

**General Union of Palestinian Women  
General Secretariat**



**الاتحاد العام للمرأة الفلسطينية  
الأمانة العامة**

**Report on  
The status of women and girls in the State of Palestine**

**Submitted by: The Non-Governmental Women Coalition for the Implementation of  
CEDAW in the Occupied State of Palestine**

**Submitted to: The Committee on the Elimination of all Forms of Discrimination against  
Women-Geneva**

**September 2017**

### **Introduction of the General Union for Palestinian Women**

The General Union for Palestinian Women (GUPW) is a popular democratic organization. It constitutes the framework that represents Palestinian women inside the country and in the places of refuge and exile. It advocates their rights and contributes to working towards the achievement of the national rights of the Palestinian people. GUPW aims at organizing the efforts and potential of the Palestinian women to activate their role in political, social and economic participation, and seek their advancement on all Palestinian territories and wherever they are. Hence, GUPW constitutes an umbrella for all women and non-governmental women organizations. For further information, please contact Ms. Mona Khalili at the following e-mail:

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### **Introduction of the Non-Governmental Women Coalition for the Implementation of CEDAW**

This coalition was formed with the aim of preparing and monitoring the Shadow Report under the leadership of GUPW. The coalition consists of 35 legal and women organizations, labor unions, women frameworks that work in various specializations pertaining to the advocacy, protection and empowerment of women in the social, economic, political, health, educational fields, local and international legal affairs and the protection of persons with disabilities in the West Bank including Jerusalem and Gaza Strip.

### ***Names of the institutions in the coalition, which participated in completing the shadow report***

General Union for Palestinian Women	The Union for Palestinian Women Action Committee
The Union of Palestinian Women Committees	the Union of Palestinian Working Women Committee
The Union of Women's Struggle Committee	Union of Women Committee for Social Work
The Federation of Palestinian Women Action Committee	Al najdeh Association for Women Development
Union of Palestinian Working Women Committees	The Federation of Independent Unions
Association of Women Committee for Social Work	Palestinian Working Woman Society for Development
Culture and Free Thought Association (CFTA)	Aisha Association for Woman and Child Protection
Women Media and Development TAM	The Association of Women's Action for Training and Rehabilitation
Rural Women's Development Society RWDS	Palestinian Family Development Association
The Alimony Fund	Women Health-Palestinian Red Crescent Society (PRCS)
Women's Affairs Technical Committee (WATC)	Women Struggle Bloc
Palestinian Women Liberation Bloc	Health Work Committees (HWC)
Women's Center for Legal Aid and Counselling (WCLAC)	Center for Women's Legal Research & Counseling and Protection-Gaza
Qader for Community Development	Juzoor for Health and Social Development
Palestinian Non-Governmental Organization Against Domestic Violence Against Women (Al-Muntada)	Women's Affairs Center-Gaza
Community Media Center	Jerusalem Center for Women
The Palestinian Initiative for the Promotion of Global Dialogue and Democracy- MIFTAH	Al-Najd Development Forum
Palestinian Medical Relief Society (PMRC)	

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## Executive summary

This report was developed with the cooperation of women and legal institutions, and in coordination with the party responsible for its preparation, the General Union for Palestinian Women (GUPW), within the framework of the Non-Governmental Women Coalition for the Implementation of CEDAW. A specialized women team was trained on shadow report preparation and means of using it as a lobbying tool at the local and global levels. A central training on CEDAW, its importance and methods of preparing shadow reports was held with the participation of senior members from all women organizations in the West Bank and Gaza Strip, who participated later in preparing the shadow report. A set of meetings were held to identify the priorities addressed in the report, with the report of the state of Palestine used as reference. During this process, six main themes were identified in accordance with CEDAW articles. During the second stage, the organizations were allocated to several specialized sub-committees, each addressing one theme according to its specialization. GUPW supervised holding several meetings for each theme, and followed up the work to identify the priorities under every theme within each sub-committee. A process of data collection and analysis started for each theme. This report reflects the consensus of all the organizations participating in the preparation of the themes and information adopted in the report.

-The occupation policies impeded the natural course of political, social and cultural transformations in the Palestinian society in the West Bank and Gaza Strip. They also impeded the relevant official Palestinian institutions from conducting their functions steadily in accordance with their political and legislative powers, because of the blockade and the command and control policy, including obstructing freedom of movement, building the Apartheid Wall, continuous closures, lack of contiguity between the West Bank, Gaza Strip and Jerusalem. This had a negative impact on women, keeping their issues at the bottom of the list of priorities of the state. For example, since the division, the President of the State of Palestine has issued 707 decrees and decisions by law<sup>1</sup>, most of which were irrelevant to women rights, except for a few that maintained unofficial inequality. This indicates that women and girls' issues, and providing them with the necessary protection are not part of the priorities and commitments of the State of Palestine. Division has also had its repercussions in terms of failure to adopt or harmonize the laws relevant to women and their rights, particularly the Civil Status and Penal Laws.

A package of inherited discriminatory laws against women continue to be applicable in the State of Palestine, which adversely affects achieving actual result in equality and eliminating discrimination against women, to which the state has the obligation to seek to achieve.

-Since the State of Palestine ratified CEDAW, it did put in place the necessary policies or adopt the measures, interventions and procedures to embark on harmonizing the local laws and legislations with the ratified Convention and its different articles.

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<sup>1</sup> Ghuneimi, Zeinab, 2016; Fact Sheet on the Mechanisms of the Rule of Law, Justice and Women; Legislations and Laws Enacted in the West Bank and Gaza Strip since the Division in 2007.

-The state of Palestine has not signed so far the Optional Protocol of CEDAW, which enable women to access justice.

-The state of Palestine enhanced tribal control through adopting the Tribal Affairs Department as a recognized entity within the structure of governmental institutions, which had a negative impact on women issues, because of the supremacy of tribal rulings over the rule of law in family affairs, particularly in light of the prevalent culture and stereotypes.

-The poor and limited legal and procedural measures taken by the state of Palestine to effect social and cultural change that contributes to realizing equality and social justice for women, and which led to the marginalization and discrimination against women on the ground.

- Women political participation continues to be low, despite the active participation of women in the various states of the Palestinian national struggle. The vision of the state of Palestine towards women political participation continues to be restricted to electoral participation.

-Regarding economic participation, women are absented from economic development programs, and the measures that encourage women to engage in private sector activity, start their own businesses and enable women to access resources and property are still deficient. The larger rate of women participation in the informal sector continues to be unaccounted for in the official statistics and in its contribution to the national income. Women continue to suffer from the lack of legal or executive protection, especially protection from violence at the workplace. Regarding vocational training and rehabilitation, the state of Palestine continues to adopt a stereotypical approach based on gender-based division of roles, which orients women towards the service sector, considered complementary to their reproductive role. On the other hand, most available professions for women lie at the bottom of the professional pyramid, hence aggravating the process of marginalization.

-Regarding the health, social and cultural rights, women continue to suffer from various forms of violence. The state of Palestine did not strengthen its legal or procedural measures to alleviate violence against women, considered a private case in the private domain. Regarding the right to health, the vision of the Ministry of Health towards providing health services is restricted to married women, excluding a large rate of single women and girls from obtaining the necessary health care and services. The medical staff also lack the professional experience to maintain privacy and secrecy of women at different stages, especially in cases of violence, as the health centers constitute the first responders that receive women.

-Women with disabilities are exposed the most to all forms of marginalization, discrimination, exclusion and violence based on their disability and on their sex, at the level of public policies, programs and services as well as the adopted procedures that provide male and female citizens with access to such services. Furthermore, they are clearly absent from the agendas of the civil society, whether the organizations that lead the women movement, or those that stem from the disability movement. It is obvious that there is a lack of information about the living conditions of this group, because of the lack of segregated indicators in most national reports and official statistics in the country.

Based on this report, we demand that the state of Palestine work on the following recommendations to guarantee the rights and dignity of Palestinian women and girls based on equality and justice.

**Recommendation 1:** The commitment of the state of Palestine to amend and change legislations, develop policies that conform to the content of CEDAW and put in place appropriate mechanisms for their implementation.

**Recommendation 2:** The commitment of the state of Palestine to conduct special surveys and statistics on discrimination and violence against women, girls and women with disabilities.

**Recommendation 3:** Urge the state of Palestine to ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, recognize the Convention in the Basic Law with clear and explicit provision, and put in place the appropriate mechanisms for their implementation.

**Recommendation 4:** Publish the ratification of the CEDAW Convention in the official Gazette.

## Introduction

This report is submitted by the General Union for Palestinian Women (GUPW), and the non-governmental and women civil society organizations in Palestine. The aim is to clarify the vision of the women of Palestine and their comments on the policies and the official intervention mechanisms adopted by the state of Palestine, as provided in the first official

report the state had submitted to the Committee on the Elimination of all Forms of Discrimination against Women in March 2017. The Palestinian women aspire to achieve their rights in realizing the sovereignty of the independent state of Palestine on the 4<sup>th</sup> of June 1967 borders, with East Jerusalem as its capital, a democratic and secular state for all Palestinians, in which they consolidate their national identity without discrimination based on sex, race, religion, confession or disability, and in which equality and social justice are realized.

We highly appreciate the accession of the state of Palestine to the Convention on the Elimination of all Forms of Discrimination against Women on 1 April 2014 without any reservations on any of its articles, and the government's promise to accede to CEDAW's Optional Protocol. We also value the commitment of the State of Palestine to fulfill its obligations in accordance with Article (18) of that Convention, by submitting its report to the Committee on the Elimination of all Forms of Discrimination against Women. We also appreciate the mechanism adopted by the state upon preparing its report through the several consultations it had conducted with the participation of the governmental institutions and civil society organizations.

Since we are keen on the joint national responsibility between us, the national institutions and the state, we are in consensus over the correctness of the information and statistical data mentioned in the State Report, particularly those related to the Israeli violations against the Palestinian society in general and women in particular. We assert our support to all the efforts exerted at the national level to achieve legal and actual equality between men and women, and the intervention mechanisms that aim at building a state of law, gender equality and respect for human rights. We also confirm the information contained in the State Report about the refugee Palestinian women inside Palestine and in the places of refuge and the diaspora. We note the substantial problem in both the State and shadow reports, which include the women inside the state of Palestine, but exclude refugee Palestinian women. This deprives them from the opportunity to present their situation and living conditions in the countries of refuge and exile, which in turn excluded them from their reports to the Committee. This led to depriving them from the opportunity to receive international and local protection and aggravating their marginalization and exclusion.

We affirm that we, and the State of Palestine, face major challenges in implementing the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), in the wake of the continued Israeli military occupation regime of Palestine for more than fifty years. The occupying state failed to meet its obligations and to implement the agreements signed with the Palestine Liberation Organization (PLO). It continued committing its systematic colonial settlement policies of ethnic cleansing, racial segregation "apartheid" and collective punishments, including land and resource confiscation and theft, house demolitions and forcible displacement to expand colonial settlements. Such regime includes building the Apartheid Wall; erecting military checkpoints, the settlers' terrorism and violence against our innocent civilians, especially

women, under the absolute protection and immunity of the occupation army; assaulting Christian and Islamic holy sites; targeted extrajudicial killings and detaining bodies. It also includes the continued illegal blockade and the military aggression against Gaza Strip, which resulted in thousands of casualties from both sexes, especially children, and displacing over half a million Palestinians, wounding tens of thousands, of whom hundreds suffered permanent disabilities, in addition to the massive destruction of private and public property, infrastructure, agricultural lands and industrial and commercial enterprises. This aggression took its worst form during the years 2008, 2012 and 2014, and left its destructive impact on the political, developmental, economic and psychosocial structures and strengthened the separation between the West Bank and Gaza Strip.

These repressive Israeli policies against our Palestinian people reflect a lack of compliance of the occupying state with its duties as an occupying power in accordance with the International Humanitarian Law (IHL) and the International Human Rights Law (IHRL), which must be applied to provide protection to civilians under Israeli occupation. The disrespect of the occupying state to these international laws and conventions has adversely affected Palestine's programs and plans regarding fulfilling its obligations towards the implementation of human right conventions in general and women conditions in particular, and the ability of the Palestinian National Authority (PNA) to fulfil its obligations under the control of Israeli occupation and its continued repression and aggression. Furthermore, the occupation is responsible for obstructing women's rights to movement, travel, health, education, citizenship and family reunion, in contravention with recommendation 30 of the CEDAW Committee.

We request that the CEDAW Committee adopt the recommendations identified in this report, which has been prepared with a high degree of accuracy, objectivity, and transparency, with the aim of unveiling the reality of Palestinian women and their legal and community status. We also request the Committee to lobby with the occupying state and bind it with the signed agreements and the rules of the international law, to enable the state of Palestine to fulfil its obligations towards eliminating discrimination against women during the forthcoming years. This is achieved through supporting the development of national policies that consider providing protection to Palestinian women, ending discrimination and violence against them, ensuring their rights in equality and equal opportunities, providing an enabling legal and social environment to increase women participation in the public and political life and in decision-making without discrimination, providing access to basic services without discrimination and ensuring their wide participation in the labor market.

#### **Articles 1-5: Discrimination against Palestinian Women and Girls**

The State of Palestine ratified (CEDAW). However, despite this positive step, and two years after its ratification, the state did not take any measure to include CEDAW explicitly as a reference in the Palestinian Amended Basic Law of 2005. Furthermore, the Convention was not published in the Official Gazette to become legally binding, which

indicates that the ratification was mere formality with no substantial positive change to the situation of women and girls in the Palestinian society.

- The state of Palestine did not sign the First Optional Protocol of CEDAW. This is a necessary step the state must take as soon as possible, to show its interest in women's rights, not only at the official level, but to grant legitimacy and transparency to the different agencies in performing their roles to monitor and follow up the government's commitment to protect women against negative discrimination. Signing the Protocol also asserts the importance of social change from the existing patriarchal culture and norms toward achieving social justice and equity in the Palestinian society. It also gives women the opportunity to use state mechanisms for protection, through the complaints system against violations they may face.

-Despite the official commitment of the state of Palestine to gender equality in the Amended Basic Law of 2003, which prohibits gender-based discrimination, several applicable laws that regulate social relations and role distribution contradict<sup>2</sup>with this principle. The Basic Law (Temporary Constitution in the Palestinian case) constitutes the reference for specialized laws in different areas. However, so far, applicable inherited laws are based on unfair discrimination against women and girls, with adverse impact on achieving actual equality to which the state is committed. The state has not taken any measures to harmonize local laws to CEDAW, a commitment officially declared in 2009 and followed by the ratification of the Convention in 2014. Official accession has not yielded any positive outcome so far.

-Some laws that PNA had enacted provide for limited gender equality. However, women cannot enjoy this equality because of continuing application of old local laws that maintain the domination of patriarchal traditions in the society. For example the Jordanian Penal Code no. 16 for 1960, still applicable in the West Bank, as mentioned in the state Report. Article (99) of this Code provides for mitigated sentence for the killer to half if the family of the victim waives personal claims, in murders identified as "honor killing". There is no such provision in the Palestinian Penal Code no. 74 for 1936, applicable in Gaza. However, Article 18 allows for mitigated sentence for murderers if the crime is proven a necessity of honor. The decision of the President of the State<sup>3</sup> to restrict the use of the mitigating excuse did not help protecting the right of women to life, in light of the absence of a unified law to protect women in all the territories of the state of Palestine against all forms of violence, including sexual abuse and harassment. The Personal Status Law has blatant examples for violations against women and girls, as it

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<sup>2</sup>Gender-perspective Legal analytical studies on women rights held by WCLAC, which reveal the blatant discrimination against Palestinian women: Mu'aqet, Fatima, 2009 Palestinian women and personal status law, demands and trends, WCLAC. Abu Hayyeh, Ashraf and Hmeidat, Hanadi, A series of reports on the status of Palestinian women in legislations, WCLAC, 2013. Shamasneh, Fatima, The civil status law in practice. WCLAC

<sup>3</sup> Decision by Law no. (7) For 2011 on amending the applicable Penal Code in the northern governorates and the applicable Penal Code in the southern governorates. It provides for annulling Article (340) of the Jordanian Penal Code applicable in the West Bank. As for Article (2), of the Decision, it provided for amending Article (18) by adding (and this does not include crimes of killing women on the pretext of "family honour") - issued in Ramallah on 15/05/2011. The Official Gazette, Issue No. 91, published on 10/10/2011.

allows polygamy, marriage of underage girls and other issues that compromise actual equality, which would positively affect all social segments, including women and men. The same applies to custody, joint accounts and age at marriage.

-The State Report of Palestine elaborated on the fragmented legal reality of Palestine because of the political division<sup>4</sup>, which contributed to the division of the Palestinian society. However, it did not elaborate on the impact of this reality on women and girls compared to men under the different legal frameworks. Palestinian women suffer from conflicting and multiple legal systems because of the prevailing political conditions. This conflict contributed to the fragmentation of girls and women in Palestine, adversely affected their rights and enhanced men's control over them. Court judgments in Gaza Strip or Jerusalem are not binding or enforceable in the state of Palestine. This undermines women's rights, especially in personal status cases<sup>5</sup>.

-The State Report indicated under Article (5) that it has taken legal measures to eliminate all forms of discrimination against women, all of which are draft laws that have not been approved yet. Their justification was "the dysfunction of the Legislative Council (PLC) which contributed to delaying the adoption of the amended Penal Code and the Law on Family Protection from Violence, and other laws". Nevertheless, such justification becomes meaningless upon considering the applications of Article (43) of the Basic Law, which grants the President of the Palestinian Authority the power to issue decisions that have the power of law in cases of necessity that cannot be delayed,<sup>6</sup> in case of the absence of the PLC. The President has used these powers to issue 707 Decrees and Decisions by Law<sup>7</sup> since the division in 2007 and until mid-2016, most of which were irrelevant to women rights, and a few on unofficial equality. This asserts that the issues of women and girls do not constitute a priority or an obligation for the state of Palestine, which has the obligation of guaranteeing their protection.

-The state of Palestine has taken some measures for gender mainstreaming of its developmental plans, most notably at the planning level, through setting up the gender units in the different government institutions, with the aim of gender mainstreaming the public plans of the governmental institutions and monitor the gender-sensitive budget<sup>8</sup>. However, the more marginalized groups of women, such as women and girls with disabilities were absent from the agendas and priorities of these gender units in the different ministries, and any such efforts to include them constitute mere formalities that are not reflected seriously in the relevant plans, programs or practices.

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<sup>4</sup>For further information on the legal situation in Palestine, see: Ludsin.Hallie.2011.Women and the draft Constitution of Palestine. Women Centre For legal Aid and Counselling, and Arrayes, Nasser, 2003, The Judiciary in Palestine, Obstacles to its development, Al-Haq

<sup>5</sup>Internal reports of the Palestinian Alimony Fund 2011-2015

<sup>6</sup>Article no. (43) Of the Amended Basic Law.

<sup>7</sup>Ghuneimi, Zeinab, Fact Sheet on the Mechanisms of the Rule of Law, Justice and Women; Legislations and Laws Enacted in the West Bank and Gaza Strip since the Division in 2007

<sup>8</sup>UN-Women- Palestine Country office, examining the needs of gender units in PNA institutions, 2014

-Despite some limited progress, these units did not realize the vision and goal behind setting them up. The decision-makers considered these units as employment units, void of any job description for their male and female staff. They did not grant them decision-making powers as provided in the Council of Ministers decision. On the other hand, establishing those units contributed to increasing discrimination against women, since all cases related to women are considered special cases and referred to the gender units, which aggravated the discrimination against women and led to their exclusion from the general scene of the governmental institution as a whole<sup>9</sup>.

-The state of Palestine increased the tribal control by adopting the Tribal Affairs department as a major recognized body within the governmental structures, headed by the President's Office and the governorates. This had a negative impact on women, as it deepened the patriarchy and discrimination because of the domination of the tribal judiciary over the rule of law particularly in family cases, including domestic violence cases, which constitute the core of tribal judiciary. The tribal judiciary resorts to covering matters, considers them part of the private domain, and considers disclosing family affairs a taboo<sup>10</sup>.

-The State Report did not address at all discrimination against women with disabilities, who suffer from double discrimination, based on gender and disability. Moreover, they suffer from discrimination related to their reproductive role, as they are considered unfit because they are dependent on others. The PCBS studies and statistical data are not gender segregated (The persons with disabilities survey, 2011)<sup>11</sup> and (the survey of violence in the Palestinian society, 2011)<sup>12</sup>; both reports did not address domestic and community violence against females with disabilities.

## **Recommendations**

- 1- Seek to incorporate CEDAW definition of discrimination in the Palestinian Basic Law.
- 2- Criminalize gender-based discrimination by law.
- 3- Develop a national monitoring and oversight mechanism to monitor the implementation of CEDAW and the conformity of its provisions with the Palestinian reality.
- 4- Allocate gender-sensitive budgets to ensure the implementation of inter-sectoral policies that ensure equality and non-discrimination based on gender, and identify the administrative and financial measures that ensure that in the future.

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<sup>9</sup> Ibid

<sup>10</sup>For further information, see PNGO Forum study on combatting violence against women: Femicide in Palestine during 2004-2006, and Al-Wadad Society for Community Rehabilitation, a participatory project to contribute to more effective access to justice: Position paper about the role of tribal committees in supporting the elimination of discrimination, Program of assistance to the Palestinian people (PAPP).

<sup>11</sup>The Palestinian Central Bureau of Statistics, 2011 Survey of persons with disabilities

<sup>12</sup>The Palestinian Central Bureau of Statistics, 2011 Survey of violence in the Palestinian society

## Articles (7), (8), (9) and Recommendation (23): Women's Political Participation and Decision -making

The State of Palestine has not taken sufficient legal and procedural measures to help change the negative trends in the society's culture, which impedes active women participation in the political life in general and in decision making positions in particular. The prevalent patriarchy excludes women from participation, or exploits and benefits from their participation rather than enhance it, as was the case in 2006 legislative elections, and 2012 local elections, and during the preparations for the new round of local elections, which was supposed to be held in October 2016. It has become clear that the tribal culture has dominated even political parties, influencing candidatures within the various parties, and exploiting the "women's quota" to achieve tribal gains at the expense of true women representation. This established and deepened women's marginalization away from real participation. The names or photos of women were concealed in some electoral lists, while other lists did not comply with the quota requirements as provided in the Elections Law. Despite all the violations that establish marginalization and discrimination, the state did not uphold its obligation to monitor such violations and hold their perpetrators accountable.

-Among the measures that the state of Palestine took is adopting an electoral quota in the new General Elections Law by which a number of seats (10%) is designated for women by including women in electoral lists with specific order, as indicated in the State Report. This contributed to increasing women's access to the Legislative Council (PLC) and raised the rate of women's in PLC from 5% in 1996 to 13% in 2006 elections. The 'Quota' adopted in the Local Elections Law also raised women members in local councils to 21%, which increased women's participation in municipal and local councils.

These positive results did not increase women's opportunities to reach senior positions of decision-making<sup>13</sup>. Local and General Elections laws still suffer from gaps that entrench negative discrimination against women because the 'quota' did not provide women's participation with immunity, especially in rural and marginalized areas. The reality necessitates putting in place more policies and monitoring and oversight mechanisms to combat discrimination against women.

-Though the strategic plan of the Ministry of Women's Affairs addressed the issue of empowering rural women, the Ministry's actions and interventions were restricted to areas close to cities, although marginalization and exclusion are at their worst form in remote areas and rural and Bedouin communities. Such absence has created a political vacuum that strengthened male and tribal domination<sup>14</sup>.

-Regarding the right to political participation for women with disabilities, the Basic Law guarantees their participation without discrimination based on gender or disability, and their right to candidature and voting is asserted in the Elections Law, which indicates the

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<sup>13</sup> MIFTAH, Fact Sheet: Women Participation in Local Government Units Elections of 2012-2013.

<sup>14</sup> Meetings with women in remote and Bedouin areas held by local organizations indicate the marginalization of women and the absence of governmental programs to empower women.

right of every Palestinian (male or female) to run for elections and vote. A study conducted by YMCA in 2016 confirmed that 52% of females with disabilities said they were unable to participate in elections because of transportation difficulties, inaccessibility of voting centers and the negative attitudes and perception of the society. Moreover, 23% of females with disabilities said that they were unable to participate or join community organizations, and only 18% were able to vote and participate in 2012 elections<sup>15</sup>. This confirms that women with disabilities are less likely to enjoy their right to participate in political life, in terms of actual participation in the electoral process, since it is not designed to take into account the sensory, motor, and mental differences among women with disabilities, and in terms of candidature for various positions at various levels.

#### **Recommendations:**

- Develop monitoring, oversight and accountability mechanisms that help to enforce laws and procedures that facilitate political participation of women and their access to decision-making positions.
- Put in place mechanisms that ensure conforming to CEDAW to guarantee the right to political participation for women without discrimination.
- Raise awareness on the rights of persons with disabilities, renounce the negative perception of them, and adapt structures and procedures to facilitate the participation of women with disabilities.

#### **Article (11): Economic rights of women**

Discrimination against women continues to exist, indicating that they do not enjoy their economic rights. A closer look at the situation of Palestinian women reveals discrimination against them in the labor market and investment, poor opportunities in technical and vocational education and no active women participation because of several social, legal, and economic factors. At the legal level, although the Labor Law no. (7) for 2000 and its Regulations, are considered a turning point in the provisions pertaining to women's employment<sup>16</sup>, as Article (100) provided for no gender-based discrimination: "In accordance with the provisions of this Law and Regulations, discrimination between men and women is prohibited". However, Article (2) of the Law stipulates that, "every able citizen shall have the right to work, and the Authority shall seek to provide it based on equal opportunity and without any form of discrimination"<sup>17</sup>. However, it failed to mention gender-based discrimination explicitly, and was left open for interpretation and analysis especially with the use of masculine language in drafting the article.

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<sup>15</sup> A Study on Monitoring the Needs of Youth with Disabilities in the West Bank, YMCA-Jerusalem, Rehabilitation Program 2016.

<sup>16</sup> <http://muqtafi.birzeit.edu/pg/getleg.asp?id=13975><sup>16</sup>

<sup>17</sup> Ibid

-Some articles in the Labor Law or Regulations need amendment. Article (3) of the Labor Law excluded domestic workers and persons with similar jobs, and first-degree family members of the employer. In both cases, women constitute the higher rate. A report issued by the Palestinian Non-Governmental Organizations Network (PNGO) indicated that women in the informal sector constitute the larger rate, especially in the agriculture, the majority of which are family-based businesses with high concentration of women working without pay. Hence, excluding them from the Law leads to excluding them from legal protection. Although the Regulations regulate the work of domestic workers<sup>18</sup>, the majority of whom are women, the Regulations did not provide for non-discrimination based on gender, and it uses the masculine language. The Regulations do not provide deterrent penalties against employers in cases of sexual harassment or assaults against domestic workers. Furthermore, Article (42) does not grant women the right to quit work and receive full financial benefits in cases of sexual assault, and does not treat those cases as arbitrary dismissal. The Law did not define sexual assault or sexual abuse, thus leaving many women vulnerable to various forms of harassment and assault that may compel them to quit.

-The Law is ambiguous and has no Regulations, and it derogates women's rights in the labor market. Moreover, some provisions are controversial, such as Paragraph (C) of Article (101), which prohibits women's work at night, except for specific jobs to be identified by the Council of Ministers. Some within the women movement consider this a blatant discrimination against women, as it deprives them from the freedom of decision-making because they are in need of protection<sup>19</sup>. Others consider it a form of protection of women from abuse in the labor market. With the objection for failing to issue regulations that identify the types of night work allowed for women, the penalties stipulated in the Law against employers who violate the provisions of women's work are light, as such offense are considered (misdemeanors) and their penalties consist of small fines. This is unfair to women and facilitates violation of their rights.

-Regarding vocational training, Article (18) does not include the phrase (without discrimination) to clarify the intended meaning of vocational orientation and training. The legislator should have mentioned "non-discrimination" between sexes when defining vocational training, rather than leave vague provisions on providing vocational training needs. The Article should not have adopted clear-cut distinction in vocational specializations between men and women, as this compromises equal opportunities. Moreover, the training provided by the Ministry of Labor is restricted to stereotypical and traditional training for women. There has been no updating or diversification of the specializations to alleviate stereotypes and engage women in new fields.

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<sup>18</sup> The decision of the Minister of Labor No. (2) For 2013 on domestic workers in accordance with the provisions of the Labor Law no. (7) For 2000.

<sup>19</sup> Darawi, Daoud, and Mu'aqet Fatima, 2010. A Gender-Perspective Review of the labor law and International Labor Standards, UNDP MDGF, a legal analytical comparative study, ILO, the participatory project

-Regarding women's participation in the labor market, the stereotypical perception of the roles of women deepens the traditional division of roles between men and women in the available employment opportunities. The service sector ranked first in absorbing women at 57%, followed by agriculture, the second largest sector that employs women<sup>20</sup>. The rate of women working in the informal sector reached 4.9% of women in the labor force in 2012, of whom 60.2% have no job security<sup>21</sup>. This continues to be the reality today. For example, female university graduates in Gaza work at kindergartens for very low monthly wages that range between 300-400 Shekels (100\$), because of the lack of other alternatives, with the soaring unemployment rates in the Gaza Strip because of the blockade against Gaza Strip<sup>22</sup>.

-Women suffer a wage gap because of gender-based discrimination because of the prevalent culture that believes that the productive work of men must cover the financial burdens, which establishes the notion of the male head of household, despite the high rate of women who are heads of households, and who are the poorest of the poor of the Palestinian society. In 2010-2011 in the manufacturing sector for example, females received 57% of the average wages of males. This is a form of discrimination against women in the labor market. A press release of the Palestinian Central Bureau of Statistics (PCBS) indicated that households headed by women constitute about 11% of Palestinian households, totaling 81 thousand in 2016.

-The unemployment rate is higher among educated women than men of the same educational level<sup>23</sup>. The UNESCO report <sup>24</sup>indicated that the rate of unemployment among females was higher than that among males in Gaza Strip and the West Bank during the third quarter of 2015, where the unemployment rate reached 37.4% among males in Gaza Strip compared to 63.3% among females. In the West Bank, the unemployment rate among males reached 16% compared to 29.3% among females. Consequently, females resort to the informal sector, which is unaccounted for in the labor force, and under very poor work conditions and low wages because of the lack of alternatives.

-The measures that the state of Palestine took to facilitate the participation of women with disabilities in political and public life are problematic, pertaining to the conditions for work in the public sector. The Civil Service Law requires all the persons appointed in any position in the public sector to receive a 'medical fitness' certificate. Hence, the

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<sup>20</sup>ILO, Report of the General-Director, Appendix, The Situation of the Workers of the Occupied Arab territories, ILO, Session 104, 2015

<sup>21</sup> [http://www.ilo.org/wcmsp5/groups/public/---Arab\\_states/---ro-beirut/documents/publication/wcms\\_218024.pdf.p.4](http://www.ilo.org/wcmsp5/groups/public/---Arab_states/---ro-beirut/documents/publication/wcms_218024.pdf.p.4)

<sup>22</sup> Based on internal unpublished reports of legal organizations in Gaza that were used for the Shadow Report, 2016

<sup>23</sup>Al-Botmeh, Samia. 2010. Unlocking the Labour Market for Palestinian Women. Al-Shabaka. (July 22), <https://al-shabaka.org/briefs/labor-market-palestinian-women/>

<sup>24</sup>UNSCO. 2015. UNESCO Socio-Economic Report: Overview of the Palestinian Economy in Q3/2015. <http://www.unsco.org/Documents/Special/UNSCO%20Socio-Economic%20Report%20Q3%202015.pdf.p.5+6>.

Regulations must identify health conditions that preclude appointments in the public sector so that they do not include disabilities<sup>25</sup>.

-In the framework of the national enquiry about the right to work for persons' with disabilities conducted in 2011, a study of the Independent Commission for Human Rights (IHCR) revealed an increase in unemployment among women with disabilities, where 73% of the respondents never worked, and only 14% had previously worked<sup>26</sup>. A recent study by the YMCA (272 male and female respondents, of whom 41% were females) indicated that 83% of the women with disabilities suffer from discrimination in getting jobs, 69% said that transportation and the place of work are unsuitable for people with disabilities, and 59% suffered social isolation and discriminatory treatment by their employers and colleagues at work<sup>27</sup>.

-Regarding women in investments, although the aim of the Palestinian Investment Law no. (1) For 1998 is to fulfill the economic development needs within the parameters and regulations of investment in Palestine, and whereas the economy is a free market economy for all investors, which guarantees capital and profits as provided in Article (10) of the same law. However, the law does not take into consideration the work systems and conditions for women to engage in the process, as it marginalized the role of women and their engagement in investments.

-The obstacles that impede women from starting their own businesses include inequity in access to sources and resources, because of the lack of financial resources or stable source of income or property (such as land)<sup>28</sup> that may be accepted as collateral for getting loans. The rate of women wishing to start their own businesses but failed to do so reached 65% in 2015, for the following reasons:

- 1- Israel destroyed the Palestinian infrastructure for both the agricultural and manufacturing sectors, which contributed to decreasing women's opportunities to find work.
- 2- The checkpoints and the continuous Israeli closures restrict women's ability to go to work in areas far from their local communities.
- 3- Lack of suitable vocational training.
- 4- Lack of financing for such enterprises.
- 5- The Neo-Liberal policies adopted by the PNA, which do not provide protection to the local market against unfair competition, especially by Israeli goods, which ruins the productivity capacity of the Palestinian economy.

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<sup>25</sup> Qader for Community Development; a report about CEDAW and the rights of girls and women with disabilities, 2016

<sup>26</sup> The national enquiry on the right to work of persons with disabilities, IHCR, 2011

<sup>27</sup> A Study on Monitoring the Needs of Youth with Disabilities in the West Bank, YMCA-Jerusalem, Rehabilitation Program 2016.

<sup>28</sup> Al-Botmeh, Samia. 2010. Unlocking the Labour Market for Palestinian Women. Al-Shabaka. (July 22), <https://al-shabaka.org/briefs/labor-market-palestinian-women/>

- 6- Complaints of the private sector about the lengthy maternal leave (10 weeks), and their preference to employ single women and even dismissing women who get married from work<sup>29</sup>.

-Women membership in labor unions in Palestine is clearly lower than that of men because women lack confidence in the use of unions in protecting their rights at the workplace. Moreover, women demands, such as sexual harassment, maternity leave, summary dismissal due to pregnancy, or demands to establish daycare centers are not given priority compared to other labor issues. In addition, issues pertaining to exploitation of women are considered taboos and private cases that should not be discussed or addressed through union or legal channels<sup>30</sup>. Some cases that were presented to the union have been closed and addressed from the perspective of interests and unbalanced relations between the union, employer and the government, and which women fall victim to. The victim often withdraws her complaint for fear of losing her job due to the absence of social and official protection. In addition to the aforementioned obstacles, Gaza Strip is witnessing a decline in the rates of women membership in labor unions because of restrictions imposed on union activity, the low rate of women in the private sector, the absence of maternity allowances and cultural taboos that restrict their movement<sup>31</sup>.

-The Labor Law includes affirmative action in favor of women with disabilities, as Article (13) of the Labor Law no. (7) For 2000 stipulates, “the employer must employ a minimum of 5% of the total workforce at the enterprise, from qualified persons with disabilities in jobs suitable to their disability”. This Article, however, does not guarantee such rights for persons with disabilities in general, and women in particular. It commits the employer to employ persons with disabilities arbitrarily in jobs that suit their disabilities, without determining at least the working conditions or environment, as provided in the Palestinian Disability law. Moreover, there are no instructions or regulations at the Ministry of Labor for implementing Article (13). It is also worth noting that the indicators that monitor the working conditions and their suitability to the requirements of decent work for women with disabilities are limited, such as making buildings accessible or reasonable arrangements, administrative measures, supporting tools and others. This adversely affects their productivity and ability to continue working, and keeps a large rate of women with disabilities outside the workforce<sup>32</sup>.

-The State Report mentioned under Article (11), the achievements of the Ministry of Labor in control and inspection. Nevertheless, we note extreme weakness in control and inspection, especially over enforcing the minimum wage, monitoring conditions of working women, and the absence of a real gender-based perspective of rights, an issue

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<sup>29</sup> Documented information from women organizations including the Working Women Society for Development

<sup>30</sup> Ibid

<sup>31</sup> Qader for Community Development; a Report about CEDAW and the Rights of Girls and Women with Disabilities, 2016

<sup>32</sup> The National Women’s Employment Committee and ILO, the working women rights in Palestine, guidebook, 2016.

of great importance in monitoring and documenting violations against working women, especially in terms of violence at the workplace. The Ministry also lacks the necessary human resources to perform its duties. The state of Palestine did not seek to provide the necessary budget to activate this extremely important department for accountability and monitoring to ensure decent work. These gaps restricted the work of this department to providing limited services in the areas near cities, while marginalized areas remain absent from the control and inspection policies of the Ministry of Labor. It is worth noting that there are only 40 inspectors in the West Bank and none in Gaza Strip. The oversight bodies do not have a policy of employing women in parallel to men and train them on the concepts of women rights and gender-based violence to enable them to address such cases<sup>33</sup>. Furthermore, they lack decision-making powers, and the Labor Law Regulations lack provisions that protect workingwomen rights, through taking measures to enforce the provisions of the Law. The state of Palestine has not set up labor courts to facilitate for workers, particularly women, receiving their rights.

**Recommendations:**

- The Labor Law must stipulate non-discrimination based on gender.
- Seek changing vocational training curricula to encourage non-stereotypical professions and facilitate women’s inclusion in unconventional professions.
- Set up labor courts to facilitate women’s access to their rights in accordance with the Labor Law.
- Develop the necessary policies and procedures for women’s participation in the labor market and enforce the minimum wage in both formal and informal sectors.
- Develop the procedures that ensure the right of women with disabilities to participate in the labor market.

**Article (12): Girls and Women's Health Rights**

- Access to health services

-In providing its health services to girls and women, the Palestinian Ministry of Health (MoH) focuses on family planning and antenatal care, paying much less attention to women's health needs throughout their life-cycle. This neglect originates in the fact that the vision of the MoH draws on women's stereotypical roles, whereby it focuses on

perinatal care and neglects women's other health needs which affects the quality and distribution of services provided and their compatibility with the needs of all members of the society. This reality contributed to a multiplicity of service providers, standards and quality.

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<sup>33</sup>Middle East Centre and BirZeit University. Policy Brief 9.Women’s Health in the occupied Palestinian territory: Health problems reported by 15-54 years old women two weeks preceding the family Health Survey 2010. March 2016. At :

- The variation in the standards of service provided by the public and private sectors and the inability of women to afford quality services of the private sector. The percentage of women covered by the health insurance system, the services covered by health insurance, and if women can financially afford services not covered by health insurance, taking into consideration that women with the least financial means usually do not subscribe to health insurance programs due to their inability to pay their fees. This in turn raises questions about justice in the geographic distribution of services, particularly in marginalized areas and in Area 'C', under the full control of the occupation, along with other questions regarding the comprehensiveness of services provided and whether they are culturally well suited to women.

- Maternal mortality:

A (3.3%) annual reduction in maternal mortality rate was reached. However, there was a failure in achieving the targeted annual reduction rate of (5.5%), provided in Development Goals. Other problems include reporting and documentation of mortalities and the entry of mortality file data; for example, many mortality cases are recorded as caused by cardiac arrest, without researching the real and root causes of death. Other causes of such mortalities relate to erroneous medical case management, the non-application of medical protocols despite their availability and the ineffective accountability system for medical errors, taking into consideration that the category worst affected by such errors is maternal mortality. Nevertheless, most often than not, files are closed without the official authorities taking any deterrent measures.

- Lack of integrated and comprehensive sexual and reproductive health services, whereby most services focus on providing family planning, maternal, antenatal and post-natal services. They lack services such as counselling, pap smear, breast cancer and AIDS preventive testing, adolescence and youth friendly services, and fertility treatments which, if available, would only be provided in central clinics and in short supply for marginalized groups in remote areas.<sup>34</sup> Women in Area "C" become even more exposed to marginalization in receiving health services due to the difficulty to access central health centres due to the check points that hinder their movement and the obstacles the occupation imposes in Area "C", preventing the establishment or development of health centres up to the minimum accepted health standards. Furthermore, the masculine culture limits women's movement, particularly disabled women.

- Ineffective health policies regarding safe abortion and post abortion services, including awareness raising of family planning methods and psychological support. Palestinian laws criminalize abortion without valid medical reason, and there is a marked lack of statistics

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<sup>34</sup> essential packages of SRH services t: Family planning/birth spacing services • Antenatal care, skilled attendance at delivery, and postnatal care • Management of obstetric and neonatal complications and emergencies • Prevention of abortion and management of complications resulting from unsafe abortion • Prevention and treatment of reproductive tract infections and sexually transmitted infections including HIV/AIDS • Early diagnosis and treatment for breast and cervical cancer • Promotion, education and support for exclusive breast feeding • Prevention and appropriate treatment of sub-fertility and infertility • Active discouragement of harmful practices such as female genital cutting • Adolescent sexual and reproductive health • Prevention and management of gender-based violence.

on abortion and abortion rates in general, and on hysterectomy among disabled women in particular.

- All women do not receive family planning services (unmet needs), for many reasons including ignorance, lack of knowledge of services provided at health centres; women's poor financial means; community culture and lack of awareness- raising on the use of contraceptives. Most modern family planning methods used are directed to women, such as injections, family planning pills and intra-uterine devices- all of which have adverse health effects on women, poor promotion for using male condoms and their low rate of usage, despite the lack of adverse health effects on men.

- School curricula are void of reproductive health subjects, despite the availability of training manuals on sexual and reproductive health for adolescents and youth. Some target parents and service providers, such as teachers and counsellors.

- Lack of information on AIDS, including methods of contracting its virus and methods of prevention. The social stigma attached to AIDS is a big obstacle deterring testing for it or disclosing affliction with it, and seeking treatment services. This situation creates a high risk for spreading the AIDS virus on the one hand, and depriving patients from health services, on the other hand.

- The national referral system for abused women (TAKAMUL), approved by the Council of Ministers, remains unimplemented. Therefore, women victims of abuse do not have at their disposal appropriate counselling services in all areas. In addition, if uninsured, abused women have to pay for the services they receive. Many health service providers also remain unaware of their role in dealing with cases of physically abused women, of the role of other sectors, and means of cooperation amongst them. Health centres, and hospitals in particular, lack special spaces for receiving cases of physical violence and the specialized staff capable of dealing with cases of violence against women. The national referral system also overlooked the specificity of disabled women and their protection from violence in terms of mechanisms of intervention, protection and services provided to them.

- A report by the World Health Organization (WHO) Regional Office for the Eastern Mediterranean (EMRO), noted a gender-based gap in the number of medical referrals issued by MoH, whereby the number of male patient referrals was higher than female patient referrals in the period of 2011-2013. The reasons for this gap were not mentioned and were not addressed in any other report.

- There is a lack of healthcare protocols for elderly women, and social security is not applied.

- Mental Health: Mental health services are not integrated in the primary health care program, despite their significance for all community and age groups.

- Females prisoners in occupation prisons are deprived of basic and specialized health services, and from medications, in addition to the failure of the occupation authorities to provide reproductive and mental health services.

- The health of disabled women is not included in the national strategic health plans, in addition to the absence of a special section dedicated to them in the national protocols on sexual and reproductive health.

- A study on the disabled conducted by YMCA in 2016 indicated a growth in health services quantitative indicators. The study further showed women with disabilities of 60% or less are excluded from health insurance. In other words, only severely disabled women of over 60% disability are provided with health insurance. However, it does not cover many costly medications, rehabilitation services, and medical devices related to their disabilities. Moreover, the reference used for identifying the type and degree of disability, which is used to determine interventions and for the provision of a number of services, is very old and is not compatible with even the minimum relevant international standards. A study conducted by the Friends of the Disabled Society<sup>35</sup> in 2016 revealed that most health centres and state hospitals are not physically accessible to disabled people.

#### **Recommendations:**

- Raise-awareness among women and facilitate their subscription in public health insurance.
- Monitor and improve public health services provided by the state to include women's full life-cycle.
- Address the conditions of female prisoners in Israeli prisons within political priorities.
- Develop a protocol for addressing abortion cases.
- Develop health centres to ensure physical accessibility of disabled women patients.
- Train medical staff on dealing with physically abused women from a legal, human rights perspective.

#### **-Articles (15) and (16): Equality before the law and women rights in family and marriage and General Recommendation (21) on equality and family relations:**

- The concept of marriage: The definition of marriage in applicable Palestinian laws is limited to the union of a man and a woman for the formation of a family with the purpose of reproduction. Although marriage constitutes the foundation of the family, the primary building block of the society, the parties responsible for the formation of such a family are not equal in their rights and obligations as provided in the personal status laws, in contravention of CEDAW. The Convention stressed the full equal rights and responsibilities of men and women in a marriage, without any confinement in relation to reproduction. Applicable laws in Palestine are in contravention of this principle, and do not consider the wives' legal capacity. They do not specify the responsibilities and obligations between the spouses, which are based on patriarchal hegemony and give authority to men to treat women as dependents. Hence, efforts are needed to amend

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<sup>35</sup> Friends of the Disabled Society 2016, the Health (Medical) Facilities and their Accommodation of Persons with Disabilities

and change the provisions of the Personal Status Law, for both Muslims and Christians, in which the Islamic Shari'a controls the lives of women and result in the emergence of a clear discrimination in guardianship, divorce, inheritance and ownership, testimony and polygamy.

- Age of Marriage: Marrying-off underage girls continues to prevail in Palestine despite the marked rise of the average age at first marriage. Local statistics indicate that one out of five women in the age group 20-49 had been married during their childhood years (under 18). This rate is higher in Gaza Strip compared to the West Bank. In Gaza, 28.6% of women were married-off in their childhood years, compared to 21.4% in the West Bank<sup>36</sup>. In 2012, the betrothal of women under 18 years of age in Palestine stood at 21.9%<sup>37</sup>. Applicable laws in Palestine do not take into consideration that the marriage contract, just like all other contracts, is concluded with the consent. The precondition for the validity of the contracting parties' competence is the age of majority of 18 solar years, and which may not be waived. This is in line with the agreed age of majority for all other transactions. Entering in a marriage contract requires as mental maturity and competence as all other contracts that entail reciprocal obligations, as provided in CEDAW and the UN Convention on Consent to Marriage, Minimum age for Marriage, and Registration of Marriages for 1962.

- Firsthand contracting: Women are still not recognized a primary party to the marriage contract. They may not choose their husbands and may not enter a marriage contract on their own. The marriage contract entails direct impacts on the contracting parties and not on their guardians. Women should not be considered "minors" at their first marriage. Women have the right to enter a marriage contract without restrictions other than those provided by law on documentation, declaration of marriage, and the control of the marriage competent court. This is a contravention of the Palestinian Basic Law, which provides for full equality. Therefore, the State of Palestine must amend the relevant legislation whereby recognizing women's competence and equality to men, allowing for concluding the marriage contract with the direct agreement of the two parties or through representatives acting on their behalf, and revoke provisions of the presumed guardianship of male family members over women wishing to get married.

- Women's right to inheritance: The provisions of Islamic Shari'a on inheritance remain in effect in Palestine, for both Moslems and Christians, despite the discrimination and flagrant violation of women's economic rights in these provisions in some cases. Nevertheless, these provisions remain inapplicable despite several measures taken to enable women to obtain the right to inheritance. A decision issued by the Chief Justice to restrict the so-called "Takharuj" However, these measures failed to protect these rights

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<sup>36</sup>Central Bureau of Statistics. Press Release. Conditions of Women in Palestine on the Eve of World Day for Women. 2015.

<http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=ar&ItemID=1335&mid=3915&wversion=Staging>

<sup>37</sup><http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1076&mid=3172&wversion=Staging>

due to deception and the use of other legal methods to force women into foregoing their inheritance rights, such as approaching the notary public. Despite the lack of a legal mechanism providing protection and control, it is essential for the state of Palestine to take preventive measures such as monitoring violations and providing free legal aid. In many cases, legal fees are too high for women to afford. It is of utmost importance to work on changing the socio-cultural realities through the media, and to change curricula to ensure and safeguard women's rights.

- Mixed marriages and inheritance: The Personal Status Law for Muslims discriminates between a Christian woman marrying a Muslim and a Muslim woman marrying a Muslim man. In mixed marriages, women may neither inherit nor bequeath an inheritance. Hence, women in mixed marriages are subject to violation of their right to ownership, and to renunciation by their families because of their departure from social norms that prohibit mixed marriages, thus becoming more vulnerable to violation and marginalization. The state has taken no measures to harmonize the law to conform to CEDAW provisions.

- Married couples' financial system: The applicable Personal Status Law for both religions emphasizes the principle of the separate, independent financial entity of each partner in marriage. Despite the importance of acknowledging this principle, it constitutes flagrant discrimination against women, since it is not possible to overlook women's contribution to improving families' economic conditions. Palestinian women, in the desert, cities, villages or camps, exert effort throughout their marriage years inside and outside their families. Moreover, they often play multiple roles because of the need to improve family income. Eventually, the financial gains achieved throughout their marriage, resulting from the hard work of both partners, is mostly registered to the name of husbands for male socio-cultural considerations. Should a dispute arise between the partners, only the husband would reap the financial yields, while the wife would only get her alimony during the waiting period following their divorce. Furthermore, when the husband is deceased and survived by offspring, the wife's entitlement is only one-eighth of the inheritance that she had contributed to raising and formation, or to one quarter of the inheritance, should there be no offspring surviving the father.

- Divorce: This is a thorny issue in both Muslim and Christian faiths of the Palestinian community, and which ultimately constitutes a flagrant violation of women's rights. The Personal Status Law for Muslims provides that men have the absolute power to divorce their wives. On the other hand, most women do not have the right to end their marriages. Nevertheless, there are cases where the Law allows women to request a judge to divorce them from their husbands. However, proving the validity of her claim for seeking separation requires lengthy periods. It is worth noting that the Chief Justice of Palestine took a decision in the West Bank in 2014, allowing the wife, before the consummation of marriage, to divorce herself, by paying the price for this divorce through completely foregoing all of the husband's financial obligations (so-called Khulu'). This law is not applicable in Gaza Strip because of the reality of the political Palestinian division. In the case of Christians, divorce is prohibited except in extremely restricted conditions, which

prompts women to remain silent, due to the social taboos. Thus, women are forced to choose either separation without a divorce, or to stay in their marriages.

- Alimony: Following a hard struggle by women's organizations, the state approved a special law for the establishment of the Alimony Fund. The Fund aims to enforce alimony rulings that are not carried out. These are important measures the state of Palestine took despite the obstacles, with the increasing numbers of women seeking the Fund's assistance. Based on Alimony Fund reports, the majority of beneficiaries are divorced or abandoned women. Women seek assistance in collecting alimony due to their inability to provide for their families following their divorce or abandonment, resulting in losing their housing and income. Such situations limit options available to women, and expose them to violence by their own families, or to having to accept returning back to their husbands and surrendering to their conditions due to lack of alternatives. This requires that they pursue the person charged with paying the alimony, be it the husband, father or son, in order to regain their dignity and social standing, collecting their rights and providing for their families without dependence on extended families. The Fund is an important protection mechanism for women. The state of Palestine must commit to providing the necessary resources and in setting up Fund branches all over the country to enable women to access its services easily. Although the alimony is a solution for divorced women, however, state appropriations do not cover the various basic needs of women and their families, as they only account for 10% of the Fund's expenses. This is due to the state overlooking the appropriation of sufficient resources to the Fund. In Gaza Strip, on the other hand and due to the division, women have no access to the Alimony Fund services, because the Chief Justice of the Shari'a Judiciary in the West Bank does not recognize the judicial structures and Sharia' courts that report to the Chief Justice in Gaza Strip nor their rulings.

- Women's Testimony: Personal status laws usually do not consider women who are not a party to the marriage contract eligible to bear witness to a marriage contract, unless the testimony of two women witnesses is coupled with the testimony of a male witness. This means that marriage contracts are not valid with only two women witnesses without the third male witness, nor with three or four women witnesses without a male witness. This constitutes a flagrant discrimination against women, constitutes a violation of human dignity, and contravenes with the principle of equality before the law and the provision of the Basic Law particularly that the state documents and controls all the marriage contracts through the competent court. Hence, state authorities through the Personal Status Law and the competent courts carry out this discrimination.

- Polygamy: The Personal Status Law for Muslims allows polygamy, the biggest violation of women's rights. It insults women as human beings, and carries with it the seeds of several social ailments that result in consolidating poverty, ignorance and family disputes. The state of Palestine, and its relevant institutions, turns a blind eye to prohibiting polygamy, similarly to other Arab countries, such as Tunisia, and justifies this with religion and norms. A study on gender-based violence in Palestine, polygamy was identified as

one of the reasons for violence against women, as an individual is brought up to believe that women are a replaceable commodity<sup>38</sup>.

- Women's Access to Justice<sup>39</sup> Local women studies indicate that when the women who have experienced any form of violence seek the assistance, or the intervention of the Palestinian justice system, "are either completely deprived from their right to access justice, or the justice system fails in meeting their needs". The studies also revealed that according to abused women, seeking assistance or merely disclosing their abuse in public or to the police, or confiding to local community or religious leaders, or to politicians, has in fact exacerbated their problems, and that the failure of women in attaining their rights has undermined women's confidence in these systems".<sup>40</sup> The Services of various organizations, both local and international, constitute mere dressing to women's wounds, to help them tolerate the reality, because the solutions they provide are instantaneous. Reinforcement of patriarchy, through the lack of interest of the state of Palestine in taking the necessary measures to provide legal or procedural protection for women, or failure to allocate the necessary resources, contribute to silencing women and undermining their confidence in approaching governmental or non-governmental organizations for protection<sup>41</sup>.

#### **Recommendations:**

- Adopt a standardized Palestinian civil family law.

#### **Violence Against Women: General Recommendation (19) on violence against women and General Recommendation (9) on statistics**

- Despite their importance, statistical data are not systemic and regular enough to reflect violence against women in Palestine. The periodic surveys on violence against women is dependent on foreign funding. Since PNA inception in 1994, only two surveys have been conducted on gender-based violence, one in 2005 and another in 2011, both with foreign funding. We agree with the statistics mentioned in the State Report, because they were endorsed at the national level. However, monitoring violence and conducting comparative studies is challenging with the lack of regular surveys. At the institutional documentation level, governmental institutions started since 2013 to document cases of violence. However, the lack of standardized variables and criteria adopted by governmental institutions in documenting these cases is problematic, and aggravates the monitoring gap<sup>42</sup>.

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<sup>38</sup> Saada, Luna. 2016. Women Media and Development. Al Mawarid for Human Resource Development. Gender-based violence. Femicide in the West Bank in the years 2011-2015.(not published)

<sup>39</sup> Shalhoub-Kevorkian. Nadera, (2002).Femicide and the Palestinian Criminal Justice System: Seeds of Change in the Context of State Building? Vol. 36, No. 3

<sup>40</sup> Ibid

<sup>41</sup> Saada, Luna. 2016. Women Media and Development. Al Mawarid for Human Resource Development. Gender-based violence. Femicide in the West Bank in the years 2011-2015.

<sup>42</sup> Ibid

- The prevalence of the tribal system vis-à-vis the Law The social system in the Palestinian society is based on the importance of the role of the extended family in an individual's life, particularly regarding family relationships and dealing with domestic violence in the Palestinian society. The Tribal Affairs Department is a fundamental part of the administrative body of the Palestinian State, and constitutes a fundamental pillar and point of reference in the governorates. The tribal system has its own common laws, which are in contradiction with the principle of the rule of law, yet are invoked. The executive bodies or the governors mostly deny most cases of violence against women, and refer them to the tribal authority, a patriarchy- consolidating system. An example of negative flagrant discriminatory rules that violate women's rights, are tribal solutions that call for marrying-off a raped woman to her rapist<sup>43</sup>.

- Local women studies show that the Personal Status Law and the Penal Code have the highest impact on women's lives. They are the legal system that directly regulates social relationships among individuals in the private domain (the family) and the public domain (society and state). Analysis of laws revealed that they are unfair and unable to provide protection to women, or guarantee Palestinian women's rights throughout women's life cycle (CEDAW, Article 16). Furthermore, applicable laws allow for controlling women, stripping them from effective citizenry and derogating their rights.<sup>44</sup> These two laws are mechanisms that contribute to allowing violence against women and stripping them of the rights to equality before and in the Law (ref. item 16 of Shadow Report).

Women experience emotional, physical and sexual abuse at an almost equal to other women. However, women with disabilities experience violence and assault for longer periods compared to other women, and the impact of the abuse is deeper and more harmful because of the challenges they have, which may limit their ability to defend themselves, or because of their fear of reporting or disclosing the abuse. The reason is the wide gap in laws and lack of enforcement, which does not grant a sense of safety and security, even by state institutions, which are supposed to play this role. Add to that the failure of the judicial and legislative system to enact laws that secure their rights. A 2016 study by YMCA revealed that 39% of the respondents were abused, out of which 37% was domestic abuse, 34% community abuse, and 28% abuse by the Occupation. Physical abuse accounted for 49%, while emotional abuse accounted for 81%<sup>45</sup>.

- Poverty is a main reason for lack of security in the Palestinian society, and in the family. In particular, women made evident the relationship between poverty and violence, including domestic violence<sup>46</sup>. The 2011 violence survey results indicated that in comparison to working women, non-working women are at a higher risk of abuse by their husband<sup>47</sup>. Women already married, from poor or very poor families, reported they were

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<sup>43</sup> Documented cases from Women centers in Ramallah, indicated in the preparation of the Shadow Report.

<sup>44</sup> Ibid

<sup>45</sup> Qader for Community Development; a Report about CEDAW and the Rights of Girls and Women with Disabilities, 2016

<sup>46</sup> Geneva Centre for the Democratic Control of Armed Forces (DCAF). 2009. Palestinian Women and Security: Why Palestinian Women and Girls Do not feel Secure.p29

<sup>47</sup> Palestinian Central Bureau of Statistics. 2011. Survey on violence in Palestine.

emotionally, physically, sexually, socially and economically abused more often than their counterparts who had classified their families' economic conditions between average and excellent<sup>48</sup>. Despite the initiatives taken by the state of Palestine at the official level against violence, work on the practical level, however, remains irregular and limited to government institutions that deal with women, namely the ministries of Women Affairs, Social Development and Health. (The occupation plays a major role in spreading poverty).

- *Femicide*: Femicide, the so-called killing with the pretext of preserving "family honour" is a persistent practice in the Palestinian society. Its philosophy is based on the notion that a person's honour is dependent on the behaviour of others, the "women". Therefore, this behaviour should be controlled<sup>49</sup>. In the culture of the Palestinian society, the behaviour of women determines the individual's (males) standing within the extended family, tribe and local community. The honour of the family is tied to the hymen. However, the majority of women killed were single, which means that any relationship or suspicion of an extra-marital sexual relationship results in sentencing the woman to death<sup>50</sup>. Measures taken by the state of Palestine are insufficient in eliminating femicide; they are merely casual responses to the effective efforts of women organizations in lobbying for ending this phenomenon. Families resort to waive personal claims against the offender and accepting financial compensation, which exonerates the offender and mitigates the sentence against him. This is a mechanism widely used in the Gaza Strip for preserving the men of the family. Article (97) of the Penal Code applied in the West Bank allows beating for disciplinary reasons, which has claimed numerous women victims due to intense beating. Local studies reveal<sup>51</sup> that men convicted for femicide motivated by defending "family honour" are fully aware and cognizant of the Article on waiving personal claims against the offender and its impact on mitigating their sentences. On the other hand, the authorities' failure to enact and adopt women protecting laws contributed to women's lack of confidence in the executive and judicial systems of the state of Palestine<sup>52</sup>.

- Polygamy and dysfunctional families are part of social upbringing. Females in a family grow up with women's stereotypical image, of marginalized women who are replaceable on men's whims. This in turns fosters a policy of acceptance and submission in most cases.

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<sup>48</sup>Prof. Haj- Yahia, Muhammad. 2011. Violence against Women in Palestinian Society. Survey Presentation and Analysis, page 27

<sup>49</sup> Prof. Haj- Yahia, Muhammad. 2011. Violence against Women in Palestinian Society. Survey Presentation and Analysis, and in: Palestinian Non-Governmental Organization against Domestic Violence Against Women (Al Muntada), Femicide in Palestine during 2004-2006. .

<sup>50</sup>Geneva Centre for the Democratic Control of Armed Forces (DCAF). 2009. Palestinian Women and Security: Why Palestinian Women and Girls Do not feel Secure

<sup>51</sup>Saada, Luna. 2016. Women Media and Development. Al Mawarid for Human Resource Development. Gender-based violence. Femicide in the West Bank in the years 2011-2015.

<sup>52</sup>Shalhoub-Kevorkian. Nadera, (2002).Femicide and the Palestinian Criminal Justice System: Seeds of Change in the Context of State Building? Vol. 36, No. 3

The results of studies merely collect dust on shelves and the state of Palestine only uses them to alleviate violence as an approach to respond appropriately, such as prohibiting polygamy and minor marriages, and other issues addressed in the section on the personal status laws, with the justification that religious text may not be touched.

- The applicable Penal Code consolidates men's hegemony over women's lives. The Penal Code no. (16) for 1960 applicable in the West Bank, sets a precondition in prosecuting incest that submitting the complaint is done by up to the fourth degree relative or son-in-law of one of perpetrators. The problem is that this law considers both parties to the crime (the male and the female) guilty, invoking the aspect of mutual consent, and that the female consented to sexual intercourse. The Law has overlooked the nature of power and control relations within the family, practiced by the female's caretakers. The State Report did not indicate the injustice in the applicable Penal Code, and only mentioned the draft law, which the state of Palestine has not adopted yet.

- The small budget allocated by the Ministry of Social Development for safe homes to protect abused women, which puts at risk the lives of women threatened with death. UN Women-Palestine's reports on the evaluation of safe homes indicated the inability of the Ministry of Social Development to provide basic services to abused women in protection homes. Hence, providing basic services and empowering abused women is dependent on the availability of funding, which puts safe homes at the risk of being unsustainable as centres that provide adequate services to women<sup>53</sup>.

- None of the ministries directly involved in eliminating violence against women, such as the ministries of Women Affairs, Social Development, Education, Health, Justice and the Interior, have established a training and rehabilitation program for their staff on dealing with cases of violence. Training is rather dependent on non-governmental organizations' programs and funding, and if these are not available, no training, follow up or accountability for performance is carried out by relevant institutions<sup>54</sup>.

#### **Recommendations:**

- Support and increase the numbers of safe homes for abused women, improve the quality of the services offered to abused women and developing the capabilities of their staff.

- Approve the draft Penal Code and the draft Law on Family Protection from Violence which were prepared with the participation of governmental and non-governmental women and legal organizations, and which guarantee protecting women from violence. Specify the measures the state of Palestine will take to adopt criminal legislations based on equality and non-discrimination, including the Law on Family Protection from Violence.

- Conduct regular and periodic statistical surveys to identify the situation of discrimination against women, and violence against women and girls and women with disabilities.

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<sup>53</sup>Interviews with social workers at safe homes for abused women in Bethlehem and Nablus, 2015

<sup>54</sup><http://www.ohchr.org/AR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20565&LangID=A>

- Allocate the necessary budget for developing services at safe homes, and develop the capacities of their staff to ensure their sustainability.
- Establish specialized family courts to address cases of abuse and develop the capacities of their staff.

### **General Recommendations of the Coalition**

Based on the information incorporated in this report, we request the State of Palestine to act on the following substantial issues to guarantee the rights and dignity of Palestinian women and girls based on justice and equality:

- **Recommendation (1):** The State of Palestine commits itself to amending and changing legislation, and drawing up policies that conform to the provisions of CEDAW.
- **Recommendation (2):** The State of Palestine commits itself to conducting surveys and compiling statistics on discrimination and violence against women and girls and women with disabilities.
- **Recommendation (3):** Urge the State of Palestine to ratify the Optional Protocol to CEDAW, and to recognize the Convention in the Basic Law in a clear and explicit provision.
- **Recommendation (4):** Publish the ratification of the Convention in the Official Gazette.