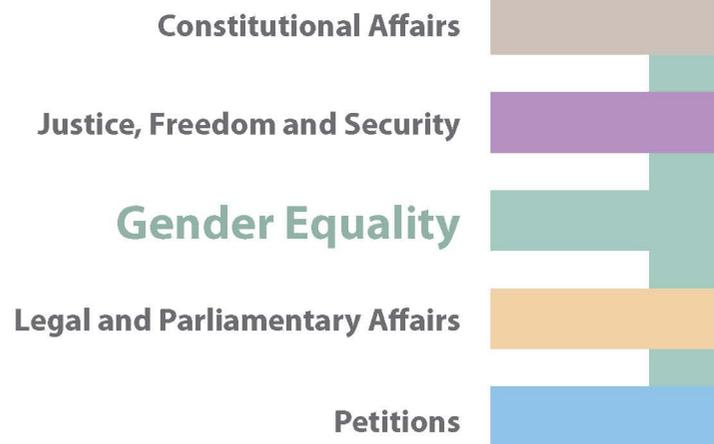


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# Gender Equality and Women's Rights in Palestinian territories

NOTE





DIRECTORATE GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS

GENDER EQUALITY

# Gender Equality and Women's Rights In Palestinian territories

## NOTE

### **Abstract**

This note gives an overview of women's rights and gender equality in Palestine. It introduces the main actors, and then provides information on women's status in the economic, educational, health, political, legal and cultural domain. It finds that, although advances have been made, women activists need to continue and be supported in their struggle against dual oppression from Israeli occupation and patriarchal control, if women's rights and gender equality are to be secured in Palestine.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

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## LIST OF ABBREVIATIONS

- CEDAW** Convention on the Elimination of All Forms of Discrimination Against Women
- DFLP** Democratic Front for the Liberation of Palestine
- GUPW** General Union of Palestinian Women
- IWC** International Women's Commission
- MOWA** Ministry of Women's Affairs
- NGO** Non-Governmental Organisation
- OCHA** Office for the Coordination of Humanitarian Affairs  
Occupied Palestinian Territory
- PA** Palestinian Authority
- PDP** Palestinian Development Plan
- PLC** Palestinian Legislative Council
- PLO** Palestinian Liberation Organisation
- PSL** Personal Status Law
- UNSCR** United Nations Security Council Resolution
- WATC** Women's Affairs Technical Committee

## 1. INTRODUCTION

Palestinian women's struggle for gender equality and women's rights is restricted by two main interrelated forces: the Israeli occupation, and internal patriarchal control. Women activists in Palestine are fighting simultaneously on two fronts for political (national) and social (gender) liberation. They remain sceptical of a feminist agenda that primarily focuses on individual and social gender empowerment and instead insist that gender inequality in their context stems not only from patriarchal oppression, but from poverty, economic dependency, continued political violence, insecurity and instability caused by Israeli occupation, siege and settler-colonial policies.

Israeli occupation policies of territorial (and political) fragmentation, spatial separation and mobility restrictions have systematically dispossessed, occupied and destroyed Palestinian living spaces, breaking up Palestinian territory into several unconnected and isolated cantons. Such policies of spatial control have a severe damaging impact on Palestinian economy (Roy, 2004), society, family and kinship organisation (Johnson, 2006), but also on women's activism. Women are not only divided geographically (between - and within - the West Bank, Gaza, East Jerusalem and the Diaspora), but, more importantly, their contexts and predicaments are widely varying: refugees, West Bank and Gaza 'citizens', East Jerusalemites and Palestinians with Israeli citizenship all have different access to rights. This wide variation and fragmentation complicates women activists' efforts to organise a united agenda. While the specificities of refugees and 'citizens' in the West Bank, Gaza and East Jerusalem will be drawn out, this note does not cover Palestinian women's rights and issues of gender equality inside Israel or the Diaspora.

Women's rights in Palestine thus cannot be dealt with in isolation; the impact that the occupation and political conflict have on women's legal, social, cultural, educational, economic and political status is crucial when looking for possible strategies to empower women. This is not to say that patriarchal structures and cultures are not a major concern for Palestinian women's activists. To the contrary, it highlights that women's empowerment in the Palestinian context and their struggle for equal rights is closely linked to their political and economic empowerment which can only be achieved by ending the Israeli occupation.

## 2. ACTORS

With the Oslo Accords the PLO moved from exile to the Occupied Territories and was established as an interim government, the Palestinian Authority (PA), in January 1994. After some years many Palestinians were disillusioned with both the Oslo process and the PA (see e.g. Rabbani, 2001). The peace process had neither brought independence nor justice, and continued annexation and occupation were worsening the economic situation. Both the secular right and the Islamists started to dominate the political and social sphere, marginalising the left which had been most active in supporting women's rights (particularly the Democratic Front for the Liberation of Palestine, DFLP).

Analysts tend to agree that patriarchal structures in Palestinian society were intensified under conflict and consolidated by the PA (Abdo, 1999; Amal, 2001). The PA is dominated by one person, the President, who monopolises executive, legislative and judicative power and can appoint high-ranking positions. This has led to mostly male Fatah members (the President's party) or male PA returnees from exile receiving appointments (Abdo, 1999). Such practises of political patronage and clientelism within the PA hinder women from equal participation as private patriarchy intrudes the public sphere in the process of state-building

(Amal, 2001). Today women activists in Palestine either work for change from within the PA, or organise their work on women's and feminist issues independently through NGOs.

## **2.1. The General Union of Palestinian Women (GUPW)**

The General Union of Palestinian Women (GUPW), dominated by middle and upper-class returnee women, was established in 1965 as a body within the PLO. It holds a strongly nationalist agenda, favouring changes from inside the institutional structures of the PA. As a nationalist political body, rather than a representative body of the Palestinian women's movement, it prioritises the national struggle over social gender change. Today the impact of the GUPW on women's political and social activism is of mainly symbolic value.

## **2.2. The Ministry of Women's Affairs (MOWA)**

In November 2003 the Ministry of Women's Affairs (MOWA) was established as a body of the PA. The Ministry seeks to ensure women's equal political representation and legal rights by centrally coordinating the efforts of governmental and non-governmental women's organisations, and refers to international conventions to support this claim. MOWA's importance lies in the fact that, as a central coordinating body with a national plan of action, it provides institutional support from the state for feminist activism. It is especially with regard to the two issues that are most central for gender equality in a future state - women's political representation and women's legal rights - that MOWA tries to follow up and support the persistent lobbying of NGOs and feminists.

## **2.3. Non-Governmental Organisations (NGOs)**

Many women activists (particularly from the left), who had established themselves as important social and political players through their committee work in the First Intifada (1987-1993), were wary of entering the PA structures and placing too much emphasis on nationalist goals, fearing that this might eventually relegate women's issues to the background. Instead, many founded their own independent feminist NGOs which often focus their work on strategic gender interests, lobbying the PA for women's equal political and civil rights, but also addressing taboo topics, such as domestic violence, honour crimes or the personal status laws (PSL). Among the more prominent women's organisation are the Women's Center for Legal Aid and Counselling (WCLAC), the Women's Studies Center, Miftah, the Jerusalem Center for Women, the Arab Women's Union and In'ash al-Usra.<sup>1</sup>

NGOs are mostly foreign-funded, often led by western-educated feminist activists and tend to promote participation in international feminist forums. As a result some NGOs receive criticisms from parts of Palestinian society. They are accused of belonging to the "globalised elite" (Hanafi and Tabar, 2005) who, removed from grassroots needs and priorities, follow foreign agendas which prioritise women's over national liberation. Such accusations are generally brought forward by nationalist and religious-political actors in order to strengthen their own political and social power. Nevertheless, the danger of 'NGOisation,' i.e. of NGOs replacing social and political movements (particularly women's - often voluntary - work in, and through, the women's branches of the political parties) and a resulting depoliticisation, fragmentation and professionalization of the women's movement is not to be dismissed.

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<sup>1</sup> The latter two are long-established charity organisations which are based on voluntarism and work predominantly on women's practical needs, rather than strategic gender interests.

## **2.4. The Islamic Women's Movement**

Women activists in the Islamic movement have emerged as important players in the Palestinian women's movement after Oslo, particularly in Gaza. The failure of the peace process has provided Islamic movements with fertile ground to widen their political and social influence and resulted in further polarisation between the nationalist secular and Islamic forces. Although women activists in the Islamic movement often represent themselves in stark contrast to what they denounce as 'westernised' secular NGO feminist activists, such a dichotomy does not represent women's actual political and social practices on the ground. It is true that women in the Islamic movement adopt an 'Islamic feminist' approach and advocate the re-interpretation of the religious texts from a women's or feminist perspective to reform the personal status laws (PSL, see point 6.3), but they do not act in complete isolation from other local and international women's agendas. The Islamic women's success also stems from their adoption of methods to mobilise ordinary women as practiced by the secular and left-wing women's committees during the First Intifada. Their gender agenda, too, is formed in interaction with, and reaction to, the secular feminist movement (Jad, 2005).

## **2.5. The Women's Affairs Technical Committee (WATC)**

The 1991-founded Women's Affairs Technical Committee (WATC) functions as an umbrella organisation uniting various women's groups and coordinating their social and political activism. In its early phase its main focus was to integrate gender issues in peace- and state-building. Towards the late 1990s, when it had become clear that the Oslo peace process would not materialise, WATC changed its agenda and focused predominantly on gendering the state-building process. WATC, together with the GUPW and some of the independent women's NGOs, has been organising campaigns on less controversial topics, such as women's practical needs or their political and civil rights. Although WATC has managed to build strong grassroots support, it has not succeeded in uniting the women's movement; the Islamic women's groups still do not form a genuine part of WATC.

The post-Oslo Palestinian women's movement thus is characterised by strong divisions, particularly around the issue of women's rights in the private sphere. Divisions are not just between religious-political and secular women's groups: The Islamic women activists and the WATC have mass support, but differ on their social agendas; feminist NGOs enjoy foreign financial backing, but sometimes lack legitimacy in Palestinian society; and MOWA and the GUPW are maintained by the PA and PLO, but their actual functions and impact on the women's movement are limited. Inherent in this split are fragmentations along the lines of class (with NGO workers forming a new foreign-funded elite), residence (with the urban elite exercising power over rural and camp women), legal status (with returnees and citizens being privileged over refugee women, and the camp emerging as a separate neglected entity), and religion (with the nationalist-secular activists denouncing and restricting Islamic women's work, and vice versa).

## 3. ECONOMIC RIGHTS

### 3.1. Labour

The World Bank puts the number of Palestinians living in poverty<sup>2</sup> at a little over 20% in 2009 (with Gaza's poverty rate at 33.7% being twice as high as that of the West Bank) (WB, 2011). Although no reliable data exist, female-headed households (which are estimated to be between 5-11% of all Palestinian households) are probably among the most vulnerable ones. Given high unemployment rates, women have had to devise multifaceted informal livelihood strategies and coping mechanisms to avoid aid dependency and family destitution (Abdo, 2006; WB, 2011).

Palestinian women face no legal barriers to enter the labour market as entrepreneurs or employees. But the new Palestinian Labour Law of 2000, although advanced compared to previous laws, still does not guarantee equal rights for women in the workplace. For example, the law does not include domestic, agricultural, and informal labour, i.e. the main sectors of female labour (Azzouni, 2010).

Between 1998 and 2009 female labour force participation was constantly below 16.6%, making it one of the lowest rates in the Middle East, and the world (WB, 2011). Female participation in the labour force in Gaza has traditionally been lower than in the West Bank. One factor causing this low female labour force participation might be cultural perceptions which expect men to act as breadwinners for the house. Such perceptions, however, are changing. Estimates show that widespread male unemployment pushes women into work: female workers are more likely to be employed if the head of household is unemployed (WB, 2011). Another obstacle is the lack of adequate services to help women balance work with their reproductive roles. Very few employers provide child-care services and although women are granted a maternity leave of 10 weeks by law, most businesses do not adhere to it and in practise avoid employing married women. In registered employment women earn an average daily wage of 60.7 NIS, compared with 81.3 NIS for men. Such wage differences are, however, not reflective of the true picture of women's discrimination in the labour market. Most women work in the informal sector or as unpaid family members (in family shops, agriculture, etc.) without any benefits or protection by the Labour Law. Only 9% of business owners are women, but they represent 82.7% of unpaid family labour compared to just 17.3% of men (ESCWA, 2009).

Women's small-scale business and income generation projects are often supported through microcredit financing. Furthering women's economic empowerment and addressing practical needs is crucial not only because it provides women with security and a livelihood, but also because the satisfaction of basic material needs should in itself be seen as a first step toward women's empowerment. In order to sustain women's advances, gained mainly through expanding economic practices, women need to, however, ensure that their acts are recognised as politically and socially significant through a change in gender norms, policies and discourses as well. Most importantly, economic support programmes can only temporarily alleviate women's dire economic situation. Their real economic, social and political empowerment is blocked by the occupation which results in massive economic losses, a barely functioning economic infrastructure and de-development (Roy, 2004; WB, 2011).

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<sup>2</sup> For a reference household of 2 adults and 4 children, the poverty line in 1997 was set at 1390 NIS, i.e. about 404 US\$ per month (WB, 2011).

### 3.2. Education

Education in Palestine is systematically obstructed by Israeli occupation policies. Between 2003 and 2005 28% of the Palestinian student population was affected by killings, injuries or arrests, and incursion and curfews have caused massive losses of school days (PMG, 2005). Female students often suffer from gender-specific intimidations and humiliations (for example being forced to take off their *hijab*) by soldiers at the checkpoints on their way to school or university.

Nevertheless, girls are catching up in education and literacy rates are improving for women. In 2002 the literacy rates among the 15-19 age group were 97.5% for girls and 96.6% for boys. For adults, women's literacy rate stands at 87.4% and men's at 96.3%. Women are also advancing in higher education: while in 1996 for every 100 male students there were 77 female students registered in tertiary education, women's enrolment in 2001 rose to 90 female students per 100 male students. These increases in women's enrolment rates may reflect a change in the social awareness of the value of education for women, but it must also be taken into account that many younger men are imprisoned, or are forced to drop education in order to act as family providers (Nahle, Nasser and Kuttab, 2006).

### 3.3. Property Rights

Palestinian women have the legal right to own land and property. However, only few do so: women are often expected by society to give their share of inheritance to their brothers, and men tend to keep property in their names rather than jointly registering it with their wives. The actual percentage of women formally owning property thus is low. According to the *shari'a* (religious law), which regulates inheritance issues, a woman has the right to half the share of a man. Many Palestinian women - especially in rural areas - do, however, not make use of this right. Palestinian social and family structures are organised around the principles of patrilocality and patrilineality: it is preferred that wives move to and integrate themselves into their husband's family, and that sons inherit so that possessions stay within the family. Recently there have been increased campaigns by women's institutions encouraging women to claim their share of inheritance (Azzouni, 2010).

## 4. VIOLENCE & HEALTH

### 4.1. Political Violence

Palestinian women suffer from direct physical and structural political violence enforced by the occupation. While concrete statistics of sexual harassment by Israeli soldiers at checkpoints or in house raids are hard to obtain, the specific gendered impacts of structural violence through mobility restrictions, arrests, house demolitions and economic strangulations have been documented.

With the Oslo Accords the West Bank was split into Areas A, B and C with each having different administrative and security arrangements. Israeli spatial control has, however particularly increased after 2000. In 2002, operation Defensive Shield meant the comprehensive invasion of the West Bank, and the institutionalisation of Israeli policies of house demolition, mobility restriction as well as the destruction of institutions and infrastructure. 2002 also saw the beginning of the construction of the wall, which is largely (87%) built inside the West Bank, annexing fertile lands and surrounding Israeli settlements. Following the election of Hamas in 2006 Israel intensified movement and

access restrictions, enforced a blockade on Gaza, and stopped relying on Palestinian labour (which before had been significant mainly in construction and domestic work). In September 2011 the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory (OCHA) identified 522 fixed obstacles to movement within the West Bank (such as checkpoints, roadblocks, earth mounds or trenches), indicating a large increase over their baseline figure (376) of August 2005. Additionally 495 ad hoc 'flying' (i.e. moveable) checkpoints have obstructed movement in the West Bank in the past two years (OCHA, 2011).

The separation wall and checkpoints in the West Bank as well as the blockade enforced on Gaza have prevented women from reaching hospitals and health care centres in time, forcing, for example, pregnant women to deliver at checkpoints (see section 4.3). Just as the rest of the Palestinian population, women and girls have been denied access to education and employment, especially in areas where secondary schools are scarce and where jobs or university require moving from one village or city to another. Mobility restrictions have, furthermore, influenced marriage patterns, increasing marriages between partners who live close to each other (or on the same side of the wall), so as not to enforce family separation (Azzouni, 2010). The demolition of Palestinian homes also specifically impacts on women and children. Since 1967 more than 24.000 homes have been destroyed, 5388 in 2009 alone (ICAHD, 2010), and many of them in East Jerusalem, where Israeli policy of home demolitions has increased over the last years. The displacement and instability caused by demolitions have severe impact on the psychological and mental health of parents and children.

## **4.2. Domestic Violence & Honour Crimes**

Domestic violence and honour crimes largely remain a taboo topic; investigations into and public debate on its scope only started during the last two decades. Very little accurate data on domestic violence against Palestinian women exists. In 2006 the Domestic Violence Survey conducted by the Palestinian Central Bureau of Statistics showed that 61.7% of ever-married women were exposed to psychological violence, 23.3% to physical violence, and 10.9% to sexual violence at least once during the year. 25% of never-married women were exposed to physical violence and 52.7% to psychological violence by a household member (PWRDC, 2010). There has been a rise in domestic violence since the start of the Second Intifada (2000). Men's stress and intolerance seems to have increased as a result of curfews, constant apprehension and humiliation at the hands of Israeli soldiers, leading them to act more aggressively and violently at home. Yet, cultural attitudes also show no clear condemnation of violence against women: 22% of Palestinian population support a man hitting his wife, if he thought it is necessary (AWRAD, 2008). Domestic violence is not prohibited by a specific clause in the law.

Data on sexual violence, rape and honour crimes are often inaccurate and hard to obtain. Studies report 488 women seeking assistance related to sexual violence between 1996 and 1998, but such numbers do not reflect the scale of assaults, since discussing sexual violence remains a taboo and most cases, particularly of incest, remain unreported. Family violence is seen as a private issue, in which the police might not want to interfere. Criminal data on honour crimes thus varies: MOWA reported 20 cases of honour killings in 2004 (Abu Nahle, Nasser and Kuttab, 2006), while PWRCD cites reports of 46 women killed in the name of honour from 2000-2005 (12 in 2005 alone) (PWRCD, 2010).

Women often choose not to report threats against them to uphold 'family honour', but also because existing laws do not offer protection to women, and prosecutors often side with the

accused rather than the victim. There are laws that provide impunity or reduced sentences for offenders. Article 308 of the Jordanian Penal Code (in force in the West Bank) provides for the dropping of legal proceedings against a rapist who marries his victim according to a proper marriage contract; Article 340 grants exemption from prosecution or reduced penalties to husbands or male blood relatives who kill or assault female relatives on grounds of 'family honour;' under Article 98 men who kill female relatives under 'suspicious' circumstances can receive reduced sentences; finally, Articles 285 and 286 stipulate that if a girl wants to report a complaint, this must be filed by a male relative (see Shalhoub-Kevorkian, 2004). In Gaza, the Egyptian penal code on adultery similarly provides reduced sentences for men who kill their wives on the accusations of adultery. Reforming these codes is a priority for women's rights activists in Palestine.

The PA has intensified its investment in combating violence against women. In 2005 the Palestinian Legislative Council adopted a decree demanding the provision of protection for abused women; in 2009 President Abbas endorsed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and in 2008 the Palestinian Cabinet approved the formation of a National Committee to Combat Violence Against Women. This Committee is responsible, in coordination with the Ministry of Women's Affairs (MOWA), for the implementation and monitoring of the 2011-2015 National Strategy to Combat Violence Against Women.

### **4.3. Health**

Palestinian society is very young with 45.6% individuals below 15 years of age, and a fertility rate of 4.6 (PCBS, 2006). The early median age of marriage (ca. 18-19 years), in addition to the low percentage of women in the labour force, are contributing to these high fertility rates. Families tend to marry off their daughters early if they are economically disadvantaged.

International, governmental and non-governmental organizations' efforts to promote women's rights, enhance family planning and improve reproductive healthcare have been informed by a modernist national discourse urging women to raise their children in nuclear families to educated modern national subjects. Since 1994 the Ministry of Health in Palestine has accorded special importance to the health of women. A strategic national health plan that includes awareness-raising campaigns was initiated to develop health facilities and counselling programs. Although around half of the married women aged 15-49 use family planning and most mothers receive routine prenatal examinations (PCBS, 2006), continuous pre- and postnatal maternal healthcare, as stipulated by the Palestinian health law, is not guaranteed due to the health sector's dependence on volatile foreign funding, as well as mobility restrictions and security problems caused by the occupation. Women have been hindered from accessing continuous and/or emergency life-saving pre- and postnatal care (resulting in high maternal and infant mortality rates) and have sometimes been forced to deliver at checkpoints or at home.

Women in the reproductive age often suffer from anaemia, caused by malnutrition and multiple pregnancies from a very young age. No special programs target elderly women who are the most marginalized in society. Abortion is not allowed in Palestine and is considered a crime unless the physical health of the mother is threatened (Azzouni, 2010).

## 5. POLITICAL PARTICIPATION

Considering their wide participation in the First Intifada, women had hoped to be given equal share in political representation after the Oslo Accords. Yet, the PA has systematically marginalised women from the political decision-making process. While informal political participation in the different political parties (particularly the left) continues to be significant, women's involvement in party executive committees and party councils remains much lower than men's. In the 2009 party elections, for example, no woman was elected to Fatah's Central Council, and only 11 women were elected to its 120-member Revolutionary Council (Azzouni, 2010). Initiatives by MOWA and women's NGOs aimed at reversing such trends. Gender-based programmes and women's units have been introduced in different ministries. In 2005 women's quotas were established for the local and national legislative elections.

For the Palestinian Legislative Council (PLC) elections, political parties must have at least one woman among the first 3 on their list, at least 1 woman among the next 4, and 1 woman among every five for the rest of the list. This guarantees about 20 percent women among the candidates (through the party-based part of the elections).<sup>3</sup> In the 2006 elections women won 13,6% of the representation in the PLC (Azzouni, 2010).

In the local council elections women are guaranteed at least 2 seats in every one of the 26 local councils. As a result of these amendments the percentage of women that won seats in the 2004-2005 local elections rose immensely to ca. 17% (Azzouni, 2010). Particularly interesting was the response from religious-political groups. Hamas, which had first opposed the gender quota, started to organise a series of activities to mobilise women and included them in their listings. Its success in the elections can be traced, among other factors, to its strong grassroots support and networks maintained largely by women.

In August 2009 the Palestinian Cabinet initiated the process of creating a new Palestinian Development Plan (PDP) for the years 2011- 2013. With the purpose of placing gender equality and women's empowerment at the core of the forthcoming PDP, the Palestinian Cabinet, together with the Ministry of Planning and Administrative Development, assigned to MOWA the task to develop a Cross-Sectoral National Gender Strategy within the basic framework of the new development plan.

## 6. CIVIC & LEGAL STATUS

Palestinian law is not unified; it is a mixture of Ottoman, British Mandate, Jordanian, Egyptian and Israeli military law. Additionally, international laws and conventions apply to Palestine. The PA institutions have been largely dysfunctional, due to internal corruption and favouritism, but also due to Israeli restrictions on their execution of the law through mobility restrictions and lack of jurisdictional power (in Area C, and in other areas due to the application of Israeli military law). Legal provisions in Palestine thus are fragmented, and enforcement is impeded.

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<sup>3</sup> Candidates for the 2006 PLC elections were presented through party lists and by districts. While a quota was established for the party lists, the district constituency elections did not have a quota. Only one of the 66 seats allocated by district was won by a woman. Election Laws (and quotas) are likely to change again.

## 6.1. International Legal Provisions: CEDAW and UNSCR1325

Palestinian President Mahmoud Abbas signed the Convention for the Elimination of Discrimination against Women (CEDAW) in March 2009. This is a major step, but fraught with difficulties: Since Palestine is not recognized as a state it cannot participate in the CEDAW process of initial and periodic reviews. Palestine can also not submit a report to be reviewed by the CEDAW committee and complaints cannot be sent through the optional protocol. Palestinian women activists therefore cannot use the report mechanism of CEDAW to highlight discrimination and needs for reform (Rought-Brooks, Duaibes and Hussein, 2010).

A similarly complex picture emerges with regard to the UNSCR 1325 on Women, Peace and Security which calls for women's increased participation in conflict prevention and resolution initiatives, their protection and empowerment during conflict. In 2005 the International Women's Commission (IWC), a tripartite body comprising Palestinian, Israeli and international high-level female delegates, was founded and tasked with monitoring the implementation of UNSCR 1325 in Israel and Palestine. Although the Knesset has adopted a law calling for the implementation of 1325 and President Abbas has recognised the IWC through an official decree in 2005, the responsibility (and accountability) for enforcing 1325 is not clarified.

Palestinian women's rights are constantly violated under occupation, the PA is unable to stop Israeli human rights violations and the Israeli government does not consider this its responsibility. Furthermore, the UNSCR 1325 makes no mention of social or economic rights, such as the right to basic living conditions or right to housing, and thus does not fully cover women's actual needs and priorities on the ground. Since women's rights in conflict cannot be guaranteed if basic human and political rights are denied, most women activists on the ground find it more helpful to seek international legal leverage from the 4<sup>th</sup> Geneva Convention, human rights and those UN Resolutions which directly acknowledge Palestinian national rights (e.g. 242, 338 or 194) or condemn Israeli violations of international law (e.g. 1322 or 1860).

## 6.2. Nationality and Residency Laws

In its first draft of the Palestinian Basic Law (the basis for the constitution of a future state) of 1994 the PLO did not guarantee women's equality. Women groups thus presented a Women's Charter, the "Declaration of Principles on Palestinian Women's Rights" to Yasir Arafat demanding that women's equality in political, civil, economic, social and cultural rights must be incorporated. These hopes were disappointed: the 1996 Basic Law only retained the inclusive anti-discriminatory formula of giving the same rights to all citizens irrespective of race, sex, disability or other traits. It did not specifically address the problem that women are denied the right to pass on their citizenship to their husbands or children. In 2003 the Basic Law underwent amendments. Article 12 states that the right of citizenship passes on from fathers or mothers to their progenitors and Article 19 expresses gender equality with regard to political and civil rights. In comparison to other Arab states' constitutions, the Palestinians Basic Law thus is remarkably strong on gender equality.

Yet, these positive changes should not be overestimated. The PA still has only limited sovereignty, the Israeli government exercises control over nearly every aspect of Palestinian life, and Israeli military law applies. In the West Bank the Jordanian nationality code and in Gaza the Egyptian nationality code currently regulate nationality affairs. According to these codes only men, not women are allowed to pass on their nationality to

their children or spouses. A woman loses her nationality if she marries a non-Palestinian, unless she submits an application to the Ministry of Interior. Although the Ministry of Interior does not always ask women to give up their nationality in practise, these laws clearly discriminate against women's equal citizenship and nationality rights (Azzouni, 2010).

The 2003 Israeli Citizenship and Entry into Israel Law prohibits Palestinians who are married to Israeli citizens from receiving Israeli citizenship and Palestinian citizens of Israel are also not entitled to family reunification with foreign (i.e. also Palestinian) spouses or children. Palestinians living in East Jerusalem (under Israeli rule) are subject to particular regulations: They hold Jerusalem identity cards which serve as residence permits and allow them to travel, work, attend school, etc. Jerusalemite women married to Palestinians from the West Bank and Gaza cannot obtain residence cards for their spouses, and children born to a non-Jerusalemite father also face difficulties to live and attend school in Jerusalem (Azzouni, 2010). Thousands of families are concerned by this problem.

Rights to equal political and civil status, to family reunification, and to passing on citizenship to spouses or children thus remain theoretical in the Palestinian quasi-state under occupation. The Palestinian women's movement will need to ensure that the PA indeed puts their gender-friendly legal amendments into practise, if and once there is an independent Palestinian state with full legislative, judicative and executive powers.

### **6.3. Personal Status Laws (PSL)**

One of the major priorities for women activists in Palestine today is the amendment of the gender-discriminatory PSL, which are based on the *shari'a*. PSL regulate rights in marriage, divorce and inheritance issues. PSL cases are handled by *shari'a* courts, but family disputes have also increasingly been dealt with by tribal and customary laws which, just as PSL, discriminate against women.

PSL has not been unified by the PA: Palestinians in Gaza are subject to the 1954 Law of Family Rights of Egypt and those living in the West Bank follow the 1976 Personal Status Law of Jordan. Both are discriminatory against women. The legal minimum age for marriage is 16 for boys and 15 for girls in the West Bank, and 17 for girls and 18 for boys in Gaza. Men are allowed to marry up to four wives, women need a male guardian in marriage decisions, they receive only half of a man's share as inheritance, and after divorce they are denied the right to child custody after their son reaches age 10 and their daughter age 12. A divorced or widowed woman is not allowed to keep her children after remarriage. While a man faces no legal obstacles to divorce his wife, women have to provide proofs (e.g. of husband's inability to provide, to procreate, to pay the *mahr*, etc.) and mostly have to surrender the *mahr* (the brideprice, which in Islam is paid to the wife) as well as any claim to financial maintenance (Azzouni, 2010).

Palestinian women activists have sought to amend PSL. One major advocacy NGO concerned with women's legal rights is the Women's Centre for Legal Aid and Counselling (WCLAC). In 2008, a more progressive PSL was drafted by the National Campaign for the Family Law, which – if approved – would raise the minimum age of marriage to 18 and place restrictions on polygamy (Azzouni, 2010).

Among women activists there are two main approaches to 'gendering' PSL. The first, a liberal religious approach, calls for a feminist re-interpretation of the religious texts to provide equality between men and women from within the Islamic framework. The second,

a secular approach, proposes to base claims for women's equality on human rights and international conventions, mainly CEDAW, because it finds that Islam is not, or only vaguely, compatible with women's rights.

Although a secular approach might be more comprehensive, it risks being rejected by conservative elements in society as 'foreign-imposed' and might lead to strong backlashes. Secular women activists are continuously accused by conservative forces of being dangerous for Palestinian cultural integrity and part of a 'Western conspiracy against Islam'. According to a 2002 study (Hammami, 2002), the majority of Palestinian women (85%) want PSL to remain *shari'a*-based, yet 66% of the same respondents also find the current Palestinian legal system to be discriminating against women. Both popular legitimacy for the *shari'a* and critique of its gender-biased nature thus coexist. Such a seemingly contradictory opinion stems from women's understanding that tradition and not Islam is the cause for gender inequality. Changing 'traditional' gender stereotypes and cultural attitudes thus is another – very complex and difficult – struggle for women's rights in Palestine.

## 7. CULTURAL RESTRICTIONS

Palestinian social organisation is dominated by classic patriarchy: the dependent (and thus inferior) status of women is promoted through cultural frameworks, and maintained through patrilineal tracing of descent and inheritance, patrilocal (extended) households, and men's authority in decision-making and control over family finances.

The family is the most vital social institution in Palestine. Given the high political, economic and social instability caused by war and Israeli occupation, marriage and children are considered crucial for socio-economic security, particularly women's. While the husband holds ultimate authority and financial responsibility for the household, the wife is expected to fulfil her reproductive and domestic roles.

In Palestinian culture motherhood, child-bearing and -rearing play a central role in defining femininity models and women's status in society. Additionally, motherhood is endowed with political meaning and considered a national duty for women in the discourses of Palestinian resistance against Israeli occupation. With the process of Palestinian nation-state building initiated, but unrealized, women's bodies and their reproductive behaviour have become markers of both authenticity and modernity. Given the Palestinian fear to be outnumbered and uprooted, women are encouraged to have many children and teach them Palestinian history, traditions and values. The image of a resistant, steadfast, sacrificing and morally superior mother as a national Palestinian symbol is taken up by many Palestinian artists and often stands for the homeland itself: Mother Palestine who is eternally giving and loving toward her children. The self-composed public performance of mothers of martyrs (required by a nationalist discourse that associates motherhood with sacrifice) has been interpreted by some mainstream Israeli and/or Western media as encouraging children to martyrdom and violence. Empirical studies, however, disprove such claims and show that Palestinian mothers widely suffer from depression, post-traumatic stress disorder and other mental and psychological problems caused by loss of their children.

While more conservative voices - which are now gaining ground particularly in Gaza - view motherhood as Palestinian women's main moral and national obligation, often seeking support in religious texts, others condemn such attempts to restrict women to a mainly passive role in the private sphere and demand women's equal status in Palestinian society.

## 8. CONCLUSION

Without ending the political and economic repression and de-development exercised by Israeli occupation and settler colonial policies, Palestinian women's rights and gender equality will most probably continue to be restricted. Women's social and cultural empowerment can only progress once women's economic and political position is strengthened. Unachieved national rights thus remain a major hindrance for fulfilling women's rights in Palestine today.

More immediately, Israel must be held to comply with international law, such as the 4<sup>th</sup> Geneva Convention, international humanitarian law, human rights, and relevant UN resolutions. Women's economic, social, political and cultural rights under conflict must be guaranteed and protected, and family reunifications need to be processed and implemented. Aside from alleviating the heavy restrictions placed on women's freedom through the occupation and in what concerns Palestinian internal reform, efforts should be targeted at the level of the law, the labour market, education, political representation, health and cultural norms.

At the legal level, the PA should guarantee equal rights for women in all domains. Priorities would include giving women the right to pass on their nationality to children and spouses without any discrimination. Additionally, a unified gender-egalitarian family code needs to be enacted, that would guarantee women equal family rights in inheritance, marriage, divorce, and child custody. As concerns the penal code, all laws that allow for reduced sentences for crimes committed in the name of honour must be abolished and laws that protect women from all forms of violence should be introduced. Finally, at the judicial and executive level, gender-sensitive training should be established for police and court officials, and the representation of women in such posts should be raised.

As concerns women's labour participation and education, laws should be introduced that protect women from all forms of discrimination at the work place and more vocational training opportunities need to be provided for women and girls, particularly for those from rural areas and camps.

With regard to political representation, a women's quota should be implemented for the PLC and other government branches (for example, 30%) and women need to be offered more training programmes with a view to raising female high-level representation in government and political parties.

In the health sector, women's health programmes and services need to be increased. Mothers must receive sufficient prenatal, but also postnatal care. Public awareness-raising campaigns should be intensified, providing information about family planning, but also about taboo topics such as domestic violence, inheritance, and women's rights more broadly. Such efforts, if placed carefully and in a culturally-sensitive way, can be a first step towards changing cultural norms that reinforce patriarchal structures and a subordinate position of women in society, and thus towards constructing alternative gender models in Palestine.

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