

JOINT ALTERNATIVE REPORT SUBMISSION TO THE COMMITTEE AGAINST TORTURE

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Prepared and submitted by:

**PALESTINIAN NON-GOVERNMENTAL ORGANIZATIONS NETWORK
HURRYYAT - CENTER FOR DEFENSE OF LIBERTIES & CIVIL RIGHTS**



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EXECUTIVE SUMMARY

This joint report has been compiled by different human rights civil society organizations ‘CSOs’ to assess the State of Palestine's compliance with the Convention on Torture ‘CAT’ to be able to make concrete and effective recommendations to the State of Palestine. It provides an analysis and evaluation on the current situation of torture and other forms of ill-treatment in the Palestinian society. Methods of analysis used in this report include researching, reviewing international and national laws, and analyzing available data and statistics.

Our findings and recommendations provide a clear pathway forward for the Committee against Torture in assessing the State of Palestine's implementation and compliance with the provisions provided in the CAT convention since 2014. The information provided in this report is an immediate call for action for stakeholders and policymakers, to address these factors and ensure a secure and safe environment for Palestinian citizens.

1. INTRODUCTION

- 1.1. The Palestinian Non-Governmental Organizations Network ‘PNGO’¹ and The Center of Defense of Liberties ‘Hurriyat’² present this submission to the 74th session of the Committee Against Torture Hereinafter ‘the Committee’, highlighting our recommendations on Palestine’s implementation on the CAT, which was ratified by the State of Palestine on 2nd April 2014³.
- 1.2. This report has been submitted pursuant to article (19) of the Convention with respect to providing expert advice on the implementation of the convention, in order to provide the Committee with comprehensive insights, and knowledge on how the convention is being implemented by the State of Palestine prior to the discussion of the initial report with the CAT in July 2022.
- 1.3. The present report highlights several aspects of the status of Torture in the State of Palestine and its duty to respect, protect, and fulfill its obligations accordingly. The State of Palestine has failed to

¹ The Palestinian non-governmental organizations network ‘PNGO’ is an umbrella network composing over 140 Palestinian civil society organizations in both the West bank and Gaza Strip including organizations working in different sectors of human rights. PNGO develops and reinforces long-term networking, coordination, and cooperation among members and other civil society components at the national, regional, and international levels.

² A Palestinian civil society organization established in 2007 to protect and promote human rights and civil and political freedoms, to defend the issues of prisoners and detainees, and to promote the principles of the rule of law and good governance in the state of Palestine.

³ 'The ratification status by country or by treaty,' United Nations Human Rights Treaty bodies, last modified 6th of June, 2022,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=217&Lang=en

prevent torture and ill-treatment in legal settings, to investigate cases of alleged torture, enact protective legislations, and impose accountability on officials. CSOs have been documenting torture and ill-treatment practices across the State of Palestine, and claim that law enforcement and security officials in Palestine do practice torture and ill-treatment against detainees; these acts include beating, kicking with rifles, stress positions, hanging through the ceilings, death threats and psychological torture.

- 1.4. This report does not include Israeli violations on the rights of Palestinians in the West Bank, including Occupied East Jerusalem, and Gaza Strip. Even though the Israeli occupation and its control over East Jerusalem and area C of the West bank hinders the ability of the State of Palestine to live up to its obligations under the CAT convention. The failure to address Israeli violations in this report does not in any way diminish Israel's obligations concerning Palestinians living in the occupied Palestinian territory or its obligation as an occupying power to respect, protect, and fulfil the rights of Palestinians.
- 1.5. The purpose of this report is to assist the Committee in developing a list of issues relating to the report of the State of Palestine, and to provide data and information to ensure a comprehensive interactive dialogue between the Committee and the representatives of the State of Palestine.
- 1.6. The issues raised in this report concern violations of articles 1-16 of the CAT.

2. LEGAL FRAMEWORK (ARTICLES 1, 2, 4)

2.1 Harmonizing internal law to international standards

- 2.1.1 State parties are obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment; and to take positive effective measures to ensure that such conduct and any recurrences thereof are effectively prevented.⁴
- 2.1.2 The Palestinian legal system is considered a cumulative one from different authorities that have exercised legal and administrative jurisdictions in the area. This has resulted on a different mixture of laws dating back to the Ottoman Rule, the British mandate, the Jordanian and Egyptian administrations and to the Israeli occupation. Several old Jordanian laws are still in effect in the West bank that do not comply with the international safeguardings and guarantees set in

⁴ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, available at: <https://www.refworld.org/docid/47ac78ce2.html>

international human rights instrument. A set of old Egyptian laws are still operating in the Gaza strip.⁵

- 2.1.3** A number of old Jordanian laws are still in effect in the West Bank, most notably the Personal Status Law of 1976, and the Jordanian Penal Code No. 16 of 1960. In Gaza Strip, the Penal Code no. 74 of 1936 was enacted during the British Mandate and is in effect along with the 1954 Egyptian law on Family Rights. As the Israeli occupation exercises control over many Palestinian areas in the West Bank, it implements a series of military orders controlling various aspects of Palestinian lives, especially with regards to land law and military court procedures.⁶
- 2.1.4** The challenges facing the legal system in Palestine were exacerbated by political fractions that took place in 2006 between Fatah and Hamas political parties, which led to the inability of the Palestinian legislative Council ‘PLC’ to convene to take its role in enacting legislations, and the creation of two authorities on the ground. Any legislation issued by the Palestinian President after 2006 has not been implemented in Gaza strip, all bylaws are issued by the President through Article 43 of the Amended Basic Law; stating that the President has “the right, in cases of necessity that cannot be delayed, and when the Legislative Council is not in session, to issue decrees that have the power of law.”⁷
- 2.1.5** In 2016, the Palestinian President activated the Law of the Supreme Constitutional Court ‘PSCC’ no.3 of 2006⁸ and established upon this the first Palestinian Supreme Constitutional Court, with the power of judicial review. On the 12th of December 2018, the Palestinian Constitutional Court issued its verdict no.10 concerning the abolishment of the PLC. After this decision, the legislative process in Palestine was delegated to the Palestinian Central Council ‘PCC’ another political body nominated by the Executive Committee and elected by the Palestinian National Council (PLO Parliament). Although the PCC has legislative power according to these arrangements, bylaws have been issued by the President.
- 2.1.6** According to a draft factsheet prepared by PNGO; 340 bylaws have been issued by the president between the period of July 2007 through May 2022. Such number of laws indicates that the legislative process in Palestine is concessional. None of these laws were concerning enacting protective legislations or amending articles in applicable laws concerning torture or ill-treatment; which indicates that these laws do not respond to Palestinian citizens’ human right’s needs.⁹

⁵ See Victoria Wagner, *Palestinian Judiciary and the Rule of Law in Autonomous areas: An introduction* (PASSIA: 2000).

⁶ ‘Born without civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestininans in the West Bank,’ Human Rights Watch (2019). <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>

⁷ The Palestinian amended Basic Law no 5 for 2003, <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

⁸ Palestinian Authority, The Supreme Constitutional Court Law no.3 of 2006, published in the official gazette. Available at <https://www.lab.pna.ps/artion/15122.pdf>

⁹ PNGO Draft Fact sheet, ‘Presidential Bylaws and its repercussions on Palestinian Civil Society,’ expected date for publication summer 2022.

- 2.1.7** The State of Palestine has obtained the status of a non-observer member according to the United Nations General Assembly ‘UNGA’ resolution no. (7/19).¹⁰ The resolution equated Palestine with a status in the UN system, and accordingly the ability to join, accede, and ratify international conventions. Soon after, Palestine acceded to several fundamental international conventions including CAT convention on the 2nd of April 2014.
- 2.1.8** While the Palestinian amended Basic law mentions in article (10) that: “The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights”; the status of international conventions in the Palestinian legal system is not clear and undefined. In Palestine, there is no formally established hierarchy of norms, international laws do not have a designated place in the hierarchy.
- 2.1.9** PSCC in its decision no. 4 of 2017 viewed international conventions as superior to ordinary domestic legislation, with the exception that they are “in line with the national, religious and cultural identity of the Palestinian Arab people”¹¹. Further indicating that such international conventions should be published in the Official Gazette after ratification, and should go through the formal stages required to issue domestic legislation. The Palestinian Authority ‘PA’ has not yet published any international conventions, including the Convention against Torture, in the Official Gazette ‘*Al-Waqe*’ other than the convention on the rights of the child which was published in 2021¹², nearly after 8 years of its ratification, and the Convention on the Elimination of all Forms of Racial Discrimination in 2021. Moreover, the beforementioned PSCC’s decision is insufficient; as adding such a vague requirement may be considered as a reservation preventing the enforcement of international conventions in a way that is compatible with the international principles of human rights, and may hinder the adequate and full application to the convention which can open wide-spaces for interpretation and exceptions.

2.2 The State Party Should Comply to the Definition of Torture (Articles 1, 4)

- 2.2.1** State parties must consider the offence of torture punishable as an offence under its criminal law, in accordance, at a minimum with the elements of torture as defined in Article 1.¹³

¹⁰ United Nations, Resolution adopted by the General Assembly no 67/19: on the Status of Palestine in the United Nations. Available <https://unispal.un.org/UNISPAL.NSF/0/19862D03C564FA2C85257ACB004EE69B>

¹¹ The Palestinian Supreme Constitutional Court, decision No. 4 of 2017, session on November 19.

¹² Palestinian Authority, Publication of the Convention on the Rights of the child bylaw no. 25. For 2021 published in the official gazette. Available at <https://www.lab.pna.ps/ar>

¹³ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, available at: <https://www.refworld.org/docid/47ac78ce2.html>

- 2.2.2** According to the CAT convention, torture is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."
- 2.2.3** In the Palestinian legal framework, the definition of torture is not consistent with what the convention provides. While the amended Palestinian Basic Law stipulates in Article 13 that "no person shall be subject to any duress or torture", the Jordanian Penal Code No. 16 of 1960, and the PLO revolutionary code for 1979 applicable in the West Bank, and the British penal code applied in Gaza all do not use the word 'torture', and still lack sufficient standards to fully prohibit the crime of torture.

The Jordanian Penal Code No.16 of 1960

- 2.2.4** The law states in article (208): *'Anyone who subjects a person to any form of violence or coercion prohibited by law with a view to obtaining a confession to a crime, or information relating thereto, shall be punished by imprisonment for three months to three years. If such acts of violence or coercion led to sickness or injury, the penalty shall be imprisonment for six months to three years, unless such acts call for a more severe penalty.'*

Accordingly, the definition is not consistent with the definition provided by the Convention:

- The article does not mention the term 'torture' and only criminalizes acts of violence or coercion prohibited by law;
- The penalty provided for such acts does not reflect the severity of such acts.
- The article does not criminalize acts of complicit or acts of attempt.
- The article does not criminalize acts of psychological torture, inhumane or degrading treatment;
- The term 'prohibited by law' leaves the door open for the use of forms of torture if the law 'permits them'

2.2.5 Although this law has been amended for five times¹⁴ in relation to articles concerning honor killings; there were no amendments whatsoever of the definition of torture in compliance with CAT convention.

2.2.6 The Penal Code No. 74 of 1936

Article 108 states that: “each public servant who exposes a person to use force or violence or orders him to use force or violence against a third person to obtain from the person or from his or her family confessions on an offense or information related to an offense is considered committing an offense”.

Accordingly;

- The article does not mention ‘torture’ and only criminalizes the acts of ‘use of force or violence’;
- The article narrows the criminalization of these acts by limiting it to ‘obtain from the person confessions on an offense or information related to an offense’;
- The nature of punishments imposed are not compatible with the seriousness of this crime.

2.2.7 THE PLO Revolutionary Code no.3 for 1979

This law has been applied in the West Bank and Gaza Strip on military personnel, or crimes committed in military zones. Article (280) of this law provides that: “*A person who subjects another person into forms of torture not allowed by the law in order to obtain confessions or information on a crime shall be sentenced to at least 3-month imprisonment. If violence leads to an illness or injury, sentence will be at least 6-month imprisonment. If torture leads to death, punishment will be at least 5 years of hard labor.*”

Accordingly;

- The term ‘allowed by the law’ opens space for the use of forms of torture that are ‘allowed by law’;
- The nature of punishments imposed are not compatible with the seriousness of this crime, as these punishments start from three months up to six months in the case of causing an illness or injury, and up to five years of hard labor in case the victim of torture dies;

2.2.8 Not codifying the crime of torture, and keeping acts of torture listed as acts of violence or imposing force have serious consequences, for example the CAT committee emphasizes that it would be a violation of the Convention to prosecute conducts solely as ill-treatment where the elements of

¹⁴ Draft Fact sheet, ‘Bylaws and its repercussions.’ 9.

torture are also present¹⁵. In addition, inability to codify the crime will hinder the appropriate punishment that considers the gravity of the offence, weakens the deterrent effect of the prohibition itself, inability to challenge state actions, as well as the state inaction that violates the convention, and hinders the ability of officials to track the specific crime of torture when it occurs.¹⁶

Recommendations:

- **The State of Palestine should comply with its international obligations and promulgate or amend laws that are consistent with the CAT Convention, and codify immediately the crime of torture in its penal laws in accordance with the definition proposed by the convention.**

3. TAKING LEGISLATIVE, ADMINISTRATIVE AND JUDICIAL APPROPRIATE MEASURES TO THE PREVENTION OF TORTURE (ARTICLE 2)

The state party should take all appropriate measures to prevent torture, in addition the state party should not only be obliged to take administrative, legislative, judicial and other measures to prevent torture, but should ensure that they are effective.¹⁷ The state party report has not mentioned any legislative, administrative, or judicial measures that were taken since acceding to CAT in 2014, and only mentioned legal safeguards that are incorporated in laws or procedures regulated before acceding to the convention.

3.1. Disaggregated Data

- 3.1.1. The state party has not mentioned or provided any data disaggregated by age, gender, or any other key factors in its report. Accordingly, the lack of official disaggregated data or any other official statistics deters from identifying, comparing, and taking steps to remedy any discriminatory treatment that may otherwise go unnoticed and unaddressed.

¹⁵ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, available at: <https://www.refworld.org/docid/47ac78ce2.html>

¹⁶ Ibid.

¹⁷ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, available at: <https://www.refworld.org/docid/47ac78ce2.html>

- 3.1.2. While the State of Palestine is obliged to describe, as far as possible, factors affecting the incidence and prevention of torture and ill-treatment, as well as the difficulties experienced in preventing torture or ill-treatment against relevant sectors of its population; the lack of such official data in general deters from implementing and designing progressive strategic plans, and policies to stop and prevent torture or any other inhumane or degrading acts.
- 3.1.3. The Palestinian Central Bureau of Statistics 'PCBS' is the official body responsible for the overall statistics according to the General Statistics Law no.4 of 2000. From 2012 to 2018, the PCBS has not issued any official report in relation to torture or ill-treatment. In 2019, the PCBS issued a report regarding the situation of violence in the West Bank disaggregated by age and gender¹⁸; while the numbers tackle sensitive groups like women and children, the report lacks any data in relation to other forms of violence, like torture and ill-treatment in official legal settings during investigations or in detention.

3.2. National Mechanisms for the Prevention and Protection of Torture

3.2.1. National Protection Mechanisms

3.2.1.1 According to the Criminal Procedure code no.3 for 2001; The Public Prosecution and the judge of first instance and appellate courts may visit the correctional and rehabilitation centers (prisons) and places of detention lying within their jurisdictional limits, to ensure that no inmate or detainee is being held illegally.

3.2.1.1 According to Article (10) of the Rehabilitation and correctional centers law, the Minister of interior and Minister of Justice has the right to enter any center for the purposes of checking and providing notes and suggestions.

3.2.1.2 In addition, according to Article 99 of the Criminal Procedure code, the Public prosecution is obligated to conduct an initial physical examination before interrogation.

3.2.1.3 These national protection mechanisms are not activated and no referrals from the civil system to the military system for any investigations have been conducted; despite that there is a legal requirement on the public prosecution to follow-up any cases on alleged

¹⁸ Palestinian Central Bureau of Statistics, ' Preliminary Results of the Violence Survey in the Palestinian Society,' 2019. available at https://www.pcbs.gov.ps/site/lang_ar/699/Default.aspx

torture. In addition, there are no monitoring or available reports or data regarding the implementation of these mechanisms.

3.2.2 National Prevention Mechanism

3.2.2.1 In a recent step, the State of Palestine has regulated a law to establish a national torture preventive committee on the 25th of May 2022.¹⁹ The draft has been deliberated with CSOs in 2018 in which the organizations have made their remarks and concerns on certain articles that may jeopardize the independency of this mechanism. Following the publication of the law, CSOs have issued a statement calling for the revocation of this law, as this draft did not include what was agreed upon deliberations and contain concerning articles regarding the independency and impartiality of this committee.²⁰ The law did not provide in any articles the term ‘prevention of torture’ although it should be the main goal of the law according to OPCAT.²¹

3.2.2.2 However, the recent law provides in Article (2) a definition of torture in compliance with the CAT convention, recognizing ‘torture’ as a crime in contrary with the Penal code, in addition to recognizing psychological torture as a form of torture, in addition to criminalizing acts of complicity. However, while it is a positive step to recognize the definition of torture in compliance with international standards, the penal code should adhere to this definition in order to provide the penalties that reflect the severity of such acts to hold perpetrators accountable.

¹⁹ Palestinian authority, National Committee on prevention of torture, bylaw no.25 for 2022. Publish in the Official Gazette. Available at: <https://lab.pna.ps/>

²⁰ The institutions consider that the decision of the aforementioned law demolished in many of its texts the principles of the independence of the mechanism, as it considered the national anti-torture mechanism as a state institution and a governmental body to which all laws and legislation related to official institutions apply. The head of the authority, his deputy and the employees of the authority were also considered official employees to whom the civil service law applies. Also, procurement and solicitation transactions are subject to the Public Procurement Law, which makes the mechanism a full governmental body, in addition to the method for appointing the members of the mechanism by the president based on the recommendation of the Council of Ministers each time. In violation of Palestine’s obligations under the accession to the Optional Protocol, which requires taking the utmost standards of transparency and independence, and adopting the same approach when selecting members, according to the procedure for selecting members of the commissioners of national human rights bodies, in addition to many violations that lose the mechanism of independence, impartiality and objectivity at all levels. See <https://www.alhaq.org/ar/advocacy/20052.html>

²¹ Article (3) stated that the goals of the committee is to ‘enhance the principles of combating torture, seek to adopt procedures and methods to combat violence, and raise awareness on the crime of torture.

Recommendations:

- **Urge the State of Palestine to activate the national protection mechanisms to guarantee accountability and provide data on torture or ill-treatment incidents.**
- **Amend the National Prevention Law in compliance with OPCAT to accommodate independency, transparency, and impartiality of the committee.**

3.3 Independence of Judiciary

3.3.1.1 The Executive branch's interference in the judiciary is key to the absence of judicial independence, and a violation to the principle of the rule of law. For example, the appointment of Chairs of the High Judicial Council 'HJC' contravenes the provisions of the Judicial Authority Law No. 1 of 2002. Another display of the interference of the executive branch on the Judiciary is the publication of bylaws no.16 and no.17 for 2019 that established a transitional Judicial Council, and another 15 bylaws affecting the judiciary work; where dozens of judges have been referred to retirement without any clear basis.

3.3.1.2 This has resulted in increased interference in judicial affairs, with ramifications on the internal state of the judiciary, which created a split within the Judicial Authority and judges. This has adversely impacted the image and integrity of the judiciary and undermined public confidence in it, besides the negative and serious effects on rights and freedoms, as well as the individual rights of litigants.

3.3.1.3 An independent, impartial, and fair judicial system requires competent judges, with relevant experience, professionalism, and good conduct. It also requires effective oversight tools, grounded in law, adopting principles of equality and non-discrimination, while ensuring accountability and fair trial – based on the respect for human rights, equitable law enforcement, and combating corruption.²²

²² See UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> and UN General Assembly, *Basic Principles of the Independence of the Judiciary*, 1985, United Nations.

Recommendations:

- **Apply the Judicial Authority Law No. 1 of 2002 in good faith, instead of amending its provisions, and until such time national elections are held and an elected parliament is established.**
- **Take serious steps to restore democratic life, foremost by putting an end to the internal Palestinian political divide and calling for legislative and presidential elections as soon as practicable. These will ensure the right of all people to participate and engage in national decision-making processes and strengthen institutional performance, rights, freedoms and the rule of law.**

4. JUSTIFICATION OF TORTURE - SUPERIOR ORDERS (ARTICLES 2,3)

- 4.1 In line with the absolute character ban on torture, an order from a superior officer or a public authority may not be invoked as justification of torture.
- 4.2 In the Palestinian context, the law of service in the security forces no.8 for 2005 in Articles 173 and 194 indicate that a security officer is punished for a misconduct but can have an impunity if this misconduct was carried out by an order of his superior, and the punishment resides only on the superior alone.
- 4.3 In recent amendments to the Criminal Procedural law on the 3rd of March 2022, a further setback has been witnessed despite national calls for the president to not issue the law.
- 4.4 Article (3) of the new Bylaw no.7 for 2022²³ states that 'No employee, public servant, or member of the judicial police may be referred for a felony or misdemeanor committed by him during the performance of his job or because of it for trial before the court, except upon the written permission of the Public Prosecutor or one of his assistants.' According to this Article, it grants legal immunity to state officials and members of the security services from prosecution when they commit crimes during or because of their job, which violates human rights, contradicts the Basic Law and the obligations of the State of Palestine in CAT Convention. This is considered as a legalization and institutionalization of the culture of impunity that state officials enjoy.

²³ Palestinian Authority, Amending the Criminal Procedural Code no.3 for 2001 and its amendment, published in the official gazette in 2022.

Recommendations:

- **The committee should urge the State of Palestine to amend these articles and establish that the prohibition of torture is absolute and non-derogable and abolish any justification of torture in any circumstances.**
- **Urge the State of Palestine to abolish the bylaw no.3 for 2022 and establish a legal framework where state officials and security personnel are held accountable for actions in relation to torture or ill-treatment.**

5. UNIVERSAL JURISDICTION (ARTICLE 5)

5.1 According to Article (5), state parties should take all the necessary measures to guarantee universal jurisdiction—there are no articles in Gaza strip laws that allow Palestinian Courts to exercise a universal jurisdiction in relation to torture crimes, or even any others.

5.2 In the West Bank, the Palestinian Criminal Procedures Code has given Palestinian courts the right to exercise a universal jurisdiction in Article (12); allowing to trial the foreigner involved in torture crimes within two conditions. The first is that this foreigner should be residing within the Palestinian territories with a clear place of residence, while the second is that his origin country has not asked an expedition.

Recommendations:

- **Urge the State of Palestine to amend its laws in the Gaza strip to give the Palestinian Courts the right to exercise a universal jurisdiction.**
- **Comply with legislation to Article (5) within the given definition of torture in order to properly activate the universal jurisdiction.**
- **Abandon the condition that the alleged offender should have a clear residence within the Palestinian territories and comply with what Article 5 has required that the foreigner offender should be ‘present’ within the territories.**

6. CONTINUOUS REVIEW OF INTERROGATION AND DETENTION RULES (ARTICLE 11)

- 6.1 Article 11 obliges the state party to keep under continual systematic review interrogation rules, instructions, methods, and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention, or imprisonment in any territory under its jurisdiction. This must be done with a view to preventing any cases of torture or any cases of cruel, inhumane or degrading treatment or punishment.²⁴
- 6.2 According to the state party report, the State of Palestine has not made any regular review of its regulations since 2010.²⁵
- 6.3 To prevent torture, prison regulations should be in agreement with the standard minimum rules for the treatment of prisoners, the CAT committee has expressed the view that considers the application of these rules to be important.²⁶
- 6.4 In regard to Detention Places, Detention centers in the West Bank are divided in terms of length of detention and its affiliation. There are three sections: First, Permanent detention centers, these are the places that operate in accordance with the Correction and Rehabilitation Centers Law, and those centers are affiliated to the General Administration of the Centers, and in turn reports to the Ministry of the Interior. Second, temporary Detention Centers, in which arrests are made for a period not exceeding 24 hours, and are subject to supervision of the police directorate in which that station is located, and is subjected to the provisions of the Palestinian Penal Procedures law. Third are the detention centers affiliated with the organs of the security forces, which are the places of detention that are affiliated with the security services in the West Bank, and they are the security Preventive forces, General Intelligence and the Military Intelligence.
- 6.5 While the rehabilitation and correction law is compatible with international standards, the reality is not. the Independent Commission for Human Rights succeeded in 2018 in assessing the extent to which correction and rehabilitation centers comply with relevant international standards. The compliance of rehabilitation centers with international standards recorded 54.3% in the West Bank and 65.1% in the Gaza Strip in 2018. During 2019, the compliance of rehabilitation centers with international standards decreased by 8.9% due to the inclusion of assessment criteria related to compliance with the rights of persons with disabilities. Almost all rehabilitation centers, in the West

²⁴ Lene Wendland, a handbook on state obligations under the UN Convention against Torture, (Geneve: May 2002)

²⁵ Ibid.

²⁶ Ibid.

Bank and Gaza Strip, lack the basic policies, procedures and infrastructure required for persons with disabilities (as detainees, staff and visitors).²⁷

Recommendations:

- **Urge the State of Palestine to adopt an Executive Regulations for the Rehabilitation and Correction centers.**
- **Urge the State of Palestine to meet the conditions of detention centers with the international standards, especially in relation to carrying capacity and health standards, and in compliance with people with disabilities' needs.**

7. Investigation of alleged torture and ill-treatment cases (Article 12)

7.1 Article 12 states that Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.

7.2 According to CAT, all persons who are aware or acquire knowledge about any allegations have obligation to submit this information to the investigation. In the Palestinian legal system, there are no cases of investigations on allegation of torture and ill-treatment cases; which renders eventually any accountability or liability.

Recommendation

- **Urge the State of Palestine to establish a national investigation committee to investigate cases of alleged torture and ill-treatment; and ensure that it is composed from different governmental bodies, ensure its impartiality, and has an authority to refer cases in accordance with Istanbul Protocol.**

²⁷ Independent Commission for Human Rights, 'Monitoring of Places of deprivation of liberty,' 2018. Available at: <https://www.ichr.ps/ichr-tasks/137.html>

8. VICTIMS' RIGHTS TO COMPENSATION (ARTICLE 14)

- 8.1 Palestinian law neither contains explicit provisions on the right of victims of arbitrary detention to compensation, nor contains explicit provisions to allow for torture victims to claim financial compensation for reparation of the damage caused by torture. While the general civil principles establish the general principle of tort, which states that 'any damage caused to others makes its doer liable for damages even if the doer is not competent,' this text is designed for general application, and it is important to have a special provision exclusively directed to claims for damages arising from acts of torture. Such a provision would enhance the right of victims to seek compensation for damages, which is not sufficiently provided for through the general principles of law.
- 8.2 The contributors are not aware of any cases where individuals have been compensated for torture or -ill-treatment.
- 8.3 General principles of law and other related provisions do not explicitly incorporate the right to compensation outlined in the CAT, and it is still not possible to sue the government or any of its agencies for the infliction of torture by state employees under relevant legislation.

Recommendations

- **The committee should urge the State of Palestine to adopt a law and executives, and establish a system including forensic and courts where victims can be compensated fairly and adequately.**
- **Establish a national fund for victims' compensations.**

9. THE PRACTICE OF TORTURE, AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLES 1, 3, 16)

9.1 Arbitrary Arrest

- 9.1.1** The Palestinian Basic Law safeguards the right to free expression, and restricts the State from arbitrarily arresting and torturing detainees. The Palestinian Basic Law states in Article 19 that: "every person shall have the right to freedom of thought, conscience, and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law." Article 26 enshrines the right of Palestinians to "participate in the political life individually and in groups," which incorporates the right to "establish and join political parties".

- 9.1.2** The Basic Law also prohibits arrest, detention, and other deprivations of personal freedom except by judicial order, and requires that a detained person be promptly informed of the reasons for their arrest or detention according to article 11 and 12. The law establishes that authorities cannot enter, search, or surveil a private home without a “valid judicial order.” The Code of Criminal Procedures states that authorities can detain a person without a warrant where “there is evidence sufficient to charge him” with a “flagrant felony or of a flagrant misdemeanor punishable by a term of more than six months,” or where the suspect resists authorities, escapes following lawful arrest, or commits a crime before the officer and refuses to disclose information about himself.
- 9.1.3** Detained persons must have their cases reviewed by a prosecutor within 24 hours. A prosecutor can extend the period of detention for another 48 hours. Subsequently, the case must be reviewed by a judge given that the accused is innocent till proven guilty. In pursuance to the international legal standards, the judge should review the case every 3 to 4 days maximum within the provisional detention period. According to Hurryyat, such procedures are not applicable in Palestine as First Instance Courts usually extend the provisional detention for ‘15 days’, amounting for 45 days as the maximum period of provisional detention. In accordance to Hurryyat, 90% of the reviewed and documented cases indicate that the provisional detention is extended for 15 days between each court session resulting in the maximum period of 45 day. In general, and without any proper review from the court, the provisional detention is deemed to be a punishment and an illegal procedure.
- 9.1.4** According to Hurryyat, 160 cases of political arrest was documented between the year 2016-2022.

9.2 Arrests issued by the governor

- 9.2.1** Governors can detain citizens based on the Jordanian Crime Prevention Law No. (7) For the year 1954 which is valid in the West Bank. The law has granted the “governor” the authority to issue arrest warrants for individuals in accordance with regulations and standards. Although this law is in violation of the Palestinian Basic law²⁸, and in violation of the Criminal Procedural law which stated in article (485) to abolish any articles on other laws that contradicts with the mentioned articles in the law.

²⁸ See article 119 of the Amended Palestinian Basic Law.

9.2.2 According to the documentation of Hurryyat Center, the arrests issued by the governor are a common practice method used in the Palestinian context despite its unconstitutionality.²⁹ Between the years of 2016-2021, 300 cases have been documented on arrests by the governor.

9.3 Arrests issued by the Joint Security Committee

9.3.1 The formation of the Joint Security Committee dates back to the era of former Palestinian Prime Minister Salam Fayyad, with the aim of “consolidating the establishment of one authority and one weapon, collecting weapons and eliminating security chaos in the West Bank.” The Joint Security Committee includes the Intelligence Services, Military Intelligence, Preventive Security, National Preventative forces and the police. Its headquarters is located in Ramallah, and its detention center is in Jericho.

9.3.2 After pressure from Civil Society Organizations at the time, the Palestinian Prime Minister, Rami Hamdallah, issued a decision in June 2018 to “dissolve it after it had completed the tasks entrusted to it, which is to eliminate manifestations of security chaos, to arrest wanted persons, and to bring them to justice.”

9.3.3 Despite the ministerial decision, the Joint Security Committee still unconstitutionally operates and conduct arrests. Between the years 2016-2021, Hurryyat Center has documented (496) cases of arrest conducted by the Joint Security Committee. An analysis made by Hurryyat suggests that the highest numbers of cases of torture and ill-treatment are documented when arrests are conducted by this committee, specifically cases by the Police.

Recommendations:

- **Palestinian court judges should continuously review the cases within shorter periods and should not use provisional detention as a punitive measure.**
- **Prevent the practice of arbitrary arrest issued by a governor, and to revoke the Crime Prevention law no.7 for 1954 due to its unconstitutionality with the Basic Law and the Criminal Procedural Law.**
- **Immediately dismantle the Joint Security Committee.**

²⁹ According to the decision High Judicial court, decision 176 in caselaw (119/2005). HJC decision no.152 in case (110/2005) confirming in both decisions that arrest and detention shouldn't be conducted except upon a judicial order.

9.4 Excessive Use of Force During Demonstrations

- 9.4.1 According to the Palestinian Basic Law, peaceful demonstrations are a protected right within certain boundaries. According to Article 3 from the Law of Public Demonstration no.12 for 1998, anyone who wants to conduct a public meeting has to send a written notice to the governor, or the Police directorate before 48 hours of meeting, identifying the place of the meeting, its time, and its purpose. The executive regulation for this Law states that 'any organizers of any public meeting has to follow the Presidential decree no.3 for 1998 in relation to "praising national unity and ending any incitement."
- 9.4.2 Accordingly; any public meetings conducted without a prior written notice does not strip out 'peaceful' from it, and according to the regulations on the use of force issued by the Palestinian Interior Minister in 2011, officials are not permissioned to use force to suppress and end any peaceful gatherings.
- 9.4.3 On June 13th, 2018, the Palestinian security forces quashed a demonstration organized by activists in Ramallah demanding the Palestinian government to lift the sanctions imposed on Gaza strip. According to Hurryyat Center, Palestinian security forces, many of whom wearing civilian clothes, brutally and deliberately targeted activists with sound grenades, tear gas, and physical assault to disperse them. At least 56 demonstrators were arbitrarily arrested and beaten during detention. As a result, such actions apply to the definition of torture provided in Article 1 according to CAT Convention.
- 9.4.4 On 24th of June 2021, several calls were made following the killing of the Palestinian activist Nizar Banat. On that day, two demonstrations were held; yet subjected to severe repression by the security and police forces beating civilians and using sound and gas bombs. Consequently, Palestinians called for more peaceful gatherings throughout the West Bank to protest against such illegal actions; however, all demonstrations were suppressed and attacked by security and police forces wearing military and civilian clothes.
- 9.4.5 According to a documentation by Hurryyat Center, these attacks ranged from repression with weapons and sound and gas bombs, beatings with batons on all parts of the body, theft of phones, as well as blackmailing women demonstrators by harassing their bodies and publishing personal photos on different social media platforms. These physical attacks are considered a way of punishment by unauthorized bodies; which amounts to the level of torture and ill-treatment.
- 9.4.6 According to Hurryyat Center, gender-based violence against female demonstrators and female journalists has been documented. This gender-based violence perpetrated by official bodies against female journalists and participants in the demonstrations is based on exploiting the prevailing

societal culture, which places women in sensitive positions, which is evident through the security services' publishing pictures of girls after confiscating their mobile phones as an attempt to challenge the morals of participants in peaceful gatherings, and it is a flagrant violation of the most basic human rights in respect of the sanctity of personal life and privacy of women human rights.

9.5 Witnesses Statements

The targeting extended to the journalists by hitting us with stones. When I was separated from other journalists, a civilian followed me and stole my mobile phone from me, I grabbed him from his back, trying to retrieve my phone, and he was in civilian clothes and wearing a red T-shirt, and then another person in civilian clothes attacked me from behind and knocked me to the ground, the fall was very painful, and I lost consciousness, I don't know how many minutes that lasted, and when I woke up I felt body aches and my head was heavy, and my shoulder hurt badly. I was in a state of collapse and cried and went to the security forces, specifically to a special police vehicle, i hit the window of the vehicle and told them, "I was hit and someone stole my cell phone." There was another soldier next to him who said to him, "Close the window and do not deal with it. I was screaming and crying that I need help, but no one responded to me, then I withdrew for fear of being attacked. After the attack on me, I went to the Red Crescent Hospital, and after examinations, it was found that there was a fraction in the shoulder, and bruises in the pelvic area and the rest of my body. Currently, I suffer from an attempt to defame me by unknown people on Facebook."

Case of F.K, Journalist, Ramallah. Documented by Hurryyat Center.

"I agreed with my female lawyers to document the demonstration condemning the assassination of activist Nizar Banat on 5/7/2021. During the demonstration, the police arrested five people ... Their families were in front of the police station in al-Balou'. After I arrived at the police station, masked police came to the place and demanded, using the microphone, to vacate the place within ten minutes, and a policeman who knew me before asked me to leave the place, hinting that those in front of the police station would be suppressed. Then a policeman from those in the place shouted and demanded the police, who were wearing civilian clothes, to enter the building. Everyone in the place were sprayed by pepper gas. I tried to run from the road to Nablus Street, but one of the policemen, shouted: "Here is D.," and I was afraid that he would spray my face with pepper gas and I hid behind a truck parked in the place, after a while I got out of the place, and the policeman ran after me and put my right hand behind my back and the policewoman held my left hand, and they started hitting me on sensitive places on my lower back and on my chest, and everyone around me was wearing military uniforms. after which they transferred me to a detention room, which had no windows, and the living conditions were bad. Then they took me to an official's room shortly before my release after the Bar Association intervened. I told the official that the police harassed me and beat me in sensitive places. His answer was that the their men are good, and they would never do this.

Case of D.A, Lawyer, Ramallah. Documented by Hurryyat

9.5 Torture During Arrest and Interrogation

- 9.5.1 Hurryyat Center has conducted visits to detention centers and interviewed around 3,000 cases between the years of 2016- 2021. Cases of torture and ill-treatment reached (77) cases distributed between intelligence force and security forces.
- 9.5.2 According to Hurryyat Center; most common types of torture which were used are stress positions, 'shabeh', random kicking across different parts of the body, kicking the bottom of the feet with a tool 'falaqah', and sleeping on the floor.

Case: A.B

Responsible body: Joint Security Committee, Preventative Security Forces - Hebron

Age: 35

Facts: The victim was arrested by the Security Forces on 10 December 2020 and was transferred to the Joint Security Committee on 14th of December 2020. During his arrest in the street, the victim was beaten by security forces using their fists and feet and he was hit with rifles on his head, which led to him losing consciousness. Upon the victim arrival at the Preventive Security Center in Hebron, he was transferred to Alia Hospital in Hebron, and it was found that he had dislocated his shoulder because of severe indiscriminate beatings, but the hospital did nothing for him. When the victim was placed in the security committee, he was subjected to stress position for 8 days in the corridor during varying hours. The stress position lasted from 3 to 4 hours a day, but the last day lasted from 13 hours straight. When he was positioned, his hands were tied using straps to the back, eyes are blindfolded, face to the wall. There are signs of beating on his right leg above the knee. He was also subjected to solitary confinement for 24 days, which caused psychological damage leading him to hit himself against the wall.

Case: B. J

Responsible body: General Investigations – Nablus

Age: 26

Facts: He was arrested by the General Investigations body in Nablus on the 12th of September 2020 and was transferred to the Joint Security Committee in Jericho after two days. He was subjected to torture by the General Investigations as follows:

His hands were tied using cuffs, he was blindfolded, and his body was hanged; forcing him to stand on top of his toes for five hours, causing severe pain in his hands. The cuff marks on his wrists were seen with black bruises. When he was in stress position, he was electrified by light-voltage wire.

Case: O.M

Responsible body: Preventative Security Forces – Hebron

Age: 28

Facts: The victim was arrested under court's charge of weapon possession and trading. He works at the university parking lot. He was arrested by the Preventive Security officials as follows:

The victim stated that he was in a room when an officer came in and asked him to take out his hands out of his pockets. He insulted him by telling him that he is not in a hotel and slapped him on the face. Five other officers entered the room after that and started beating him randomly. He was then hand cuffed and hit on the head against the wall with the boots.

The victim stated that because of the beating on the head for more than ten minutes his right ear lost the hearing partially. He also stated that he vomited 3 times while being beaten and was bleeding from the mouth and the nose. The traces of hand cuffs and physical violence are documented specially on his left wrist and his left shoulder. There are also traces of wounds on his left leg.

The victim was transferred to the cell later and he was sleeping on the floor when the manager of the facility brought him to his office and asked him to call his family and tell them that he was treated properly, and no violence was practiced against him. He was then transferred to the Central Investigation Center in Jericho.

Recommendations

- **Urge the State of Palestine to immediately stop using torture as a method of interrogation and ensure that all allegations of excessive use of force, torture, ill-treatment, and all other forms of brutality are investigated promptly, thoroughly, and impartially.**
- **Increase efforts to provide systematic training to all law enforcement officials on human rights treaties.**

9.6 Death during Custody or Arrest

9.6.1 The lives of detainees in detention centers and prisons are the responsibility of the Prisons Authority, and the Ministry of Interior, according to the Rehabilitation and Correctional Reform Law of 1998.³⁰

9.6.2 *Nizar Banat's Case*

A well-documented case of death during arrest is the case of activist Nizar Banat, which received wide national and international condemnation. The series of events indicate that Nizar Banat witnessed an incitement campaign against him by different political figures, due to his activism in criticizing the Palestinian authority. A case against Banat was filed on the 4th of May 2021 under the pretext of ‘insulting higher authorities’, which contradicts with the right of speech.

The facts refer that the attack on Nizar Banat took place inside the place of his residence, and indicate the use of excessive force to control him. The anatomical report showed that the activist was attacked with flat, hard tools, and showed the presence of many bruises, cuts and abrasions in different parts of his body; which confirms the use of excessive force against the activist in violation of constitutional and legal guarantees, and codes of conduct that govern the work of law enforcement officials. The joint fact-finding report issued by the Independent Commission and Al-Haq Center regarding the killing of Nizar has concluded the use of excessive force that led to his murder.³¹ According to Hurryyat, 14 suspects on the murder of Nizar Banat are being tried before the Military court since 16 July 2021. The 14 suspects are practicing their right to silence.

³⁰ Article 7

³¹ <https://www.alhaq.org/ar/advocacy/19632.html>

9.7 Corporal Punishment

9.7.1 Article 62 of the Jordanian Penal Code 1960 applicable in the West Bank recognizes the use of “disciplinary beating of children by their parents in a manner allowed by public customs”, and the English common law defense of “reasonable chastisement” potentially applies in Gaza. The near universal acceptance of corporal punishment in childrearing necessitates clarity in law that no level of corporal punishment is acceptable. These defenses should be repealed, and prohibition enacted of all corporal punishment and other cruel or degrading forms of punishment, in homes, and all other settings where adults have authority over children.

Recommendations:

- **Prohibition should be enacted in legislation applicable to all alternative care settings (foster care, institutions, places of safety, emergency care) and in all early childhood care.**
- **Legislation should be enacted to clearly prohibit corporal punishment in all education settings, at all levels of education, throughout the State of Palestine.**
- **Corporal punishment should be prohibited as a “disciplinary” measure in all institutions accommodating children in conflict with the law.**

9.8 Gender-based violence

9.8.1 The State is also responsible for acts committed by non-State actors when the State has failed to act with due diligence to prevent, protect, and respond to the violation. The CAT has applied the due diligence standard in relation to violence against women in relation to domestic violence, rape, and trafficking. This has been assured in the Declaration on the Elimination of Violence against Women published in 1993 by the UN General Assembly in Article (4) which stipulates that ‘states should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and apply the Beijing Platform for Action of 1995.

9.8.2 Non-discrimination is considered an essential principle to protect human rights and in the actual implementation of rights in general. Non-discrimination principle in the implementation of the CAT convention, and is an essential component of the torture definition provided in Article (1) in CAT; which prohibits acts that are driven by discriminatory intent when conducted or inflicted by

- a public servant. The state is obliged to alter social norms; including training officials on best practices and protect victims from discrimination.
- 9.8.3 The continuous gender-based violence can amount to torture and ill-treatment in accordance with the recommendations of CEDAW no.19 and 35.
- 9.8.4 According to the UN Special Rapporteur on Violence Against Women following her visit to Palestine in 2019, violence against women in Palestine occurs both in private and public spheres and women suffer from multiple sources of violence including by the Israeli occupation, whether directly or indirectly, and also from the tradition and culture, with embedded patriarchal social norms and outdated legal frameworks.³² According to Women’s Center for Legal Aid and Counseling, 181 women have been killed between 2015-2021.³³
- 9.8.5 There have been demands from CSOs to pass a family protection bill and publish CEDAW in the Official Gazette. Campaigns like “16 Days of Activism Against Gender-Based Violence”³⁴ have been launched to highlight the current gaps. The law has been on and off the table since 2004; despite that there has been 16 draft of the law, but no serious step has been taken and the law remains unpassed. This does not only indicate that there are no serious efforts to combat violence being taken, but reveals the mindset of the State authorities of how they deal with gender-based violence and women’s issues.
- 9.8.6 The Jordanian penal code no. 16 for 1961 and the penal code no 74 for 1936 are outdated laws that do not provide any real protection, nor do they comply with international human rights standards. In addition, the fragmentation of the legal system subject women in the Gaza Strip and the West Bank to multiple sets of laws, which offer varying levels of protection, given that some laws perpetuate customary practices and traditions that discriminate against women.
- 9.8.7 These laws have not only re-victimized women who were subjected to violence but encouraged and supported a culture that tolerates violence. Provisions of the Jordanian Penal Code, which applies in the West Bank, permits physical abuse against children. According to Article 62, “The Law allows forms of discipline exercised on children by their parents, as sanctioned by general custom.” Physical abuse in the form of hitting or beating is considered a ‘general custom’ in some areas of Palestine, including girls.
- 9.8.8 Not only the law legalizes forms of violence, it also provides impunity to certain acts, for example and until recently, the Jordanian penal code allowed in article (308) an impunity to the rapist if he married the victim, the law also provided mitigating factors in cases of homicide of women or what

³² UN General Assembly ' Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine' A/HRC/35/30/ADD.2 (2019).

³³ Women’s center for legal aid and counseling, ' Annual Report,' 63.

³⁴ See <https://palestine.unwomen.org/en/news-and-events/stories/2021/11/16-days-of-activism-in-palestine-launched-in-sabastiya>

is called ‘honor-killing’ in Articles 98 and 99. These Articles were repealed by a Decree law in 2018 which suspended their implementation. However, Article (18) in the Penal code applied in Gaza still allows such mitigation for honor-killings crimes.

9.8.9 However, some Articles and their lack of are still controversial; for example, both laws do not have broad concepts in relation to sexual violence within the matrimony limits, or verbal sexual abuse, or defining forms of violence against women. In addition, both penal codes do not conceptualize violence against women, the penalties of any abuse are defined by the number of days the victim spends in treatments, mostly in assault cases, a judge can dismiss the case as a minor offense.

9.8.10 In April 2014, Palestine became party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³⁵ despite Palestine’s reservation-free accession to CEDAW, the treaty has not been published in Palestine’s Official Gazette, in addition, the state did not regulate until the time of writing this report—a protective legislative framework for women.

9.9 Access to Justice

9.9.1 Comparing the high numbers of documented cases in relation to the cases that are being reported and legally processed indicates a huge gap. According to the PCBS, less than 1.5% of women who reported violence have sought legal assistance.³⁶

9.9.2 Social and cultural norms are often a main factor for women who decided to pursue the legal system to report cases of violence. Most importantly, violence against women is still not taken seriously, and often considered a ‘moment of rage’ or a ‘transient fault’ that should not be considered a ‘big deal.’

9.9.3 According to a UN study, 50% of Palestinian women and 63% of Palestinian men agreed that a woman should tolerate violence to keep the family together³⁷; hence, women are often advised to tolerate the behavior of the predator in order to ‘save’ and ‘protect’ their families. Other women may be hesitant to report violence because there is no clear path in the aftermath of the case, they may be economically dependent on their providers or simply do not have a place to seek refuge in. Nonetheless, those who go through a legal process face social and cultural stigmas. Hidden structure of discrimination is revealed when women report cases, and a culture of impunity to males is manifested.

9.9.4 In addition, the legal procedures do not facilitate the legal process of reporting violence, for example Article 6 of the Criminal procedure law no. 3 for 2001 states that the complaint is reliant

³⁵ The ratification status by country or by treaty,' United Nations Human Rights Treaty bodies, last modified 6th of June, 2022, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=217&Lang=en

³⁶ Palestinian Central Bureau of Statistics, ' Preliminary Results of the Violence Survey in the Palestinian Society,' 2019. available at https://www.pcbs.gov.ps/site/lang_ar/699/Default.aspx

³⁷ UN Women, International Men and Gender Equality Survey (IMAGES): Palestine Report, 2019.

on the victim or one of her relatives. This should be amended so the public prosecution would be able to press charges on behalf of the victim.

Recommendations:

- **The Family Protection Bill (FPB) is expected to provide measures to prevent and combat violence, as well as due protection, reparation, and empowerment of survivors of violence, while holding perpetrators accountable for their acts. The endorsement of the Family Protection Bill will be a critical milestone in the journey towards ending violence against women and girls in Palestine. We consider that the delay of the State of Palestine to pass the FPB is a compliance and approval of the continuous violence against women as well as a form of torture and ill-treatment.**
- **Amend laws to rescind all the legalized measures that permit ill-treatment and torture against women.**
- **Ensure that women should have access to justice without discrimination, and that the legal process should be improved to be tolerant and gender-based friendly, but most importantly, the law should provide protection for any women that reports violence, the law should oblige the state to fund and integrate support services to assist women in need, and provide equitable access to these services according to the different geographical spaces.**
- **State officials are responsible for eliminating and preventing all forms of violence and discrimination against women and girls within the entire Palestinian society.**