

PALESTINIAN AUTHORITY

1. Discriminatory family code

Personal Status Laws are based on religious laws inherited from Jordan (the 1976 Personal Status Law, applicable in the West Bank) and Egypt (the unmodified 1954 Family Law, applicable in Gaza).¹ These laws are inspired by the Hanafi School of Islamic jurisprudence.² In both cases, these laws contain discriminatory provisions in the areas of marriage, divorce, child custody and inheritance.³ Matters relating to personal status are handled by state-administered *sharia* courts for Muslims, presided over by the Chief Justice of the Higher Sharia Court, and ecclesiastical courts for Christians.⁴ Personal status matters of Christians in the Palestinian Authority are governed by, inter alia, the Personal Status Law for Orthodox Christians and the Personal Status Law of the Coptic Orthodox Church of 1938.⁵

Within the West Bank, the **legal age for marriage** is 15 for girls and 16 for boys; in Gaza, it is 17 for girls and 18 for boys.⁶ According to data from the UN, in 2007, 6% of girls aged 15 to 19 years old had been married.⁷ Overall, prevalence of **early marriage** appears to be declining.⁸ There are limited reports that in Gaza, courts have concluded marriages without knowing the girls' real age, and that impoverished fathers have forced their teenage daughters to marry to rid themselves of the financial burden of meeting the girls' living needs.⁹ In addition, reportedly, a judge has the authority to permit a minor to marry if he deems the marriage in the minor's best interest. It has been noted that girls as young as nine years and boys as young as 12 years of age may be wed in this manner, despite the fact that Jordanian Penal Law, applicable in the West Bank, penalises conducting or facilitating a marriage contract for girls below 15 years of age. Under Egyptian Family Law, applicable in Gaza, a judge may conduct a marriage of an underage girl if he assumes it is 'suitable' for

¹ Azzouni (2010) p.360

² UNDP (2011) p. 22

³ Azzouni (2010) p.360

⁴ Azzouni (2010) p.364

⁵ UNDP (2011) p. 22

⁶ Azzouni (2010) p.369

⁷ United Nations (2009)

⁸ United Nations Population Division / DESA (2008); Rashad et al (2005) p.3

⁹ Abou Jalal (2013)

her.¹⁰ Women cannot marry without permission from their closest male relative on the paternal side.¹¹

Analysis of Islamic Personal Status Laws, undertaken by Uhlman, reveals a discrimination against women with regards to **parental authority**.¹² Fathers are considered to be the natural guardians of children, whereas women are merely physical custodians.¹³ In the event of divorce, mothers normally have the right to physical custody of sons until the age of ten and of daughters until the age of 12.¹⁴ These periods can be extended by a judge, but divorced women forfeit custody rights if they remarry.¹⁵ Under Jordanian Personal Status Law, Christian women divorced from Muslim men are entitled only to limited custody over their children, with a status similar to that of a Muslim grandmother or aunt. Under the law applicable in the West Bank, a *sharia* court can void a mother's right to custody for failing to raise her children in accordance with religious principles.¹⁶ It was reported that in Gaza, in cases where wives lost their husbands in conflict, widows were threatened with losing custody of their children (and being thrown out of their houses) if they refused to marry their late husbands' brothers.¹⁷

Sharia law provides for detailed and complex calculations of **inheritance** shares.¹⁸ Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members.¹⁹ However, their share is generally smaller than that to which men are entitled.²⁰ Daughters, for example, inherit half as much as sons.²¹ Women are sometimes pressured into transferring their entire inheritance to their brothers or other male relatives.²² Reports have found some occurrences of women killed when attempting to assert their inheritance rights.²³

More

Muslim men under Palestinian *sharia* courts are able to repudiate their wives, i.e. **divorce** them unilaterally, whereas women are only able to initiate divorce under certain limited circumstances (including illness and desertion).²⁴ In all cases, a woman must show evidence of the harm she suffered, and the judge ultimately decides on whether to grant her a

¹⁰ Jallad (2012) p. 11

¹¹ Azzouni (2010) p.368

¹² Uhlman (2004)

¹³ Uhlman (2004)

¹⁴ Azzouni (2010) p.370; Egyptian Family Law (Article 118); Jallad (2012) p. 13

¹⁵ Azzouni (2010) p.370; Article 156 of the Jordanian Personal Status Law

¹⁶ Jallad (2012) p. 13

¹⁷ Sanders (2010)

¹⁸ UN-HABITAT (2005) p.11

¹⁹ UN-HABITAT (2005) p.11

²⁰ UN-HABITAT (2005) p.11

²¹ UN-HABITAT (2005) p.11

²² Azzouni (2010) p.374

²³ Azzouni (2010) p.371

²⁴ Article 67, 88, 92, etc. of the Egyptian Family Law and Articles 38, 102, 120, 127, etc. of the Jordanian Personal Status Law

divorce.²⁵ Muslim women can specify additional circumstances for divorce and child custody in their marriage contracts, but societal pressure generally discourages these arrangements, making them rare in practice.²⁶ The only other option for a woman wishing to divorce is to obtain a 'khula' divorce, whereby the wife sacrifices her dowry and financial maintenance;²⁷ however, the divorce cannot be obtained without the husband's consent.²⁸ Depending on the judge and court, in practice, some women may be able to achieve rulings in their favour by utilizing legal loopholes and textual ambiguities.²⁹

Orthodox and Protestant Christian women are able to obtain divorces under certain circumstances. Azzouni reports that, '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.' The conditions for an Orthodox Christian woman to initiate a divorce are unclear. It is also unclear if the circumstances for divorce under the Protestant Church in Palestinian Authority, such as adultery, discriminate by gender. Catholic men and women in the Palestinian Authority equally have no right of divorce. In practice, some have converted to another Christian denomination to obtain a divorce.³⁰

2. Restricted physical integrity

In 2011, a draft of the Penal Code was submitted to the Palestinian Authority by the Palestinian civil society. The draft, still to be ratified, would provide women with more significant protection against gender violence and would bring Palestinian legislation in line with international standards.³¹

At present, there are no laws to protect women from **domestic violence**.³² It is criminalized neither under the Jordanian Penal Code (1960), applicable in the West Bank, nor under the Penal Code (1936), applicable in Gaza.³³ Prevalence is thought to be high, exacerbated by difficult living conditions.³⁴ The 2011 PCBS survey showed that 37% of women who were ever married were exposed to violence by their husbands in the past 12 months; 30% in the West Bank compared to 51% in Gaza. 24% were exposed to physical violence and 12% to sexual violence by their husbands. Nearly half of the women surveyed in the West Bank and more than two-thirds in Gaza reported facing "psychological violence" from their husbands at least one time in the past 12 months. The PCBS found that less than 1% of women who experienced domestic violence filed a formal police complaint.³⁵ Victims face pressure from

²⁵ Azzouni (2010) p.370; Tabet (2005) p. 24; UNDP (2011) p.24; Jordanian Personal Status Law (1976), Article 19 and Egyptian Family Law (1954), Article 42

²⁶ U.S. State Department (2013) p.73

²⁷ Azzouni (2010) p.370; Tabet (2005) p. 24; Personal Status Law no. 1 (2000), Article 20

²⁸ Azzouni (2010) p.370

²⁹ UNDP (2011) p. 27

³⁰ Azzouni (2010) p.370

³¹ Al-Haq (2014)

³² Azzouni (2010) p.367

³³ Jallad (2012) p. 10

³⁴ Housing and Land Rights Network / Habitat International Coalition, United Nations Office of the High Commissioner for Human Rights (2004),p.87

³⁵ Palestinian Central Bureau of Statistics (2012) p. 23

their families and wider society not to report abuse for fear of bringing shame on the family.³⁶ Lack of economic independence and fear of social ostracism also leave women wishing to escape an abusive relationship with few options.³⁷ Moreover, the law of Penal Procedure no. 3 (2001) does not guarantee the confidentiality of trials and investigations involving cases of domestic violence.³⁸

Attitudinal surveys in the Palestinian Authority conducted in 1998 revealed that husbands tended to justify wife beating under various circumstances, and while one-third of women believed there was no excuse for a man to beat his wife, 39% of women justified wife beating under several conditions.³⁹ In addition, the police and judiciary tend to see domestic violence as a private matter, and are reluctant to intervene, and Palestinians' trust in the courts and law enforcement agencies is usually low.⁴⁰ Three shelters for victims of domestic violence are in operation in the West Bank; there are none in the Gaza Strip.⁴¹

Rape is criminalized in the Palestinian Authority, but the law does not recognise spousal rape.⁴² Statutory rape is a felony based on the Jordanian Penal Code (1960), with the age of consent at 18. Punishment for raping a minor under the age of 15 includes a minimum sentence of seven years.⁴³ In the West Bank, the law on rape discriminates between virgins and non-virgins, providing for an increased sentence "by one third or one half" if the rape victim is a virgin.⁴⁴ The law in Gaza sets the maximum penalty for rape at 14 years.⁴⁵ While Gaza's law prohibits sex with a youth under 16 years-old, a lighter sentence may prevail if the perpetrator is able to convince the court that, in the case of a female youth, she was perceived as being older than 16 years of age.⁴⁶ The law in both the West Bank and Gaza relieves a rapist of criminal responsibility if he marries his victim. In the West Bank, this is under the condition that the rapist stays married to his victim for three years if the crime was a misdemeanour or five years if it was felony.⁴⁷ Some female rape victims reportedly face pressure to marry their aggressors in order to preserve their families' 'honour'.⁴⁸

Rape and sexual assault often go unreported in the Palestinian Authority because of taboos against discussing sexual violence, especially incest.⁴⁹ For the West Bank, the Jordanian Penal Code (1960) does not classify incest as a type of sexual assault and considers both the

³⁶ ECOSOC (2003) p.190

³⁷ ECOSOC (2003) p.190

³⁸ Law of Penal Procedure no. 3 (2001); The Geneva Centre for the Democratic Control of Armed Forces and Women's Centre for Legal Aid and Counselling (2012) p. 2

³⁹ UNESCO (2010) p.5; OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

⁴⁰ ECOSOC (2003) p.190; Azzouni (2010) p.365

⁴¹ Azzouni (2010) p.371

⁴² Jordanian Penal Code (1960), Article 292(1); Jallad (2012) p. 7

⁴³ U.S. State Department (2013) p. 75

⁴⁴ Jordanian Penal Code No. 16 (1960), Article 301

⁴⁵ Egyptian Penal Law No. 58 (1936), Article 152(1)

⁴⁶ Jallad p. 7 ; Penal Code (1936), Article 152

⁴⁷ Jordanian Penal Code No. 16 (1960), article 308; Egyptian Penal Law No. 58 (1936), article 291; The Geneva Centre for the Democratic Control of Armed Forces and Women's Centre for Legal Aid and Counselling (2012) p. 4

⁴⁸ Jallad (2012) p. 9

⁴⁹ UNESCO (2010) p. 6

victim and perpetrator as offenders.⁵⁰ Only male family members may file incest charges.⁵¹ The Women’s Centre for Legal Aid and Counselling reported in 2005 that “most sexual assault against girls and women fall within the context of the family.”⁵²

No legislation protects women from **sexual harassment** either in general or in the workplace.⁵³ In the West Bank, the law prohibits “immoral advances” against both females and males, without defining the term.⁵⁴ NGOs reported that women are reluctant to report sexual harassment due to cultural taboos and fear of stigma. Moreover, women may be accused of having provoked men’s harassing behaviour.⁵⁵ In a 2011 survey on violence by the Palestinian Central Bureau of Statistics (PCBS), 3.9% of ever married women and 5% of never married women aged 18 to 64 years reported facing sexual harassment or abuse in a public place (street, shopping centre, public transport, school, workplace, etc.) by a non-family member in the past 12 months. For never married 18 to 29 year-olds, the rate was 9.4%.⁵⁶

It is reported that **female genital mutilation** (FGM) is practiced in Gaza, but there are no reports on the number of women affected.⁵⁷

More

There is no law in place preventing **trafficking** in persons.⁵⁸ There is some evidence of labour trafficking of adults and children, but the Palestinian Authority does not appear to be a source, transit or destination for trafficking in persons targeting women for commercial sexual exploitation.⁵⁹

So-called ‘**honour killings**’ of women are known to occur; prevalence appears to have increased in recent years.⁶⁰ There have been 25 killings of women and girls in the name of ‘honour’ in The Palestinian Authority in the first three-quarters of 2013, according to The Women’s Centre for Legal Aid and Counselling.⁶¹ The actual prevalence of such crimes may be higher as most go unreported.⁶² There are some reports of women and girls who have been raped being killed by relatives, in order to protect the family’s ‘honour’, and of Christian women killed because they married Muslim men.⁶³

⁵⁰ The Geneva Centre for the Democratic Control of Armed Forces and Women’s Centre for Legal Aid and Counselling (2012) p. 2

⁵¹ Jordanian Penal Code No. 16 (1960), article 286; UNDP (2010-2) p. 46

⁵² UNESCO (2010) p. 6

⁵³ Azzouni (2010) p.377; U.S. State Department (2012) p. 72

⁵⁴ Jordanian Penal Code (1960), Article 305; Jallad p. 8

⁵⁵ U.S. State Department (2013) p. 72

⁵⁶ Palestinian Central Bureau of Statistics (2012) p. 75, 134-5

⁵⁷ UNICEF (2005) p.3

⁵⁸ US Department of State (2010)

⁵⁹ US Department of State (2010)

⁶⁰ Amnesty International (2010) p.256; Azzouni (2010) p.365

⁶¹ Ma’an News Agency (Nablus) (2013)

⁶² Amnesty International (2010) p.256; Azzouni (2010) p.371

⁶³ Housing and Land Rights Network / HABITAT INTERNATIONAL COALITION, UNITED NATIONS Office of the High Commissioner for Human Rights (2004),p.93; Azzouni (2010) p.369

Under the Egyptian penal code, which is applicable in Gaza, perpetrators of honour crimes are accorded lenient sentences.⁶⁴ In the West Bank, the 'honour killing law' in the Jordanian Penal Code was amended in 2011 by Presidential decree with the removal of protection and leniency for perpetrators of such crimes. The decree followed public protests after the discovery of the body of 21 year-old Aya Barde'a, who had been missing for a year. It was revealed that she was killed by her uncle in the name of family 'honour', possibly based on (unsubstantiated) suspicions that she had had sexual relations with a man.⁶⁵ However, some NGOs argued the amendment was inadequate, because other relevant articles of the law remain intact.⁶⁶ For example, there is a remaining article that would allow Palestinian courts to rule in favour of a father who kills his child based on the notion of "local customs," and another one that allows for reduced sentences in the name of "honour" in cases where the perpetrators were judged unable to "control their anger."⁶⁷ After a man stabbed his wife to death in broad daylight on a busy street in Bethlehem in July, 2012, protesters took to the streets to demand further changes to the law.⁶⁸ Palestinian women's organizations are now pressing for the removal of all other laws that allow honour to be a mitigating circumstance for murder.⁶⁹

Abortion is only legal in cases where the pregnant woman's life is in danger.⁷⁰ Abortion is criminalised under Articles 321 through 325 of the Jordanian Penal Code (1960) with penalties extending to all individuals and medical personnel who assist in the abortion, in addition to the pregnant women herself.⁷¹

Azzouni reports that women face social and familial pressure to give birth to a large number of children, making it difficult to make independent decisions regarding **contraception**.⁷² The average percentage population growth in the Palestinian Authority is one of the highest in the world.⁷³ According to UNFPA, 50% of women questioned reported using some form of contraception (including so-called 'traditional' methods).⁷⁴ Access to healthcare in Gaza, including reproductive healthcare, is limited.⁷⁵ The Palestinian Authority Ministry of Health reported in 2012 that there were at least 147 family planning centres in the West Bank and at least 20 in Gaza.⁷⁶

⁶⁴ Azzouni (2010) p.365

⁶⁵ Hashayka (2012)

⁶⁶ U.S. State Department (2013) p. 71

⁶⁷ Articles 62 and 98 of the Jordanian Penal Code (1960); Economic and Social Commission for Western Asia (2012) p. 24

⁶⁸ U.S. State Department (2013) p. 71

⁶⁹ FSRN (2014)

⁷⁰ Azzouni (2010) p.383

⁷¹ Jallad (2012)

⁷² Azzouni (2010) p.383

⁷³ EuroMed Gender Equality Programme (2011) p. 14

⁷⁴ UNFPA (2010) p.97

⁷⁵ Amnesty International (2010) p.254; UNFPA (2010) pp.71-73

⁷⁶ U.S. State Department (2013) p. 72

3. Son bias

The 2014 estimates for the male/female **sex ratio** for the working age population (15-64) is 1.05 while the sex ratio at birth is 1.06 (it is the same male/female sex ratio in the West Bank and in Gaza).⁷⁷

There is evidence that **missing women** is of low concern in the Palestinian Authority due to elevated child sex ratios.

More

According to the United Nations Population Fund, under-five mortality rates are higher for boys than for girls.⁷⁸ Gender-disaggregated data for immunisation rates is not available, but overall, immunisation levels are very high, according to UNICEF (99%).⁷⁹ Gross primary school enrolment rates are equal for boys and girls (93%), while at secondary level, girls' enrolment rates (96%) are higher than boys (91%).⁸⁰ Female students also outnumber males in most colleges and universities, although Azzouni reports that this is because families who can afford to often choose to send their sons abroad to study.⁸¹ The illiteracy rate for females is higher than for males: 6.4% compared to 1.8% in 2012, according to the PCBS.⁸²

4. Restricted resources and assets

Women have the legal right to **access land**, but female ownership is low because of social norms that limit women's economic activity.⁸³ A PCBS survey from 1999 indicated that only 5% of women owned (or shared ownership of) a piece of land.⁸⁴ While updated national statistics on land or property ownership are unavailable, a survey of 80 women and 50 men conducted in 2005 by researchers at the Institute of Women's Studies at Birzeit University revealed that 8% of men compared to 2.5% of women surveyed owned land.⁸⁵ They concluded that there may be a stigma associated with land and property ownership by women.⁸⁶

Women have the legal right to **access non-land assets**, but female ownership is low because of social norms that limit women's economic activity.⁸⁷ A PCBS survey from 1999 indicated that only less than 7.7% of women owned (or shared ownership of) property other than land.⁸⁸ However, reportedly it has become more common in recent years for women to rent or purchase houses or apartments on their own, particularly if they are divorced or

⁷⁷ Central Intelligence Agency (2013)

⁷⁸ UNFPA (2010) p.103

⁷⁹ UNICEF (2007) p.112

⁸⁰ UNICEF (2007) p.120

⁸¹ Azzouni (2010) p.374

⁸² Palestinian Central Bureau of Statistics (2013), 'The International Women's Day'

⁸³ Azzouni (2010) p.371

⁸⁴ Quoted in Azzouni (2010) p.373

⁸⁵ Kuttab, Nasser, and Mi'airi (2005) p.97

⁸⁶ Kuttab, Nasser, and Mi'airi (2005) p.98

⁸⁷ Azzouni (2010) p.371

⁸⁸ Quoted in Azzouni (2010) p.373

widowed.⁸⁹ The researchers at Birzeit University, referenced above, also found that 18% of men compared to only 5% of women surveyed owned a house.⁹⁰

Palestinian law does not recognize the concept of shared marital property. Husbands are seen as bearing responsibility for meeting the basic needs of the wife. Upon the end of a marriage following death or divorce, a wife's contribution to the accumulation of marital assets is not recognized, unless documented. These factors could reduce women's ownership of property in the Palestinian Authority.⁹¹

Women in the West Bank and Gaza Strip have legal **access to financial services**, including credit, and are free to dispose of their income independently. But as so few women own property or land, they lack the collateral needed to secure credit.⁹² In addition, in reality, women often do not have control over their own income, and social norms that see the husband as the head of the family and responsible for all financial activities related to it hinder them from engaging in economic activity and concluding financial contracts.⁹³

According to the World Bank, 10% of women aged 15 or older hold a bank account at a formal financial institution compared to 19% for men.⁹⁴

5. Restricted civil liberties

Families may restrict the movements and **access to public space** of their daughters out of concern for their security.⁹⁵ In Palestinian villages, there were reports that young women were unable to attend secondary school in cases when there was no nearby school for girls. When asked if free transport to the nearest girls' school would facilitate their attendance, many of these young women said their fathers would still have to be convinced to let them go.⁹⁶ Husbands may also seek to restrict the movement of their wives. In a 2011 PCBS survey, 11.1% of ever married women reported that their husbands tried to prohibit them from meeting their friends in the past 12 months.⁹⁷

Women also face formal restrictions in that government officials often require women to provide written permission from their male guardian in order to apply for a passport, even though this is not legally required.⁹⁸ The Women's Citizenship Rights Campaign (1995-1996) was a coalition of women's groups that sought to abolish the restrictions put on women's access to legal documents, via petitions, manifestations and media campaigns. The restrictions included the authorization of a guardian, the father, husband, son or brother, in order for women to get a passport.⁹⁹ In addition, as shown by Azzouni's study, Egyptian and Jordanian family laws applicable in the Palestinian Authority contain provisions that can

⁸⁹ Azzouni (2010) p.384

⁹⁰ Kuttab, Nasser, and Mi'airi (2005) p.97

⁹¹ UNDP (2011) p. 25

⁹² Azzouni (2010) p.373

⁹³ Azzouni (2010) p.373

⁹⁴ World Bank (2011)

⁹⁵ Azzouni (2010) p.372

⁹⁶ World Bank (2013) p. 38 ;

⁹⁷ Palestinian Central Bureau of Statistics (2012) p. 55

⁹⁸ Azzouni (2010) p.367

⁹⁹ "Leading to Choices - Palestinian Women's Citizenship Rights Campaign" (2013) - Video

force a woman to return to the house of her husband, should she have left him against his will.¹⁰⁰

When Hamas took full control of Gaza in 2007, it issued decrees that would police women's access to public space. These decrees were later retracted, but reports indicated that in practice, they are often still enforced.¹⁰¹ Authorities in Gaza harassed women for "un-Islamic" behaviour, including being in public after dark and walking with an unrelated man. Hamas' "morality police" punished women for riding motorcycles, smoking cigarettes or water pipes, not veiling, and dressing "inappropriately."¹⁰² According to Freedom House, Hamas explicitly barred women from wearing trousers in public and declared that all women must veil in public buildings, though these and other such controls on women's behaviour were enforced less frequently in 2012 compared to the preceding few years.¹⁰³ Even before Hamas' rise to power, some women were reportedly threatened with acid attacks in Gaza for not veiling in public.¹⁰⁴

Palestinian women and men have equal voting rights and the same right to stand for election,¹⁰⁵ and there are **quotas** at both national and sub-national levels. Article 4 of the 2005 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.¹⁰⁶ In addition, all major political parties have minimum quotas for women in their governing bodies.¹⁰⁷ In 2006, 12.9% of those elected to the Palestinian Legislative Council (PLC) were women.¹⁰⁸ A quota system has also been established to increase the participation of women in the Parliament and on local councils.¹⁰⁹ However, overall there are few women in senior decision-making positions in the Palestinian Authority.¹¹⁰ In 2011, the first woman secretary general of a political party was elected. As of 2013, 5 of 21 cabinet members of the Palestinian Authority are women.¹¹¹ In 2009, following pressure from women's rights organizations, for the first time, two women were appointed as judges of Palestinian *sharia* courts. These courts rule on personal status matters, such as marriage, divorce, child custody, and alimony.¹¹²

In Gaza, women are members of Hamas; however, they have little influence over decision-making. There are no women on Hamas's top body, the political bureau. Nonetheless, women play an active role in grassroots activities under the Hamas banner, including through offering lessons in neighborhood mosques, running associations that cater to social

¹⁰⁰ Azzouni (2010) p.367

¹⁰¹ El-Naggar (2010)

¹⁰² U.S. State Department (2013) p. 73

¹⁰³ Freedom House (2013), 'Gaza Strip'

¹⁰⁴ Sanders (2010)

¹⁰⁵ Azzouni (2010) p.378

¹⁰⁶ Azzouni (2010) p.378

¹⁰⁷ World Bank (2013) p. 9

¹⁰⁸ Azzouni (2010) p.366

¹⁰⁹ UNDP (2009)

¹¹⁰ Azzouni (2010) p.378

¹¹¹ World Bank (2013) p. 9

¹¹² Euromed Gender Equality Programme (2011) p.29

needs, providing healthcare through private clinics and offering jobs to devout followers. They also rally other women to vote for Hamas.¹¹³

More

There are a large number of active **women's rights organisations** in the Palestinian Authority, campaigning on a range of issues, including pressing for changes to discriminatory legislation, the introduction of legislation covering domestic violence, and in support of women's personal autonomy and security.¹¹⁴ Among the most prominent among them are the Women's Affairs Technical Committee and the Women's Centre for Legal Aid and Counselling.¹¹⁵

Hamas security forces reportedly ransacked the offices of certain women's organisations in Gaza, where women's rights activists reported being afraid to speak out. There were reports that Hamas forces also attacked or destroyed the property of some women's rights activists.¹¹⁶ In the West Bank, security forces reportedly cracked down on certain Islamic social organizations, including women's groups, suspected of ties to Hamas. Among these organizations were those that provided both religious and secular education and training to women and girls.¹¹⁷

According to the PCBS, in 2010 30% of journalists in the Palestinian Authority were female and 10% of editors. While the proportion of female journalists was similar for the West Bank and Gaza (28.6% and 33.4% respectively), women comprised 0% of editors in Gaza, compared to 12% in the West Bank.¹¹⁸ In 2013, women reportedly comprised 20% of the Palestinian Journalists' Syndicate (PJS) in the West Bank, a professional union linked to the International Federation of Journalists. In 2013, Birzeit University's Media Development Center opened a gender unit in partnership with the PJS.¹¹⁹

In 2010, a female radio station, "Radio Nisaa," was established in the West Bank with the aim of empowering Palestinian women. The station features success stories of Palestinian women, while also raising awareness about violence against women among other issues of concern. Reportedly, almost one in ten people living in the Palestinian Authority listens to the station.¹²⁰

The PJS in Gaza did not allow female membership, as of a 2010 report. That year, dozens of female journalists held a rally outside the PJS office in Gaza City, demanding membership be available to women. A case study by UNIFEM Gaza in conjunction with the Al-Kawthar Centre between 1995 and 2005, showed that 79% of all female media work in Gaza reinforced stereotypes of women. Male editors are reportedly more likely to accept writing

¹¹³ El-Naggar (2010)

¹¹⁴ Azzouni (2010) pp.366, 371, 381

¹¹⁵ B'Tselem

¹¹⁶ Wright (2009)

¹¹⁷ Kjølsvædt (2011)

¹¹⁸ Palestinian Central Bureau of Statistics (2011) p. 69

¹¹⁹ Birzeit University (2013)

¹²⁰ Peacock (2013)

by female journalists on entertainment and cosmetics than on issues pertaining to women's rights, such as domestic violence.¹²¹

In 2011, eight female Palestinian journalists alleged that Hamas beat and tortured them and confiscated some of their cameras and laptops. These journalists were covering rallies in favour of reconciliation between the group and Fatah to establish a Palestinian unity Government. The Hamas Government later apologized for the attacks. It is unclear if the reporters were targeted specifically because of their gender.¹²²

Discrimination in **employment** on the basis of gender is prohibited under the Palestinian Labour Law. Women are entitled to 10 weeks' paid **maternity leave**.¹²³ There are no legal restrictions on women's choice of careers, but women can face pressure from their families not to pursue certain careers.¹²⁴ Permits are required for Palestinians who wish to work in a non-contiguous territory, and families prefer to put men forward to apply for such permits, limiting women's employment opportunities.¹²⁵ According to focus group discussions led by the World Bank in 2011, women and men in the Palestinian Authority widely agreed that it would be unlikely for a woman to accept any job offer requiring her to undertake a distant commute, since it could expose her to sexual harassment if she is un-chaperoned, and could also interfere with her household duties.¹²⁶ In a 2011 PCBS survey, 10.9% of ever married women reported that their husbands prohibited them from working against their will, and 7.4% said their husbands forced them to quit their jobs in the past 12 months.¹²⁷

The gap in labour force participation between women and men in the Palestinian Authority is large, exhibiting one of the lowest workforce participation rates of women in the world, particularly in Gaza.¹²⁸ In the last quarter of 2012, the labour force participation rate was 69% for males compared with 18% for females.¹²⁹ However, there have been more women entering the workforce since 2004 when the participation rate for women was 12.8%: 9.2% in Gaza and 14.7% in West Bank.¹³⁰

Women lawyers reportedly face discrimination, including significant disadvantages in entering state institutions and private legal practices. As of 2010, only 13% of registered legal professionals in the West Bank were women, and only 12% of judges.¹³¹ Although female students may outnumber male students at Palestinian universities, female students reported discrimination by university administrators, professors, and their male peers.¹³²

¹²¹ Frykberg (2010)

¹²² Abu Toameh (2011)

¹²³ Azzouni (2010) p.376

¹²⁴ Azzouni (2010) p.374

¹²⁵ Azzouni (2010) p.368

¹²⁶ World Bank (2013) p. 14

¹²⁷ Palestinian Central Bureau of Statistics (2012) p. 55

¹²⁸ U.S. State Department (2012) p. 73

¹²⁹ Palestinian Central Bureau of Statistics (2013) p. 5

¹³⁰ UNDP (2004) p. 57

¹³¹ UNDP (2010-2) p. 48; UNICEF (2011) p. 3

¹³² U.S. State Department (2013) p. 73

Women cannot confer **citizenship** to their children.¹³³

¹³³ Azzouni (2010) p.363

Sources

- Abou Jalal, R. (2013) 'Forced Marriages Continue in Gaza', *Al-Monitor*, 8 August 2013, <http://www.al-monitor.com/pulse/originals/2013/08/underage-marriage-child-palestinians-gaza.html> (accessed 9 October 2013).
- Abu Toameh, K. (2011) 'Gaza cops use "beatings, stun guns" on women reporters', *Jerusalem Post*, 8 March 2011, <http://www.jpost.com/Middle-East/Gaza-cops-use-beatings-stun-guns-on-women-reporters> (accessed 24 October 2013).
- Al-Haq (2014), Al-Haq Urges the Palestinian Authority to Ensure Equality for Women, 8 March 2014, <http://www.alhaq.org/advocacy/topics/palestinian-violations/786-al-haq-urges-the-palestinian-authority-to-ensure-equality-for-women> (accessed 1 October 2014).
- Amnesty International (2010) *Amnesty International Report 2009, State of the World's Human Rights*, London: Amnesty International.
http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf (accessed 8 November 2010).
- Azzouni, Suheir (2010) 'Palestine – Palestinian Authority and Israeli-Occupied Territories' in Sanja Kelly and Julia Breslin, eds., (2010) *Women's Rights in the Middle East and North Africa*, New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield.
- B'Tselem (n.d.), 'Human Rights Links: Palestinian Sites', <http://www.btselem.org/printpdf/48061> (accessed 25 October 2013).
- Birzeit University, 'Media Development Center, Journalists Syndicate Open a Gender Unit', 25 March 2013, <http://www.birzeit.edu/news/media-development-center-journalists-syndicate-open-gender-unit> (accessed 25 October 2013).
- Central Intelligence Agency (2013) *The World Factbook: Sex Ratio*, available at <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 1 October 2014).
- Economic and Social Commission for Western Asia (2012), 'Social and Economic Situation of Palestinian Women: January 2011-June 2012', E/ESCWA/ECW/2012/Technical Paper.2.
- El-Naggar, M. (2010) 'Peeking Out From Under Hamas's Veil', *New York Times*, 7 September 2010, http://www.nytimes.com/2010/09/08/world/middleeast/08iht-letter.html?_r=0 (accessed: 22 October 2013).
- Emory University School of Law, Palestine/Palestinian Territories of West Bank and Gaza Strip, www.law.emory.edu/ifl/legal/palestine.htm (accessed 6 March 2011).
- Euromed Gender Equality Programme (2011), 'National Situation Analysis Report: Women's Human Rights and Gender Equality: Occupied Palestinian Territory' http://www.enpi-info.eu/files/publications/Situation%20Analysis_Report_OPT.pdf (accessed 22 October 2013).
- Freedom House (2010) *Freedom in the World Country Reports: Israeli-Occupied Territories*, online edition, <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7963> (accessed 6 March 2011).

Freedom House (2013) *Freedom in the World Country Reports: Gaza Strip*, online edition, <http://www.freedomhouse.org/report/freedom-world/2013/gaza-strip> (accessed 24 October 2013).

Frykberg, M. (2010) 'Gaza's Female Scribes Face Worse Than Discrimination', *Inter Press Service*, 15 February 2010, <http://www.ipsnews.net/2010/02/mideast-gazas-female-scribes-face-worse-than-discrimination/> (accessed 23 October 2013).

FSRN (2014), Palestinian women's organizations challenge "honor killings", 21 March 2014, <https://fsrn.org/2014/03/palestinian-womens-organizations-challenge-honor-killings/> (accessed 1 October 2014).

Hashayka, A. (2012) 'Amending Palestine's Laws for Honor Killings', *JURIST - Dateline*, 25 June 2012, <http://jurist.org/datetime/2012/06/abeer-hashayka-honor-killings.php> (accessed 22 October 2013).

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), (n.d.), country profile: Palestinian Territories, Occupied, <http://ilga.org/ilga/en/countries/PALESTINIAN%20TERRITORY,%20OCCUPIED/Articles> (accessed 6 March 2011).

Jallad, Z. (2012), 'Palestinian Women and Security: A Legal Analysis', The Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Kjøstvedt, H. (2011) 'Making women able to take care of themselves : Islamic women's organisations on the West Bank', *CMI Brief*, vol. 10 no. 8, Chr. Michelsen Institute, <http://www.cmi.no/publications/file/4206-making-women-able-to-take-care-of-themselves.pdf> (accessed 25 October 2013).

Kuttab, E. Nasser, R. Mi'airi, L. (2005) 'Meeting the Housing Needs of Palestinian Women and Men: Conclusions and Recommendations', *Review of Women's Studies* vol. 3, Institute of Women Studies at Birzeit University.

"Leading to Choices - Palestinian Women's Citizenship Rights Campaign" (2013) - Video (English), <https://www.youtube.com/watch?v=xrgprxX3B0I> (accessed 1 October 2014).

Ma'an News Agency (Nablus) (2013). '25 Palestinian women killed in 'honor' crimes in 2013', *Ma'an*, 22 September 2013, <http://www.maannews.net/eng/ViewDetails.aspx?ID=632119> (accessed 24 October 2013).

Palestinian Central Bureau of Statistics (PCBS) (2011), 'Women and Men in Palestine: Trends & Statistics, 2011' (Arabic), Palestinian National Authority, Ramallah http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1810.pdf (accessed 25 October 2013).

Palestinian Central Bureau of Statistics (PCBS) (2012), 'Violence Survey in the Palestinian Society, 2011: Main Findings', Palestinian National Authority, Ramallah.

Palestinian Central Bureau of Statistics (PCBS) (2013), 'Labour Force Survey: (October-December, 2012) Round, (Q4/2012): Press Report on the Labour Force Survey Results', Palestinian National Authority, Ramallah.

Palestinian Central Bureau of Statistics (PCBS) (2013), 'The International Women's Day 2013', 8 March 2013, <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=725&mid=3171&wversion=Staging> (accessed 25 October 2013).

Peacock, L. (2013), "How one tiny radio station hopes to change the way Palestine treats its women," *The Telegraph*, 11 December 2013, <http://www.telegraph.co.uk/women/womens-politics/10468934/Radio-Nisaa-How-one-tiny-radio-station-hopes-to-change-the-way-Palestine-treats-its-women.html> (accessed 12 December 2013).

Rashad, Hoda, Magued Osman, and Farzaneh Roudi-Fahimi (2005), *Marriage in the Arab World*, PRB (Population Reference Bureau), Washington DC. Available at http://www.prb.org/pdf05/MarriageInArabWorld_Eng.pdf (accessed 3 March 2011).

Sanders, E. (2010) 'Palestinian says women's rights forgotten in Gaza', *Los Angeles Times*, 27 June 2010, <http://articles.latimes.com/2010/jun/27/world/la-fg-gaza-feminist-qa-20100627> (accessed 22 October 2013).

Tabet, G. (2005) 'Women in Personal Status Laws: Iraq, Jordan, Lebanon, Palestine, Syria', *Social and Human Sciences Papers in Women's Studies / Gender Research*, no. 3, UNESCO, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Women_in_Personal_Status_Laws.pdf (accessed 24 October 2013).

Uhlman, K. (2004) 'Overview of Shari'a and Prevalent Customs in Islamic Societies: Divorce and Child Custody', *Expert Law*, http://www.expertlaw.com/library/family_law/islamic_custody.html (accessed 3 March 2011).

UNDP (2004) *Human Development Report Occupied Palestinian Territories*, http://hdr.undp.org/en/reports/national/arabstates/palestine/Occupied%20Palestinian%20Territories_2004_en.pdf (accessed 22 October 2013).

UNDP (2009) "Gendered Impacts of Violence, Insecurity and Disintegration in Palestine," Unpublished draft, 10 September 2009.

UNDP (2010a) *Human Development Report 2010: Occupied Palestinian Territories*, online edition, <http://hdrstats.undp.org/en/countries/profiles/PSE.html> (accessed 6 March 2011).

UNDP (2010b) *Human Development Report 2009/10 Occupied Palestinian Territories: Investing in Human Security for a Future State*, http://hdr.undp.org/en/reports/national/arabstates/palestine/NHDR_Palestine_En_2009-10.pdf (accessed 22 October 2013).

UNDP (2011) 'A Review of Palestinian Legislation from a Women's Rights Perspective' <http://www.undp.ps/en/newsroom/publications/pdf/other/womenrreview.pdf> (accessed 24 October 2013).

UNESCO Palestinian Women Research and Documentation Centre (2010), 'Violence against Palestinian Women & Girls Fact Sheet: A summary of findings', http://www.pwrdc.ps/site_files/Fact%20Sheet%20E%20-%20Womens.pdf (accessed 22 October 2013).

United Nations Development Programme (2011) *Human Development Report 2011*, available at http://hdr.undp.org/en/media/HDR_2011_EN_Complete.pdf, accessed 29 February 2012.

United Nations Economic and Social Council (ECOSOC) (2003) 'Integration of the Human Rights of Women and the Gender Perspective Violence Against Women Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2002/52 Addendum 1 International, regional and national developments in the area of violence against women 1994-2003', E/CN.4/2003/75/Add.1, ECOSOC, New York.

United Nations Population Fund (UNFPA) (2010) *State of the World's Population 2010. From conflict and crisis to renewal: generations of change*, UNFPA, New York.

The United Nations Human Settlements Programme (UN-HABITAT) (2005) 'Islam, land & property research series', Paper 6: Islamic inheritance laws and systems, Nairobi, Kenya. Available at www.unhabitat.org/downloads/docs/3546_3490_ILP%206.doc (accessed 10 February 2011).

UNICEF (2005) 'Changing a harmful social convention: female genital mutilation/cutting', *Innocenti Digest*, UNICEF Innocenti Research Centre, UNICEF, Florence.

UNICEF (2007) *State of the World's Children : the Double Dividend of Gender Equality*, New York: UNICEF <http://www.unicef.org/sowc07/docs/sowc07.pdf>.

UNICEF (2011) 'Occupied Palestinian Territory MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa', <http://www.unicef.org/gender/files/oPT-Gender-Eqaulity-Profile-2011.pdf> (accessed 23 October 2013).

United Nations Population Division / DESA (2009) World Fertility Report, Table A.5: Percentage of Ever Married by Age Group. Available to download at http://www.un.org/esa/population/publications/WFR2009_Web/Data/Meta_Data/EVER%20MARRIED%20WOMEN%20AND%20MEN.pdf (accessed 22 October 2013) US Department of State (2010) '2009 Country Reports on Human Rights: Israel and the Occupied Territories', <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm> (accessed 6 March 2011).

US Department of State (2013) '2012 Country Reports on Human Rights: Israel and the Occupied Territories', <http://www.state.gov/documents/organization/204575.pdf> (accessed 22 October 2013).

Women's Centre for Legal Aid and Counseling (WCLAC) and The Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2012), 'Palestinian Women and Penal Law: Policy Brief', Geneva and Ramallah.

World Bank (2011), Financial Inclusion Data: West Bank and Gaza, <http://datatopics.worldbank.org/financialinclusion/country/west-bank-and-gaza> (accessed 22 October 2013).

World Bank (2013), *Opening Doors: Gender Equality and Development in the Middle East and North Africa*, Washington, DC.

World Council of Churches (2003) 'Occupied Palestinian Territories: still home to Christians', 24 June 2003, <http://www2.wcc-coe.org/pressreleasesen.nsf/index/feat-03-09.html> (accessed 6 March 2011).

World Economic Forum (2010) 'The Global Gender Gap Index 2010 rankings', <http://www.weforum.org/pdf/gendergap/rankings2010.pdf> (accessed 22 November 2010).

World Economic Forum (2011) *The Global Gender Gap Report 2011*, available at http://www3.weforum.org/docs/WEF_GenderGap_Report_2011.pdf (accessed 2 March 2012).

Wright, Hannah (2009), "Listen to the Women of Palestine," *Guardian*, 13 August, 2009, <http://www.guardian.co.uk/commentisfree/2009/aug/13/palestinian-women-fatah> (accessed 25 October 2013).