



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur on follow-up to concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the initial report of the State of Palestine at the Committee's seventieth session held in July 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/PSE/CO/1](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 53 on follow-up to the concluding observations, the Committee requested the State of Palestine to provide, within two years, written information on the steps taken to implement the recommendations contained in 11 (a), 13 (c) and 15 (a) and (c) of the concluding observations.

The Committee welcomes the follow-up report received on July 2020 ([CEDAW/C/PSE/FCO/1](#)) under the CEDAW follow-up procedure. At its seventy-eighth session, held remotely due to the ongoing COVID-19 pandemic in February 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 11 (a)** of the concluding observations, urging the State party to “**adopt, without delay, national legislation that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres**”:

The Committee welcomes the information provided by the State party that a definition of discrimination against women has been incorporated in the draft decree-law concerning protection of the family from violence. It also notes with appreciation that the State party provided information about the continued steps taken to amend the Palestinian Labour Code, in which a definition of discrimination against women will also be included, as well as to amend the Civil Service Act to include a provision prohibiting and criminalizing discrimination in the workplace. Moreover, the Committee takes into account that the State party is taking steps to prepare a draft decree-law ensuring the right of women to participate effectively in trade unions without discrimination, and that it has prepared another draft decree-law establishing a minimum quota of 30 per cent for the participation of women candidates in general and local elections. The Committee also understands that the State party is reviewing the 2011 draft Palestinian Penal Code in accordance with the recommendations of United Nations human rights treaty bodies, including the Committee's recommendation to define and prohibit discrimination against women in all areas of life and adopting a comprehensive definition of sex-based discrimination. Finally, the Committee notes that the State party adopted Act No. 22 (2019) establishing the same rights for mothers and fathers to open bank accounts for their minor children.

His Excellency Mr. Ibrahim Khraishi
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Nevertheless, the Committee regrets that the State party did not adopt a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres. The Committee considers that the scope of the above-mentioned draft provisions is limited to specific areas of law rather than generally prohibiting discrimination against women and girls in the public and private spheres. Moreover, the State party did not take concrete steps to adopt the legislative amendments or draft laws referred to in its report. The Committee notes that the information provided by the State party extensive, but that it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 11 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on concrete steps taken to:

Adopt, without delay, national legislation that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres.

With regard to the recommendation made in **paragraph 13 (c)** of the concluding observations, urging the State party to “**take concrete steps to accede to the Optional Protocol and publish the Convention in the Official Gazette**”:

The Committee welcomes the information that the State party has acceded to the Optional Protocol on 10 April 2019. It also takes note with appreciation of the establishment of a committee mandated to ensure the publication of the Convention in the Official Gazette, composed of the Ministry of Women’s Affaires, the Ministry of Foreign Affairs and Emigrants, the Supreme Constitutional Court and the secretariat of the Cabinet, which produced and submitted to the Cabinet a draft decree-law on the publication of the Convention in the Official Gazette.

However, the Committee regrets that neither the Convention nor the Optional Protocol have been published in the Official Gazette and therefore are still not applicable in the State party.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 13 (c)** of the concluding observations, the State party provide, in its **next periodic report**, information on further steps taken to:

Publish, without delay, the Convention and the Optional Protocol in the Official Gazette.

Regarding the recommendation made in **paragraph 15 (a)** of the concluding observations, urging the State party to “**reunify the legal systems in the Gaza Strip and the West Bank to ensure that all women and girls in the State party are afforded equal protection under the law, in line with the Convention**”.

The Committee takes into account the information provided regarding the tentative holding of presidential and legislative elections in the State party. Nevertheless, the Committee regrets the absence of information on measures taken by the State party to reunify laws in the Gaza Strip and the West Bank and to harmonize legislation giving effect to the Convention.

The Committee considers that the State party did not take sufficient steps to implement the recommendation. It considers that the recommendation has **not been implemented**.

The Committee notes that the information provided by the State party is vague and incomplete and that it fails to address the recommendation. It thus considers the quality of the information provided is **unsatisfactory**.

With regard to the recommendation made in **paragraph 15 (c)** of the concluding observations, urging the State party to “**expedite the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption**”:

The Committee takes note of the information that a national team has recently been formed to review the 2011 draft penal code that will be submitted to civil society organizations and national bodies for consultation and that will be posted on an online portal to invite comments from stakeholders. The Committee also notes that the draft decree-law concerning protection of the family from violence considered by the previous Government was referred by the Cabinet to the new Ministry of Social Development, Ministry of Women’s Affairs and Ministry of Justice in 2019, for reconsideration, consultation and awareness-raising, before being transmitted to a technical committee composed of the aforementioned ministries, other organs of the executive, representatives of the judiciary and representatives of civil society, to prepare a second version of the draft law. The Committee takes into account the establishment in March 2018 of a technical committee to review the body of laws regulating personal and civil status, and to modernize those laws in accordance with international standards and best practices, as well as consultations with Christian denominations in the State of Palestine with a view to amending their personal status laws in accordance with the Convention and the recommendations of the Committee. Lastly, the Committee acknowledges the adoption of Decree-Law No. 21 (2019) determining the age of marriage in the State of Palestine setting the minimum age of marriage at 18 years for women and men.

While understanding that the measures taken by the authorities in light of the Coronavirus pandemic has prevented the swift completion of measures to adopt the draft laws, the Committee regrets that said draft laws are still under review. Furthermore, the Committee is gravely concerned that Decree-Law No. 21 (2019) allows for exceptions in relation to child marriage.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 15** of the concluding observations, the State party provide, in its **next periodic report**, information on further actions taken to:

(a) **Take effective measures to reunify the legal systems in the Gaza Strip and the West Bank to ensure that all women and girls in the State party are afforded equal protection under the law, in line with the Convention;**



(b) Expedite the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption; and

(c) Repeal article 2 (2) of the Decree-Law No. 21 (2019) allowing for exceptions to the legal minimum age of marriage of 18 years.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Louiza Chalal'.

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women