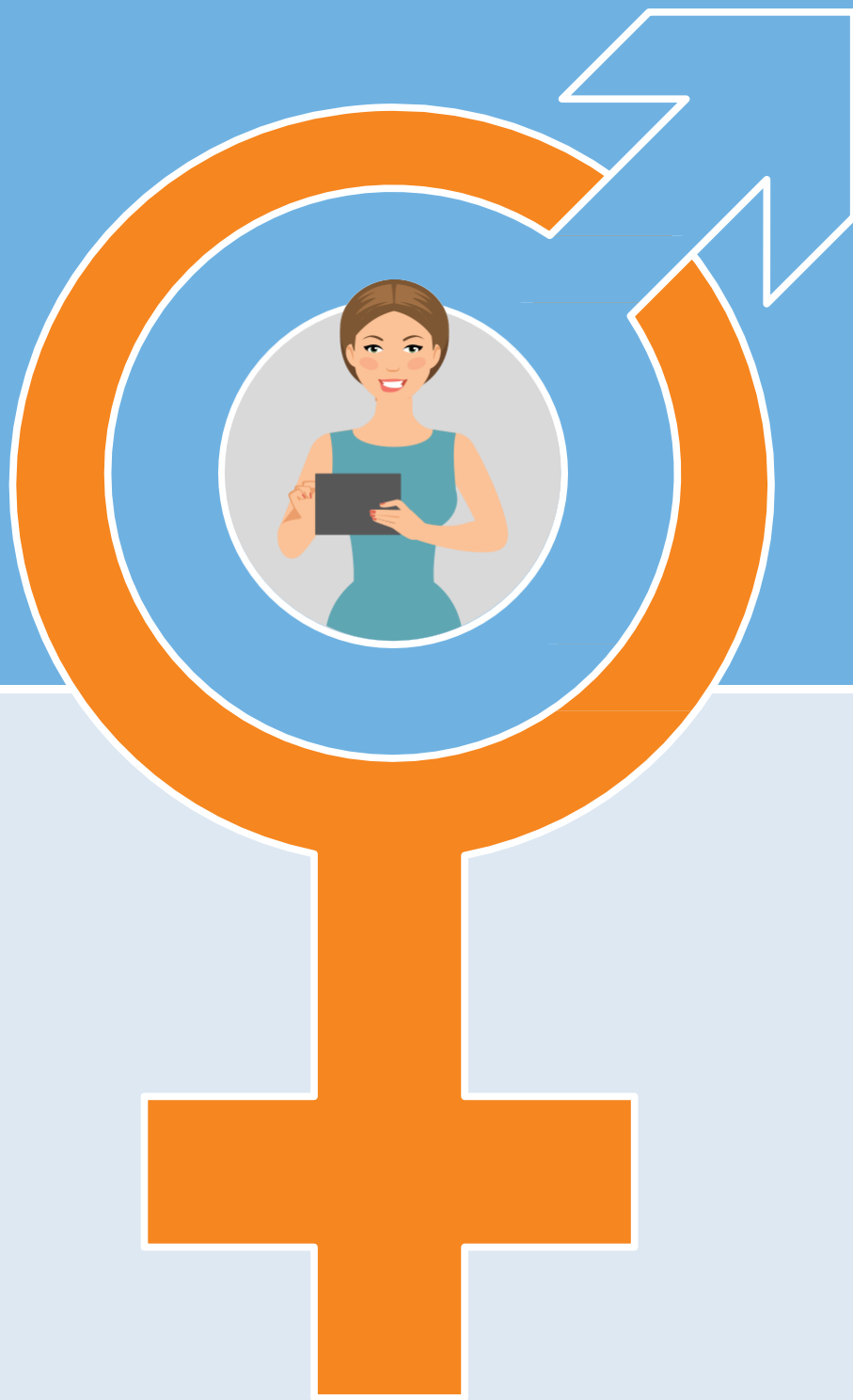


# Gap Analysis of CEDAW

Implementation in Palestine

2018





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# Introduction

In April 2014, the President of the State of Palestine Mr. Mahmoud Abbas signed on the Convention of Elimination of All Forms of Discrimination (CEDAW) without any reservations. This puts Palestine under the obligations of implementing the all articles of CEDAW convention, but this is not as easy as it sounds, especially that Palestine is under the Israeli occupation, which continuously violates human right of the Palestinians, and not to mention women's rights. One important obstacle is the implementation of the articles related to the social context; since implementation of CEDAW will be confronted by the current social norms and at some point, the religious laws which make it harder to implement some of the articles of CEDAW.

Other important challenges of implementation are the legal rights and access to property, which is ruled by social norms; the concept of shared marital property, since the Palestinian law does not recognize it, the fragmentation of laws by region in Palestine; and the existence of outdated laws that are not gender sensitive. Several laws should be changed, amended and passed in order to take steps forward regarding the implementation of the convention.

As the Palestinian team joined together, thanks to Statistics Sweden and the Swedish International Development Association (Sida), from the public Sector, the Palestinian Legislative Council, the Palestinian Public Broadcasting Corporation, the Ministry of Justice and the Nonprofit sector, The Union of Health Work Committee (UHWC) and the Women's Center for Legal Aid and Counseling (WCLAC). Representatives from each institution joined together aiming to initiate social change through addressing the existing Gender gaps in the implementation of CEDAW convention in Palestine. This report aims to raise awareness at the different levels of the Palestinian communities about the importance of the implementation of CEDAW and how this will affect the achieving Human rights and Gender Equality. The report consists of two sections, the first section addresses key gender statistics in different fields such as decision making, health, education, labor market and violence against women, while the second section, analyzes the implementation gap for the first 16 articles of CEDAW convention.

This report reflects the opinion of the team members and do not necessarily represent the official opinion of the organizations they work for.



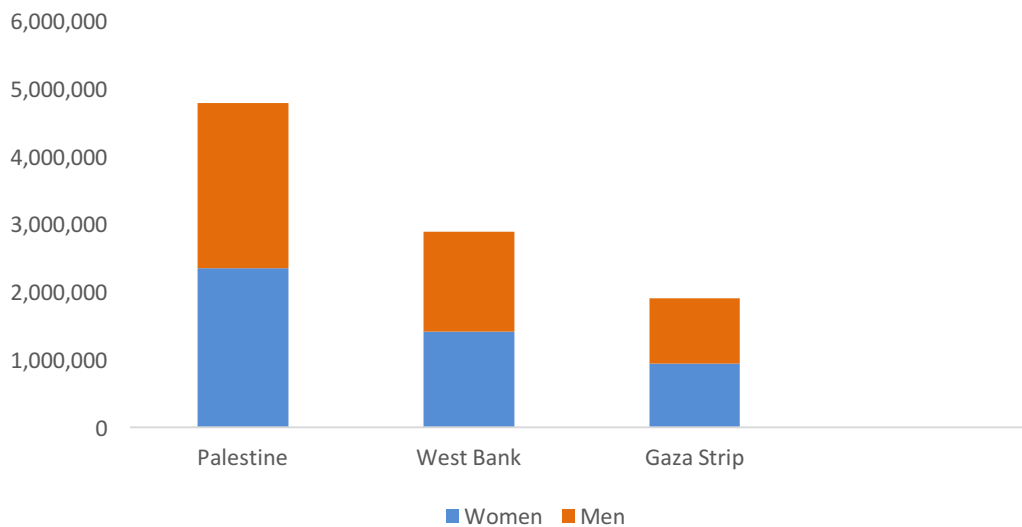


# Section One: Key Gender Statistics

This Section will focus on key gender statistics in various fields, and we will refer to these statistics while analyzing the articles of CEDAW convention in section two of this report.

## 1. Population

### 1.1 Population in Palestine by region and sex, 2017



Source: PCBS, *Palestine in Figures 2017*<sup>1</sup>

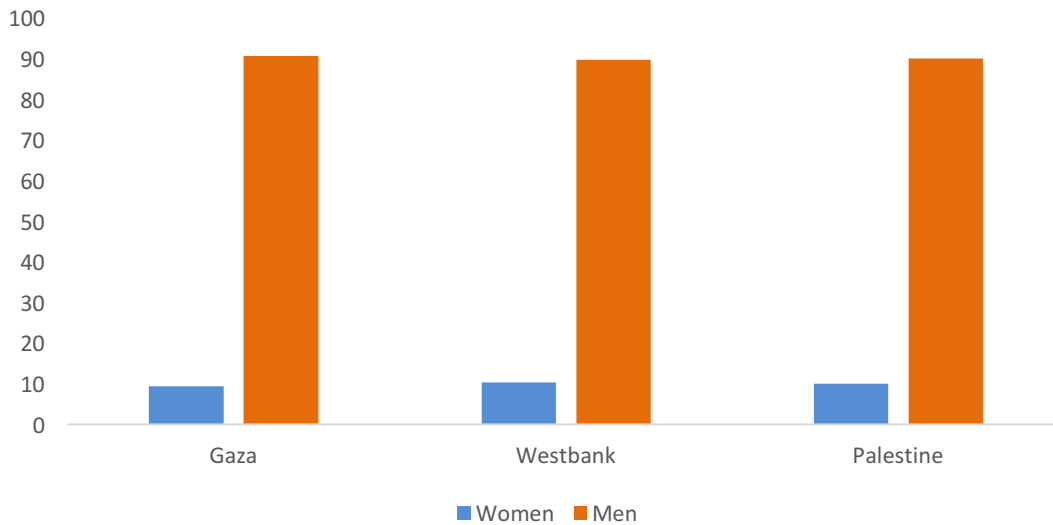
*The Palestinian society consist of almost 50% women and 50% men. The total population in Palestine is 4.95 million, 2.43 million are women. 3.01 million live in the West Bank and 1.94 million live in Gaza Strip.*

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<sup>1</sup> *Palestinian Central Bureau of Statistics, 2018. Palestine in Figures 2017. Ramallah – Palestine.*  
[http://www.pcbs.gov.ps/pcbs\\_2012/Publications\\_AR.aspx](http://www.pcbs.gov.ps/pcbs_2012/Publications_AR.aspx)



### 1.2 Households by sex of household head and region, 2018, Percentage distribution.



Source: PCBS, *Women and Men in Palestine*, Issues and Statistics, 2017<sup>2</sup>

The percentage of female-headed households in Palestine is 10%. The percentage is higher in the West Bank compared to Gaza Strip.

### 1.3 Life Expectancy at Birth in Palestine by Region and Sex, 2017

Region	Sex	
	Women	Men
Palestine	75.0	72.7
West Bank	75.3	73.0
Gaza Strip	74.5	72.3

Source: PCBS, *Women and Men in Palestine*, Issues and Statistics, 2017<sup>3</sup>

The life expectancy for women is about two years higher compared to men in 2017. The rate is better in the West Bank comparing with Gaza Strip for both women and men even though the gap is one year less for both sex.

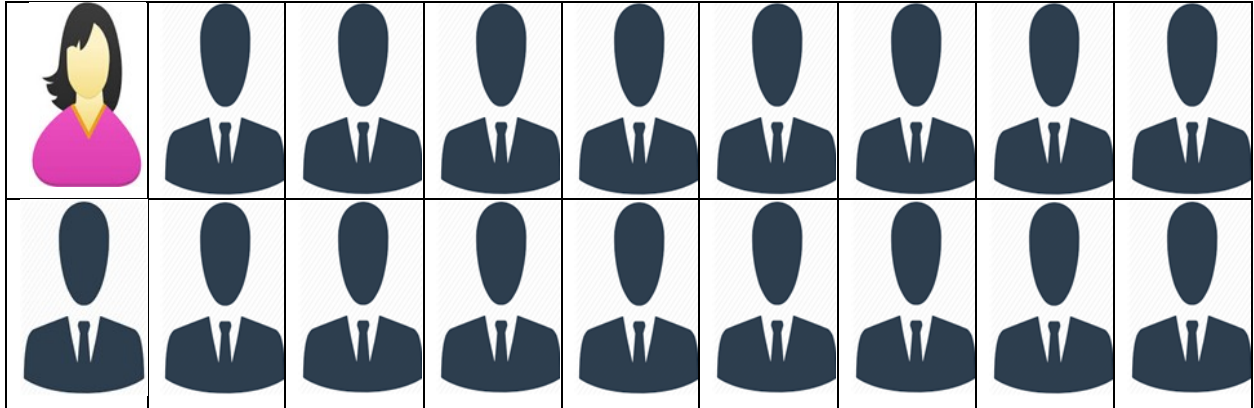
<sup>2</sup> [http://www.pcbs.gov.ps/pcbs\\_2012/Publications.aspx](http://www.pcbs.gov.ps/pcbs_2012/Publications.aspx)

<sup>3</sup> [http://www.pcbs.gov.ps/pcbs\\_2012/Publications.aspx](http://www.pcbs.gov.ps/pcbs_2012/Publications.aspx)



## 2. Decision Making and Public Life

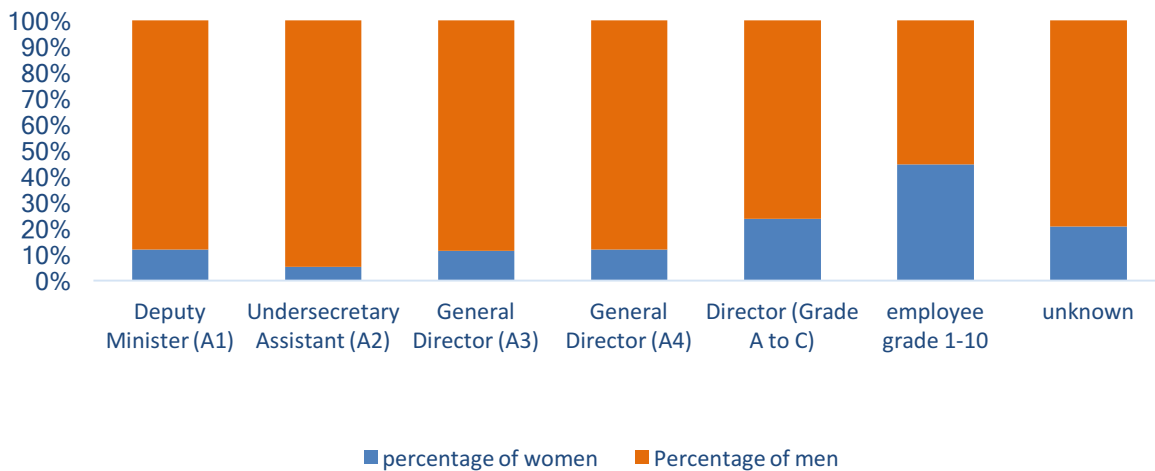
### 2.1 Women and men in the executive committee of the Palestinian Liberation Organization (PLO)



Source: Palestinian National Council, (PNC) <sup>4</sup>

*In the 2017 elections one woman stands between 17 men in the executive committee of the Palestinian Liberation Organization.*

### 2.2 Women and men employed in the public sector according to title 2016. Percentage distribution.



Source: PCBS<sup>5</sup>

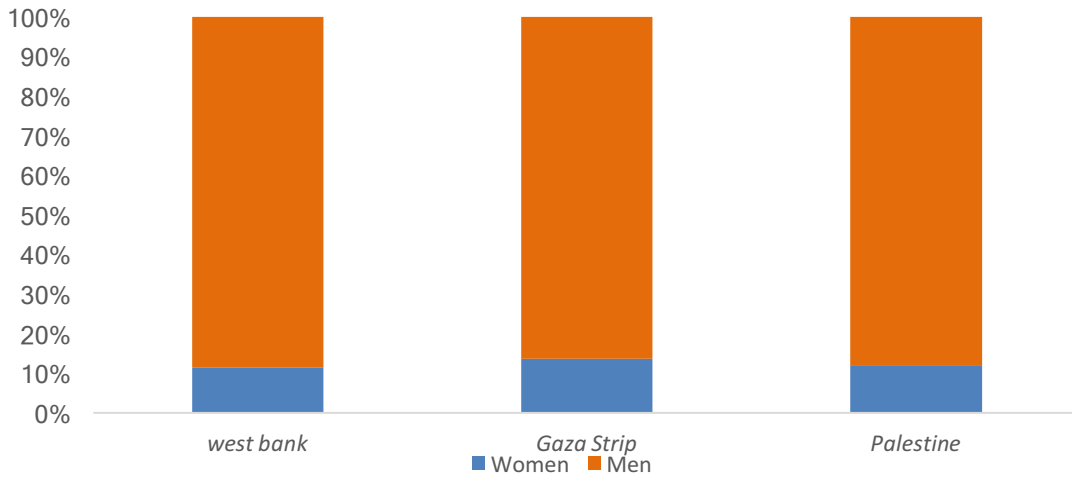
<sup>4</sup> PNC Palestinian National Council <https://www.palestinepnc.org/index.php/features/2-uncategorised/33-2017-07-03-09-48-36>

<sup>5</sup> <http://www.pcbs.gov.ps/Downloads/book2343.pdf> page 50



Women hold 47% of the lower level positions in the administration, and about 22% of the director level positions, but only 11% of the general director post and 74% of the public-sector posts.

### 2.3 Members of the Legislative Council of women and men by region 2016, Percentage distribution.



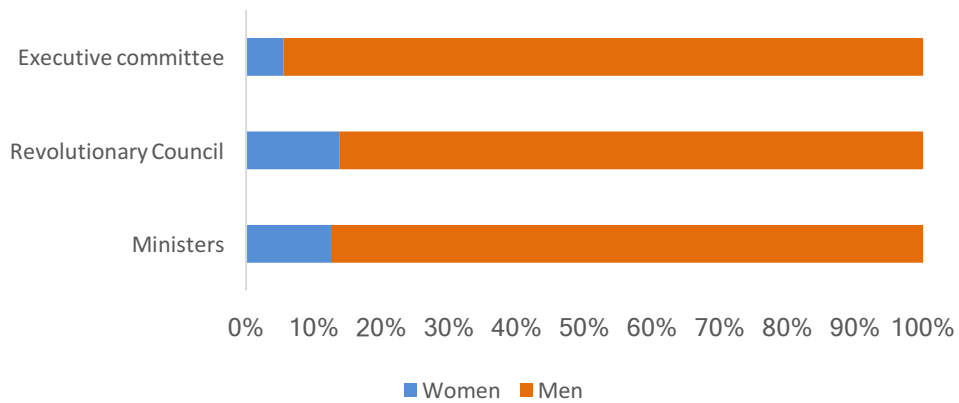
Source: PCBS<sup>6</sup>

The number of women who won the legislative Council election for the year 2006 are 17 members out of 132, women representation in Gaza are higher than their representation in the west bank and in Palestine women represent 12.8% of the PLC members.

<sup>6</sup> <http://www.pcbs.gov.ps/Downloads/book2343.pdf> page 53



## 2.4 Women and men in high political positions for the year, 2017. Percentage distribution.



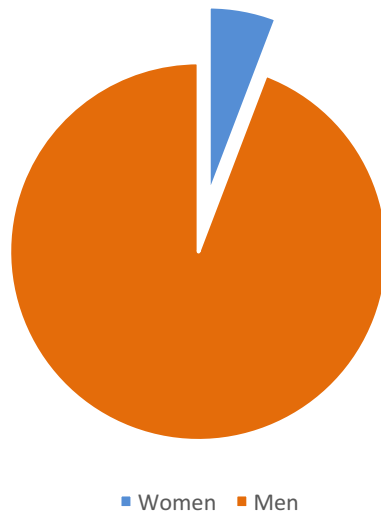
Source: PLO<sup>7</sup>

*There are 5 women out of 124 members in the central committee, where only 11 women in the revolutionary committee and there are 3 one as ministers in the seventeenth government.*

<sup>7</sup> <http://www.palestinecabinet.gov.ps/WebSite/AR/Govs/Default?ID=1>  
[https://en.wikipedia.org/wiki/Palestine\\_Liberation\\_Organization](https://en.wikipedia.org/wiki/Palestine_Liberation_Organization)



## 2.5 Ambassadors for the State of Palestine, women and men, 2017. Percentage distribution



Source: PCBS<sup>8</sup>

*Men holds almost 94% of positions as ambassadors for the state of Palestine while the percentage for women do not exceed the 6%.*

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<sup>8</sup> <http://www.pcbs.gov.ps/Downloads/book2397.pdf> page 65



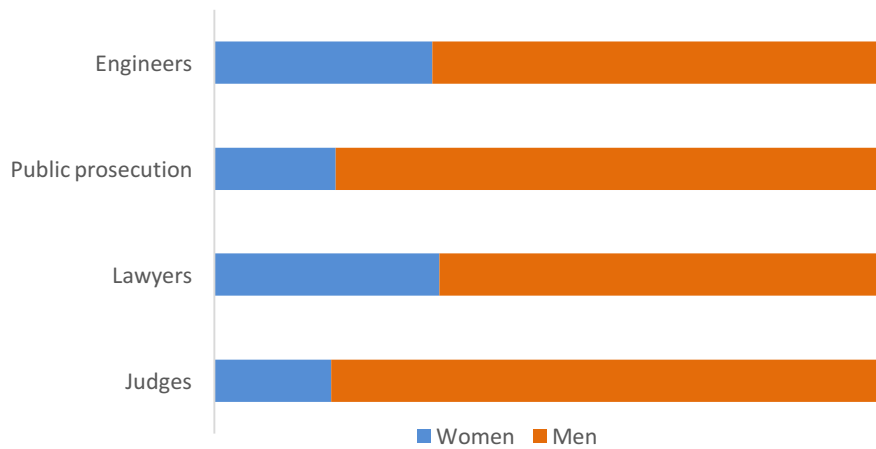
2.6 Representation at the Palestinian political parties by sex, 2017. Percentage distribution.

Participation in political Parties				
	Public Affiliation		Political Office	
	Women	Men	Women	Men
Fateh Movement	5%	95%	15%	85%
Popular Front	23%	77%	21%	79%
Democratic Front	37%	63%	26%	74%
FIDA	25%	75%	25%	75%
People Party	22%	78%	11%	89%
Palestinian Arabic Front	15%	85%	0%	100%
The Struggle front (NIDAL)	20%	80%	0%	100%
Palestinian Liberation Front	10%	90%	0%	100%

Source: Masarat Center<sup>9</sup>

Women’s representation in the different political parties does not exceed 37%, while their representation at the political office is almost not existing, while men dominate the decision-making positions.

2.7: Women and men in different careers, 2017. Percentage distribution



Source: PCBS<sup>10</sup>

Women represent 18% of public prosecution, while men represent 82%. The percentage of women working as lawyers exceed the percentage of women working as judges but close to women as engineers

<sup>9</sup><https://www.masarat.ps/article/2598>

<sup>10</sup><http://www.pcbs.gov.ps/Downloads/book2343.pdf>



### 3. Women before law

#### 3.1 Number of laws by decree related to the alignment of domestic laws with CEDAW convention, 2014– first quarter of 2018

Year	# law by decree	# law by decree related to CEDAW
2014	21	1
2015	19	1
2016	28	2
2017	21	0
2018	29	1
<b>Sum</b>	<b>118</b>	<b>5</b>
Percentage		4.2

Source: Law Center at Birzeit University, 2018

*Since Palestine ratified CEDAW convention in 2014, the Palestinian president issued (118) law by decree, only (5) of them are related to the Palestinian state commitment toward the alignment of domestic legislation with CEDAW convention.*

#### 3.2 Number of presidential decree related to the implementation of CEDAW convention, 2014– first quarter of 2018

Year	# Presidential Decree	# Presidential Decree related to CEDAW
2014	80	0
2015	46	0
2016	98	0
2017	48	1
2018	15	1
<b>Sum</b>	<b>287</b>	<b>2</b>
Percentage		0.7

Source: Law Center at Birzeit University, 2018

*Since Palestine ratified CEDAW convention in 2014, the Palestinian President issued (287) Presidential Decree only (2) of them are related to the implementation of CEDAW convention.*





### 3.3 Women and men (15 years and above) by marital status and region, 2016.

Percentage distribution

Marital Status	Palestine		West bank		Gaza strip	
	Women	Men	Women	Men	Women	Men
Widowed/ separated	6	1	6	1	5	1
Divorced	2	0	2	0	2	0
Married	56	54	55	53	57	55
never married	37	45	37	46	36	44

Source: PCBS<sup>11</sup>

*Higher divorced and widowed percentage of women over men, is due to the law and culture traditions that allow divorced and widowed men to get married more than one woman.*

## 4. Violence against women

### 4.1 Domestic violence cases according to Police department data, year 2014–2017

Year	# of Cases
2014	3,400
2015	3,300
2016	3,200
2017	3,300

Source: Police Department/Youth and Family unit

*During the period 2014-2017, the police department received a total of (13200) domestic violence complaints from women. In 2017, the police department received (3300) complaints, which is still high compared to previous years.*

<sup>11</sup> [http://www.pcbs.gov.ps/pcbs\\_2012/Publications\\_AR.aspx](http://www.pcbs.gov.ps/pcbs_2012/Publications_AR.aspx)



#### 4.2 Femicide and rape cases carried before the courts, year 2012-2017

year	#of Femicide cases	# of solved Femicide cases	# of rape cases	# of solved rape cases
<b>2012</b>	71	71	18	18
<b>2013</b>	61	61	10	10
<b>2014</b>	82	79	20	16
<b>2015</b>	72	70	24	20
<b>2016</b>	43	38	21	18
<b>2017</b>	21	16	13	10

Source: High Judicial Council<sup>12</sup>

*During the period 2012–2017 a total number of (350) Femicide cases were presented in front of the Palestinian courts, (335) were solved. During the same period a total number of (106) rape cases were presented to the Palestinian regular courts, (92) case were solved. Number of rape cases is still high. This data does not include the cases pending in the courts.*

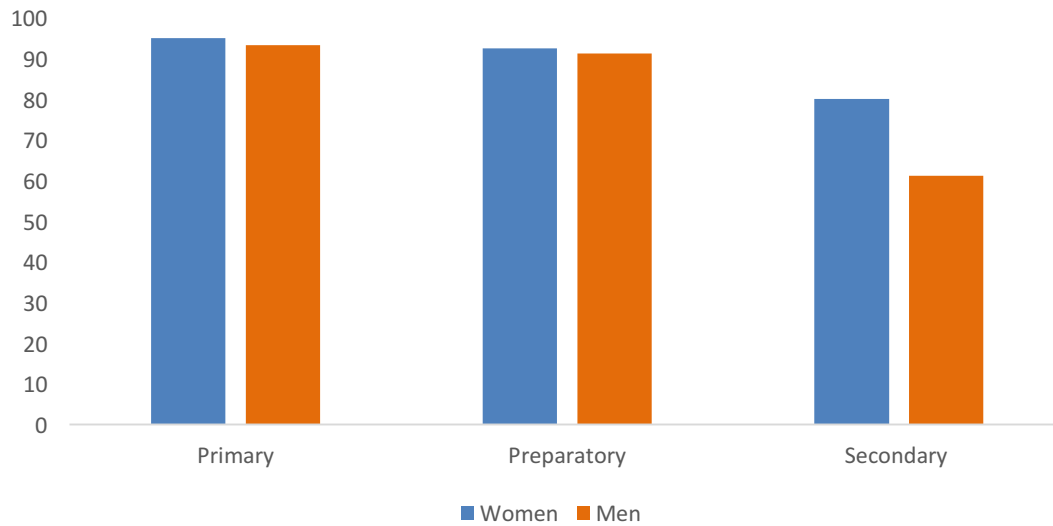
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<sup>12</sup> <https://www.courts.gov.ps/EServices/loginTo.aspx>



## 5. Education

5.1 Level of education in preparatory, primary and secondary according to sex, 2017, percentage distribution.

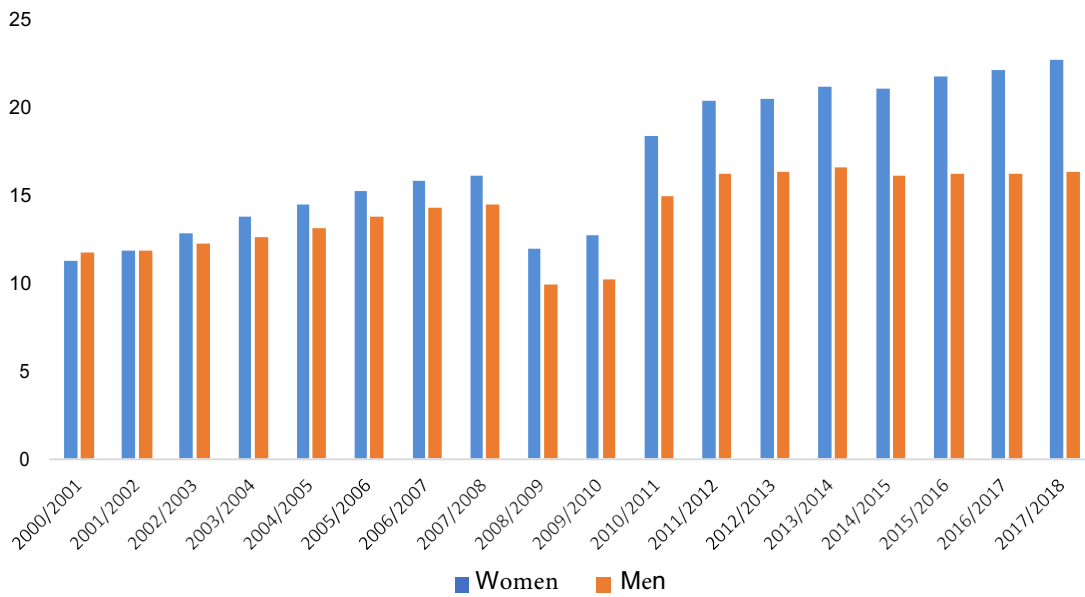


Source: Ministry of Education, 2017

There is almost equal access level between women and men in preparatory and primary level, but there is a clear difference in secondary level.



## 5.2 Teachers in governmental schools, by sex, scholastic years 2001-2018. numbers by thousands



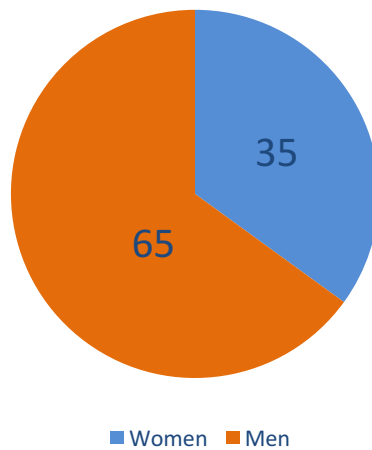
Source: PCBS, *Women and Men in Palestine, Issues and Statistics, 2017*<sup>13</sup>

*Numbers of women working as teachers in governmental school is higher than men.*

<sup>13</sup> [http://www.pcbs.gov.ps/pcbs\\_2012/Publications.aspx](http://www.pcbs.gov.ps/pcbs_2012/Publications.aspx)



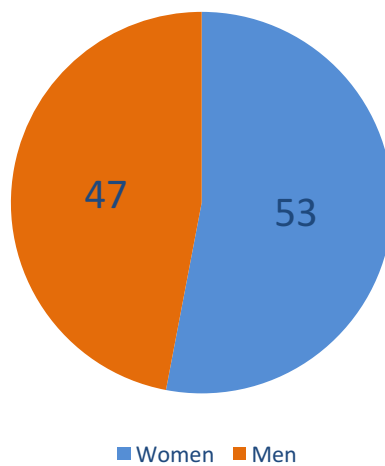
### 5.3 Students in Palestinian universities, by sex. Percentage distribution



Source: Ministry of Education<sup>14</sup>

The chart shows the distribution of Palestinian students (women and men) at Palestinian universities.

### 5.4 Media students in Palestinian universities, 2017, percentage distribution.



Source: Ministry of Education and Higher Education data.

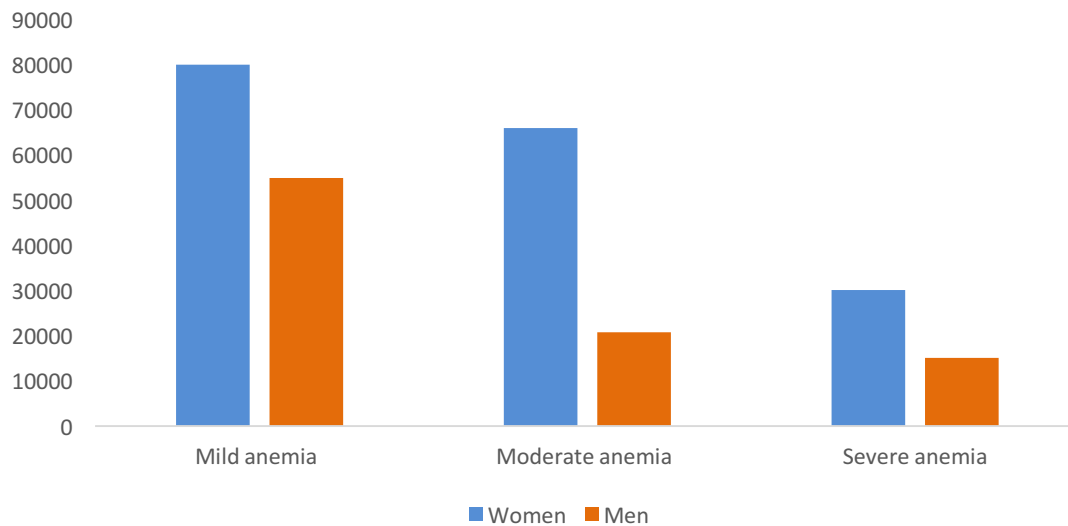
*Women form 53% of media students in Palestinian universities*

<sup>14</sup> ([http://www.edu/pales/daw/ /unive /docs/ree.102\\_rev.com](http://www.edu/pales/daw/ /unive /docs/ree.102_rev.com))



## 6. Health

### 6.1 Anemia by type among men and women, 2017



Source: Ministry of Health<sup>15</sup>

*Anemia is more common among women than men, especially in the mild anemia type.*

### 6.2 Maternal mortality rate in Palestine 2014-2017

Year	Maternal mortality rate in Palestine (per 100000birth)
2017	13.8
2016	14.3
2015	24.7
2014	24.1

Source: Ministry of Health<sup>16</sup>

The total maternity rate in Palestine is 13.8 in 2017, compared to 24.7 in 2015 per 100000 birth

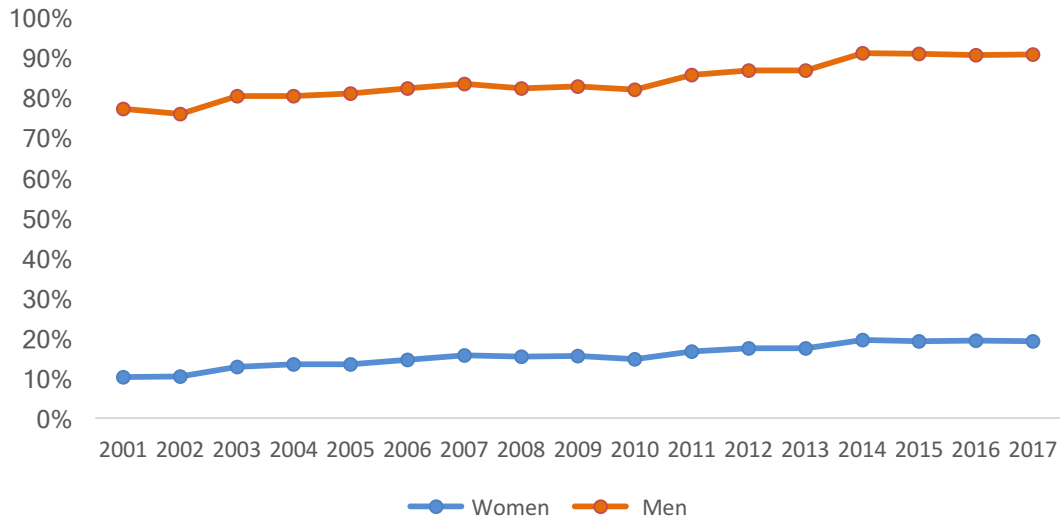
<sup>15</sup> ([http://www.moh/gaza/daw/ /animea /docs/se.12\\_rev.pdf](http://www.moh/gaza/daw/ /animea /docs/se.12_rev.pdf))

<sup>16</sup> ([http://www.moh/gaza/daw/ /emater /docs/EP.8\\_rev.pdf](http://www.moh/gaza/daw/ /emater /docs/EP.8_rev.pdf))



## 7. Labor Force

7.1 Labor force participation rate by sex in Palestine 15 years and above, 2001-2017. Percentage distribution



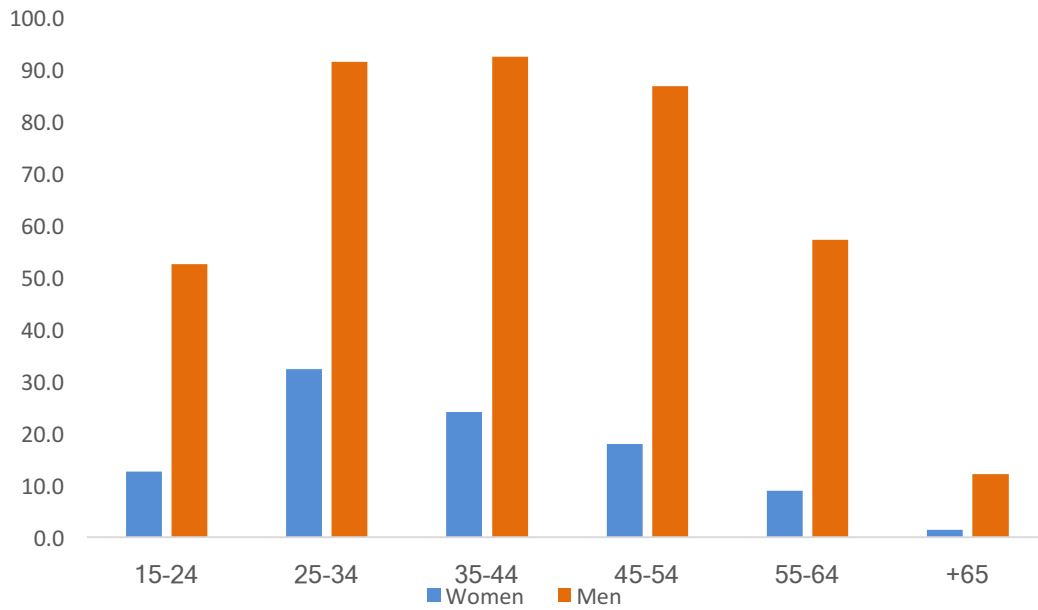
Source: PCBS, Labor force survey, 2017<sup>17</sup>

Over years, women's labor force participation rate has increased, however, women's participation is around 19 percent year 2017.

<sup>17</sup> <http://www.pcbs.gov.ps/Downloads/book2367.pdf>



## 7.2 Labor Force participation rate in Palestine by sex and age groups, 2017 (Percent)



Source: PCBS, Labor force survey, 2017<sup>18</sup>

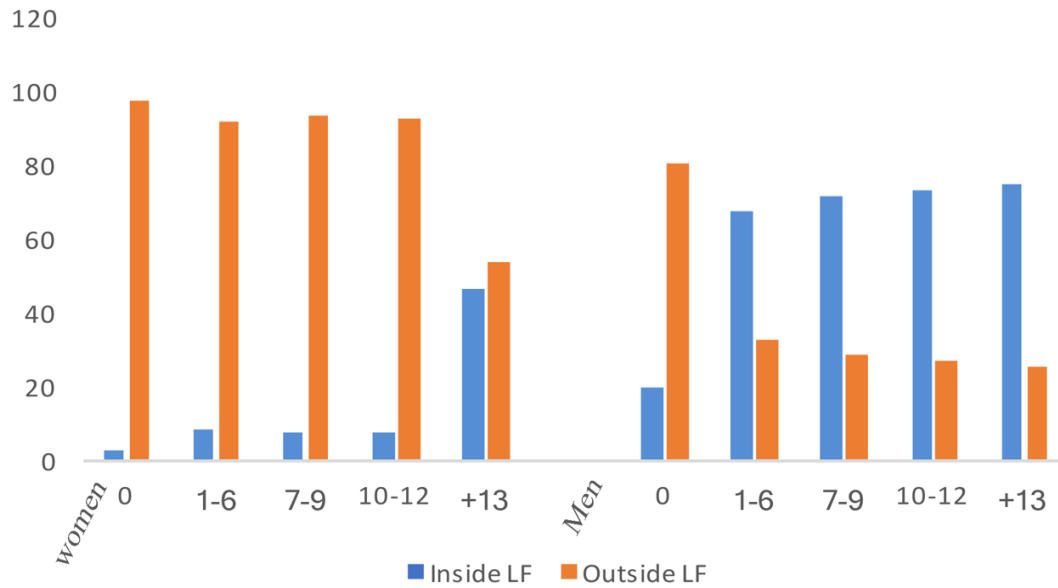
The highest percentage of women and men participating in the labor force is among people between the age of 25-35, with a high gender gap in participation.

<sup>18</sup> <http://www.pcbs.gov.ps/Downloads/book2367.pdf>



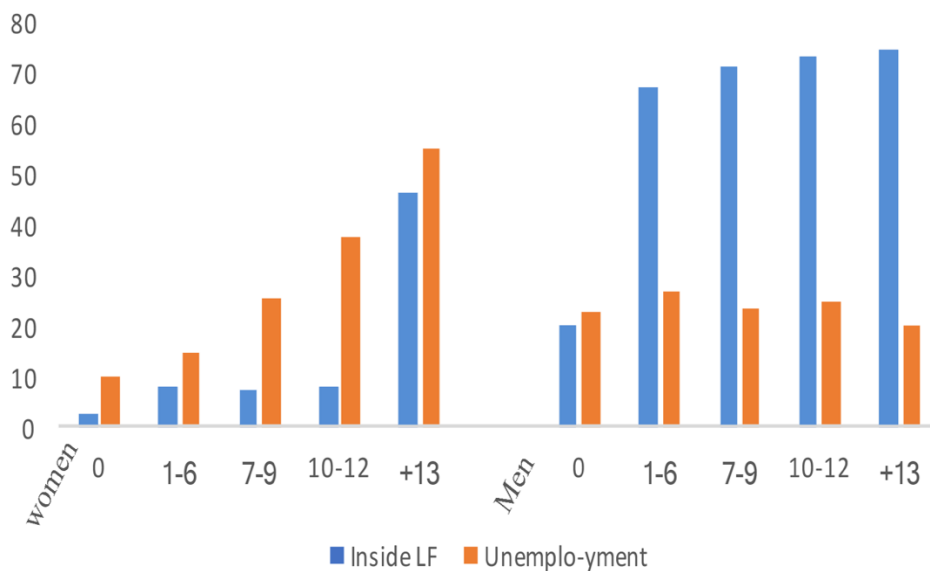


### 7.3: Labor force status age 15 and above, by sex and years of schooling, 2017: Inside and outside labor force distribution



Source: PCBS, Labor force survey, 2017

### 7.4: Labor force status age 15 and above, by sex and years of schooling, 2017: Inside and Unemployment Distribution

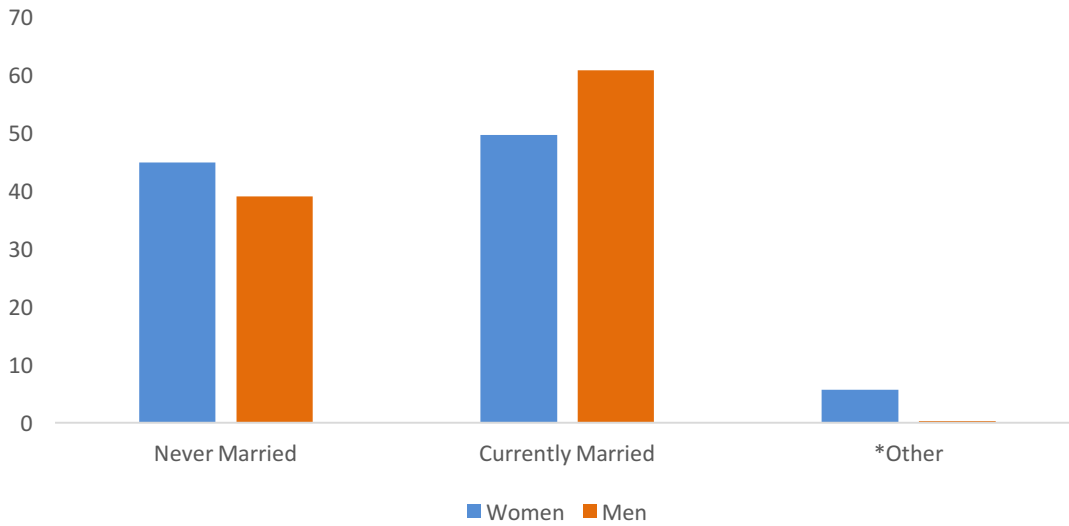


Source: PCBS, Labor force survey, 2017

There's a high unemployment rate among females with over 13 years of schooling.



7.5: Labor force participation rate age 15 and above by sex and marital status, 2017, Percentage Distribution

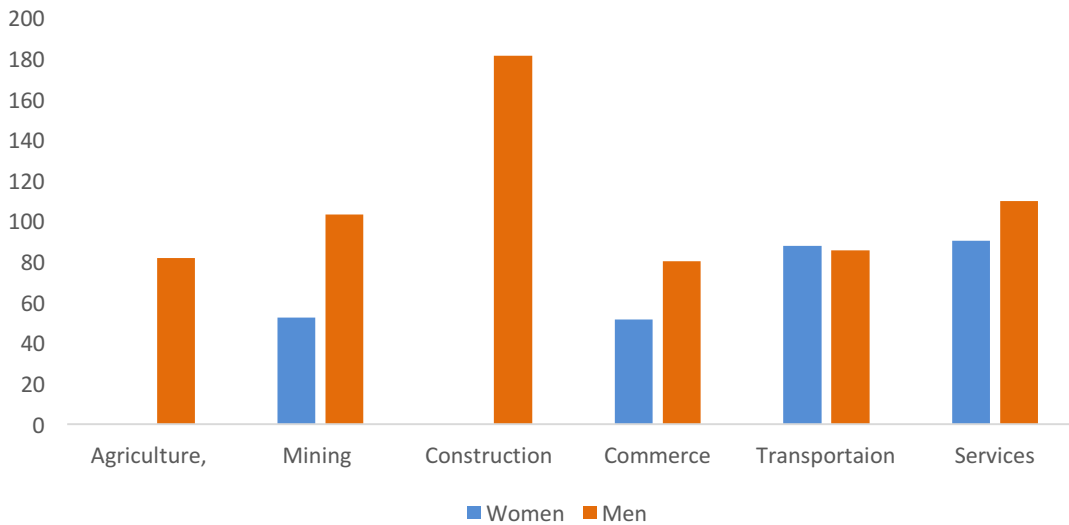


Source: PCBS, Labor force survey, 2017

Percentage of married people participating in the labor force is more than those who are not married for both sexes, with a gender gap. For married women, the gap shown can be explained by “necessity drive” to work, as families cannot afford living with only one breadwinner.



### 7.6 Average daily wage for in NIS for wage employees aged 15 years and above from all work places by sex and work sector, 2017



Source: PCBS, Labor force survey, 2017

Women work in the lowest paying sectors, with a big gender wage gap in different sectors. The biggest employer sector for women is the service sector.

### 7.7: Women and men (15 years and above) employed in informal sector in Palestine by sex and region, 2017. (Percent)



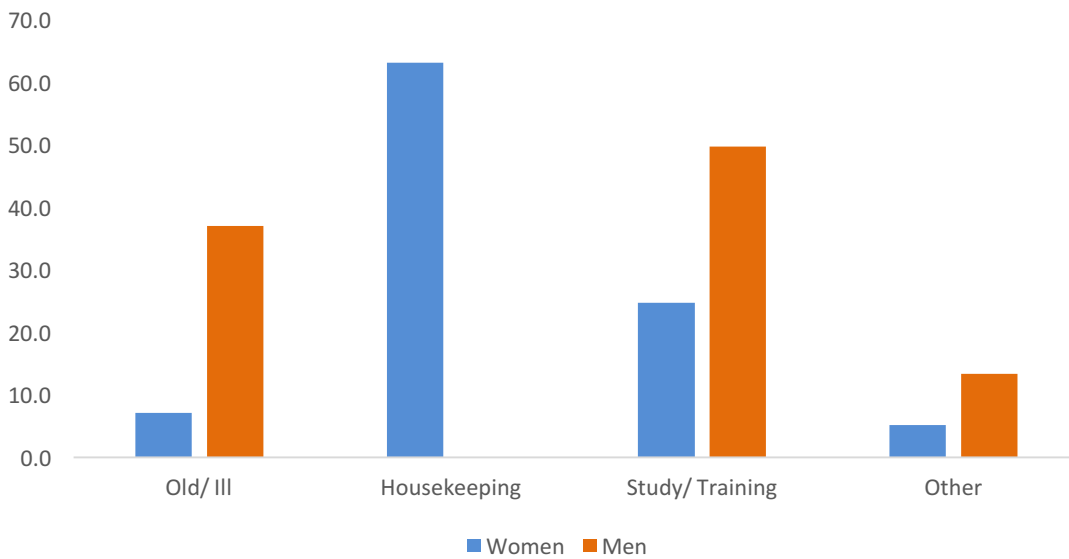
Source: PCBS19

Women represent 23% of the informal sector in the west bank and 36% of the informal sector in the west bank are men and in Palestine women represent 20% of the informal sector and men 35%

<sup>19</sup> <http://www.pcbs.gov.ps/Downloads/book2397.pdf> page 48



### 7.8 Reason for being outside labor force, persons aged 15 years and above by sex year 2017. Percentage Distribution



Source: PCBS, Labor force survey, 2017

The distribution of individuals who are outside labor force by reason shows that stereotype and division of roles are the main impediments to women’s participation in the labor force, as housekeeping represents the highest percentage.

### 7.9 Labor force Participation rate of persons aged 15 years and above and unemployment rate among participated persons in Palestine, January –March, 2016

Palestine	Unemployment Rate and Sex			Participation Rate and sex		
	Women	Men	Total	Women	Men	Total
Urban	44	23	23	19	71	46
Rural	29	17	19	19	75	47
Camps	57	28	35	21	67	45
<b>Total</b>	43	22	27	19	72	46

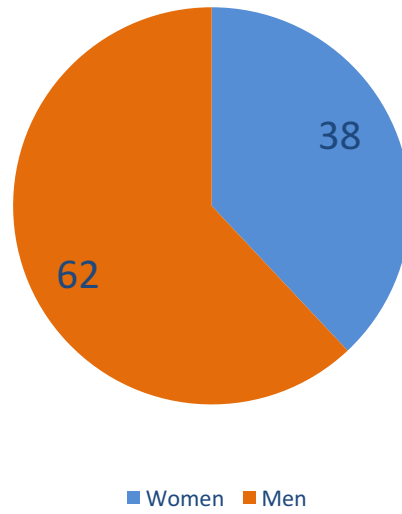
Source: PCBS<sup>20</sup>

Unemployment rate of women in the rural area is 29% and at the same time the participation rate of women in the rural area is 19% and for men its 75%.

<sup>20</sup> [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_LFSQ12016E.pdf](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ12016E.pdf)



7.10 Media Workers in Palestine, year 2017, percentage distribution.



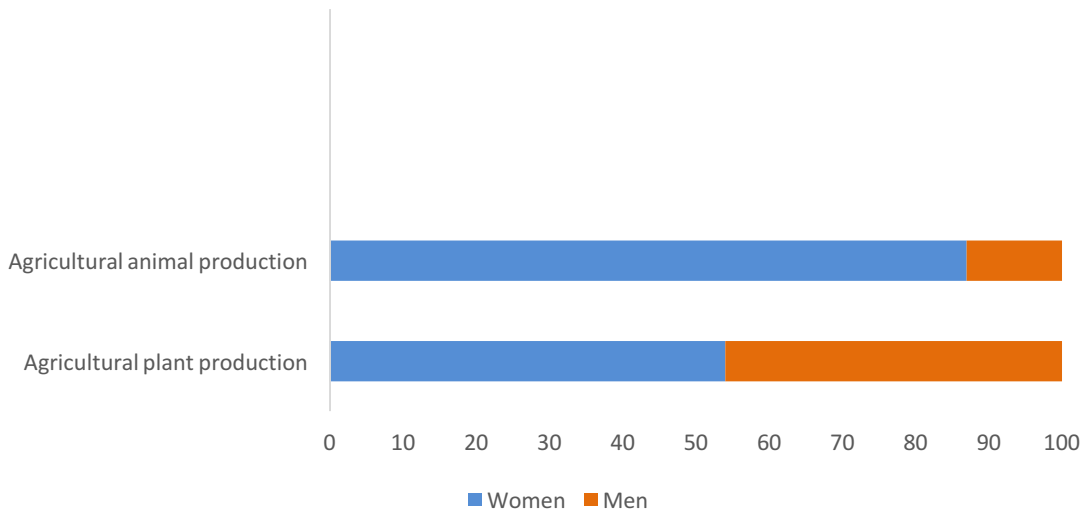
Source: PCBS, Labor force survey, 2017

The chart shows that most workers in the media labor market are men.



## 8. Women in Rural Area

### 8.1 Participation in agricultural production by sex, 2017. Percent distribution



Source: PCBS21

*54% of people working in the agriculture plant production are Women and 87% percentage of workers in the agriculture animal production is 87% are also women compared to 13% of men working in the agriculture animal production*

<sup>21</sup> <http://www.pcbs.gov.ps/Downloads/book1818.pdf>



## 8.2 Employment type of individuals aged 15 years and above from Palestine by employment status and sex, 2016



Source<sup>22</sup>: PCBS

*Women who are self-employed are 2.4% while men represent 7.2% of the self-employed, while women who work as unpaid family members is 13% while men representation is only 4%.*

<sup>22</sup> [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_LFSQ12016E.pdf](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ12016E.pdf)



## Section Two: Gap Analysis of CEDAW Articles

This section addresses the existing gender gaps in CEDAW implementation in Palestine. The first 16 articles of CEDAW convention are analyzed by current situation and demands for further implementation.

### Article 1: Definition of discrimination against women

**CEDAW states:**” Discrimination against women includes any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying women’s enjoyment of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field. This is irrespective of their marital status, on a basis of equality of men and women”.

**Current Situation:** CEDAW provides a broad definition of discrimination against women. Thus; the essence of the Convention, as articulated in this article, is to focus on the elimination of discrimination against women, in all its forms, that has either the “purpose” or “effect” of limiting women's full participation and development in their respective societies.

CEDAW expands the notion of equality for women beyond what currently embraced by our domestic legislations. This broad definition of discrimination against women is not incorporated in the Palestinian Basic Law. Moreover, the draft of the Palestinian constitution does not include such clear definition of discrimination against women. As a result, Palestine has not yet incorporated this definition of CEDAW into its domestic policies and laws; this has specific implications pertaining to the knowledge, awareness and implementation of CEDAW convention on the national level.

Regarding CEDAW implementation, the Decision 2/2017 of the Supreme Constitutional Court provides for the “precedence of international conventions over the domestic legislations”, still there is concern about invoking the concept of “religious and cultural identity “cited by this decision, which places restrictions on the principle of equality under national legislation. Even though Palestine has ratified the CEDAW convention without any observation, CEDAW has not been published in the official Gazette of the State of Palestine. Furthermore, the United Nations Conventions, including CEDAW, cannot be applied to the Gaza Strip and Area C due to stalled national reconciliation efforts and continued Israeli control over Palestinian territory.





**We Demand:**

- 1- CEDAW definition of discrimination against women must be clearly define and included in the Palestinian Basic Law and the Constitution draft, as well as other related laws and regulations.
- 2- CEDAW convention must be published immediately in the official gazette.

## Article 2: Legislation to Eliminate Discrimination

**CEDAW States:**” States agree to pursue by all appropriate means a policy of eliminating discrimination against women, undertaking to take concrete steps to eliminate discriminatory laws, policies and practices in the national legal framework”.

**Current situation:** In Palestine, women and girls face entrenched institutional, legal and social discrimination as a result not only of Israeli occupation, but also because of the outdated, un-harmonized legal system in Palestine. While progress has been made, still important pieces of legislation fail to meet the basic requirements of CEDAW Convention. For example, Criminal law and Personal Status Law fail to conform to international standards. In other fields, the implementation of laws reflects a problem; for example, Labor Law has been regarded as positive for women. However, in practice, woman’s labor force participation remains low compared to men and the gap remains large.

Since Palestine ratified this convention in 2014, the president issued (118) Law by Decree, only (5) of them are directly related to the alignment of the national laws with CEDAW as shown in table (3.1). While (287) presidential decrees were issued; only one decree is directly related to CEDAW implementation as shown in table (3.2).

Ministry of Women’s Affairs is the governmental body responsible for leading the advancement of gender equality. However, the human and budgetary resources provided to the Ministry of Women’s Affairs are not adequate for it to effectively undertake its activities as the national machinery for the advancement of women, particularly to improve women’s knowledge about their rights under CEDAW. The budget for women empowerment and protection programs of the Ministry of Women Affairs were not increased, it remains the same in the last five years. The Ministry’s budget accounts for 0.04 percent of the total current expenditures. This reflects low government spending on programs targeting women in comparison to other programs in the general budget.

**We Demand:**

1. Review and amend all Palestinian legislation from a women’s right perspective, in order to align all legislation with CEDAW articles. In particular, the penal law and family law.



2. Increase budget allocation for Ministry of Women Affairs programs and insure that all budget processes are gender mainstreamed.

## **Article 3: Women’s Human Rights and the Elimination of Men’s Violence against Women**

**CEDAW States:**” States shall take all appropriate measures to ensure the full development and advancement of women so as to guarantee them the enjoyment of human rights and fundamental freedoms on a basis of equality with men. This is in all fields but in particular the political, legal, social, economic and cultural fields.”

**Current Situation:** Despite the multiplicity of legal systems, there are gaps in Palestinian legislation, particularly when it comes to protecting women from domestic violence.

According to Family and Youth Protection Unit at the Police Department, (3300) domestic violence case were reported in 2017, there was no significant improvement regarding protecting women against domestic violence as illustrated table (4.1). Referring to the High Judicial Court data, the number of gender-based cases remain high, during the period (2012-2017) the courts looked in (350) Femicide case as shown in charts (4.2). Regarding rape cases, a total number of (106) cases were presented to the regular courts during the period (2012-2017) as detailed in table (4.2). As the figures show work to prevent men’s violence against women has evolved, yet there is a long way to go toward protecting women against domestic violence.

There is no specific law in Palestine that protects women against domestic and sexual violence. A draft Law to prevent domestic violence against women was prepared, yet was not issued.

### **We Demand:**

- 1- Since the Palestinian Legislative Council (the Palestinian Parliament) has been paralyzed since 2007, a Law by Decree to be issued to protect women against domestic violence against women (Family protection law).
- 2- Increase the level of reporting, prosecution and conviction for sexual and domestic violence.



## Article 4: Temporary Measures for achieving Gender Equality

**CEDAW States:** “In order to accelerate the progress of gender equality states may make use of temporary laws such as affirmative action and quotas. These temporary laws should be repealed once gender equality has been achieved.”

**Current Situation:** The General Elections Law of 2005 introduced a quota for women’s political participation of 12%. A minimum quota for women was also introduced at the local council level through the Local Councils Election Law, providing that one woman should be included in each list of five names. It also requires that small councils should have at least two female representatives, while larger councils should have at least three. During the last local elections held in 2017 the percentage of women in the local councils reached 21.1% while men percentage was 78.9%. While the quota system as a special measure aimed at the advancement of gender equality in Palestinian domestic sphere, but as the figures show women participation is still unacceptably low as the figures in section one of the report (decision making and public life section) reflects.

One the governmental institutional level, even though gender units within government entities have been established to ensure that gender issues are integrated institutionally across sectors, still the measures taken to tackle the challenges these units face (such as disparity in functions, hierarchies, human and budgetary resources) are not enough.

Even though Palestine has issued a lot of Strategic gender plans and document, still there is a need for a clear-cut implementation plans and techniques, in order to make these strategies valuable.

### **We Demand:**

- 1- Further temporary special measures to be taken by the government, to accelerate the realization of de facto equality of women with men such as increasing the budget for Gender Unites at the governmental institution.
- 2- Insure a full implementation of the gender strategies issued by the government.



## Article 5: Gender Role Stereotyping

**CEDAW states:** States shall take appropriate measures to eliminate stereotyping, prejudices and discriminatory cultural practices. States shall also ensure that family education includes a proper understanding of maternity as a social function and the recognition of the roles of men and women in the upbringing of their children.

**The Current Situation:** Despite all the efforts that have been made to eliminate stereotyping and discriminatory cultural practices, the progress in this field is still very low, stereotyping and prejudice against women continues to prevail. Female labor force participation in the Palestinian society is not visible and does not reflect the real participation of females, one of the reasons is that Palestinian women working in agriculture most commonly work on family farms. In 2017 PCBS indicated that the participation of women in labor forces is 19% compared to 72% for men as presented in chart (7.1)

Furthermore, despite high education levels among women in Palestine, stark gender disparities persist; one major factor causing this might be the classical cultural perceptions and gender stereotype, which expect men to act as breadwinners for the house, and women to work in certain professions as teachers and nurses, as the figures reflect in chart (5.2)

Regarding gender participation in the media, women participation is also low. The percentage of women enrolled in journalism in Palestinian universities in 2017 reached 53% as illustrated in chart (5.4), while most workers in the media labor market are men as shown in chart (7.10)

Despite this relatively fragile picture, there were a lot of steps taken by the Palestinian media toward changing the traditional image of women, especially after Oslo. There have been various programs that highlight women's rights, and raise awareness on gender stereotypes regarding the roles of men and women in society.

### **We Demand:**

1. To Ensure Gender Equal participation in the Media.
2. Statistics that reflects media performance regarding gender issues are needed.
3. Media should play an important role toward changing the traditional image of women, updating the laws and regulation.
4. Media should play an important role toward changing the traditional image of women and updating the laws and regulation. What is more important is to make gender equality a permanent objective in media, not a seasonal issue that is raised occasionally.



## Article 6: The Trade in Women and the Exploitation of Women in Prostitution

**CEDAW States:**” States must take action, including legislation, to combat all forms of trade in women and prostitution”.

**Current Situation:** Under penal legislation in force, prostitution is an illegal act. Inciting, coercing, practicing or abetting prostitution, or living off the proceeds thereof, is penalized in legal codes under the heading of incitement to debauchery and putting public morals and decency at risk. Those provisions penalize anyone who induces or attempts to induce a woman under the age of 20 to engage in prostitution in Palestine or abroad, or any person under the age of 15 to engage in sodomy, with imprisonment for 1 month to 3 years. The penalty of imprisonment for 2 years is imposed on any person, male or female, who knowingly lives off the earnings of any woman engaging in prostitution. That legislation prohibits the opening of brothels. Preparing, renting or acquiring any location to be used for prostitution, or contributing to the use of such location for the purposes of prostitution on a regular basis, is punishable by imprisonment of up to six months. Those laws also penalize trafficking in women. Forcing a woman to stay against her will in any location in order to engage in prostitution, or in a brothel, is punishable by up to two years in prison. Using threats, terror, deception or drugs to induce or attempt to induce a female to engage in illicit sexual intercourse in Palestine or abroad is punishable by up to 3 years in prison. Palestine has no laws on child prostitution. However, sexually assaulting a child is severely punishable by law. Palestine’s commitment to strengthening and protecting human rights in general, and the rights of women in particular, is reflected by the increased penalties for the above-mentioned crimes against women proposed in the draft penal code. Detailed studies or statistics on trafficking in women in Palestine are lacking. The topic is a sensitive one in the Palestinian social context. However, research suggests that human trafficking is rare and not organized. In addition, the illegitimate hegemony of Israel, the occupying power, over the territory and borders of Palestine, and the various ways that Israel undermines Palestinian geographical integrity, make national efforts to combat trafficking in women weak to the point of ineffectiveness. The occupying forces prevent the relevant Palestinian parties from moving between the West Bank, including East Jerusalem, and the Gaza Strip in order to carry out their functions and reach women victims. There is also insufficient oversight by the occupation authorities of working conditions at facilities and workplaces that hire Palestinian workers, men and women, inside the Green Line and in the illegal settlements.

### **We Demand:**

1. A concerted effort must be made by both non-governmental and governmental organizations to start creating data base for the activities and statistics pertaining to prostitution and trafficking. Despite the contemporary conservative societal makeup. This will help to establish a basis for the development of the following demands as mentioned below.
2. Increase Support for women in the Risk Zone or seeking to escape prostitution; without governmental aid or allowance to conduct such activities such as take at risk women into safe homes and provide safety and rehabilitation is only possible if the state acknowledges the presence of such activities. Therefore, legislative policy should be developed to help tackle the issue of family involvement in driving



women to seek out this type of work. Moreover, to provide a safe haven for women who are looking for a way out of the environment and want to be protected from their previous employers or abusers, as well as start a new life.

## Article 7: Political and Public life

**CEDAW states:** “States shall ensure that women have equal rights with men to vote, hold public office and participate in civil society.”

**Current Situation:** Article (4) of the Palestinian Law on Public Legislative Elections of 2005 guarantees the representation of women in electoral lists, while Article (17) of the Palestinian Law on Local Council Elections guarantees that women hold 20% of seats in local bodies while women consist of almost 50% of the Palestinian Population as in figure (1.1). However, female empowerment in the highest levels of decision making is incredibly important to developing an inclusive and diverse political system. The need for Palestine to re-shape its current patriarchal structure and implement serious legislation that allows for women to have a voice, as well as a direct impact on policies will serve the state well in the future.

In reference to figure (2.7) In the case of women as Lawyers representation is 22.5% in Palestine illustrates the clear discrepancy between genders in areas that directly influence the daily life of women and men. Even more so, the percentage distribution for female judges in the regions with 18.6%. The presence of women in positions of Public Prosecution stands at 16.7% in Palestine. Also, women as engineers are more than 30% while women as judges are less than 20%.

As in figure (2.4) in the seventeenth Palestinian government women hold 3 out of 20 ministerial positions in the current Palestinian cabinet.

In reference to figure (2.3) only 12.9% of National parliamentarians are women (12.3% in the West Bank; 15.9% in the Gaza Strip) as of 25 January 2006, date of the last elections for the Palestinian Legislative Council (PLC). During the PLC elections in 2006, women accounted for 11.2% of the candidates (4.3% among local candidates; 16.9% among candidates running on national political lists) and 46% of the voters.

Also, as shown in figure (2.4) 65 women holding a seat in the Palestinian National Council of the Palestine Liberation Organization (PLO) account for 8% of the total number of members of the Council; 10 are members of the PLO Central Committee; and 1 woman out of 18 members sits at the PLO’s Executive Committee as in figure (2.1). In local councils, the numbers of seats held by women in local councils’ elections is 21.2% (751 out of 3543) in 2017.

40.5% of the public-sector posts are occupied by women, most of them in medium-low level positions. By the end of 2016, women held 47% of the lower-level positions in the administration and 22% of the Director level positions, but only 11% of the General Director posts 42.70% of the Public-sector posts are occupied



by women, while 29.6% are in the middle management and less than 1% at the decision level management as in figure (2.2). The number of Palestinian ambassadors in foreign countries is 126; only 5 of them are females as shown in figure (2.5).

The fact that there are so few women in executive legislative positions illuminates the direct obstacles that face women in Palestine, pertaining to the attainment of gender equality and female empowerment. The clear issue is that there are very few women in positions of legislative influence.

**We Demand:**

1. To make sure that women have their right bylaw to ensure that their representation at the political and decision-making level is consolidated.
2. Increase in number of women in executive and legislative policy making roles.
3. Need for a consolidated domestic effort to improve the inclusivity of women at the governmental institutions is very important to future development of women's rights. Targeted and active government strategies in combination with recruitment policies that are geared towards women, as well as nomination efforts serves to create a corporate and legal work environment that is less patriarchal and serves to provide a platform forewomen.

## Article 8: International Work and Representation

**CEDAW States:** “Women must be afforded the opportunity to represent their government on the same terms as men at international level and to participate in the work of international organizations.”

**Current Situation:** Over the past 20 years, there has been a serious downward trend in the number of women in decision-making roles or the public sphere. Where women's organizations used to have clout in the socio-political sphere, they have lost their influence and ability to effectuate change. Women were very much part of the First Intifada, holding influential and important roles during that period. Where women are well-educated, influential, and good communicators, they often either emigrate out of the country or work within the NGO/aid sphere. This is often linked to higher incidence of early marriage in Palestine, according to PCBS more than one fifth of the population get married before the age 18, which leads many women to be excluded from decision-making roles, both within the domestic and the public spheres. The female participation percentage in the labor force did not exceed more than 19% in 2016 and 2017 as in figure (7.1).

There is a serious lack of cohesion relating to the way women's rights issues in Palestine are relayed to the international community. Regarding the implementation of the Women, Peace and Security(WPS),

Advocacy Strategy was originated to ensure the successful adoption of the UNSCR 1325 by several movements and bodies. The fact that women are as active in the political sphere as men in terms of fighting for their individual rights as well as fighting against the occupation is eclipsed by the obstacles for instance we can find in figure (2.6) that women represent a larger percentage in participating in the different political parties but the percentage of involvement of women in the decision making level of that particular political party is very weak and we can say not participating at all, this limit their involvement on the national and not to mention the international level. This dilemma not only as a result of Israeli occupation, but also women who works in this area will face detrimental patriarchal and societal obstacles.

Also, the UN Fourth World Conference on Women in 1995, recognizing key condition for women's empowerment, which in turn is required for democratic governance, identified as one of twelve critical areas of concern in its Beijing Platform for Action (BPA), Women in Power and Decision-making.

### **We Demand:**

1. Secure Women's Representation and Active Role in Peace and Security Actions bylaw in Accordance with the UN Security Council Resolution on Women, Peace and Security

2.To adopt the strategies proposed by the Beijing Platform for Action "Take measures to ensure women's equal access to and full participation in power structures and decision-making" and second, "Increase women's capacity to participate in decision-making and leadership." Both strategies are proposed to be addressed by "Governments, national bodies, the private sector, political parties, trade unions, employers' organizations, research and academic institutions, sub-regional and regional bodies, and non-governmental and international organizations."

Grassroots development of education on women's rights and CEDAW, specifically targeting the youth, and active women in the political sphere

## **Article 9: Citizen Rights**

**SEDAW States:** "States shall grant women equal rights with men to acquire, change or retain their nationality and also equal rights in respect of their children's nationality".

**Current Situation:** Under the laws applicable in the West Bank and Gaza strip, women enjoy the same rights as men to acquire, retain or change right of residence regardless of their marital status. Ministry of the Interior Circular No. 42 (2010), which takes precedence over any legislation to the contrary, affirms those rights. Females born in occupied Palestine have the right of residence if one or both of her parents are Palestinians, as do males born there. Any person born abroad to Palestinian parents who have the right to reside in occupied Palestine also has the right of residence if that individual returns to Palestine before the legal age of majority. A female Palestinian retains that right even if she marries a non-Palestinian. Her





children also have the right to a Palestinian passport, the right of residence and the right to a Palestinian identity card before they reach 16 years of age.

Although Palestinian women in the West Bank and Gaza strip enjoy that right on an equal footing with men, Israel, the occupying Power, continues to deprive all other Palestinian women of that right and its consequent benefits and effects, because some of them are subject to racist and discriminatory Israeli laws, preventing millions of women from returning to their home country. Those women include the Palestinian women living in occupied East Jerusalem.

**We Demand:**

1. Statistical Data regarding the effect of Israeli law on women equal rights with men to acquire, change or retain their nationality and also equal rights in respect of their children's nationality especially in East Jerusalem. Surely the ability of women to exercise rights deriving from Palestinian citizenship is contingent on ending the occupation.

## Article 10: Education

**CEDAW States:** "Women shall have the same rights as men to education and the same opportunities to have an academic career. This applies to both urban and rural areas and to all levels of education from preschool to university and vocational training. States shall ensure that women do not end their education too early. Curricula and textbooks must be free from sex role stereotyping. States shall ensure that women and men have the same access to grants, scholarships and research funding. Women shall have the same opportunities as men to participate in sports and physical education in schools."

**Current situation:** Statistics show that there is a clear lack of girls' enrollment in different educational stages. Families mostly consider males to complete their education and to enroll in universities. This is due to the social system related to women's education in the Palestinian society and its limited enrollment in various stages of education, 55% of Palestinian communities live in rural areas, camps and marginalized areas, which show limited female education.

**We Demand:**

1. Campaigns must be implemented which alert families to the fact that educating their daughters is a worthwhile investment in theirs and society's future.



2. Graduation rates must be increased for both populations at institutions of higher learning, but this is especially true for females in order to improve their academic and career options.
3. A stronger financial investment in female's tertiary education must be made by the government in the form of scholarships and grants to study locally and abroad.
4. At the NGO and grassroots level, organizations must generate awareness among the public of the discriminatory practices women and girls face in term of education.

## Article 11: Employment and Labor Market

**CEDAW States:** “Women have an equal right to work with men, which includes pay, promotions, training, health and safety. “

**Current Situation:** Unfortunately, Palestine is a statistical outlier. Though the women enjoy some of the highest literacy (95.6%), and educational rates for women in the Middle East, Palestinian women have the lowest Labor Force participation rates. 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, 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, 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 worked the Authority shall seek to provide it based on equal opportunity and without any form of discrimination” 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.

Statistics show that women in the informal sector constitute the larger rate among working women, 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, 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 need protection which 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 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.

Data shows that male employed ratio in the informal sector is higher compared to females 51.6%, 31.4% respectively, while the percentage of female workers in the informal sector was higher in the West Bank compared with Gaza Strip 34.9%, 21.3% respectively. (See figure 7.7) 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.

Women suffer a wage gap (see figure 7.6) 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. The UNESCO report indicated that the rate of unemployment among females was higher than that among males in Gaza Strip and the West Bank during 2017, where the unemployment rate reached 37% among males in Gaza Strip compared to 63% among females. In the West Bank, the unemployment rate among males reached 16% compared to 29% among females. In 2016, the unemployment rate among men with more than 13 years of schooling reached 19%, but reached 51% for females, see figure (7.4). 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.



## **We Demand**

1. The Labor Law must stipulate non-discrimination based on gender.
2. Seek changing vocational training curricula to encourage non-stereotypical professions and facilitate women's inclusion in unconventional professions.
3. Set up labor courts to facilitate women's access to their rights in accordance with the Labor Law.
4. 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.
5. Develop the procedures that ensure the right of women with disabilities to participate in the labor market.

## **Article 12: Health**

**CEDAW States:** "States shall ensure that women have the same access to healthcare and that women are not discriminated against. Women shall be given information about and access to birth control. States shall guarantee women high quality, cost-free healthcare during pregnancy, childbirth and breast-feeding."

**Current situation:** Because of pressure from relatives and community, some women preferred not to use any methods of family planning in order to please their husbands, mothers and mothers-in-law even if this may badly affect their health especially maternity death and increase anemia complication.

While some women suffer from depression after delivery as they are affected from some factors related to primipara, risk pregnancy, lost her newborn, recurrent Pregnancy and hormonal changes.

While there are gaps in the provision of postnatal care services among health providers, there is no unified protocol that committed the health providers to follow up, so there is increasing in maternity death and anemia among women than men.

### **We Demand:**

1. To establish procedures, which enable women to access requiring specialized health care mainly reproductive health service.
2. The Palestinian Authority in collaboration with international partners should continue to improve the referral system (SOPs), including further improvement of technical solutions and procedures to make the process easier, quicker, more transparent, more equitable and less costly.
3. Number of medicines items and number of medical disposables should purchase for women services.



## Article 13: Labor Force

**CEDAW States:** Women have a right to family benefits, bank loans, mortgages, and other forms of financial credit.

**Current Situation:** States shall ensure that women have equal rights with men to family benefits, bank loans and other forms of financial credit. Women must also be allowed to participate equally in recreational activities, sports and all aspects of cultural life.

Palestinian women are still subject to a system of conflicting and discriminatory laws made up of a mixture of texts and legislative sources dating back to the Ottoman Empire, the British Mandate, and Jordanian and Egyptian rule. In addition to these historical sources of law, there are Israeli military orders, the laws that apply in Occupied East Jerusalem, the laws and regulations issued by the Palestine Liberation Organization, the laws issued by the Palestinian Legislative Council before the 2006 elections, and the laws enacted by Hamas in the Gaza Strip. Women suffer from systemic economic discrimination, which is intensified by the political and economic consequences of having two governments, one in the West Bank and the other in the Gaza Strip.

In the West Bank, the Palestinian Authority is under such severe financial stress due to the withholding of taxation revenues by the Israeli Government that it is unable to pay public employees, create employment programs, or pay serious attention to achieving equality between the sexes in terms of either employment opportunity or wage rates.

The contraction in employment opportunities impacts women most severely. Many who may want to enter the labor market are dissuaded by high unemployment, and often remain in unpaid work for the family, while those who do obtain employment face wage discrimination. The failure of the Palestinian Labor Law to recognize women's rights entrench these disadvantages.

Another form of economic oppression is the denial of women's right to inheritance. A study conducted on a significant sample of women indicates that 36% of women are deprived of their inheritance, while a great number of them do not have fair access to exercise this right. A large proportion of widows do not receive any maintenance from either their father or their late husband's estate. Some women do not have legal title to their own real estate and do not have the right to dispose of private financial resources, despite the fact that civil laws grant women financial independence from their husbands.

In a study conducted by the Women's Centre for Legal Aid and Counselling in 2014, 86% of the surveyed women reported that they waived their right of inheritance by means of Takharuj. 28% abandoned their hereditary right through an irrecoverable power of attorney.

43% received a sum of money in consideration of Takharuj. 42% of those who waived their rights based on Takharuj did not receive any financial amount. Takharuj was proposed by brothers (70%), mothers (8%), and fathers (2%). In 10% of reported cases, Takharuj was devised by a consensual agreement. 7% of Takharuj transactions took place between cousins, grandchildren, brothers-in-law, uncles, other heirs, and no one.

97% of the surveyed women consented to Takharuj for the benefit of their brothers. Of these, 60% regretted that they relinquished their shares of inheritance. 81% preferred that they would have obtained



their legally prescribed portions.<sup>23</sup>

**We demand:**

- 1- Raise public awareness on women's right of inheritance, highlight significance of women's access to hereditary rights, and ensure that women fully enjoy these rights.
- 2- Enact a law to ensure empowerment of Palestinian women to access their right of inheritance.
- 3 - Provide training to lawyers, judges, employees, and police officers in relation to women's rights and advocacy.
- 4- Support women to receive parallel legal services to pursue their cases, provide financial support to the local community, women organizations and relevant networks to offer legal advice, provide emergency assistance, and document and disseminate best practice.

## Article 14: Rural Women

**CEDAW States:**” Women in rural areas shall have the same rights as women in cities. Women in rural areas shall be able to participate in benefit from rural development and have access to health care, education, employment, credit and loans. Women in rural areas shall have access to good living conditions, particularly housing, electricity, water, infrastructure, transport and communications, on the same terms as men and women in cities.”

**The Current Situation:** The legislator paid great attention to rural women in the agreement because they are a central role in the production of agricultural goods in the Palestinian society. According to PCBS as figure (8.2) shows that 13% of women are working for their families as unpaid family members while men are only 4%, 2.4 % are employer and almost 14 % are temporary paid employees as self-employed.

Rural women work in agriculture production, as in reference to figure (8.1) 54% of women works in plant production and 87% who works in the animal production are women,

None the less, Palestinian rural women are usually marginalized and constantly struggling to achieve gender equality and human rights, which are both severely restricted by two main interrelated forces:

**The Israeli Occupation:** Israel has allocated 86 percent of the land in the Jordan Valley to settlements and provides vastly greater access to water from the aquifer beneath the valley to the settlement agricultural industry than to the Palestinians living in the valley. Israeli agricultural settlements export a substantial amount of their produce abroad, including to Europe and the United States. In the Jordan Valley, there are

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<sup>23</sup>*Women's Center for Legal Aid and Counseling, Palestinian Women and Inheritance, 2014, <http://www.wclac.org/english/userfiles/Translated%20Inheritance%20Study%20English.pdf>*



32 Israeli settlements 22 of them are agricultural ones where the percentage of women working in these settlements is 30% of the workers who are more than 10000 Palestinian workers. Mostly women choose to work in the Israeli settlements because of the nearest of these settlements to the Palestinian rural areas (these settlements are Palestinian confiscated land and water resources) and most of the time they do not need permits to do so, given that they need labor brokers who take advantage of them financially and physically. All of this prevent women the chance of planning and participating in the Rural local developments.

The internal patriarchal control: The actual percentage of women formally owning property is low. According to the shari'a (Islamic religious law), which regulates inheritance issues, a woman has the right to half the share of a man. However, many Palestinian women-especially in rural areas –do not make use of this right. Where in 86% of the cases, women voluntary give up their inheritance rights to their male siblings.

Another obstacle is the lack of adequate services to help women balance work outside their homes with their reproductive roles. Such as daycare organization given that most of family business is in the agricultural sector where women are not paid for their work as in figure (7.6).

#### **We Demand:**

1-The Government to have records of the Palestinian workers in the Israeli settlements so as to protect the Palestinian workers and their rights.

2 -Work through civil society organizations toward capacity building of rural women and to build women community organization and to facilitate reaching agricultural credit and loans for women and not to use them as loan windows in order to increase the women's competency in the market.

3 -Creation of job opportunities for rural women in their areas through development projects by the public and private sectors.

4- To present that statistical importance of female inclusivity in the workforce as a prerequisite to a more functional and productive civil society; despite women already being a core actor in the agricultural field, the lack of awareness for their influence by their male counterparts is a counter active issue.

## Article 15: Equality before Law

**CEDAW States:**” States shall ensure that women and men are treated equally before the law. Women have the same legal right to enter contracts, own property and choose their place of residence.”

**Current Situation:** The Amended Basic Law treats Palestinian men and women equally before the law and the courts. The same is true for most legislation in force. Still there are certain provisions prejudicial



to gender equality in certain laws, that applies particularly to the Penal Code and the Personal Status Code.

Generally speaking, there is nothing in the laws in force that prevent women from possessing legal capacity to carry out legal procedures on an equal footing with men. However, there are some exceptions. The Codes of Civil, Criminal and Administrative procedure treat the court testimony of a woman no differently from that of a man and give both the same weight. The circumstances in which testimony is accepted or taken under advisement or rejected by a court are the same for men and women without discrimination. That is not the case in the sharia courts, where the testimony of a woman is treated differently from that of a man. The same applies to testimony relating to marriage contracts. The testimony of a man is equivalent to that of two women. One woman by herself cannot act as a witness. There must be either two male witnesses or one man and two women. The same applies to land sale transactions conducted at land registration bureaus.

The Amended Basic Law guarantees freedom of residence and movement to both men and women. Israel, the occupying Power, practices a policy of apartheid characterized by racist policies and procedures that violate the rights of Palestinian women and men to move freely and choose their pace of residence. In addition, Israeli enforces a policy of roadblocks, street closures and curfews

Four million Palestinian men and women from the rest of the territory of the State of Palestine are prohibited from residing in East Jerusalem, the capital of the State of Palestine and an integral part thereof. For the ten years now, Israel, the occupying Power, has imposed an illegal blockade on the inhabitants of the Gaza Strip.

**We Demand:**

1. Implement a system wide approach to improving the legal and policy framework and data collection processes relating to access to justice for woman, in particular in relation to sexual and gender- based violence to align with international standards.
2. Grant equal weight of women's' testimony in personal status issues

## Article 16: Marriage and Family Life

**CEDAW States:**” Women have the same rights as their husbands in marriage, childcare and family life.”

**Current Situation:** Muslims in Palestine do not have a uniform, modern and fair legislative framework for personal status matters. In the West Bank, the applicable codes are the Jordanian Personal Status Code No. 61, 1976. In the Gaza Strip the applicable codes are the Ottoman Code from 1917 and the Family Rights Code Order 202, 1954. Meanwhile, the Sharia Court of East Jerusalem operates under the personal status laws applicable in Jordan, because that Court is still administratively part of Jordanian justice system.





The law guarantees a woman's freedom to become engaged and break off an engagement, and to conclude a marriage contract of her own free will. However, there do exist provisions that restrict and limit a women's freedom to contract marriage. A marriage contract for a virgin daughter requires the approval of a guardian, who is always a male. A widow or divorcee over the age of 18 does not need the approval of a guardian to get married.

Personal status laws in force enshrine traditional roles for the various members of a family. While the man is the head of the family and has guardianship and decision-making authority.

A man can have up to four wives, on condition that he provides them with fair and equal treatment, upkeep and living conditions. A wife does have the right to stipulate in the marriage contract that her husband may not marry anyone else and that if he does, the marriage contract may be annulled at her request without prejudice to any of her marital rights.

A man has the right to divorce his wife of his own free will for any reason, even without her consent. In Palestine, 36.7% of females were never married compared to 45.1% for males that indicates the early marriage is higher for females or may be due to the reluctance of males for getting married due to economic and other reasons. Divorced females average was 1.8% compared to 0.3% for males, while 5.9% of females are widowed compared to 0.6% for males; this illustrates the gender gap for these indicators due to the culture and the Palestinian habits that allow divorced and widowed males to get married more than the women, as shown in table (3.3).

**We Demand:**

1. Palestine should ensure that women have equal rights with men in relation to marriage, divorce, residency (custody) and guardianship of children.
2. Amending all the patriarchal laws that women face, such as the lack of support in terms of alimony in the situation of divorce.



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