Joint Submission Report on the State of Palestine

By

The Women's Center for Legal Aid and Counselling (WCLAC), and the Palestinian Non-Governmental Organizations Forum to Combat Violence against Women (Al Muntada)[1],

To

The 85th Pre-Sessional Working Group of the CEDAW Committee

3 October 2022

[1] Al Muntada is Palestinian coalition of seventeen women's and human rights organizations combating violence Against Women including the following organizations: Bisan Center for Research & Development, Palestinian Working Women Society for Development, Women's Centre for Legal Aid and Counselling (WCLAC), Women's Affairs Technical Committee (WATC), Palestinian Counselling Center, Family Defence Society, Women's Studies Center, Sawa Organization, Young Women's Christian Association of Palestine (YWCA), Palestinian Family Planning and Protection Association, Rural Women's Development Society, Psycho-Social Counselling Center for Women (PSCCW), Health Work Committees, The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), Stars of Hope Society, QADER for Community Development, Mother's School Society

Introduction

1. This joint written submission by WCLAC and Al-Muntada Forum aims at assisting the CEDAW Working Group in developing the "List of Issues" prior to the periodic reporting by the State of Palestine (State Party) under the simplified reporting procedure. The submission is based on the initial report submitted by the State Party on 11/07/2018 (PSE/C/CEDAW/1), the concluding remarks on the outcome of the constructive discussion with the State Party on 25/07/2018 (CO/PSE/C/CEDAW/1), the written information on the follow-up report of the State Party's concluding remarks on 27/07 /2020 (FCO/PSE/C/CEDAW/1) and the Committee's response on 05/03/2021 to the follow-up report submitted by the State Party.
2. The State of Palestine is under prolonged Israel occupation that affects every aspect of the lives of Palestinians, as is evident in the expansion of Israeli settlements, settler violence, and the blockade on the Gaza Strip. This reality, combined with the internal political division, has a negative impact on the ability of Palestinian women to exercise their rights in full. The complexity of the status quo is a consequence of adherence to historic and outdated legal systems that impede full recognition of the rights of women as stipulated in the articles of the Convention on the Elimination of Discrimination against Women (CEDAW). Nevertheless, the status quo may not be invoked to delay implementation of the obligations of the State of Palestine under the terms of the Convention to which it has acceded.
3. The COVID-19 pandemic and the declaration of a state of emergency in March 2020 increased women's vulnerability and exacerbated the already existing risks of gender-based violence, and the impact of Israeli violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL). During the lockdown, Israeli occupation forces took advantage of Palestinian fears of contracting the COVID-19 virus and raided their homes without implementing safety precautions. Settlers increased their violent attacks against Palestinians and constantly destroyed crops and properties, despite the call of the UN Secretary-General on 23 March 2020 for a global ceasefire.
4. During the reporting period of this submission (2018-2022), the State of Palestine witnessed a strong counter-campaign against the adoption of the Family Protection Bill and the harmonization of national legislation with CEDAW. Strong opposition came from traditional forces like tribal leaders and conservative groups. The situation has worsened over the past two years as this opposition has not only demonized the law and the Convention, but has also defamed national feminists who have called for enforcement of the law and the application of the Convention. The Palestinian government failed to adopt a firm stance or defensive actions to counter this fierce opposition, which has directly led to the State reneging on its contractual obligation to enforce the provisions of the international conventions it has acceded to. Moreover, the government has not put in place any preventive or protective measures to protect women human rights defenders and feminist activists. Thus, women have been left on the front line to confront these widespread campaigns against women's and feminist organizations and their agenda.

Definition of Discrimination and the Legislative Framework

5. There appears to be a decline in Palestinian progress towards the implementation of CEDAW's provisions, particularly Articles 1 and 2 with relation to the definition of discrimination in Palestinian legislation. The definition was part of Article 1 in the previous draft of the Family Protection Bill, but unfortunately, the Article was removed from a subsequent draft. Moreover, Article 44 of the previous draft concerning penalties for discrimination was also removed despite major criticism from human rights and feminist organizations. In an official letter addressed to the Council of Ministers, Al-Muntada called for the abolition of Article 44 to be reconsidered as it is crucial to the draft law. The CEDAW Committee, in its concluding remarks on the State of Palestine's initial report of 2018, requested the adoption of national legislation that includes a comprehensive **definition of discrimination** against women, and which addresses the reasons behind direct and indirect discrimination in the private and public spheres. The Committee also recommended a revision of the draft Penal Law of 2011 to specifically prohibit and penalize discrimination as in CEDAW, and to incorporate provisions that stipulate enforcement mechanisms and suitable penalties. This was reiterated in the Committee's response to the follow-up report submitted by the State Party on 05/03/2021.

The Legal Status of the Convention

6. The State of Palestine has not published CEDAW, to which it acceded in early 2014, in the Official Gazette in violation of the CEDAW Committee's concluding remarks (CEDAW/C/PSE/CO/1), particularly remark No.12. Therefore, despite the Palestinian High Constitutional Court's decision in constitutional interpretation No.4 (2017) that international conventions have hierarchy over local legislation and their provisions must be included in local laws, CEDAW is still not in force. Moreover, the State Party has not published CEDAW's optional protocol, to which it acceded on 10 April 2019, in the Official Gazette.

We call on the Committee to address the following to the State of Palestine:

- **Provide clarification with regard to the contradictions in the Constitutional Court's decisions on the hierarchy of international conventions and national legislation, and the mechanism required to publish the CEDAW Convention in the Official Gazette.**
- **Expedite enactment of the Family Protection Bill based on the five due diligence principles outlined in customary international law. To include a comprehensive definition of discrimination against women, which includes discrimination based on gender and disability, and impose deterrent penalties against all forms of such discrimination.**

Harmonization of National Legislation and Abolition of Discriminatory Laws

7. Despite the CEDAW Committee's concluding remarks on the State of Palestine's initial report, and the Committee's response dated 05/03/2021 on the follow-up report submitted by the State Party, no changes have taken place to comply with the Committee's recommendations. These recommendations stress the importance of unifying legal regulations in the Gaza Strip and the West Bank; the adoption of a clear timeframe for the revision of outdated laws by the legislation harmonization committee; and an expedited revision of legislation to ensure compliance with CEDAW, particularly the Penal Law and the draft Personal Status Law. The information below demonstrates that there remains a gap in these laws.

The Palestinian Penal Law

8. **Femicide:** The State of Palestine's report notes the state's legislative efforts to tackle so-called "honor killings". The State report addressed amendments made since 2010 to Article 340 of the Penal Law and subsequent amendments to Articles 98 and 99 of the Penal Law.

These steps have been insufficient to eradicate the so called "honor killing" and in fact, the phenomenon has increased. WCLAC has documented the killing of "76 women in the West Bank and the Gaza Strip: 23 in 2016, 29 in 2017 and 24 in 2018."[2] "WCLAC also documented 21 femicide cases in 2019 and the number increased to 37 in 2020 in the West Bank and Gaza Strip."[3]

So-called honor killing is no longer the main issue in femicide,[4] which includes a broader definition of a long stream of excuses used in each case of femicide. While documenting cases of femicide, WCLAC noted a new phenomenon of "suicide". Of a total of 58 documented femicide cases in 2019-2020, 13 or 22% cases were suicide. The increase in numbers poses questions about the true cause, the method of investigation, and the registration of such cases.

9. **Sexual Harassment in the Workplace**

Sexual harassment against women is one of the most significant forms of violence against women, yet it is often overlooked, ignored and even denied. There is ignorance about the meaning of sexual harassment and its different repercussions, even among women and girls. This is the outcome of the common traditional pattern of avoiding this topic in debates,

[2] WCLAC, **Discrimination against Women… Fertile Ground for Killing,** 2019.
[3] WCLAC, **Femicide during COVID-19**, 2021.
[4] For example, a report issued by the Palestinian police on murders in 2018 notes that honor killing is fading. See the report on: http://www.palpolice.ps/ar/content/726796.html

discussions and information sessions. There is little official or unofficial information on this phenomenon in terms of its size, prevalence and locations of occurrence, nor on its social, psychological and economic impact on women. There are legal shortcomings in Palestinian penal legislation on sexual harassment as it does not have a complete legal definition. The Penal Law in force in Palestine does not address the crime of harassment independently but sometimes connects it to defamation and slander, or describes it as fondling at other times. It is clear that the crime of sexual harassment needs to have its own legal structure by identifying the elements of the crime and a suitable penalty so that perpetrators cannot escape a legal deterrent. This can be achieved by passing comprehensive, preventive legislation from which perpetrators cannot escape punishment.

In accordance with the Penal Code in force[5], the Palestinian judiciary in the West Bank resorts to Article 305 that makes it a crime to fondle an individual younger than fifteen years of age, or Article 320 of the same law which makes indecent acts in public places a crime. The situation is similar in the Penal Code in force in Gaza Strip where Articles 157, 158, 159, 160 and 168 address all forms of indecent acts.

The Personal Status Law

10. No notable amendments have been made to this law, with the exception of Law by Decree No. 21 of 2019 which amended personal status legislation by raising the age for marriage in the State of Palestine to 18 years for both parties to the marriage contract. However, the Law by Decree included exceptions and gave the judge some discretion. These exceptions were not clearly identified in relation to early marriage and have been exploited by those who wish to circumvent the law.

Following this decree, WCLAC's lawyers noticed a rise in the number of customary marriages conducted with the consent of both parties' parents. Once the girl reaches the age of 18, the couple attend court to register the marriage. In case of pregnancy, both parties are forced to register the marriage in order to obtain a marriage certificate, which allows them to register the child at birth.

- Fines can be imposed on the married couple and witnesses to the marriage contract, as well as the legal guardian, if the marriage was conducted outside the court. When the parties attend the court to register the marriage (after a period of time), although fines should be imposed if the marriage was not legally registered in official records, the judge is often lenient and does not impose high fines. As far as the judge is concerned, the couple have not violated the law since the girl is capable of marriage

[5] The Penal Code in the West Bank (the Jordanian Penal Law of 1960) and Gaza Strip (1936)

and marriage at a young age is not a problem. Judges are of the opinion that there is nothing to prevent marriage at a young age and often think that the Law by Decree was brought about by feminist organizations.

- Jerusalem ID holders resort to the Jordanian Sharia Court to obtain quick legal approval as the marriage of girls younger than 18 years of age is allowed and the couple can make a marriage contract without adhering to the provisions of the Law by Decree.

11. **Child Custody:** Existing Personal Status Law (PSL) still has shortcomings in addressing child custody as the best interests of the child are not taken into consideration. This has been discussed in previous reports. We can also add that:

    - The rights of mother and child are greatly prejudiced by the loss of custody of young children if the woman remarries after her divorce from the child's father. Women are left with a choice of either keeping custody of the child or getting married, which is an important human right. Many women are forced to waiver this right to marriage in order to keep custody, which is very unjust.
    - For women with custody other than the mother, this ends once a girl reaches the age of 11 and once a boy reaches nine years. The child's father can have custody at this age and the guardian is forced to hand the children to the father without any regard to the child's or guardian's mental state. If the child refuses to live with the father, the father may obtain an order against the guardian.
    - Article 161 of PSL on child custody was amended to age 15 for both males and females in accordance with Judicial Instruction No.59/2016. Girls are given the choice whether or not custody is transferred to the father. If the girl chooses to remain with the mother, the legislator and judge may deny her alimony (living expenses, medical treatment and education expenses) and term her disobedient. Meanwhile, male children are not even given this choice and the father has the responsibility for their alimony.
    - In Article 163 of PSL on children visitation, the legislator does not determine visitation locations for children and if the parties do not reach agreement on the location, the judge refers the case to the police. The transportation fees for the children are assumed by the party requesting the visitation. Many women or grandparents do not have the financial means to afford the transportation fees for children in such cases.

12. **Joint Properties Accumulated after Marriage** WCLAC noted that property accumulated throughout the marriage is a joint right that needs to be regulated and codified in accordance with a modern and democratic legal understanding based on the principle of equality. Joint property, which is the property of each spouse in the framework of the marriage, must be identified.[6]

    - **WCLAC defines joint property in the marriage within the financial framework of spouses. This determines the relationship between each spouse with their private money and the money of the other spouse, and their relationship with the money obtained by each or both of them after marriage.[7]**
    - Palestinian law does not include legislation that stipulates the financial independence of spouses. The lack of any legal provisions in the Civil Law or the Personal Status Law denies the husband or wife protection from encroachment by the other spouse when it comes to joint property or separate finances. It is customary that these finances are independent in accordance with Islamic Sharia law. Legal provisions that allow the wife to maintain and protect her rights to her contributions in forming the property of marital life are absent.
    - It becomes more complex in case of the husband's death as the applicable law is Sharia law. In this case the woman will only get her share in the inheritance based on Shari's Law while all accumulated property will be shared by the inheritors.
    - Existing law denies the husband or wife protection and does not prevent either of them from acquiring the other's right to shared property, which is unfair to both parties. The lack of legal provisions results in reliance on customary rules and social norms as the means to solve disputes over shared property, customs that have explicit bias against the wife. The adoption of a law would regulate shared property and pave the way to realize equality for women in marital and social life in accordance with Palestine's commitments in international conventions.

13. Other observations recorded by WCLAC and Al-Muntada concern the rights of women with disabilities in the Personal Status Law. For example, the judge may decide to permit women with disabilities to marry if the marriage is in their interest. This decision is made by the judge based on medical reports, which are "obligatory" for persons with disabilities to obtain their rights. There has been an increase in cases against women with disabilities by the "guardian" in order to obtain their inheritance since the disabled person is legally unqualified to receive

[6] WCLAC, The Wife's Right in Joint Property after Marriage in Palestine, Ramallah, 2019.
[7] WCLAC Study, Palestinian Women and Inheritance, p. 2

it. This is in violation of the Convention on the Rights of Persons with Disabilities, which stresses in Article 12 their full legal capacity and the obligation that they receive "support" to exercise this capacity freely (with communication experts in the case of mental disability for example).

- Moreover, the provisions of the Personal Status Law deny or undermine the legal capacity of women with mental disabilities in relation to marriage, testimony, custody and inheritance. The Sharia courts do not accommodate the needs and requirements of women with disabilities, and lack inclusion components. There is no coordination between the regular and the Sharia judiciary or with organizations working in the field of disability and this has a negative impact on the ability of disabled persons to access justice institutions. Combined with the stigma and cultural prejudices about women with disabilities, the result is that disabled women are denied the right to access a fair system.

14. Laws by Decree issued by the Executive Authority in accordance with Article 43 of the Palestinian Basic Law of 2003 and its Amendments

Laws by Decree issued by the Palestinian President include: Law by Decree No.7 of 2022 on amending the Penal Procedures Law; Law by Decree No.8 of 2022 on amending the Civil Procedures Law; and Law by Decree No.12 of 2022 on amending the Execution Law No.23 of 2005, which all were abolished after an organized strike by the Palestinian Bar Association in the West Bank in August 2022. Thus, Palestinian society is left at the whim of the executive authority regarding the enactment of laws. The executive authority has refrained from issuing any law by decree to amend the personal status legislative framework, penal law, labor law or the family protection bill. The enactment and enforcement of these laws would have an impact on women, particularly the Execution Law and the Penal Procedures Law.

1- Procedural Law: an indebted person can deny that their signature appears on a cheque or bill of exchange. Many women striving to make a living settle their accounts through cheques and bills of exchange and this provision deters people from engaging in such financial transactions. Women will be held back in their attempts to improve their financial status. In addition, women with poor information regarding their signature and the civil or penal liability regarding denying the signature might be exploited.

2- Penal Procedures Law: the detention of an accused without presenting them to the public prosecution, and obliging the accused to bring their own witnesses without a court order. This deters women from addressing the judiciary to win their rights and they prefer to use informal judicial systems, which are biased against women.

3- Penal Procedures Law: notifications are now posted to an accused's address without taking into account natural or malicious factors that may prevent its arrival. A person could be tried and a final ruling reached without even knowing about the case.

The question raised here is why presidential and legislative council elections are not held to protect the rule of law, and other rights and freedoms. Until such elections are held, why is the government delaying the adoption of laws that protect against domestic violence? And what guarantees are there to prevent the Palestinian government from enacting the abolished decree laws at a later stage?

15. Civil Service Law

Although this law does not have any discriminatory provisions against women, and actually includes provisions on equality between men and women in the civil service, there is still evidence of discrimination against women. Although females constitute over 45% of the total number of 85,000 employees, the percentage of women declines in the higher ranks to below 15%. Around 69% of civil service employees are in the health and education sectors, which are traditionally stereotypical professions assumed by women. This explains the high percentage of females in the civil service despite less than 18% of women participating in the Palestinian labor market.[8]

Following a legal revision of the draft Civil Service Law currently under discussion at the Palestinian Council of Ministers to amend this Law, WCLAC submitted proposals for 19 amendments to provisions to ensure it is gender-sensitive. These amendments address key issues that include: codification of the prevention of discrimination in the appointment and promotion of women in the civil service; codification of the prevention of harassment of female employees as a disciplinary offence; codification of the role of gender units; positive discrimination (preferential treatment) for women in appointment and promotion in the civil service; considering reproductive health and the best interests of children in leave; use of gender-appropriate wording; ensuring the representation of women in committees resulting from the law and its executive bylaws; equality in wages and raises; and provision of social services that support women.[9]

[8] WCLAC, Towards a Fair and Gender Sensitive Civil Service Law, 2020.
[9] WCLAC, Towards a Fair and Gender Sensitive Civil Service Law, 2020.

16. Palestinian Labor Law No. 7 of 2000 and the Civil Service Law

The legal status of the Palestinian Civil Service Law is similar to that of the Palestinian Labor Law with regard to combating violence and harassment in the workplace. Both laws lack specific legal provisions to combat harassment in the workplace by workers, business owners or clients in private workplaces, or by employees subject to the Civil Service Law of 1998.

Accordingly, we address the Committee to urge the State Party to consider the following demands:

- **Expedite a revision of the draft Palestinian Penal Law and its adoption in accordance with international conventions and references that guarantee human rights in general and women's rights in particular.**
- **Amend the discriminatory provision on the custody of children and a girl's right to alimony until after the age of 15 like male children.**
- **Determine a timeframe for the review of existing laws in cooperation with civil society organizations. Request the reasons why the State of Palestine has been unable to achieve tangible progress in harmonizing the Personal Status Law with the provisions of international conventions, and why it has failed to adhere to the Committee's relevant closing remarks.**
- **Unify the legal systems in the West Bank and Gaza Strip to ensure that all women, particularly women with disabilities, receive equal protection under the law.**
- **Identify measures to be taken by the State Party to develop a vision on the future structure of the Personal Status Law in a manner that includes all women from all religions and geographic areas? To define measures to abolish the discrimination in alimony entitlements and the transfer of custody for both genders, prioritizing the best interests of the child, raising the transfer of custody to the age of 18 for both males and females, abolishing the guardianship system to ensure the independence of women with disabilities, provide support and inclusion requirements in the Sharia judiciary, raise awareness and combat the negative perception of women with disabilities.**
- **Identify appropriate legal drafting to criminalize sexual harassment, enact deterrent penalties against the perpetrators of sexual harassment and speed up litigation procedures. Identify a national mechanism to monitor and document harassment against women in the workplace, and advocate for the development of indicators to measure the phenomenon in statistical surveys, particularly a domestic violence survey.**
- **Identify a legal mechanism to provide effective legal protection for whistleblowers and/or complainants, and ensure confidentiality and privacy when addressing law enforcement agencies to file a complaint.**

17. Violence against Women in the Public Sphere[10]

- There is no protection for women activists in Palestine. Physical and verbal violence has been used against them during their participation in peaceful protests and demonstrations against the policies of the Palestinian government in the West Bank and against the *de facto* authority in the Gaza Strip. These protests were conducted to express opposition to the internal political division, against the enactment of legal decisions affecting the interests of women, or to protest the actions of the Palestinian government in violating public freedoms in peaceful protests and its practice of arbitrary arrest on political grounds.
- WCLAC and Al-Muntada condemn the repression and abuse practiced by some security services against male and female protesters through the use of persons in civilian clothing during the events in June 2021. This highlights increased targeting of peacefully protesting women, whether participants in peaceful demonstrations or journalists fulfilling their duty in covering the events. The violent attacks include physical assault, verbal harassment, the confiscation of personal belongings, and breaking phones and cameras. This constitutes a functional failure and the Palestinian government, its ministers, and security services must be held responsible and accountable for failing to protect male and female protestors, and for the continuation of abuse thereafter.
- In a dangerous and unprecedented act of blackmail and defamation, some security services violated women's rights to privacy and personal safety by confiscating and hacking their phones, then posting photos and personal conversations on the social media accounts of members of the security services.
- In addition to women being subjected to sexual harassment during peaceful vigils or during detention, and abuse of power by law enforcement officials, the targeting of women and girls reinforces patriarchy and is an invitation to violence and a threat to civil peace. It encourages negative cultural perceptions about the presence and active participation of women in the public sphere that lead to stereotyping of their roles.

Recommendations:

- **We demand the Committee to hold the State Party accountable regarding the 'complex violence' practiced against women while peacefully demonstrating, and state the rationale for the absence of protection in such a way that guarantees accountability, reparation and non-recurrence, especially as these practices reinforce negative cultural perceptions about the roles of women and girls and their exclusion from the public sphere.**

[10] Shadow Report on the Convention on Economic, Social and Cultural Rights prepared by WCLAC, 2021.

The Impact of COVID-19 on the Rights of Palestinian Women

In the Palestinian context, the experiences of NGOs indicate that there has been an increase in domestic violence against women and girls, in particular during the quarantine and lockdown policy implemented by the State of Palestine government, and in the public sphere to a lesser extent due to the restrictions on movement during the state of emergency.

The indicators provided by members of the Civil Feminist Coalition on the Convention on the Elimination of All Forms of Discrimination against Women show that community and domestic violence is still inflicted on women and girls in Palestine. The problem has escalated in light of dwindling opportunities for victims of violence to access protection and services. The measures in place are insufficient to deter violence, provide protection, and ensure dignity and women's right to self-determination.

Following the declaration of a state of emergency on 5 March 2020 in accordance with Presidential Decree No.1 of 2020 and the imposition of a lockdown and restrictions on movement, families found themselves closely confined. This imposed a difficult reality on women and other family members. Through the work of informal organizations and the statistics obtained through phone calls and social media, it was found that violence against women and domestic violence increased. This information revealed that women are subjected to violence from family members such as a spouse, brother or in-laws. They also uncovered a state of helplessness, tension, frustration and anger; a sense of humiliation; and lack of economic resources.

One of the key challenges and difficulties during the state of emergency was that the needs of women were not prioritized by the established local and national emergency committees. It was noted that no attention was given to implementing interventions to assist women victims of violence by providing essential living needs, particularly to those living below the poverty line and those classified as newly impoverished families.

- No mechanism was implemented to protect women victims of violence living in dangerous conditions, quarantine rooms to meet the special needs of women during quarantine were not provided, and the referral mechanisms to safe houses were poor.
- The closure of courts, including Sharia courts, caused suffering to women who could not see their children, particularly in the difficult conditions caused by the pandemic; women's inability to obtain alimony; and the lack of execution of litigation proceedings.
- Women faced difficulties obtaining a decision on the custody of children during the pandemic and there was a lack of interest by courts in developing practical solutions to implement such procedures.

- There was no known phone number for women to contact police service providers, despite the announcement of a hotline during the state of emergency, and a lack of a prompt response to assist women subject to online blackmail.

In this regard, we demand the committee to question the State Party the following:

- **Were the emergency centers at hospitals aware of protection procedures for women victims of violence who visited their locations?**
- **With the closure of kindergartens during the pandemic, were the conditions of women who were forced to work due to the pandemic taken into account? Many of them have been subject to violence due to the lack of alternatives to provide care for their families.**
- **Does the State of Palestine have a general budget plan that considers the needs of women and provides aid to them during any state of emergency in the State of Palestine (safe houses and other resources)?**

18. Violence against Working Women during the Pandemic

The state of emergency during the pandemic had a negative impact on the right to work, and particularly on the rights of working women. The pandemic affected women more than other sectors. The Labor Force Survey of 2020 showed that participation in the labor force in Palestine for individuals aged 15 years and older was 40.9%: male participation was 65.1% versus female participation of 16.1%. Unemployment rates for the same age group were 25.9%, with male unemployment at 22.5% and 40.1% for females. The results of the survey demonstrate that the services sector and other branches employed 73.6% of working females, followed by the trade and catering industry with 9% of females in Palestine.[11] The businesses of 95% of women who run micro, small and medium enterprises were affected as a result of the pandemic, especially the food production sector at 26%, embroidery at 20%, hair and beauty salons, and kindergartens. Around 76% of working women in Palestine lost their income during the pandemic.[12]

These figures highlight the extent to which working women were affected by the pandemic. As a result, many of them left the labor market and became inactive. Moreover, the additional household responsibilities resulting from the pandemic lockdown have raised the risk of "re-establishing the traditional view" of gender roles. The number of hours spent by women on household needs increased due to the presence of all household members in the house. The

[11] PCBS, Palestinian Labor Force Survey, Annual Report, 2020, p.29

[12] MASARAT, Factsheet: The Impact of COVID-19 on Palestinian Women Working in the Private Sector, https://bit.ly/3bhA

closure of restaurants left the family reliant entirely on homemade food, not to mention other care and educational services performed by women. It is a well-known fact that women assume greater responsibility for unpaid work and the number of unpaid hours performed by women in one day is much more than men. Women around the world used to work an average of 4.4 hours of unpaid work prior to the pandemic, while men spent only 1.7 hours on such work.[13] The number of hours spent on housework doubled, particularly during the first three months of the lockdown.

Unpaid household care work is not considered part of the economic activity in Palestine due to the difficulty in measuring such work based on market value. However, this work has great market value and is estimated globally to be between 10% and 60% of the GDP.[14] Housework is classified as women's work and embodies the stereotypical view of women's role in the society. Examples of unpaid work include cooking, cleaning, and care of children and elders. COVID-19 had a severe impact on women's livelihoods and increased the burden of unpaid housework, which contributes further to discrimination against women in society. This is detrimental to the realization of gender equality as the right to work is the foundation on which the enjoyment of other rights is based. Comparisons show that an increase in all forms of violence against women is connected to poor enjoyment of the right to work and vice versa. "Women cannot achieve equality in the workplace without realizing equality with men in the household. This means realizing equal opportunities, and ensuring that giving birth does not lead to depriving women from full participation in the economy and realizing their hopes and aspirations.''[15]

We call on the Committee to question the role of the State Party in addressing or reducing the challenges faced by working Palestinian women during the pandemic: has the government addressed the reality of working women and developed a clear alternative strategic plan for economic development?

1. **What social protection systems were put in place to support the economy and reduce the impact of the pandemic during and after the state of emergency?**
2. **Did the government legislate any law to implement a minimum wage, and develop monitoring and accountability mechanisms? And were women engaged in the monitoring and accountability process?**

[13] Economic Cost of Devaluing "Women's Work", International Monetary Fund https://www.imf.org/ar/News/Articles/2019/10/15/blog-the-economic-cost-of-devaluing-women-work

[14] Ibid

[15] Carmen Reinhart, Vice President and Chief Economist at the World Bank: Women Business and the Law, 2022, World Bank, https://www.albankaldawli.org/ar/news/press- release/2022/03/01/nearly-2-4-billion-women-globally-don-t-have-same-economic-rights-as-men

19. The Status of Sexual and Reproductive Health and Safe Abortion Services in Palestine

- There is no Palestinian legislation or national strategy on sexual and reproductive health, and this topic is not included in school curricula. Abortion is criminalized by law and is only allowed in cases of high risk to the mother's life or deformation of the fetus.
- In cases of pregnancy out of wedlock or resulting from sexual assault or incest, limited instances of abortion were permitted. The cases documented demonstrate great difficulty in providing safe abortion services under medical supervision. Many women avoid abortion for fear of dangerous complications and fear for their lives in cases of pregnancy out of wedlock. Many women who could not access safe abortion services have resorted to using traditional methods of abortion at home without medical supervision, which is a risk to their lives and increases the number of deaths as a result of the complications of unsafe abortion, not to mention the other medical problems and conditions that could befall them as a result.
- Palestinian legislation, particularly the Penal Law and Public Health Law, prohibit abortion and consider it a crime punishable by law. This leads to unsafe abortion that endangers the lives of women. There is a lack of comprehensive and integrated services in the field of sexual and reproductive health. Most services are focused on providing family planning and maternity services, and prenatal and postpartum care. There is a lack of advisory services, preventive tests, and youth and adolescent-friendly services. Such services are even less common in remote areas, in addition to difficult accessibility for women with disabilities. Organizations for persons with disabilities note that women with disabilities are often subjected to a hysterectomy because the parents fear them being victims of rape and pregnancy.

- **WCLAC and Al-Muntada recommend that the Committee request from the State of Palestine detailed information on the legal and policy framework for sexual and reproductive health.**
- **Abolish all legal provisions related to abortion and identify the services provided in the field of reproductive health.**

20. The Rights of Women and Girls with Disabilities in the Palestinian Context[16]

- Palestinian legislation views a disability as the problem and assumes that persons with disabilities have to adapt to their surrounding environment. This creates numerous additional forms of disability-based discrimination for women with disabilities. For example, the definition of disability in the Law on the Rights of Disabled Persons No.4 of 1999, which legislates for persons with disabilities in Palestine, defines a "disabled person" in Article 1 as "Any person suffering from permanent total or partial disability whether at birth or otherwise affecting any of his senses, or physical, psychological or mental capacities to the extent of limiting his ability to respond to his living needs under the same circumstances as lived by the non-disabled."
- Palestinian legislation does not treat disability as a "cross-sectoral issue" but as a sectoral issue that falls under the competence of the Ministry of Social Development. Accordingly, a non-specialist "Medical Committee" at the Ministry of Health decides whether or not persons with disabilities enjoy economic and social rights (such as the right to work, health insurance, customs exemption, etc.) via "medical reports" it issues. These reports control the rights and destiny of disabled applicants.
- The Law on the Rights of Persons with Disabilities does not specifically mention "women with disabilities" and this is an indicator of the double exclusion women are subjected to. AL-MUNTADA recommends that the Committee request from the State of Palestine to determine a timeline for the adoption of the draft Law on the Rights of Persons with Disabilities of 2019. This adopts a developmental rights-based approach in dealing with the issues and rights of persons with disabilities from a cross-sectoral perspective, and actively engages persons with disabilities, particularly women and their organizations, in the adoption of the law and monitoring proper enforcement.
- No specialized survey has been conducted on persons with disabilities that includes classified and updated statistical data based on gender, age, type of disability, demography, socioeconomic status and place of residence. WCLAC and AL-Muntada recommend that the Committee identify a timeline to conduct a specialized survey on persons with disabilities, and to engage persons with disabilities in legislation, policies and decision-making as stipulated by the Convention on the Rights of Persons with Disabilities.

[16] Qader for the Rights of Persons with Disabilities and Stars of Hope have prepared a separate shadow report on women with disabilities.