meters from the building. The whole building collapsed, and my life was buried with it.<sup>16</sup>

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<sup>13</sup> Badil Survey *supra note 1* at 77.

<sup>14</sup> The Galilee Society and Rizak, *Palestinians in Israel: Socio-Economic Survey 2007, 2008* at 111-132.

<sup>15</sup> As quoted in Human Rights Watch, *Israel: Stop East Jerusalem Home Demolitions*, 2009.

<sup>16</sup> Through Women's Eyes, *supra note 9*.

3.6 When homes are demolished, women “often become disoriented, unable to function without their routine of organizing and managing the domestic sphere.” They are also at risk for several health problems such as depression and anxiety, and their lack of residency makes it even more difficult to travel in order to seek medical help.<sup>17</sup>

### **Poverty and Unemployment**

3.7 Unemployment rates among Palestinian refugees ranges from 11 to 43.1 percent. The Gaza Strip maintains the highest rates of unemployment where 43.1 percent of females and 38.3 percent of males are unemployed compared with the West Bank where 17 percent of females and 20.5 percent of males are unemployed. Among the entire Palestinian refugee population, labor force participation among refugee women is very low compared to that of men. Palestinian refugees endure higher job insecurity than their non-refugee counterparts because of their limited alternative sources of income.<sup>18</sup>

3.8 As a result of high unemployment rates and Israel’s repeated military incursions characterized by the indiscriminate and excessive use of force, in the OPTs the per capita income declined by 40 percent between 1999 and 2007.<sup>19</sup> Refugee Camp households sustain the highest poverty rates throughout the OPTs. Consider that 39 percent of camp households are poor compared with 29.5 percent of their urban and rural counterparts. Moreover, in 2009 63 percent of Palestinian households interviewed in the Gaza Strip attributed their accelerated impoverishment on Israel’s 2008/09 Winter offensive, Operation Cast Lead.<sup>20</sup>

## **4. Proposed Recommendations to the Committee**

4.1 The well-being of Palestinian refugee women is contingent on their realization of fundamental rights enshrined by Article 3 of the Convention to End all Forms of Discrimination Against Women as well as by Articles 1 and 2 of the Covenant on Economic, Social, Cultural Rights, and by Article 1 of the Covenant on Civil and Political Rights, namely the right to self-determination and to non-discrimination. Absent these fundamental rights, Palestinian society lacks the means to improve their economy in order to fully integrate women into the labor force; lacks the ability to oversee their domestic legislation in order to remove all impediments to women’s participation in society; and lacks the capacity to meet its population’s health and housing needs. Israel’s system of occupation, colonization and apartheid, and its policy of forced population transfer, systematically abuse the rights of Palestinian men and women by way of home demolitions and forced evictions, confiscation of land and resources, military operations

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<sup>17</sup> Jerusalem Center for Women, *House Demolitions: The Effects on Palestinian Women*, 2008.

<sup>18</sup> *Id.* at 75.

<sup>19</sup> UN OCHA, *A Year of Decline: The Financial and Institutional Status of the Palestinian Authority*, OCHA Special Focus, Jerusalem, April 2007.

<sup>20</sup> Life in the Gaza Strip six weeks after the armed conflict 27 December 2008-17 January 2009. Evidence from a household sample survey, FAFO and UNFPA, 2009.

characterized by excessive and indiscriminate use of force, segregation and closure policies, and denial of the rights to residency and nationality.

4.2 Palestinian refugees and internally displaced persons face acute harm because of Israel's policy denying them durable solutions and reparations, in particular the right to return, the right to restitution of housing and property, and compensation for harms incurred. Therefore, the right to return constitutes a cornerstone in the fulfillment of Palestinians' fundamental freedoms.

### **Proposed Recommendations**

- 4.2.1 Reiterate the rights of Palestinian refugee women to return to their original homes, to restitution for housing and property, and to compensation for damages incurred, as a means to end their vulnerable situation and to enable them to exercise their right to self-determination as part of the Palestinian people.
- 4.2.2 Urge Israel to respect, protect and promote the above rights, and to end institutionalized discrimination of Palestinians on grounds of their nationality, thereby ending structural and gender-based violence against Palestinian refugee women. This includes amendment of Israel's nationality, citizenship and land laws, which systematically bar Palestinian refugees, including women, from effectively claiming their rights to return, housing and property restitution and compensation, and deny equality under the law to all of Israel's citizens, in particular Palestinian women.
- 4.2.3 Urge Israel to end its ongoing policy of forced population transfer. In this context, urge Israel to implement the recommendations of the 2004 International Court of Justice's Advisory Opinion and dismantle its illegal Wall and its associated regime of permits and infrastructure throughout the occupied West Bank and offer reparations to the Palestinian victims; dismantle the illegal settlement and related infrastructure; cease all further unlawful expropriation of Palestinian land and resources, home demolitions and forced evictions of Palestinians inside Israel and the occupied West Bank, including East Jerusalem, and lift the blockade of the occupied Gaza Strip which amounts to the collective punishment of the Palestinian inhabitants, most of whom have been refugees since 1948.
- 4.2.4 Recommend to the United Nations and its member states fulfill their legal obligation to protect the CEDAW-enshrined rights of Palestinian refugee women and to undertake practical measures, which will end the illegal situation created by Israel. In particular, call upon the United Nations and its member states cease the provision of aid and/or assistance to Israeli policies and practices that sustain and exacerbate this unlawful situation.