



PALESTINE

PALESTINIAN AUTHORITY AND
ISRAELI-OCCUPIED TERRITORIES

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POPULATION: 3,933,000

GNI PER CAPITA: US\$1,519

COUNTRY RATINGS	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	2.6	2.6
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.7	2.4
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.8	2.9
POLITICAL RIGHTS AND CIVIC VOICE:	2.6	2.7
SOCIAL AND CULTURAL RIGHTS:	2.9	2.6

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

Palestinian women have been socially active since the beginning of the 20th century, forming charitable associations, participating in the nationalist struggle, and working for the welfare of their community. Originally established in Jerusalem in 1921, the General Union of Palestinian Women organized women under occupation and in the Palestinian diaspora so that they could sustain communities and hold families together.

The character of women's involvement shifted in the late 1970s, as young, politically oriented women became active in the fight against Israeli occupation, as well as in the establishment of cooperatives, training centers, and kindergartens. They formed activist women's committees, which were able to attract members from different spheres of life and create alliances with international feminist organizations. Women also played an active role in the first intifada, or uprising, against Israeli occupation in 1987, further elevating their status in the society.

Soon after the beginning of peace negotiations between the Palestinians and Israelis in 1991, which resulted in the 1993 Oslo Accord, women's organizations formed a coalition called the Women's Affairs Technical Committee (WATC) to advocate for the equal rights of women. By this time, women throughout Palestine had started to push against discriminatory

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aspects of the society and work together on gender-empowerment strategies. They began advocating for a future Palestinian entity with a culture of human rights that mainstreams gender concerns in all spheres of life, leading to the creation of specialized women's organizations and research centers that focus on gender-equality issues.¹

The Palestinian Authority (PA) was established in 1994 to exercise limited governmental authority over the Palestinian population living in the Israeli-occupied territories, which include the West Bank, the Gaza Strip, and East Jerusalem.² After the establishment of the Palestinian Legislative Council (PLC), the PA's legislative body, women's groups and coalitions intensified their lobbying efforts for equal rights, publicly protesting discriminatory legislation and regulations.³ However, political unrest hindered the establishment of a Palestinian state and the resumption of negotiations between Palestinians and Israel, which in turn distracted the women's rights movement from issues related to equality.

Palestinian women currently face two major types of obstacles to their rights: those arising from within their own culture and society, and those imposed as the result of occupation, war, and civil unrest. On the domestic front, women are subjected to restrictive personal status laws, which retain discriminatory provisions related to marriage, divorce, and child custody. Domestic abuse remains a significant problem, and violence against women has increased in recent years. Discriminatory laws and traditions also affect women's inheritance, alimony, and employment opportunities, thereby reducing their economic autonomy and making them more vulnerable to poverty than men. Furthermore, some segments of society seem to be growing more conservative and returning to traditional values.

Nonetheless, all discussions about Palestine's constitution, its laws, and their impact on women must also address the limitations imposed by the Israeli occupation, which heavily influences the ways in which the PA conducts its affairs, how Palestinians conduct their daily lives, and the personal security of all Palestinians. The areas under PA rule are not contiguous, but are separated by numerous checkpoints, roadblocks, and other physical and administrative barriers erected by the Israeli authorities. These barriers have significantly curtailed Palestinians' freedom of movement, and combined with a general lack of security, they have had a devastating effect on the local economy.

The increased number of checkpoints over the last five years and the construction of a West Bank separation wall,⁴ which is over 50

percent complete, have worsened social and economic conditions for all Palestinians. In particular, women now experience further separation from their families, farmlands, water resources, schools, and hospitals. When the wall is completed, it will stand eight to nine meters tall and stretch more than 700 kilometers, adversely affecting the lives of an estimated one-third of the Palestinian population in the West Bank.⁵

Women's lives have also been dramatically affected by the international and domestic fallout from the January 2006 PLC elections, in which the Islamist group Hamas defeated PA president Mahmoud Abbas's more moderate Fatah party. In response to Hamas's victory, the Israeli government froze the transfer of customs revenues, which it collects on behalf of the PA, and key international donors also froze aid to the territories, leading to significant deterioration of humanitarian conditions. Although Abbas and Fatah were hostile to Hamas, the parties attempted to form a unity government on March 17, 2007. However, Hamas attacked and took over government and security positions in the Gaza Strip in June, and Abbas formed a new government based in the West Bank, declaring Hamas's control over Gaza to be illegal.⁶ Since then, the two territories have been governed by two different authorities.

The new, more conservative social order imposed by Hamas has led to greater restrictions on women's rights in Gaza. For example, reports have started surfacing of women being warned against immodesty,⁷ lawyers being forced to wear the veil in courts, female students being forced to wear the veil in schools, and Hamas targeting women's rights activists.⁸ Under media and civil society pressure, Hamas has denied its involvement in these incidents.⁹ Women in the West Bank, by contrast, have continued to enjoy a more liberal environment.¹⁰

In addition to the effects of the freezing of international aid, Gaza suffered from an interruption in electricity and water supplies after its power plant was bombarded by Israel in mid-2006. Border crossings out of Gaza have only been opened sporadically since the Hamas takeover, leaving residents with little access to basic resources and severely damaging the quality of life for women. The territory's problems were sharply exacerbated by an Israeli military assault that began in late December 2008. It left some 1,400 people dead, including many women and children, and thousands more injured or homeless.¹¹

Ongoing political tensions between Fatah and Hamas—coupled with Israeli restrictions and incursions—have seriously affected women's

health, employment opportunities, access to education, and political and civil liberties throughout the Palestinian territories.¹² In addition to presenting challenges in women's day-to-day lives, these factors have consistently drawn attention away from calls for gender equality at the societal and political levels. Nonetheless, women's rights activists and organizations are determined to persevere in their efforts to reform discriminatory laws and practices, as they have many times during Palestine's tremulous history.

NONDISCRIMINATION AND ACCESS TO JUSTICE

The instability of Palestine's domestic and international political situation has prevented revisions or even parliamentary discussions of many pivotal laws that affect women's lives, including the citizenship law and the penal code. In addition, with peace negotiations between Israel and the Palestinians stalled, the status of Palestinians in East Jerusalem remains unresolved, subjecting them to discriminatory Israeli laws on residence and citizenship. Gender-based discrimination and insufficient access to justice persist, and civil society lacks the necessary legal tools and financial resources to combat such treatment.

The supreme law of Palestine is the Basic Law, ratified in 2002 and amended in 2003 and 2005.¹³ It acts as a temporary constitution until the establishment of a Palestinian state,¹⁴ after which the latest draft constitution will take force.¹⁵ Under Article 9 of the Basic Law, Palestinians are "equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability." Article 11 describes personal freedom as "a natural right" that "shall be guaranteed and may not be violated." Article 4, however, stipulates that Shari'a (Islamic law) is a main source of legislation, opening the door to discriminatory provisions based on conservative interpretations of Islamic principles.

Despite the Basic Law's guarantees, many laws currently in force do not penalize gender discrimination, while those that do are difficult to enforce due to weak institutional mechanisms for handling such cases. Four different sets of laws control the lives of Palestinians: those of the PA, Israel, Egypt, and Jordan.¹⁶ This creates confusion and makes it more difficult for women's rights activists to focus their advocacy efforts. A unified court system created in 2002 was designed to alleviate some of this uncertainty and was seen as a step toward the unification of the legal system itself.

Some of the laws drafted in recent years are more sensitive to gender issues, often specifying that gender-neutral terms refer to both men and women. For instance, unlike the Basic Law, Article 19 of the draft constitution declares that the terms “Palestinian” and “citizen,” as used in that document, refer to both men and women. Certain laws, like the labor law (No. 7 of 2000), contain provisions that clearly render discrimination illegal. Nonetheless, to be truly effective, Article 11 of the Basic Law should guarantee gender equality in the law, within each piece of legislation and its provisions, rather than merely before the law, as in equal treatment in a courtroom.¹⁷ If adopted, the draft constitution would retain the phrase “equal before the law” in Article 19, but it would also guarantee women’s rights under Article 22 by declaring that women “shall have the same rights, liberties, and duties as men.”

Palestinian women’s rights activists are actively engaged in dialogue with the PLC, which serves as the PA’s parliament, in an effort to reform discriminatory laws. Debates have covered discriminatory provisions related to labor rights, the civil service, and higher education.¹⁸ Despite these initiatives, few reforms that directly improve the status of women have been enacted over the past five years. In particular, the PLC has avoided addressing issues related to the personal status law, focusing instead on administrative, regulatory, commercial, and financial matters; issues pertaining to land and services, including health and education; and political issues, including elections and transference of powers.¹⁹

Palestinian women do not have the same citizenship rights as men. Citizenship rights are still governed by the laws and regulations in effect before the 1967 Israeli occupation: the Jordanian nationality code (No. 6 of 1945) and its amendments are applied in the West Bank, while the Egyptian nationality code applies in Gaza. Both codes allow only men, not women, to pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of interior within one year following her marriage. In practice, however, women married to non-Palestinians are not always asked by the Ministry of Interior to give up their Palestinian nationality.

Palestinian women and men from the West Bank and Gaza who marry Palestinians with Israeli citizenship face difficulty in transferring citizenship to their family members. Although the 1952 Israeli nationality law provided citizenship rights to Palestinians residing in Israel at that time, it

did not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children.²⁰ In July 2003, the Israeli government enacted the Citizenship and Entry into Israel Law (Temporary Order) following a May 2002 freeze on applications for family reunification between Israeli citizens and Palestinians from the West Bank and Gaza.²¹ The law prohibits Palestinians from the occupied territories who are married to Israeli citizens or permanent residents (such as Palestinian residents of East Jerusalem) from receiving Israeli citizenship or residency. This measure affected 21,000 families as of 2004, and applies to even more today, forcing spouses as well as parents and children to live apart.²² On May 15, 2005, the Israeli cabinet endorsed a continuation of the law with limited exceptions depending on the age and sex of the Palestinian spouse.²³

Under both the Jordanian and Egyptian laws that were in effect prior to 1967, a woman has the right to keep her maiden name after marriage. The decision on whether to adopt the husband's last name is left up to the individual woman. In practice, Palestinian women's family names are automatically changed at marriage on both the Palestinian passport and the Israeli identity card that all Palestinians under occupation and in the PA-administered areas are obliged to carry.

As noted above, a unified Palestinian court system was established in 2002, ending the previous system of separate judicial authorities in Gaza and the West Bank. Ordinary civil and criminal disputes are adjudicated by magistrates' courts, with possible appeals to courts of first instance, courts of appeal, and finally the Supreme Court. Personal status cases are handled by a separate system of Shari'a courts for Muslims and other religious courts for Christians. There are also special courts for military cases and other limited functions.²⁴ In the aftermath of its Gaza takeover, Hamas began creating new administrative structures and appointing judges to replace those who refused to cooperate with its rule. While it did not jettison the existing legal system, its parallel institutions opened a new rift in the Palestinian judiciary.²⁵

As a practical matter, access to justice is limited for Palestinian men and women, particularly since the start of the second intifada against Israeli occupation in 2000. Women face unique challenges in light of the male-dominated and sometimes discriminatory law enforcement structure, which further weakens the already inadequate legal framework for women's rights. At a basic level, women are not recognized as full persons before the Shari'a courts, where the testimony of two women is equal to

the testimony of one man in matters related to marriage, divorce, and custody of children. However, in all other matters, the testimonies of men and women are regarded as equal. Women are sometimes reluctant to seek help from courts or law enforcement agencies, in part because the overwhelming majority of lawyers and judges are men,²⁶ and women are only marginally represented among police officers. Moreover, Israel's actions, combined with the volatile political situation, have often undermined the efficacy and credibility of PA institutions. In response, there has been a resurgence of informal justice through tribal and customary laws that are often biased against women, and marital and family disputes are left to the meddling of elders or the intervention of local notables. So-called "honor killings," which typically involve the murder of women by relatives as punishment for extramarital sex, have also escalated.

The treatment of women within the penal code varies depending on which portion of the Palestinian territories a woman lives in. The code is derived from Egyptian and Jordanian law, but has not necessarily been updated in tandem with the laws of those countries. Article 340 of the Jordanian penal code, applicable to residents of the West Bank, and Article 17 of the Egyptian penal code, applicable to residents of Gaza, both offer reduced sentences for honor killings.²⁷ The leniency in the Jordanian code applies to a man who kills his wife or female relative and her sexual partner immediately upon catching them committing adultery. The provision in the Egyptian code applies only to husbands who have murdered their wives and their wives' lovers. Both penal codes reduce the prison sentence to as little as six months; neither offers such reduced sentences for similarly situated women. A coalition of several civil society organizations and governmental bodies has challenged these provisions and submitted proposed revisions to the president, who has yet to approve them.²⁸

Separately, Hamas drafted a "unified penal code" in 2008 that would incorporate *hudud*, a seventh-century Islamic penal code featuring punishments such as amputation, whipping, and stoning. Persons found to have committed adultery would be subject to execution by stoning under this system. The third reading of the law has not passed, and women's organizations in Gaza believe that the issue has been put to rest.²⁹ However, even the consideration of such a legal regime indicates a trend of growing conservatism in Gaza that may seriously affect women in the future.

President Abbas signed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March

2009, but it is unclear what effect this move will have on Palestinian laws, and whether it is legally valid given the PA's lack of full statehood and other impediments.³⁰ Nevertheless, women's rights organizations continue to push for equality to the extent that they are able in the current political disorder. Under Article 26 of the Basic Law, Palestinians may establish and participate in organizations and associations in accordance with the law. Multiple women's rights organizations have been established for the purpose of combating gender discrimination. However, the continued Israeli occupation and the lack of a unified legal structure has made effective advocacy extremely difficult.³¹

The urgent political and economic problems stemming from the second intifada and the Fatah-Hamas rift have overshadowed issues related to patriarchy and discrimination. The uphill battle faced by women's rights activists is evident in the legislative record of recent years. The PLC elected in 1996, in which women held only 5.7 percent of the seats, was able to enact far more gender-sensitive legislation than the troubled legislature elected in 2006, in which women held 12.9 percent of the seats.

Recommendations

- ❖ The PA should enact a penal code that would apply to all parts of the occupied Palestinian territories. It should offer women protection from all forms of violence, embody internationally recognized human rights standards, and include accepted punitive measures to safeguard women's rights.
- ❖ The penal code should specifically be amended to prohibit honor killings and impose sentences equal to those for ordinary murder.
- ❖ The future Palestinian nationality law should grant women the right to pass their nationality to their husbands and children without discrimination and retain their maiden names on their passports.
- ❖ The PA should appoint more women as judges and prosecutors. Legal education should be made more accessible to girls through affirmative-action methods, including scholarships.
- ❖ Court and police officials should be obligated to attend training seminars regarding gender issues and women's rights. Courts and police stations should be made more accessible to women, in part through the hiring of more female personnel.
- ❖ The Ministry of Women's Affairs, the government entity charged with empowering women, should take a more active role in ensuring that

the principles of gender equality are reflected in all legislation. It should review proposed and existing laws, consult with regional and international experts, and advocate for its recommended changes in the public sphere, including the news media.

- ❖ In keeping with President Abbas's recent endorsement of CEDAW, the PA and women's rights groups should develop a national plan to ensure the integration of the convention's provisions into local laws.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

The autonomy, security, and freedom of Palestinian women have been regularly threatened in recent years. The personal status laws discriminate against women in their freedom of movement and their rights in marriage, divorce, and child custody. Their situation is worsened by Israeli barriers and the West Bank separation wall. At a basic legal level, women's security is poorly protected by the penal code, and domestic violence is not outlawed. Violence against women has escalated in the past five years, and this trend has included a rise in the number of unpunished honor crimes.

Article 18 of the Basic Law, like Article 5 of the third draft constitution, guarantees freedom of belief, worship, and religious practice for all Palestinians. Both documents declare Shari'a to be a key source for legislation and Islam to be the official religion, while protecting all other "divine" or "monotheistic" religions.³² The vast majority of Palestinian residents are Sunni Muslims, although some are Christians. Jewish Israeli settlers continue to live in the West Bank and Jerusalem but are not under Palestinian jurisdiction. Access to Muslim and Christian religious sites in Jerusalem is restricted for residents of the West Bank and Gaza due to border barriers and checkpoints.

Although Article 20 of the Basic Law guarantees freedom of residence and movement within the limits of the law, there are legal and practical restrictions on women's freedom of movement. The principle of "house of obedience," an archaic provision derived from Egyptian and Jordanian family laws, enables husbands to force their wives to return to the marital home, although it is rarely invoked or enforced in courts. The same principle entitles men to bar their wives from leaving the country with a court order. In addition, government officials often demand proof that a male "guardian" has given his permission to a woman before she can obtain a passport. This requirement was legally abolished in 1996, thanks

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to lobbying by the WATC, but the political disorder of subsequent years allowed the practice to return without consequences.³³

Israeli checkpoints and barriers, including the separation wall, also restrict freedom of movement. The separation wall in particular has made women the “most isolated social group” in Palestine, as families prefer to let men rather than women request travel permits to work on the opposite side of the wall.³⁴ The number of roadblocks and obstacles in the West Bank increased to 580 in February 2008,³⁵ and the three crossings out of the Gaza Strip (Rafah, Karni, and Erez) have been closed for most purposes since June 2007.³⁶ Such restrictions on free movement have prevented some women from reaching hospitals and health care centers in time to give birth; as a result, several have died in transit at checkpoints.³⁷

Most Palestinians living in Jerusalem under Israeli rule hold Israeli identity cards and are recognized by Israel as noncitizen residents of the city. The identity cards serve as residency permits and enable Palestinians to travel, work, and attend school. Many women—and some men—holding Jerusalem identity cards and married to Palestinians from the West Bank and Gaza cannot obtain Jerusalem identity cards for their spouses, meaning the spouses are not allowed to live in Jerusalem. It is also difficult for children to live or attend school in Jerusalem if only their mother holds a Jerusalem identity card. Palestinians from Jerusalem risk losing their residency status if they are unable to present documents demonstrating continuous residence for the past seven years and proving that their “center of life” is in Jerusalem. Those who lose their status are effectively barred from returning to their native city.³⁸

Both Christian and Muslim women are discriminated against in matters of personal status, particularly in marriage, divorce, and child custody. Muslim women in the West Bank are subject to the Jordanian personal status law of 1976, which is based on the Hanafi school of Islamic jurisprudence, while those in the Gaza Strip are subject to the unmodified Egyptian family law of 1954. Although Jordan, Egypt, and other neighboring countries have made certain progressive changes to their personal status laws in recent decades, the laws applied in Palestine remain essentially unaltered.³⁹

Palestinian women lack the freedom to negotiate their equal marital rights. According to the concept of *qawama*, women of all ages must obtain the consent of their closest relative from their father's side. A woman's male

guardian, or *wali*, executes the marriage contract on her behalf, while men are free to act independently. In the absence of a *wali*, a judge may act as the guardian. To be valid, a marriage contract must have at least one male witness or two female witnesses.⁴⁰ The local interpretation of Shari'a allows women to make stipulations within their marital contracts, such as the right to finish their education or work outside the home. However, as a practical matter, prevailing customs discourage women from taking advantage of this right. For instance, men are reluctant to marry a woman who has the right to divorce, and families discourage women from adding conditions that may drive away potential husbands.

The age of legal capacity for marriage in the West Bank is 15 for girls and 16 for boys, according to Article 5 of the 1976 Jordanian personal status law. In Gaza it is 17 years for girls and 18 for boys, as stipulated in Article 6 of the 1954 Egyptian law and relevant judicial rulings. Some 48 percent of females between the ages of 15 and 19 were married as of 2000.⁴¹ As of 2008, the median age at first marriage was 19.5 for women and 24.8 for men.⁴² The gender gap reflects the social perception that males are the breadwinners of families and must therefore be more economically independent when they get married.

Other social factors influencing women's choice of marriage partners include religion and the effects of the separation wall. Marriages between Christian and Muslim Palestinians are uncommon, although they do occur. They are generally frowned upon, and Christian women have been killed under the pretext of protecting family honor as a result of such marriages.⁴³ Christian men must convert to Islam if they wish to marry Muslim women. While Christian women marrying Muslim men are not obliged to convert, law prevents Christian wives from inheriting from their husbands. The fragmentation of the Palestinian territories and the restriction of Palestinian travel and movement have heavily influenced marriage patterns. A 2006 survey indicated the emergence of a tendency to choose a spouse from one's own side of the separation wall or from nearby villages to avoid family separation.⁴⁴ Polygamy is legal for Muslims but rarely practiced; although men may take up to four wives at one time, less than 4 percent exercise this right.⁴⁵

Men and women have grossly unequal divorce rights. A Muslim husband may unilaterally divorce his wife without judicial certification by declaring "I divorce you" three times, a practice known as *talaq*. By

contrast, a Muslim woman can only divorce under Jordanian law if she is able to establish harm based on authorized grounds: impiety; incurable skin or sexual disease; mental disease; desertion for more than one year; inability to pay the *mahr*, or dowry; inability to provide financial maintenance; or inability of the wife to live with the husband.⁴⁶ Articles 103 to 107 provide for a mechanism known as *khula* whereby a couple agrees to divorce and the woman surrenders her dowry and any claim to financial maintenance. However, unlike the current, reformed laws in Egypt and Jordan, the laws applicable in Palestine offer no option that allows women to undergo *khula* when their husbands do not consent.⁴⁷ Divorced women are entitled to custody over their children until girls reach the age of 12 and boys reach the age of 10. However, with a judicial decree, she may retain custody until the boy turns 18 or until the girl gets married. A divorced mother loses custody of her children upon remarriage.

In 2008, a more progressive personal status law was drafted by the National Campaign for the Family Law. If approved, it would raise the age of marriage to 18 for both men and women and place restrictions on polygamy, requiring the approval of the first wife for a second marriage. However, the draft has not been discussed in the PLC to date. Until the council members currently incarcerated by Israel are released and the rift between Gaza and the West Bank is repaired, the PLC will remain relatively ineffective and many personal status rights will continue to be regulated by legislation enacted prior to the 1967 occupation.

Palestinian Christian women are governed by the laws established by their respective churches. In general, the Orthodox Church permits divorce if a woman is found to be unfaithful, refrains from getting pregnant, is found not to be a virgin upon marriage, or refuses to obey her husband in a dispute for a period of three years after being instructed to do so by the Church.⁴⁸ The Catholic Church and its ecclesiastical courts offer no possibility for divorce, but annulment is possible if the marriage was contracted with legal flaws; men and women enjoy exactly the same rights in this respect.⁴⁹ Because the Catholic Church allows only a separation when spouses have an irreconcilable dispute, whereas the Orthodox Church has granted divorces in such cases, some Catholics have converted to Orthodoxy to obtain a divorce. Protestant church law allows a divorce if one of the spouses is found to be adulterous and the husband and wife do not engage in sex after the adultery is revealed. Other possible grounds include abandonment for two years, eloping with another, or attempted

murder. When a marriage is ended in this way, either of the spouses is able to marry again.⁵⁰

Domestic violence is not prohibited by law. In 2006, the Palestinian Central Bureau of Statistics (PCBS) reported that among unmarried women over the age of 18, some 25 percent had been physically abused and 52.7 percent had been psychologically abused.⁵¹ Among married women, psychological abuse affected 61.7 percent, physical abuse affected 23.3 percent, and sexual abuse affected 10.9 percent.⁵² Women are theoretically able to press ordinary assault and battery charges against their abusers, but several factors keep domestic violence victims from doing so. Social norms shame women who report abuse to the police and encourage them to remain silent for the sake of their children. Moreover, women often have no alternative place to live. There is a lack of private or government-sponsored shelters, with only three shelters operating in the West Bank and none in Gaza.⁵³ Women who are reluctant or unable to file domestic violence or sexual violence complaints on their own have little recourse, since the law allows only close relatives to file such complaints on their behalf, and most of these crimes are perpetrated by close relatives.

Violence against women reflects the broader violence and lack of rule of law in the Palestinian territories, and it has become more common over the last five years. Honor killings remain a problem, though the true toll is uncertain, as a number may go unreported. A coalition of women's organizations, Al-Muntada, published a report in 2007 that found 32 cases of honor killings in Palestine between 2004 and 2006.⁵⁴ Seventeen of those murders occurred in 2006 alone—12 in the Gaza Strip and 5 in the West Bank.⁵⁵ The PCBS reported that at least 10 women were victims of honor killings in 2007.⁵⁶ In response to the violence, seven women's rights and human rights organizations submitted a memorandum to President Abbas, urging the issuance of a presidential decree treating honor killings as murders.⁵⁷ However, no such decree had been issued as of October 2009.

In a front-page article published in 2008, the Birzeit University newspaper *Al-Hal* reported that 19 more women had been killed that year, and that a woman in the Palestinian territories is killed each week “under the pretext of honor killing” and “under the protection of the law.”⁵⁸ Some were killed for merely demanding their legal share of inheritance. The article claimed that political parties have not addressed the issue of amending the penal code to eliminate tolerance of honor killings for fear of losing their support among men. By offering a weak legal framework and poor

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enforcement mechanisms, the PA has failed to uphold its duty to protect women from violence and has left them without redress or justice.

The broader violence and absence of the rule of law has also motivated families to restrict the movements of their daughters, for fear that they could be killed in military clashes or other acts of violence outside the home. The organization Miftah (the Palestinian Initiative for the Promotion of Global Dialogue and Democracy) noted in a recent report that 475 people were killed by illegal weapons in 2005 and 2006, including many women and children.⁵⁹ Women's organizations, such as the WATC and the Women's Centre for Legal Aid and Counseling (WCLAC), freely express their views about women's autonomy and security and the difficulties women face because of Palestine's discriminatory laws. There are also a number of women's organizations in Jerusalem, the West Bank, and Gaza that offer services ranging from lobbying and advocacy work to training and psychological counseling. Four years of work by lawyers and rights activists has focused on proposed laws to combat domestic violence, but such measures have yet to be considered by the president and the PLC.⁶⁰

Recommendations

- ❖ The PA should enact a more progressive, unified personal status law that ensures equal rights in marriage, divorce, and custody of children. To stem the negative effects of early marriage, the law should include a minimum marriage age of 18 for both sexes as proposed by the National Campaign for the Family Law.
- ❖ Civil society and political parties should escalate their advocacy efforts for a new personal status law through a clear strategic plan targeting all decision-makers. They should base their proposals on CEDAW, international human rights documents, and the reform proposed by the National Campaign. Islamic women's organizations should look into the experiences of other countries that have adopted a more progressive interpretation of Shari'a, such as Morocco.
- ❖ The court system should adopt technological upgrades that enable easy access to court decisions and documents, allowing women to verify whether their husbands have taken second wives or are already married.
- ❖ The PA should eliminate the "house of obedience" concept from its legal system, ensuring autonomy and freedom of movement for married women.

- ❖ The PLC should introduce new laws to protect women from all forms of physical, psychological, and verbal violence at home and in public places, and create special police units to handle cases of family violence.
- ❖ To ensure the security and personal freedoms of women living under Israeli jurisdiction, the responsible authorities should guarantee the rights of such women to an identity card, residency, freedom of movement, and access to their chosen place of employment.
- ❖ Customs and passport officials who require women to obtain written permission from a male guardian before they can receive a passport should be reprimanded or prosecuted for their violation of the law.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

The rights of Palestine's female workforce are governed by one of the most advanced labor laws in the region. While economic participation among women remains low due to socioeconomic, cultural, and political factors, the rate of participation increased from 2005 to 2007, particularly in the West Bank. In addition, the PA's new scholastic curriculum, introduced in 2002, reflects a greater degree of gender equality, and a growing number of young women are enrolling in colleges and universities. As with other rights, a more politically stable situation and open borders will be crucial to advancing women's economic and academic rights in the future.

The property rights of Palestinians are controlled by Jordanian laws in the West Bank and Egypt's Law No.1 of 1965 in the Gaza Strip, with the latter discussing the application of Shari'a to *miri*, or state-owned property. Although women have the legal right to own and exercise control over their land and other assets, only 5 percent of women own land and 7.7 percent own a home or other real estate.⁶¹ This inequity reflects the impact of custom, which encourages married men to retain property individually rather than jointly with their wives. There are no legal restrictions on women's ability to access credit, but because men own most property, they tend to have the collateral necessary to secure loans.⁶²

Women often lack control over their income and rarely enter into business contracts and activities. This is mainly due to the customary belief that men, as the traditional family breadwinners, are in charge of financial decisions, even those involving the income and assets of their female family members.

Jordanian inheritance laws apply in the Palestinian territories and are derived directly from the Koran. Although women have legally enforceable inheritance rights, they are entitled to half the share of their male counterparts.⁶³ This arrangement is based on the man's duty under Shari'a to provide for his female relatives; his failure to do so is considered socially reprehensible and can have legal consequences. Moreover, prevailing traditions and customs encourage women to give up their share of inheritance to male family members.⁶⁴ As previously noted (see "Autonomy, Security, and Freedom of the Person"), women who assert their inheritance rights sometimes risk physical harm.

Article 24 of the Basic Law mandates that public education be free to all citizens and compulsory through the basic level (up to the age of 12 or 13). As a practical matter, access to education for all Palestinians is restricted by the ongoing armed conflict and by the construction of the separation wall. The wall has negatively affected access to education for 48.4 percent of households located on its eastern side.⁶⁵

The literacy rate among women reached 89.8 percent in 2006, a nearly six-point increase from 2000, though a gender gap still exists. The literacy rate among men increased from 94.4 percent to 97.1 percent during the same period.⁶⁶ The more rapid growth in female literacy is a result of the efforts of the Ministry of Education and civil society organizations to advocate females' right to education, as well as an increased societal awareness of the importance of female education. Men now prefer educated wives who are able to help them earn a living, especially in light of the worsening economic situation. Boys drop out twice as often as girls during primary education, possibly to enter the workforce as manual laborers. However, at the secondary level, girls drop out slightly more often than their male counterparts, in part because girls are more likely than boys to marry at this stage.⁶⁷ Significantly more women than men attend the 20 universities and colleges that offer undergraduate degrees in the Palestinian territories;⁶⁸ families with means tend to send their male children abroad for higher education.⁶⁹ In fact, the ratio of women to men in local colleges and universities increased from 103.6:100 in 2004 to 122.3:100 in 2007.⁷⁰

Article 24 of the Basic Law grants the PA the authority to establish curriculums for public and private educational institutions. The Ministry of Education's official 1998 curriculum plan stated that equality and

equal learning opportunities “must be ensured without discrimination on grounds of race, religion, color, or sex.”⁷¹ And during the drafting of the new curriculum in 2001, the ministry declared that it intended “to avoid all forms of stereotyping on the basis of race, gender, disability or religion.”⁷² A 2006 study by UNESCO reported that the Palestinian curriculum portrayed nonstereotypical gender roles in several subjects, and reflected gender equality using a moderate, liberal-humanist approach.⁷³ However, it also noted that gender-segregated Islamic religion courses used textbooks that employed only masculine pronouns and included illustrations of covered women. Vocational education provided to women generally directs them toward stereotypically female roles, and even when courses for male-dominated vocations are open to girls, social norms render it difficult for girls to enroll.

Women are legally free to choose their profession, but they face social pressure, particularly from their family, to pursue work that is related to their future roles as mothers and caretakers. The Palestinian security forces have recently started to recruit women, but their numbers remain low.⁷⁴ Of the female Palestinian labor force, 46.2 percent worked in the service sector as of 2007, 36 percent worked in agriculture, 9.5 percent worked in mining or manufacturing, and 7.7 percent worked in restaurants, hotels, and commerce.⁷⁵ However, a 2004 survey classified 267,000 workers—male and female—as employers, self-employed, or unpaid family members, representing 45.7 percent of the workforce.⁷⁶ Although the statistics are not segregated by gender, most of the unpaid family members are thought to be female, especially in agricultural and home-based enterprises.⁷⁷

According to the PCBS, Palestinian women’s overall labor force participation rate rose from 13.4 percent in 2005 to 15.7 percent in 2007, with consistently higher rates in the West Bank than in Gaza.⁷⁸ The overall rate remains one of the lowest in the world and the Arab region. The increase in recent years may be due to the fact that more women are now educated and eager to work, while husbands feel unable to make ends meet on their own. More women have also been compelled to work because their male partners have been imprisoned, exiled, or killed. At 45.6 percent in 2007, the overall labor force participation rate for both men and women is low. The unemployment rate in Gaza is 35.2 percent; this is higher than the 24.5 percent rate in the West Bank because of Israeli restrictions and the boycott by major donors in protest of Hamas’s legislative victory.⁷⁹

Gender-based discrimination within employment is specifically prohibited under Article 100 of the Palestinian Labor Law (No. 7 of 2000).⁸⁰ Article 25 of the Basic Law guarantees all citizens the right to work, allows for the creation of labor unions, and grants the right to conduct strikes within the limits of the law. Despite these guarantees, the comparatively progressive labor law retains discriminatory provisions. For example, it does not cover domestic, agricultural, and informal labor, all of which feature higher proportions of female workers. The law also excludes places of work with fewer than five employees, and few means of proper enforcement are available. A gender-based wage gap persists, though it shrunk during the second intifada as men lost their relatively high-paying jobs in Israel and women kept their jobs in governmental and UN institutions located in the Palestinian territories.⁸¹

In addition to legal inequality, female workers deal with challenges in their personal lives that men do not face. Many Palestinian women are forced to take on increased family responsibilities after male family members are exiled, migrated, or are imprisoned in Israeli jails. Women's traditional role as family caretaker has also magnified the effects of Israeli measures like curfews, movement restrictions, demolitions, and land appropriations, making it even more difficult for female workers to carry out both economic activities and domestic duties.⁸²

The labor law provides a variety of gender-based protections for women, though cultural norms and delays in the establishment of planned labor courts restrict their practical benefits. For example, Article 103 grants 10 weeks of maternity leave to any woman employed for more than 180 consecutive days by the same employer. Article 103 also prohibits the dismissal of a woman on maternity leave unless it can be proven that she has worked somewhere else. For a year after giving birth, female employees are entitled to a one-hour nursing break during the workday. Under Article 105, women are eligible for an undefined period of leave without pay to care for their child or accompany their husbands abroad. However, some employers, particularly small businesses, selectively implement the laws or avoid hiring married women in an effort to evade these regulations. Although labor offices in various governorates send representatives to hear complaints and try to settle disputes amicably, enforcement suffers because of the ongoing lack of special labor courts.⁸³

There are no specific legal protections from sexual harassment in the workplace, despite calls for such a law by women's rights organizations

like the Palestinian Working Woman Society for Development (PWWSD) and the WCLAC. Accusations of sexual harassment are seldom made public because female victims are often stigmatized as a result.

While there are several organizations that lobby for women's political, social, and economic rights, no organizations are specifically dedicated to improving women's access to education. Nevertheless, there are several initiatives among women's organizations to assist female university students with their expenses.⁸⁴ A number of organizations, both Islamist and secular, attempt to provide women with income-generating opportunities, though these are usually traditional in nature. Since 1967, In'ash al-Usra in Al-Bireh has provided training in stereotypically feminine economic activities like tailoring, knitting, cooking, catering, and hairdressing.⁸⁵

Recommendations

- ❖ The government should ensure that all women have access to their full and equal inheritance rights. It should launch media campaigns that encourage women to demand their inheritance rights, and strict penalties should be imposed on those who force women to give up their share. Specialized female lawyers should be made available to women seeking assistance.
- ❖ The PLC should enact and provide for the enforcement of laws that ensure gender equality in labor rights and benefits. These may include stiff penalties for employers who avoid hiring or retaining married women, and tax incentives for employers who establish daycare facilities for their workers' children.
- ❖ The Ministry of Education should encourage girls to receive vocational training, for example by opening up vocational facilities to girls that were previously accessible only to males, and opening new facilities that utilize advanced industrial machinery, electronics, and information technology, including computer design software.
- ❖ In recognition of the fact that many women work in the agricultural sector, vocational training that concentrates on agricultural studies should be made accessible to women, especially those largely invisible female workers who work in family-owned enterprises.
- ❖ The PLC should draft and enforce laws that protect women against all forms of discrimination and harassment in the workplace. Perpetrators should be harshly penalized, and victims' identities should be protected.

Effective enforcement requires the PA to create labor courts and institute female-friendly policies therein.

- ❖ Labor unions should encourage a strong female presence, in part through a quota system setting aside 30 percent of seats in decision-making bodies, and advocate on behalf of labor issues that affect women specifically.

POLITICAL RIGHTS AND CIVIC VOICE

Women's access to and full enjoyment of civil liberties and political rights are affected by the economic, social, and cultural restraints placed on their lives within Palestinian society. Despite this, women continue to enjoy the freedoms of expression and assembly to a moderate degree. Progress in recent years has included the establishment of limited gender-based quota systems for legislative and municipal council elections. As a result, women's political participation has increased significantly, particularly at the local level. However, the political impact of women is muted by security issues, which often take precedence over women's demands for equal rights.

Equal voting rights are guaranteed under Article 26(3) of the Basic Law, which establishes universal suffrage and states that all Palestinians may vote, nominate candidates, and run for elections. Women living under the PA first exercised these rights in 1996, when the first PLC elections were held. Five female candidates were elected that year.

In preparation for the second PLC elections in 2006, a new electoral law (No. 9 of 2005) was adopted to expand the legislature from 88 to 132 seats.⁸⁶ Article 3 of the law established a mixed electoral system whereby 66 seats were filled through nationwide, party-list proportional representation and the other 66 through contests between individual candidates in multimember districts. On election day, each voter received two ballots: the first contained 11 nationwide party lists, and the second listed candidates in the voter's local constituency.⁸⁷ Article 4 of the electoral law required each party list to include at least one woman among the first three names, at least one woman among the next four names, and at least one woman in every five names thereafter.

Eight women from Fatah, six from Hamas, and one each from three smaller parties were elected in this way, and one female Fatah candidate won in the district races, raising women's overall representation in the PLC from 5.7 percent in 1996 to 13.6 percent in 2006.⁸⁸ Since 1994, women's

organizations, and especially the WATC, have been demanding a quota that would set aside 30 percent of the seats for women. The inclusion of the more limited party-list quota in the 2005 election law was the result of lobbying efforts by both women's rights organizations and the Ministry of Women's Affairs.

The mixed voting system was the key to Hamas's victory in the 2006 elections. After a unity government between Hamas and Fatah fell apart in 2007, President Abbas of Fatah appointed his own government and issued a decree nullifying the 2005 electoral law. This September 2007 decree—viewed by some as legally invalid⁸⁹—is in many ways similar to the 2005 law, including the provisions related to women's representation. However, under the new rules, all 132 PLC seats would be filled through the nationwide, party-list system.⁹⁰

The WATC, the women's committees it represents, and Miftah were very active in training candidates and drafting election guides for women, as well as in helping female candidates hold events in cities and villages to meet with potential voters. According to one account, a total of 12 women's organizations were actively involved in increasing women's representation.⁹¹ It is important to note that these civil society organizations may find it difficult to enter communities where Hamas is popular and conservatism is on the rise. Nevertheless, since the party-list quota system was established, it has become more acceptable for female politicians to meet with voters of both sexes and promote their candidacies.

Women's presence within the PA executive branch is minimal, and they hold few decision-making positions. A female activist—Samiha Khalil, founder of In'ash al-Usra—ran for president in the 1996 election, but longtime Palestinian leader Yasir Arafat won an overwhelming majority. No women ran in the only other presidential election held to date, which Abbas won in 2005. Currently, five women act as cabinet ministers. Their portfolios are education, culture, women's affairs, tourism, and social affairs.⁹² The Palestinian ambassadors to France, Belgium, Chile, Brazil, the Netherlands, and Portugal are also women; all were appointed in late 2005.

After the 1996 elections, a gender unit was established at the Ministry of Planning to coordinate the work of gender units in other ministries, with the objective of mainstreaming gender issues in PA institutions. The Ministry of Women's Affairs was established in 2003 after the WATC lobbied for its creation for nearly a decade. Its purpose is to address the gender gap found at all levels of society, amend existing laws, and introduce new

legislation that would improve the status of women. However, existing political conditions have made it impossible for the ministry to fulfill its mission. Since the Hamas electoral victory in 2006, four different ministers have led the Ministry of Women's Affairs,⁹³ and it has not been publicly active.⁹⁴ Its strategic plan of 2006 remains to be implemented, and aside from holding a conference on violence against women and participating with women's organizations in proposing legislative amendments, the ministry has registered few accomplishments.

Local elections were held in the Palestinian territories between 2004 and 2005, marking the first such voting since 1976 and improving women's ability to participate in civic issues and influence local policies. The election process began in December 2004 and was intended to continue, region by region, through five rounds. On December 1, 2004, after tireless lobbying by women's rights organizations, the PLC passed a quota law that reserved two seats for women in every municipal or village council. Following the quota's adoption, the number of female candidates jumped from 56 to 152 in a matter of days,⁹⁵ and 73 seats (roughly 17 percent of the total) were won by women in the first round, held in December 2004 and January 2005.⁹⁶ The second round was held in May 2005, and women gained 165 of 917 seats (18 percent); 103 of those women won outright and 62 won thanks to the quota.⁹⁷ Many of these candidates were trained by women's organizations on campaigning and advocacy skills.

Adding to this momentum, the Local Councils Election Law (No. 10 of 2005) was adopted on August 13, 2005, even though the election rounds had already begun.⁹⁸ Article 17 of the law established another gender-based quota system, reserving the minimum of two seats for women in local councils with up to 13 members, and requiring one female candidate to be placed among the first five names and a second among the following five names on party lists. For larger councils, party lists had to include a woman among the next five names as well. The third and fourth rounds of local elections were held in September and December 2005,⁹⁹ but plans for the fifth and final round were interrupted by the strife that broke out after Hamas's PLC victory. Nevertheless, by this time women had made their mark.

Women and men are generally free to assemble peacefully within the PA-administered areas, so long as they avoid Israeli checkpoints. Article 26(5) of the Basic Law guarantees the right to conduct public meetings, processions, and assemblies within the limits of law. Women are also entitled to free expression under Article 19 of the Basic Law, while

Article 27 guarantees freedom of all forms of media as well as for individual members of the media sector. Under Article 25 of the Jordanian Press and Publication Law (No. 16 of 1967), which remains in effect,¹⁰⁰ authorities have the right to close newspapers that are proven to be “harmful” to “general conduct” or “national feeling.” In order to march or demonstrate, groups must obtain permission from the PA, which is usually granted without difficulty. Conversely, Palestinian women who assemble in Jerusalem or near Israeli checkpoints to protest the human rights violations are often attacked, beaten, imprisoned, and occasionally shot at by the Israeli army and police.¹⁰¹ Women are free to access information via the Internet, though mostly through home connections; young men tend to predominate in public Internet cafes, especially the smaller facilities.

The tense domestic political situation and the rift between the West Bank and Gaza have focused the priorities of activists on national unity, peace, and security, meaning demonstrations regarding gender equality are deemed less important. Equality is regarded as an issue that can wait, whereas the ongoing violence and suffering associated with the Fatah-Hamas schism and the Israeli occupation have spurred women to mobilize and protest.¹⁰² Even the worsening economic situation has drawn attention away from fundamental women’s rights issues, raising concerns, for instance, about whether the government will be able to pay its employees. Nevertheless, women’s rights organizations continue to work on multiple fronts, linking their programs on gender equality with the situation on the ground. They emphasize the view that the realization of gender equality is a prerequisite for national liberation, and document the impact of Israeli human rights violations on women in particular. Palestinian women’s groups periodically present reports on the latter issue to various international bodies.

Palestinian women have been visible and effective in politics for decades, even if their representation has been low within formal political parties. In the most recent party elections in August 2009, however, no women were elected to Fatah’s Central Council, its main governing body, while 11 women were elected to the Revolutionary Council, Fatah’s 120-member legislative body. Women’s rights organizations have long insisted on a formal quota of 30 percent within all decision-making party bodies.¹⁰³

The WATC and Miftah continue to provide training for female candidates and young leaders on advocacy, communication skills, working with the media, preparation of a campaign, and presenting an argument to

voters. The political parties sometimes offer similar training, as do youth organizations like Taawon and Sharek.

Recommendations

- ❖ In accordance with the demands of the Palestinian women's movement, a 30 percent quota for female representatives should be established in the PLC and in all branches of government, including ministers, deputy ministers, general directors, and heads of units in ministries, offices, and diplomatic missions.
- ❖ The PA should support a training program designed to improve the leadership skills of women who already hold government positions, thereby preparing them for promotion to more senior posts.
- ❖ Women's organizations should hone their ability to influence women's votes, monitor the efficacy of elected female candidates, and hold them accountable for their performance in light of their campaign promises.
- ❖ Women's organizations should develop programs to provide financial support for the campaigns of female candidates, enabling them to compete on an equal footing with male opponents, including incumbents.
- ❖ Political parties, which remain primary vehicles for women's political engagement, should ensure that they present their male and female candidates in an equitable manner.

SOCIAL AND CULTURAL RIGHTS

Palestinian women continue to face challenges to their social and cultural rights. Problems including a high—though declining—fertility rate, early marriages, and poverty persist in society, particularly in Gaza. Women's health is affected by the lack of adequate local facilities and limited access to health care across the Israeli border. The health status of women is further compromised by continuing Israeli incursions and prevailing laws and customs that restrict women's ability to make free decisions regarding their reproductive rights.

Decisions regarding a woman's health and reproductive rights are subject to social and cultural pressures from her family and husband. Together, the West Bank and Gaza have the second-highest fertility rate in the Middle East, with 4.6 births per woman registered in 2007. Even this rate represents a drop from 2000, when there were 5.1 births per woman.¹⁰⁴

Only 50.2 percent of married women between the ages of 15 and 49 used contraceptive methods as of 2006.¹⁰⁵

Sociopolitical, cultural, and economic factors encourage women to bear multiple children. The pressure to get pregnant—preferably with male children—begins as soon as women get married. Multiple births are valued as a means of compensating for deaths related to armed conflict, and more children are traditionally perceived as bringing strength to the family. They are also seen as a means of discouraging polygamy.¹⁰⁶ The relatively young age at which women marry,¹⁰⁷ combined with their low labor force participation rate (see “Economic Rights and Equal Opportunity”), contribute to the high fertility rate and women’s increased dependence on men.

Abortion is not allowed in the Palestinian territories and is considered a crime unless the physical health of the mother is threatened by the pregnancy itself, as opposed to the circumstances surrounding the pregnancy. Consequently, abortions in instances of rape or incest—which put the pregnant woman at risk of becoming the victim of an honor killing—are impermissible.¹⁰⁸ Nevertheless, women’s organizations that assist victims of rape and incest have established a support network among physicians and gynecologists, who help the victims end unwanted pregnancies.

Beyond the limitations to their reproductive rights, women are generally able to make their own decisions regarding health care. Although they do not need permission from a husband or guardian to undergo medical procedures, economic factors limit their access to health care as a practical matter. The high cost of medical exams to detect osteoporosis, as well as breast and cervical cancers, lead women to postpone preventative exams until acute symptoms strike. As of 2004, only 20.4 percent of those aged 20 to 54 in the West Bank and 27.1 percent in Gaza had pap smear testing at least once every three years.¹⁰⁹ However, some health rights organizations have sporadically offered free screenings and exams in certain areas.

Access to health care is a problem for all Palestinians, male and female, and is worse in Gaza than in the West Bank due to Israeli military incursions, continued border blockades, and electricity cuts. The border closures in particular pose serious problems for the Palestinian health system and its ability to deliver care at appropriate levels. Of 124 people who have died in recent years because border blockades prevented them from receiving medication that was unavailable in Gaza, 43 were women and 24 were

children.¹¹⁰ In 2007, the infant mortality rate in the Palestinian territories was 23.9 per 1,000 births, down slightly from 24.4 in 2005.¹¹¹ According to the Ministry of Health, since September 2000, women in the West Bank who are about to give birth have needed between two and four hours to reach a hospital, whereas prior to the creation of the separation wall, the same trip would have taken them between 15 and 30 minutes.¹¹² Although 98.9 percent of births are attended by a skilled medical professional,¹¹³ the Palestinian Independent Commission for Citizens' Rights reported that 68 women had to give birth at checkpoints, and 34 infants and 4 women died, from September 2000 to July 2006.¹¹⁴ A study conducted by the UN Relief and Works Agency found that 34.3 percent of children in the West Bank and 54.7 percent of children in the Gaza Strip were anemic, as were 29.95 percent of mothers in the West Bank and 45.7 percent of mothers in Gaza.¹¹⁵ Female genital mutilation is not common in Palestine.¹¹⁶

The right to adequate housing is assured to all Palestinians under Article 23 of the Basic Law. However, most houses are registered in the name of the man, even if husband and wife worked together to purchase or build it. Recently, as a growing number of women move into cities to seek greater income-generating opportunities, more houses and apartments have been purchased or rented by single, divorced, or widowed women, and it has become more socially acceptable for such women to live on their own. However, social norms that favor male ownership of housing and female habitation with husbands or male relatives still prevail. Male ownership perpetuates women's economic dependence, since it is more difficult to obtain loans without property as collateral.

Women are able to participate in the media and influence portrayals of gender issues, particularly through written publications. A number of women occupy senior positions in media outlets. The editors in chief of Birzeit University's progressive newspaper, *Al-Hal*, and the newspaper *Al-Bayader al-Siyasi* are women,¹¹⁷ as is the deputy director of the Palestinian Broadcasting Corporation. Women's organizations have their own newspapers, such as *Sawt al-Nissa'* (The Voice of Women), published by the WATC in Ramallah; *Al-Ghaida'* (Beautiful Woman), published by the Women's Affairs Center in Gaza;¹¹⁸ and *Yanabee*, published by the PWWSD. The WATC also broadcasts a weekly radio program, *Did al-Samt* (Against Silence), on the official Palestinian radio channel, while the PWWSD runs a radio program entitled *Through the Eyes of Women*.

The WCLAC has established a Media Forum, which gives male and female journalists training on issues such as violence against women, gender and the media, and gender and law, so as to raise their consciousness regarding women's rights and present a more constructive discourse on women's issues. Female members of the media freely express their views, but seldom touch on issues related to sexuality. The one exception is the issue of honor crimes, which they oppose strongly and publicly.

Despite these achievements, many media outlets continue to discriminate against women and promote traditional gender roles. *Al-Quds*, the most widely circulated newspaper in the Palestinian territories, portrays women in a stereotypical way and publishes religious articles on how women should behave.

Women affiliated with Hamas have their own newsletters but not proper media outlets. Hamas has one newspaper, *Ar-Risala*, and one television station, *Al-Aqsa*. Although women under Hamas rule experience no official form of censorship, they tend to self-censor, expressing what is "appropriate under the prevailing economic and political situation" in an effort to avoid antagonizing the group.¹¹⁹ In the aftermath of Hamas's 2006 electoral victory,¹²⁰ many women have chosen to act and behave in an "appropriate" manner given the facts on the ground, and women's media outlets have consequently avoided a debate on the veil or on women's control over their own sexuality.¹²¹ In addition, Hamas has reportedly forced some girls and women to wear the veil, a practice they later denied. Women in the West Bank continue to have a greater degree of freedom than those in Gaza.¹²²

The rampant poverty present throughout the Palestinian territories especially affects the lives of women. In 2007, the poverty rate was 19.1 percent in the West Bank and 51.8 percent in Gaza. If only household income is counted, excluding remittances and food aid, the rate rises to 45.7 percent in the West Bank and 79.4 percent in Gaza.¹²³ However, 73 percent of female-headed households are likely to be so impoverished that they are unable to satisfy the basic needs of the household, as compared with 63 percent of similarly situated male-headed households.¹²⁴

Poverty affects more women than men in part because of discriminatory laws and traditions that limit women's access to employment, property through inheritance, and financial compensation upon divorce.¹²⁵ Women must deal with a labor market and legal system that favor men and are often unable to afford the childcare that would allow them to

pursue careers. Women also suffer greater health effects from poverty in households headed by men, as the health of the male breadwinner and the children takes precedence over that of the financially dependent mother.

Palestinian women's rights organizations in general tend not to tackle issues involving veiling and women's sexuality,¹²⁶ and are more vocal when addressing discrimination in economic or political rights. Nevertheless, secular women's rights activists continue to demand that the PA respect international conventions on gender-equality issues, which address the full range of women's social and cultural rights.

Recommendations

- ❖ The PA should increase its budget allocations and services for women's health programs, with a special focus on rural women.
- ❖ The international donor community should finance modern and adequate health services for women, concentrating on illnesses that are currently not treatable inside the Palestinian territories, such as osteoporosis and breast and cervical cancer.
- ❖ The Ministry of Health, in cooperation with Palestinian nongovernmental organizations, should ensure that mothers are provided with adequate prenatal and postnatal care, that women are educated about family planning, and that society is aware of the negative effects of early marriage on the health of women and girls.
- ❖ The Israeli government should ensure that Palestinian women have access to hospitals through checkpoints, lifting closures of Gaza's borders if necessary.
- ❖ The Ministry of Education and civil society organizations should cooperate to offer lectures and workshops that raise women's awareness of their social, health, and reproductive rights.

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NOTES

- ¹ Suheir Azzouni Mahshi, "A Free Palestinian, a Free Woman," *Palestine-Israel Journal of Politics, Economics and Culture* 2, no. 3 (1995).
- ² Israel claims sovereignty over East Jerusalem, though it is not internationally recognized.
- ³ Several marches for women took place in a number of Palestinian cities in 1994, calling for a quota of 30 percent in all decision-making bodies and the abolition of regulations requiring women to obtain the written consent of their guardians in order to obtain passports.
- ⁴ Ostensibly designed to prevent infiltration by Palestinian militants, the barrier extends roughly along the Palestinian side of the 1949 armistice line separating the West Bank from Israel. It sometimes veers deep into the West Bank to incorporate Jewish settlements.
- ⁵ B'Tselem, "Separation Barrier: Statistics," http://www.btselem.org/english/Separation_Barrier/Statistics.asp.
- ⁶ World Bank, "West Bank & Gaza: Country Brief," September 2008, <http://go.worldbank.org/Q8OGMLXI40>.
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- ⁸ Hannah Wright, "Listen to the Women of Palestine," [Guardian.co.uk](http://www.guardian.co.uk), August 13, 2009, <http://www.guardian.co.uk/commentisfree/2009/aug/13/palestinian-women-fatah>.
- ⁹ Diaa Hadid, " Hamas 'Virtue Campaign' Aims to Make Gaza More Islamic," *Huffington Post*, July 28, 2009, http://www.huffingtonpost.com/2009/07/28/hamas-virtue-campaign-aim_n_246046.html.
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- ¹² According to the Palestinian Central Bureau of Statistics (PCBS), a total of 5,901 Palestinians were killed between the years 2000 and 2008, and 332 of those were women. For more information see PCBS, "Killed Palestinians (Martyrs) in Al-Aqsa Uprising (Intifada), by District of Residence, Age Group and Sex, September 29, 2000–December 31, 2008," http://www.pcbs.gov.ps/Portals/_pcbs/intifada/9a4af320-4ea9-4fb9-9dc6-a0e9eafe5bc8.htm.
- ¹³ The amended Basic Law of 2003 is available in English at <http://www.palestinianbasiclaw.org/2003-amended-basic-law>. For the 2005 amendments, see <http://www.palestinianbasiclaw.org/2005-amendments>.

- ¹⁴ Article 115, Basic Law.
- ¹⁵ See Article 193 of the third draft of the Constitution of the State of Palestine (March 7, 2003, revised March 25, 2003), <http://www.jmcc.org/documents/palestineconstitution-eng.pdf>. The process of drafting a constitution in preparation for statehood began in 1999 under the instruction of the Palestinian Liberation Organization (PLO) Executive Committee. The first draft was completed in February 2001, just as negotiations with Israel collapsed. See Asem Khalil, *Which Constitution for the Palestinian Legal System?* (Rome: Pontificia Università Lateranense, 2003), 98–100, http://www.profpito.com/Th_se_Lateran_Compl_te.pdf.
- ¹⁶ Between 1949 and 1967, Egypt governed the Gaza Strip and Jordan governed the West Bank, leaving legal legacies that have persisted as the territories' status remains unresolved.
- ¹⁷ A presidential decree in 1993 established the Palestinian Independent Commission for Citizens' Rights (PICCR), with a mandate to ensure respect for citizens' rights in Palestine. For more information, see the commission's website, <http://www.piccr.org/about/about.html>.
- ¹⁸ Camilia El-Solh and Nadia Hijab, *Women's Economic Rights in the South Mediterranean Region: A Comparative Analysis of Laws, Regulations and Practice* (Egypt: Euromed, 2008), 35, <http://www.roleofwomenineconomiclife.net/downloads/EcoRightsAcomparativelegalEnglish.pdf>.
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