



**Committee on the Elimination of Discrimination Against
Women (CEDAW)**

**70th session (02- 20 July 2018)
Geneva**

Consideration of reports by States parties: State of Palestine

Submitted: 11 June
To: cedaw@ohchr.org
Word count: 2,745

Al Mezan Centre for Human Rights (Al Mezan) is a Palestinian non-governmental human rights organization with ECOSOC consultative status that works for the protection and promotion of Palestinian human rights in Gaza as part of occupied Palestine.

Part of Al Mezan's work is to document the policies, practices and conditions that women endure in the Gaza Strip that amount to and lead to discrimination and gender-based violence. Since 2007, the Palestinian Authority and the Hamas-led de facto authorities in the Gaza Strip, both duty bearers under international law, have maintained a political division that has served to undermine the rights of Palestinians in the occupied Palestinian territory and compound the dire living conditions in particular in the Gaza Strip and notably regarding the vulnerable population of women. Before re-invigorating a process of reconciliation in 2018, the political division led the authorities to take increasingly drastic measures that further burdened women in Gaza and created conditions that led to and compounded the violations of women's rights by Israel, the occupying power.

The situation in Gaza is unique in terms of its complexity and the extent to which different duty bearers should be held responsible for actions or omissions pertaining to human rights. There are at least three duty bearers who bear direct responsibility for the situation of human rights in the small piece of territory. Due to the very high degree of effective control Israel maintains over Gaza's borders, sea and airspace, as well as the control it has on vital services, such as power supply, trade and civil affairs, Israel is an occupying power and bears responsibilities towards the civilian population to an extent commensurate with this control. The Palestinian Authority, whose government represents the State of Palestine, enjoys partial control through its ministries,

which provide direct services, and through its ability to engage third parties in relation to trade, development and humanitarian assistance. The de facto authorities in Gaza control the police and security forces and run the court system and most of the basic services, such as education and healthcare.

With this in mind, we argue that these duty bearers must be held accountable for their human rights obligations to an extent that is commensurate with their actual control and their ability to fulfill such obligations. For example, if the government of the State of Palestine can invest in order to improve the healthcare services and secure access to healthcare for the population of Gaza, they must do so, as long as their efforts are not hampered by the de facto authorities in Gaza or by Israeli control, for example by Israeli authorities preventing the import of materials and equipment or denying patients exit-permits in order to access Palestinian hospitals in the West Bank.

Unemployment

Within the Palestinian internal political division, in July 2017, the Palestinian Authority's government responded to the creation, by the de facto authorities in Gaza, of an 'executive committee'—in effect a shadow government—with actions that have had severe implications for women as homemakers and as professionals in the workforce in Gaza. The Palestinian Authority's government cut the salaries of its employees in Gaza by between 30 and 70 percent and forced 6,145 employees into early retirement. In March 2018, it stopped paying those salaries completely.¹ The package of measures was implemented without due process, counter to Palestinian law that dictates that civil servants cannot be collectively punished. These measures have also served to increase poverty and hardship—poverty already standing at 53% in Gaza²—and with women overwhelmingly assuming the role of homemakers, the measures serve to further burden women as they try to care for their families. Women are also not prioritized within the work force, and fabricated social restrictions that have been fomented or tolerated by the de facto authorities in Gaza, mean that in the case of the job market being further limited, women will be the first to be overlooked for work. According to the Palestinian Central Bureau of Statistics, the unemployment rate in Gaza reached 46.6 percent in the third quarter of 2017 and among women alone, 71 percent.

Electricity

Since the de facto authorities created the above-mentioned 'executive committee' in April 2017—without coordination with the government of national consensus—to administer Gaza's affairs, the Palestinian Authority's government took measures to reduce the electricity supply to the Gaza Strip. Gaza's population was at that point enduring lengthy power cuts that left them with an average of four hours of electricity per day. The power cuts disrupted the functioning of healthcare facilities and the water and sanitation systems and therefore exacerbate the humanitarian crisis in Gaza. As a punitive measure, the Palestinian Authority's government took

¹ Aref Abu Jarad, Head of the Association of Public Sector Employees in Gaza, in a telephone interview with Al Mezan, 11 June 2018.

² Palestinian Central Bureau of Statistics, Levels of Living in Palestine, 2017. April 15 2018, available at: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=3115&mid=3171&wvversion=Staging>

the step to reduce its spending on power coming from Israel by 35 percent. This request was endorsed by the Israeli government, which took the decision to begin reducing the supply shortly thereafter.³

In July 2017, at the height of the drastically worsened electricity crisis that followed the Palestinian Authority's decision, 110 thousand cubic meters of sewage were pumped into the sea every day because the sanitation systems were unable to function as needed. At the time, the Ministry of Health and the Environment Quality Authority in Gaza tested seawater samples from along Gaza's coast and found that over 70 percent of the coastal water was contaminated. Notably, the only aquifer in Gaza is harmed by the sea pollution, as it has reached levels that are so low that the sea is feeding into it.

These conditions affect access to the rights to food, water and sanitation, and health, not just of women, but notably of the families that they care for as homemakers. This measure, taken by the Palestinian Authority, is an example of an action that serves to discriminate against women by undermining the rights of the population in an imbalanced structure of responsibility for homemaking.

Medical permits

Also in 2017, Al Mezan documented a significant uptick in delays within the Palestinian Authority's processing of referrals for patients from Gaza seeking urgent medical care in the West Bank, including East Jerusalem, Israel, and abroad. Since the Israeli government implemented its closure and blockade policy in 2007, the health conditions in the Gaza Strip have continued to drop at drastic rates, requiring thousands of patients with illnesses or injuries untreatable in Gaza to seek exit-permits from the Israeli authorities, which first requires the permission of the Palestinian Authority.

The Palestinian Authority's uptick in delays compounded the already desperate health crisis. Al Mezan investigated ten cases of Palestinian patients in Gaza, including those of two women and a girl, who died after their requests for referral to hospitals were delayed by the Palestinian Authority in 2017. While the Palestinian Authority denied at the time that there were changes in their policy concerning the processing of medical referrals for residents of the Gaza Strip, Al Mezan's documentation indicated actual delays in the processing of requests of medical referrals. The delays in processing peaked around the time the Palestinian Authority implemented the above-mentioned punitive measures in July 2017.

Al Mezan's documentation shows that in:

- February 2017, 1,900 referral requests were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 14 percent from February 2016.
- In March 2017, 2,200 referral requests were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 4 percent from March 2016.

³ See PHROC press release '**PHROC denounces the decision to reduce the power supply to the Gaza Strip and warns of a humanitarian disaster**', available online at <http://mezan.org/en/post/21938>.

- In April 2017, 1,750 referral requests were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 8 percent from April 2016.
- In May 2017, 1,500 referral requests were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 29 percent from May 2016.
- The drop was steeper in June 2017, when only 650 requests for referral were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 64 percent from June 2016.
- In July 2017, 1,300 referral requests were approved by the Palestinian Ministry of Health in Ramallah, which is a decrease of 28 percent from July 2016.

Decisions taken by Palestinian duty bearers for political expediency are harming access to basic rights and services. Women in Gaza often require treatment in the West Bank or Israel because for example, while breast cancer is the most common cancer among women in the occupied Palestinian territory, there is no radiotherapy treatment available in the entire Gaza Strip. Currently, breast cancer is the highest cause of cancer deaths among Palestinian women.⁴ While the main barrier in access to medical care is Israel's closure policy implemented on the Gaza Strip since 2007,⁵ any compounding of the effects of the occupying power's harmful policy—like the delays by the Palestinian Ministry of Health in Ramallah—have a serious impact on the occupied population in Gaza, particularly women.

So-called 'honor killings'

The Palestinian political divide leads to continued undermining of the rule of law in Gaza and to a state of insecurity. The lack of independence in Gaza's justice system, which goes hand-in-hand with the Palestinian political divide, combined with rampant poverty and the foundations of a largely patriarchal society, mean that conditions are rife for women to consistently endure gender-based violence, including in terms of domestic violence, for which Al Mezan does not have systemic documentation, but also in the documented trend of so-called 'honor killing'.

This brief raises the serious concern that gender-specific, extra-judicial killing and unlawful deaths have been committed in the occupied Palestinian territory by private actors under the euphemism 'honor killing', which refers to the murder of women or girls by their families on 'family honor'-related grounds. While the perpetrators are generally prosecuted, at least in some cases the Palestinian courts indicate a willingness to issue shortened prison sentences for 'honor killings', considering the 'honor' component as an 'extenuating circumstance'.

This brief points to initial evidence of 50 honor killings committed in the Gaza Strip according to Al Mezan's monitoring and documentation since 2004 and 29 in the West Bank according to the Independent Commission for Human Rights between 2006 and 2016.⁶ The 79 documented cases indicate a pattern of violations of the right to life under international human rights law. As

⁴ Medical Aid for Palestinians, Fact Sheet: Breast Cancer in Occupied Palestine. Available here: <https://www.map.org.uk/downloads/map-breast-cancer-fact-sheet.pdf>

⁵ See Al Mezan's joint statement, Israel: Record-Low in Gaza Medical Permits. 13 Feb 2018, available at: <http://mezan.org/en/post/22378>

Also see, Al Mezan's report, Medical Care Under Siege. 1 February 2018, available at: <http://mezan.org/en/post/22333>

⁶ The latter figure excludes 2016, as the ICHR has not yet finalized the relevant report.

signatories to, in particular, the Convention on the Elimination of Discrimination Against Women (CEDAW) the State of Palestine and relevant duty bearing authorities, bear responsibility for this manifest pattern and the lives represented therein.

International human rights law obliges duty bearers to exercise due diligence in preventing the arbitrary deprivation of life by private actors entailed in ‘honor killings’, namely by enacting an appropriate framework of laws that rejects the defense of ‘honor’ as an extenuating circumstance for murder; ensures investigation to international standards; and ensures appropriate punishment is applied. ‘Honor killings’, which remain inadequately punished, constitute discrimination against women according to article 1 of CEDAW and seriously violate article 2 of CEDAW and articles 6, 14 and 26 of the International Covenant for Civil and Political Rights.

Al Mezan’s documentation shows that since 2004, 50 women and girls have been killed in so-called ‘honor-killings’:

Year	# of adult female victims	# of underage child female victims
2004	2	0
2005	3	0
2006	10	0
2007	12	0
2008	2	0
2009	6	1
2010	2	1
2011	1	0
2012	2	1
2013	1	0
2014	1	0
2015	1	1
2016	2	0
2017	1	0
*2018	0	0
Total	46	4

*until June 7 2018

The first set of links below detail basic information on each case for which Al Mezan has issued a press release. Not all cases are reflected in the press releases and in most cases the full identity of the victims has been concealed. Al Mezan has also included the links to the annual reports (2006-2016) of the Independent Commission for Human Rights in order to include the 29 documented cases in the West Bank as well.

We request that the Committee seek further information from the State of Palestine and considers both the substantive and procedural dimensions of the right to life, on the cases referenced below.

Gaza Strip

1. 3 January 2017: [Al Mezan Condemns “Honor Killing” in the Gaza Strip and Calls for Justice](http://www.mezan.org/en/post/21727) (<http://www.mezan.org/en/post/21727>)
2. 24 November 2016: [On the International Day for the Elimination of Violence against Women, Al Mezan Calls on the International Community to Help End Violence against Palestinian Women](http://www.mezan.org/en/post/21636) (<http://www.mezan.org/en/post/21636>)
3. 26 November 2015: [On the International Day for the Elimination of Violence against Women, Al Mezan Calls on the International Community to Help End Violence against Palestinian Women](http://www.mezan.org/en/post/21070) (<http://www.mezan.org/en/post/21070>)
4. 23 February 2014: [Al Mezan Condemns Killing of Two Girls in Gaza and Calls for Investigations](http://www.mezan.org/en/post/18419) (<http://www.mezan.org/en/post/18419>)
5. 3 March 2013: [Al Mezan Condemns Killing of Woman on “Family Honor” Grounds; Calls for Perpetrators to Be Brought to Justice](http://www.mezan.org/en/post/16510) (<http://www.mezan.org/en/post/16510>)
6. 26 March 2012: [Arutz Sheva: Honor Killings Remain Fashionable in Gaza](http://www.mezan.org/en/post/13845) (attachment at the bottom of the page) (<http://www.mezan.org/en/post/13845>)
7. 25 March 2012: [Al Mezan Condemns Killing of Woman for “Family Honor”; Calls for Investigation](http://www.mezan.org/en/post/13835) (<http://www.mezan.org/en/post/13835>)
8. 24 July 2009: [Al Mezan Centre for Human Rights Condemns Killing of Woman in 'honor crime' and Calls for the Perpetrators of Such Crimes to be Brought to Justice](http://www.mezan.org/en/post/8922) (<http://www.mezan.org/en/post/8922>)
9. 25 March 2009: [Al Mezan Condemns the Killing of a Woman and Calls for the Perpetrators to be Apprehended and Brought to Justice](http://www.mezan.org/en/post/8593) (<http://www.mezan.org/en/post/8593>)
10. 8 March 2009: [On International Woman's Day Al Mezan Center Congratulates Palestinian Women and Calls on Women around the World to Strengthen their Solidarity with the National Struggle of Palestinian Women](http://www.mezan.org/en/post/8553) (<http://www.mezan.org/en/post/8553>)
11. 8 March 2008: [Al Mezan Congratulates Women on their Day; Calls for Intensifying Efforts to Prevent Discrimination and Protect Women](http://www.mezan.org/en/post/1625) (<http://www.mezan.org/en/post/1625>)
12. 30 July 2007: [A woman Killed in middle Gaza; Al Mezan calls for investigation and trial of the perpetrators](http://www.mezan.org/en/post/1752) (<http://www.mezan.org/en/post/1752>)
13. 8 May 2007: [Security chaos continues in Gaza; new honor killings go uninvestigated](http://www.mezan.org/en/post/1794) (<http://www.mezan.org/en/post/1794>)
14. 8 May 2007: [A woman killed in Rafah](http://www.mezan.org/en/post/7530) (<http://www.mezan.org/en/post/7530>)
15. 12 September 2006: [One year after disengagement... Security unrest rising in Gaza city](http://www.mezan.org/en/post/1883) (<http://www.mezan.org/en/post/1883>)

West Bank

1. 2016 [Annual Report](#)
2. 2015 [Annual Report](https://goo.gl/EtozYv) (https://goo.gl/EtozYv)
3. 2014 [Annual Report](https://goo.gl/NDM8UB) (https://goo.gl/NDM8UB)
4. 2013 [Annual Report](https://goo.gl/dVgkFI) (https://goo.gl/dVgkFI)
5. 2012 [Annual Report](https://goo.gl/KmGrMd) (https://goo.gl/KmGrMd)
6. 2011 [Annual Report](https://goo.gl/oz2b9X) (https://goo.gl/oz2b9X)
7. 2010 [Annual Report](https://goo.gl/ot2jUL) (https://goo.gl/ot2jUL)
8. 2009 [Annual Report](https://goo.gl/9sJwH) (https://goo.gl/9sJwH)
9. 2008 [Annual Report](https://goo.gl/Zn7E1p) (https://goo.gl/Zn7E1p)
10. 2007 [Annual Report](http://ichr.ps/attachment/302/ar13.pdf) (ichr.ps/attachment/302/ar13.pdf)
11. 2006 [Annual Report](http://ichr.ps/attachment/301/aar12.pdf) (ichr.ps/attachment/301/aar12.pdf)

Necessary action:

- The State of Palestine must take measures to reduce poverty and unemployment by: maintaining salaries, investing in job creation (via international aid), and supporting the population living in poverty; the State of Palestine must ensure its compliance with Palestinian law and human rights standards and norms in relation to the treatment of government employees;
- The State of Palestine must invest in healthcare in Gaza, challenge the Israeli closure that undermines said investment, and ensure, to the best of the Palestinian Authority's ability, access to healthcare, including by issuing referrals to hospitals outside of Gaza in a timely manner. Where possible, the Palestinian Authority must invest in essential medical domains, such as breast cancer early diagnosis, prevention and care, and reproductive health. Healthcare must not be used as a tool by either party to apply political pressure.
- The State of Palestine must make legislative reforms and strive, including by coordinating and working in good faith with civil society, to eliminate gender-based violence and 'honor killings', and hold those responsible to account.