



***NGO Follow-Up to the Parallel Report to the Initial Report of
the State of Palestine***

Submitted to the Committee on Economic, Social and Cultural Rights

***In accordance with according to Articles (16) and (17) of the
UN International Covenant on Economic, Social and Cultural
Rights***

August 2023

This follow-up report is submitted by the Women's Centre for Legal Aid and Counseling in cooperation with the NGO Forum to Combat Violence Against Women (Al-Muntada)¹ and the General Union of Palestinian Women

The Women's Center for Legal Aid and Counselling (WCLAC) has a special consultative status with the UN Economic and Social Council (ECOSOC) and has led the development of this follow-up report with AL-Muntada and The General Union of Palestinian Women

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Introduction:

All organizations involved in preparing this follow-up report affirm that Palestine's legal commitment to the ICESCR does not absolve Israel, the occupying power, of its responsibilities towards the 1967 Occupied Palestinian Territory (OPT). Your esteemed Committee and all other human rights treaty-bodies have affirmed that Israel, as the occupying power, has effective control over the OPT, and therefore human rights treaties and conventions are legally binding on all persons under its jurisdiction, including those in the OPT. Thus, we agree with the State of Palestine's initial report, paragraph (6), and stress the need not to allow the occupying power to evade its legal obligations in accordance with the provisions of International Humanitarian Law (IHL) and International Human Rights Law (HRL). Furthermore, we value what was stated in the concluding remarks of your Esteemed Committee on Israel's fourth periodic report; reiterating the need for the "State party to take fully into account its obligations under the Covenant to include information on the measures it puts in place to ensure the implementation of the rights enshrined the Covenant, and that they are enjoyed by all people in all the territories under its effective control." The Committee further stated that the evasion of its responsibilities towards the OPT undermines the enjoyment of the rights enshrined in the present Covenant.

Publication of International Conventions in the Official Gazette:

1. The Palestinian Constitutional Court Decision No. (4) issued in November of 2017 came to clarify the legal value of the international conventions to which Palestine has acceded, as the court ruling stated that national legislation is unconstitutional in the event it violates the international convention, confirming the primacy of international treaties over national legislation. However, the Court constrained its decision by noting that international treaties and conventions would not be enforced if they opposed the Palestinian religious and cultural heritage. In other words, the decision established the principle of "cultural relativism," a principle that constitutes a stumbling block to the implementation of the provisions of this covenant and other international human rights treaties.
2. A successive decision by the Constitutional Court² further complicated matters by indicating that the legal value of international conventions and treaties is ranked lower than the Palestinian Basic Law. This comparison is legally fallacious as all Palestinian legal rules, in their varying hierarchies, are considered a homogenous unit of national law. The Constitutional Court's decision also clarified the official approach to law enforcement tools within the national law, cogitating that the State of Palestine is a "dual system," and that international treaties and conventions would not be automatically enforced in the national legal system once the treaty is acceded unless published in the official Gazette.
3. Although the Palestinian Constitutional Court's decision created an unusual method unknown within the Dual System, which is the conditionality of publishing any convention to which Palestine acceded in the Official Gazette, to instruct a binding legal power to international treaties within the rules of national law; the State of Palestine has not yet published this Covenant in the official Gazette. Therefore, it is feared that even if the conventions are published in the Official Gazette, if ever, they will have no legal value in light of the Constitutional Court's aforementioned decisions.
4. In recent years, the State of Palestine has published several agreements and international treaties in the Official Gazette (Palestinian Facts). For example, the Convention on the Rights of the Child was published in issue (181) on January 27, 2023, and the Convention on the Elimination of All Forms of Racial Discrimination was published in issue (179) on May 26, 2021. The Geneva Conventions and their Protocols were also published in 2023, along with the International Covenant on Civil and Political Rights in 2023. However, the International Covenant on Economic, Social and Cultural Rights has not yet been published, rendering it non-binding under Palestinian law.

² Decision No. (2) issued on March 12, 2018

We Recommend to your esteemed Committee to request clarifications and include the following points in the List of Issues to the State of Palestine:

- **The State Party to clarify and remove ambiguities regarding the contradictions of the Constitutional Court’s decisions regarding the hierarchy of international conventions and national legislation, and further explain the conditionality of the publication mechanism in the Official Gazette as a condition for legally enforcing the Covenant.**
- **Ask the State Party to clarify the reason/s behind not publishing the ICESCR, CEDAW and all other treaties to which it acceded since 2014 in the Official Gazette.**
- **Call on State Party to further clarify all administrative and legal measures undertaken to implement the Covenant.**

Right to Self-Determination (Article 1)

5. Institutions participating in this report emphasize the centrality of the right to self-determination, which will remain restricted as long as Palestinians, including Palestinian women, live under Israeli military occupation. The occupying power controls all Palestinian natural resources and systematically violates civil, political, social, economic and social rights. These are major obstacles to the realization of Palestinians to their right to self-determination.³
6. Despite that, the State of Palestine has legal obligations to undertake all necessary measures and procedures to achieve the right to self-determination for the Palestinian people, thus providing them with the opportunity to dispose of their natural resources and to be economically, socially and culturally empowered. This was expressed by the State of Palestine’s Report on its commitment to the United Nations Sustainable Development Goals (2030), and its commitment to The Rio Declaration and Principles on the Rights of Peoples under Foreign Occupation to Self-Determination and the Right to Development.
7. The right of return to Palestinian refugees is a condition for the full realization of the right to self-determination; a right that cannot be exercised by refugee women while they are far from their homeland. Exercising the right to self-determination directly affects the protection owed to refugee women and young women, most of whom are considered stateless, which affects, in fact, their enjoyment of protection provided to those with legal status. The situation of Palestinian refugees and refugee women is considered one of the thorny and complex situations due to the multiplicity of duty-bearers, namely: the Palestinian state, hosting countries, UNRWA, and the Israeli occupation authority. Article 1 of the Covenant guarantees that all peoples have the right of self-determination. Despite the fact that the State of Palestine guarantees the right of self-determination for all Palestinians in the amended Palestinian Basic Law in Articles 2, 5 and 26, Palestinians in general, and Palestinian refugee women and young women in particular, still face obstacles related to the exercise of this right. The international system considers this as a “jus cogens” that may not be disrupted or impeded in its exercise for all humans wherever they are, nor may it be compromised or fragmented.
8. Regarding the recommendations outlined in the list of issues, particularly those pertaining to the general provisions of the Covenant (Articles 1-5), and specifically Article 1(2) concerning **the right to freely dispose of natural wealth and resources**, we emphasize that the climate change crisis in Palestine and its impact on gender and Palestinian women is closely connected with policies and practices of the Israeli occupation, which exacerbate the severity of this crisis and its effects, particularly on women, in West Bank and Gaza Strip, and the absence of national policies to confront such challenge. However, the Palestinian women and girls working in the agricultural sector bear an immense burden due to these policies. They are significantly impacted when their only source of income in the agriculture sector is lost due to the depletion of land and water resources, along with the

³ As the Human Rights Committee has reiterated, “self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.”

- climate change risks, including frost, drought and heatwaves all of which destroy the crops. As a result, the Palestinian families suffer from food and agricultural insecurity.
9. Israel controls over the water resources in Palestine, leading to an inequitable distribution of water and a shortage of water within the occupied Palestinian territories. As a result, the scarcity of water hampers women's capacity to develop their agricultural enterprises and irrigate crops during heat waves. Furthermore, Israel prohibits Palestinian women and families from overcoming climate-related challenges represented by water scarcity, such as the construction of water wells, and entry of necessary equipment and tanks in many parts of Area "C" in the West Bank which is under the Israeli control. Moreover, the increased salinity of water in the Jordan Valley due to the Israeli settlements' wastes, limits and restricts the ability of Palestinian families in this area to cultivate the agricultural lands. Additionally, women in Gaza bear the brunt of water pollution, where 97% of the water in the Gaza Strip is non-potable water due to the ongoing Israeli blockade which causes severe degradation of water security.
 10. The recent aggression on the Gaza Strip has compounded the suffering of women through the burning of lands and agricultural crops that many women work on. Additionally, the bombardment of numerous agricultural fertilizer stores has exacerbated water and soil pollution. These actions compound the burdens and responsibilities of women heads of households as of being responsible for the process of securing water and food for their families, as well as they also have numerous duties in caring for children, the elderly and individuals with disabilities.
 11. Regarding the question raised in the list of issues concerning the **utilization of maximum available resources** (Article 2(1)), the Ministry of Social Development (MoSD), within its 2021-2023 strategy, adopted three main programs: the Program of Empowerment and Combating Poverty in all its forms, which practically accounts for around 92% of its budget; Protection of Marginalized and Poor Groups Program, which constitutes only 6.5% of the budget allocated for the Ministry. Despite the crucial importance of this program in protecting marginalized and poor groups, specifically women, children, the elderly, and persons with disabilities, it represents a limited portion of the overall budget of the Ministry. Conversely, the administrative program receives approximately 1.5% of the Ministry's allocated budget. In 2020, the budget of the Ministry of Social Development amounted to 837.6 million Shekels, accounting for about 5.2% of the total public expenditures. This budget decreased to 815.5 million Shekels in 2021, which represents 4.7% of the total public expenditures. In 2022, the Ministry's budget stood at 823.6 million Shekels, maintaining the same percentage of 4.7%. Lastly, in 2023, the budget of the Ministry of Social Development reached 827.6 million Shekels, also at a rate of 4.7% of the total public expenditures.
 12. Protection of Marginalized and Poor Groups Program is a key initiative under the Ministry of Social Development. It aims to provide social protection for the poor and marginalized groups, primarily women, children, persons with disabilities, and the elderly. Despite the program's significance, its budgets remain extremely limited. In 2020, it amounted to 39 million Shekels, while in 2021, it increased to 47 million Shekels. In 2022, it reached 55.5 million Shekels, and in 2023, it stood at 53.4 million Shekels.
 13. Despite the low budgets allocated to the Protection of Marginalized and Poor Groups Program, there is another issue at hand: the actual expenditure on the program is less than the allocated budget. In 2020, the actual expenditure on the Protection Program reached only 72% of the planned budget. In 2021, it was only 38.2% of the planned budget, and in 2022, it was merely 59.4% of the planned budget. As a result, the Protection Program faces a complex challenge represented by both the low allocated budget and the actual spending is less than that budget.

We recommend to the Committee to ask State Party more clarifications on the following issues:

- **What are the measures and procedures taken by the State of Palestine to implement Article 5 of the Sustainable Development Goals?**
- **We call upon the State of Palestine to provide an explanation for the reasons behind the reduction in the expenditure percentage allocated to the social development budget from the total general budget during the past two years, particularly with respect to the Protection of Marginalized and Poor Groups Program.**
- **We demand the Committee to bring each of the State of Palestine and the party host countries to accountability regarding the situation of Palestinian refugee women in the Diaspora concerning economic, social and cultural rights and to ensure non-discrimination.**

Gender Equality and Non-Discrimination (Articles 2, 3, 4, 5)

- 14. Palestinian Women represent half of the Palestinian society:** The number of females in Palestine reached 2.70 million females out of the total estimated population in mid-2023, with a percentage of about 49%, whereas the sex ratio reached 103.3; meaning that there are 103 males for every 100 females. Women headed about 12% of households in Palestine (12% in the West Bank and 11% in Gaza Strip in 2022).
- 15. The participation of women in decision-making, public life, and leadership positions is an essential aspect of gender equality:** The percentage of women elected and appointed in the 2021-2022 local elections was 21%, compared to 79% among men. Also, the participation of women in decision-making positions is still limited compared to men's participation, as data for 2021 showed that women constitute about 23% of the members of the Central Council, 19% of the members of the Palestinian National Council, and 12% of members of the Council of Ministers are women. Moreover, there is only one woman who holds the position of Governor out of 15 Governors, and 1% of the heads of local councils in Palestine are women. As for the Board of Directors of the Chambers of Commerce, Industry and Agriculture, the percentage of men reached 99%, compared to only 1% of women, and about 19% of judges are women, and the percentage of female prosecutors is 18%. The above-mentioned percentages are according to the Palestinian Central Bureau of Statistics (PCBS) statement highlighted the reality of the Palestinian women on the eve of International Women's Day on 08/03/2023.
- 16.** When reviewing the State's report regarding Article 2 Paragraph 3, the guarantee of rights was mentioned in both the Declaration of Independence and the Palestinian Basic Law, in particular, Article (9); something we, as civil society organizations, value, but with some reservations due to the **absence of a national legislation system that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres.** The Follow-up Report of the State Party to the CEDAW Committee indicated that the State Party has adopted a definition of discrimination in the draft Family Protection Bill (FPB) only, but not a comprehensive legal framework. However, the draft FPB is suffused with many problems; and the imbalance of power pertaining to gender-based discrimination is evident. Although the follow-up report for Palestine has recognized that the State of Palestine has adopted and included the definition of discrimination within the draft Family Protection Bill, the recent iteration of the FPB no longer incorporates a gender-based discrimination definition. This is seen as a noteworthy regression, as the spirit of law is based on the principle of non-discrimination. Not to mention the procrastination for years in enacting the law due to various and unconvincing reasons and justifications.
- 17.** As for the Civil Service Law No. (4) of 1998 and the amended Law No. (4) of 2005, it stipulates equality between men and women, as stated in the State report in Article 3, paragraph (16). However, there is no indication of equality in the civil service sector, as women still suffer from discrimination and marginalization. Among the approximately (85,000) female employees in the civil service sector

distributed among (83) ministries and government agencies, opportunities for women to reach decision-making positions remain far less than those of males.

18. Based on the recommendation made by the GPC towards enacting a new civil service law for the year 2020, this approach by the Palestinian government is seen as an appropriate starting point to enhance the participation of women in holding public posts⁴, in line with the obligations of international standards and conventions on women's human rights, especially CEDAW and other relevant international standards. Moreover, it is noteworthy that reviewing the reports of the State's parties to the CEDAW Convention proves that women are excluded from holding the highest positions in ministries, civil service, public administration, judiciary, and systems of justice and that it is rare for women to be appointed in these powerful positions.⁵
19. 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. We recommend that the Committee request 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.
20. No specialized survey has been conducted on persons with disabilities that include classified and updated statistical data based on gender, age, type of disability, demography, socioeconomic status and place of residence.

We call on the Committee to request the State of Palestine to clarify the following issues:

- **What are the reasons of the failure to take urgent and prompt measures regarding the adoption of comprehensive national legislation to prohibit gender discrimination, including a comprehensive definition of discrimination based on gender to be harmonized with all international conventions and treaties to which it has acceded?**
- **What actions have been taken by the State as direct measures to promote gender equality concerning the adoption of a gender-sensitive budget?**
- **We 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.**
- **Request the State of Palestine to set a specific timeline for the adoption of the "2019 Draft Law on the Rights of Persons with Disabilities," which embraces the rights-based developmental approach in addressing issues and rights of persons with disabilities. This approach is rooted in the rights-based approach and considers a cross-sectoral perspective. It emphasizes the effective involvement of persons with disabilities, particularly disabled women and their representative organizations, in the process of enacting the law and ensuring the oversight of its sound implementation.**

Right to Work (Articles 6, 7, 8)

21. The Palestinian Central Bureau of Statistics (PCBS) indicated that women's participation rate in the labor force increased in 2022 compared to 2021, where it reached about 19% out of the total number of women at work age in 2022. Notably, this percentage was 17% in 2021, knowing that the rate of men's participation in the labor force reached 71% in 2022, compared to 69% in 2021. A larger gap in the labor force participation rate between males and females in the year 2022. About 7 out of 10 of males participated in the labor force, compared with about 2 out of 10 of females, and the rate of female participation in the labor force was 18.6% compared to 70.7% for males.

⁴ Draft Law on Civil Service of 2020 - General Personnel Council, Cabinet session No. 64, July 6, 2020.

⁵ Committee on the Elimination of Discrimination against Women, Sixteenth Session (1997) General Recommendation No. 23 on Political and Public Life, UN Doc A/52/38.

- 22.** Regarding the unemployment rate among women participating in the labour force was about 40% compared to 20% among men in 2022. About 40% of wage employees in the private sector earn a monthly wage less than the minimum average wage (1,880 NIS), as the percentage was 38% for men, compared to 50% for women. Moreover, 40% of female employees hired in the private sector work without an employment contract, and 44% of them receive a contribution in financing retirement/end of the service package. On the other hand, 46% of female employees in the private sector received paid maternity leave in 2022.
- 23.** Regarding women in the public sector, they represent 48% of the total employee community. However, women who occupy high positions (director-general and above), represent 14% compared to 86% for men. The majority of women work in the informal sector and as a result of the absence of the role of the ministry of labor in monitoring such sector, there are no clear statistics about the percentage of those women. Most of them work as laborers but are not salaried. 60% of worker women are working in the agricultural sector. Women in the informal sector lack any kind of social protection. The Ministry of Labor does not invest efforts to protect the rights of worker women in the informal sector and those women are not enjoying any social protection. Women involved in the cooperatives (producing cooperatives) face another series of challenges. The applied law for cooperatives needs to be modified and women working in cooperatives need to receive adequate support that would contribute to improving their living standards. The applied economic policies by the Palestinian government (open market policy) weaken the capacity of women cooperatives to compete.
- 24.** Palestinian women and men work under socially unprotected conditions, whether in the private local economy or inside the Israeli settlements where there is no unemployment protection, old-age pension, disability insurance and other labor rights. Although there is a law that recognizes some rights, many of its articles, however, are not implemented. Over and above that, the widespread informal work, which mainly employs women, exposes many workers to blackmailing from their employers or losing their work under different circumstances.
- 25.** Women in rural areas suffer more due to the lack of focus on development in these areas. Most of the women from these areas work in the agricultural sector and those women lack any kind of legal and social protection. Women in rural areas do not receive any support from the Palestinian government to contribute to improving their living standards. Many women (in the Jordan Valley area mainly) quit working in the agricultural sector due to the practices of the occupation and denying Palestinians the right to access their land and natural resources. Due to the lack of governmental support for those women, they quit working in the agricultural sector and started seeking work opportunities in the Israeli settlements.
- 26.** Domestic work and informal labor: The Labor Law excluded domestic works from the protection of labor laws due to the special nature of these cases. It did not recognize the value of domestic work and its impact on household economies, as well as its contribution to overall income. As a result, domestic work and informal labor by women continue to be legally undervalued within the family structure, failing to reflect any guarantees or rights stemming from these contributions that play a role in the development of the family economy.
- 27.** Regarding sexual harassment in the workspace, we affirm that none of the legislation in force in the State of Palestine has addressed the issue of sexual harassment in the workspace, or even sexual harassment in general, whether in the penal or labor legislation (Labor Law and the Palestinian Civil Service Law.) To this end, we recommend that sexual harassment should be expeditiously criminalized in national legislation in line with the ILO Convention on Sexual Harassment at the Workplace of 2019 (No. 190).
- 28.** Regarding the right to work without discrimination between men and women, with an emphasis on women and young women with disabilities who experience great difficulties and challenges in entering the labor market as a result of being disabled females. We refer to the reservations and

observations to guarantee the right to work for persons with disabilities without discrimination, especially the most marginalized, such as women.

We Recommend to your Esteemed Committee to direct the following questions and clarification to the State of Palestine:

- **What are the measures it will take to reduce the unemployment rates among women and young women in the labor market? How can the State guarantee decent working conditions for them?**
- **How can the State of Palestine reduce the gap between the average wages for males and females? What measures will the State take to monitor the minimum wage in the labor market, especially in the private sector?**
- **What prevents the State of Palestine from criminalizing sexual harassment in public places and workplaces in particular? How can it reduce this phenomenon?**
- **What are the measures and procedures that State of Palestine will take through the commitment of the Ministry of Labor to inspect, monitor and take the necessary measures to ensure that 5% of persons with disabilities, especially women are employed?**
- **What are the measures and Procedures State of Palestine will take to improve the economic and social situation of rural women, such as targeting them with SMEs, cooperatives and producers' cooperatives?**

Social Security (Article 9)

29. In response to the urgent need for a **Social Security Law** for the vast majority of the workforce in Palestine, the Ministry of Social Development, in collaboration with ILO, has worked on drafting a new version of the Social Security Law. This draft was launched in April 2023, replacing the Decision by Law No. (19) of 2016, which was suspended by a presidential decree issued in January 2019.
30. **The Right to Social Security:** Despite women's involvement in the economy and the labor market through both paid and unpaid work in both public and private spheres, gender inequality in economic and social rights persists. Numerous indicators highlighting higher poverty rates for women contribute to perpetuating their dependency and rendering them more susceptible to violence in particular.
31. We noticed a slight improvement in the recent draft compared to the previous one, particularly concerning the issue of informal work, which was excluded in the previous draft and was a major concern for us, as the majority of women in the service sector work irregularly and without signed employment contracts. Despite having oversight over minimum wages, this raised significant worries about its impact on working women. However, in the new draft of the decision by law, this paragraph has been eliminated. Another positive development in the new version is the provision for paying a survivor's benefit to a wife in case of her husband's natural death, especially as it used to be considered a deterrent for women in the workforce. In the latest draft, this has been amended, allowing employed women to receive their deceased husband's benefits.
32. Our most prominent observations regarding the latest draft of the law concern female domestic workers and the like; the law addresses the categories covered thereby and specifies which categories its provisions shall be applicable, including "domestic workers and the like according to a system established for this purpose." This implies that the inclusion of domestic workers into the social security fund has been postponed. While the law indicates that a system for their inclusion will be introduced later, it does not set a specific timeline for the issuance of this system. This situation is accompanied by the lack of official statistics about the number of women working in domestic works. It is a serious indicator of disregarding the rights of a significant group of women, as well as the extent of marginalization and exclusion they experience. This serves as an indicator of the "stereotypical" position at the bottom of the work hierarchy experienced by women in the labor market, particularly in terms of irregular employment, lack of contracts, and engagement in daily wage labor.

33. Regarding the issue of women being deprived of their inheritance rights based on their marital status, "halting the payment of natural death benefits to unmarried daughters in case of getting married."⁶ In this case, the discrimination is made between male and female children, reinforcing traditional stereotype image. This perpetuates the perception that women are perpetually "dependents", despite the economic and social significance of their household and social care roles. Women bear the greater burden of family care, yet their work remains invisible, and unrecognized economically and statistically.
34. Concerning maternity leave for working women, which is guaranteed by international conventions and local laws, the proposed social security law does not ensure fair maternity leave rights for working women, as stipulated by these conventions and treaties. There is no justification thus far for adopting 12 weeks instead of at least 14 weeks, as recommended by international conventions (ILO Convention No. 183 of 2000). If this decision is based on an actuarial study, is it reasonable to have two different cases within the same country (maternity leave for women in the private sector versus women in the public sector).
35. The final observation we note about the law relates to the representation of women on the board of directors of the Social Security Fund, where women's representation has been excluded. This exclusion is also seen as diminishing women's right to participate equitably in the decision-making process at all levels, thereby undermining their equal participation in decision-making processes.

▪ **We demand the Committee to hold the State of Palestine accountable for the imperative adoption of a comprehensive and equitable social security system that ensures the protection of both male and female Palestinians within a concrete and inclusive social protection system.**

Family Rights and Violence (Article 10)

36. Palestinian women suffer from compound discrimination, influenced by the surrounding demographic factors that have impacted both the legislative and practical reality. The Palestinian women's experience is marred by disparities in the application of Personal Status Law depending on their location within Palestinian territory or the religion of their spouse. The State of Palestine's report on the convention is considered in comprehensive when addressing the discriminatory aspects of personal status laws against women and girls. These laws often perpetuate inequality and discrimination against women. Moreover, the absence of a modern and equitable unified legislative framework for personal status in Palestine adversely reflects women's rights and reinforces the violence committed against them.
37. The only amendment inputted to the PSL was raising the age of marriage. This was reflected in the amendment to the provision of Article (5) of the law by decree (21) of 2019, which applies to the northern and southern governorates. However, as a result of the political division, the Sharia courts in the Gaza Strip do not implement this decision. The provision prior to the amendment stipulated that the minimum age for legal engagement was 16 years for males and 15 for females. The amended provision postulates that the minimum permissible age of the male and female to be engaged shall not be less than 18 solar years with exceptions under the discretion of Sharia' judges. The practical exercise during the past two years showed that around 32% of the concluded marriage contracts during the first year after this legislative amendment were exceptional marriage contracts. This raises fears that the exception will become the rule. Recently, there have been repeated attempts to circumvent the law and its amendments by concluding customary marriage contracts with the full consent of the family but that are not officially registered with the competent Sharia courts or government departments, and imposing a *fait accompli* later in the event of pregnancy or the birth of children resulting from these marriages.

⁶ Decision By Law No. (6) of 2016 on Social Security which was published in the official Gazette (Palestinian Facts) on 22nd of March 2016, Article No. (71) - Second Paragraph.

38. In cases brought to women's organizations such as the Psycho-Social Counselling Center for Women (PSCCW), girls under the age of eighteen have sought assistance in filing lawsuits to prove marriage. In one particular case, a marriage was contracted through a customary paper, i.e. handwritten document signed by witnesses and a local religious figure from the girl's residential area. The marriage was then publicly declared, and when pregnancy occurred, the hospital conducted the childbirth for the young mother. Subsequently, the couple and the child were referred to Public Prosecution. Under these circumstances, the couple is forced to file a lawsuit to establish the marriage's legality, followed by a lawsuit to establish the child's paternity.
39. Strangely enough, the Shar'a Judges exhibit leniency in dealing with such cases, rendering judgments in the first session without imposing any physical punishment on the husband, witnesses, or religious figure involved in conducting the marriage ceremony. Instead, they impose a financial fine not exceeding forty Jordanian dinars. Moreover, such cases are not treated as exceptions, further widening the avenues for evading the enforcement of the legal age of 18 for both genders.
40. It's worth noting that the phenomenon of "Shar'i" but not legally recognized marriage has become widespread. Additionally, the procedures for proving paternity resulting from Shar'i marriages do not require presenting a marriage request before the Supreme Judge, thereby obtaining an exception for the marriage. The process involves submitting a claim for proving marriage to the Chief Justice of Shar'a Court, and after obtaining marriage and pregnancy certificates, the claim is authenticated. Paternity is established without being referred to the Supreme Judge within the category of exceptional requests.
41. Although the Advisory and Legislation Bureau (Fatwa) has justified the amendment to the provisions of Article 5 of the Personal Status Law as a step towards harmonizing the PSL with CEDAW, however, pressure exerted by the Office of the Supreme Judge of Sharia Courts and the Palestinian Fatwa Council nullified this legislative amendment. For example, the council has argued that, in the formulation of the PSL, it is not permissible to rely on international conventions only, but must rely heavily on Islamic Sharia. It further pointed out the necessity of realizing interests and avoiding "vices" in the event of a legislative amendment to the Personal Status Law.

Rights and Responsibilities when Concluding or Dissolving a Marriage Contract and Custody Cases

42. The State of Palestine has not taken measures to implement Article 10 of the Covenant within the framework of guaranteeing equality in marriage, during marriage, or in the event of its dissolution. It did not set an equal gender-based vision or conception regarding the same rights to enter a marriage for both women and men nor equal rights and responsibilities for women and men towards their children, particularly in custody matters. Hence, the state of Palestine should have taken special measures of protection and assistance on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions, ensuring the full equality of rights as stipulated in the covenant.
43. Amendment to Article (14) of the Decree by Law No. (17) of 2016, to be Decree by Law No. (20) of 2022, which states: "Despite anything mentioned in any other legislation, refusing to bring the minor or failing to comply with the implementation of the visitation, hosting, or escorting order shall be considered a crime punishable by imprisonment for a period of not less than six months." We consider this text a double-edged sword, as it does not specify who is being obstinate in delivering the child, since women who have the right to custody of the child resort to delivering them to the father at police stations, and the child refuses to go to their father due to previous family or psychological issues. The mother is accused of inciting the child to refuse to go or to delay in delivering, exposing her to imprisonment. This places an additional burden on the mother and does not consider the best interests of the minor, or even provide an educational specialist at the delivery locations. The legislator should have included in the text the requirement to enable the minor to see the other party through counselling sessions and to send a report explaining the reason for the delivery failure. The punishment should be imposed on those proven to be obstinate, in addition to the absence of a designated place for minors to see each other or a suitable location for holding counseling sessions to prepare the child to see one of the

parents. Courts usually resort to implementing visitation and hosting orders in police stations, detention centers, or courtrooms that do not meet the standards of care and suitable conditions for children.

- 45. Decree by Law No. (44) of 2022 Regarding Litigation Procedures for the Shari'a Supreme Court:** Article (6) stipulates, "Appealing before the Shari'a Supreme Court does not suspend the execution of the appealed judgment, unless otherwise decided with or without bail, based on the appellant's request." Despite the fact that appealing Shari'a judicial decisions does not suspend their execution, the decree by law includes discretionary power for the court to suspend it upon the appellant's request, which delays the enforcement of rights. This forces women to wait for a period (30 days until it's certified by the appeals court), then (30 days until a response from the Supreme Court). This means a delay in rights entitlement and a lack of justice in certain cases and rights
- 46. Decree by Law No. (6) of 2023 Regarding Division of Inheritance Rights:** There are many obstacles facing women in obtaining their inheritance rights, stemming from the patriarchal structure of society. These obstacles hinder their access to these rights through exclusion, reduction (underestimation), or delaying access to these rights. This is attributed to the societal view that treats women as dependents either of the father or the husband. In the latter case, acknowledging her entitlement to her inheritance share is viewed as if it were acknowledging the transfer of family property to a stranger who is not connected to the family (her husband here). In other cases, the dynamics of social power enforce male control over the family's economic resources, allowing the continuous benefit from these assets and delaying, in many instances, the division process or bargaining with weaker parties within the family unit over their rightful shares. Hence, efforts have been made to establish the Inheritance Department as a specialized entity working on behalf of women to ensure their access to inheritance rights. This puts the state under the responsibility to ensure citizens' access to their right
- 47.** 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.
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We demand the Committee to bring the State to accountability regarding the following:

- **The absence of measures and procedures taken by the State to guarantee equality in marriage, during marriage, or in the event of its dissolution, and the mechanism of providing protection for children and women with disabilities of their rights to a decent life..**
- **List the reasons why the State of Palestine has not made tangible progress in harmonizing Personal Status Law with the provisions of international conventions and the present covenant, and its failure to comply with the relevant concluding observations of the CEDAW Committee.**
- **We demand that marriage age exceptions be immediately stopped. We also demand to expedite the formation of a national committee to oversee and monitor the application of lawful marriage age, criminalize child marriages and prosecute perpetrators who circumvent the law and do not register those informal marriages in the Sharia courts.**

Violence against Women in the Private Sphere (Domestic Violence) - Draft Penal Code of 2011:

- 48.** The State of Palestine drafted Penal Code in 2011 to abrogate the Penal Code No. (16) of 1960 in force, and Penal Code No. (74) of 1936 in force in the Gaza Strip. However, this has not made much progress in addressing sexual offenses.
- 49.** The State of Palestine has amended the provisions of Article (98) of the Penal Code in the Decree-Law No. (10) of 2014, which stipulates stopping the use of mitigating excuses in honor killings. It has also amended provisions of Article (99) in Decree-Law No. (5) of 2018, which removes the ability for

mitigating discretionary excuses to be used in cases of “honor killings”. Despite this, we stress the inadequacy of the judicial enforcement of these amendments which has recently led to a steady increase in the rate of femicide. In this regard, WCLAC has documented (37) cases of femicide during 2020, and (24) cases in 2019. In the recent report issued by the Women's Center for Legal and Social Counseling, a total of 57 femicide cases have been documented over the past two years, comprising 28 cases in 2021 and 29 cases in 2022. Additionally, 14 femicide cases have been documented as of the preparation date of this report in the year 2023.

Violence against Women in the Public Sphere

50. During the years 2022 and 2023, numerous feminist organizations and some feminist activists have been subjected to a severe smear campaign through social media platforms. A social media page under the name of "Popular Movement Against CEDAW Convention" became active, targeting these organizations and activists. It characterized feminist work and any effort promoting gender-based equality as contrary to Islamic Law “Islamic Shari’a” and advocating immorality. It claimed that these organizations and activists engage in such feminist activities with instigation from foreign organizations and countries aiming to dismantle the structure of the Palestinian community. Through these social media platforms, efforts against gender-based discrimination were portrayed as attempts to destroy the Palestinian community. Several female activists were attacked by name and image on this page, with accusations of engaging in immorality and inciting women and girls to do so. They called for boycotting 12 organizations and activists through their Facebook page.
51. This smear campaign targeted specific feminist activists and human rights defenders by their names. Based on that, several complaints were filed with the Electronic Crimes Prosecution in Ramallah by the targeted feminist activists and also submitted to the Attorney General. The first complaint was filed on March 31, 2022. However, until now, no protective measures have been taken to safeguard these feminists.

Accordingly, we demand the Committee to urge the State Party on the following demands:

- **Expedite the review and approval of the draft Palestinian Penal Code in line with international conventions and references that guarantee human rights in general and women's rights in particular.**
- **We demand the Committee to bring the State Party to accountability regarding the 'complex violence' practiced against women while peacefully demonstrating, and the reason behind the absence of protection for them in a way that guarantees accountability, reparation and ensures non-recurrence; especially that these practices reinforced a negative cultural perception about the roles of women and girls by using them as a tool of “war”, thus excluding them from the public sphere.**

Draft Law on the Protection of the Family from Violence:

52. The final draft of the Family Protection Bill (FBP) was issued by the end of year 2021, following national consultations to discuss the penultimate draft issued by the Ministry of Social Development on February 23, 2020. The Minister of Social Development formed a committee to re-examine and reframe the draft law, chaired by the Diwan of Fatwa and Legislation, along with the Ministry of Women's Affairs, Ministry of Justice, Ministry of Social Development, Public Prosecution, Supreme Judicial Council, Shar'i Supreme Judge Council and the Palestinian Police. The Committee worked on redrafting the law, taking into account the observations by the President's legal advisor, in line with the international human rights standards that align with the Palestinian system.
53. Our most prominent observations on the final draft emphasize that the last version of the law lacks of explanatory memorandum, which is essential to discuss the philosophy and essence of the law, the legal and social reasons required to be enacted, the importance of being enacted as well as the social

- necessity thereto. Additionally, we note that certain forms of family violence crimes have not been addressed in the draft, such as the crime of denying rights or depriving the victim of fundamental rights like the right to health, education, food, drink, and special care for vulnerable groups in need of such attention, like children, the elderly and persons with disabilities. Furthermore, the last draft does not include provisions related to electronic violence a form of family violence.
54. **The definition of discrimination**, which was included in Article (1) of the previous draft, was worked on to be removed. This particular provision faced significant criticism from human rights and women's rights organizations. AL-Muntada formally addressed the Cabinet through an official letter, urging a reconsideration of the removal. This article is considered essential to the draft law. In addition, the penalty for the crime of discrimination, previously assigned as Article (44) in the earlier draft, was removed from the final draft.
 55. **The definition of sexual violence, including rape, was dropped, and the article related to marital rape was deleted as well.** Therefore, it is essential to include a definition of sexual violence in this draft and expand this definition to include all non-consensual sexual acts, even if they do not take the form of traditional sexual intercourse. This should also include any form of non-consensual sexual relationship. Regarding the definition of family, some phrases were added to the family definition as follows: 'Family is considered to be the husband and wife in the context of a marital relationship.' This was modified to 'Family is considered to be the husband and wife according to an **official marriage contract.**' This raises questions about what constitutes an official contract and how it applies to many cases of marriages that haven't been formally registered.
 56. Concerning the dispute resolution methods, which the law mentioned as mediation, we emphasize what was mentioned in Recommendation No. (33) regarding women's access to justice. This recommendation was issued by the committee responsible for eliminating discrimination against women, and it highlighted that "despite the fact that this process provides more flexibility, reduces costs, and minimizes delays for women seeking justice, it also leads to further violations of their rights and allows the perpetrators to escape punishment.
 57. The draft also does not mention certain crimes outlined in the Penal Code, such as incest. We would prefer to call these "crimes of sexual assault within the family." These are considered offenses that occur within the family setting, and in many cases, women and girls are coerced to engage in such relationships due to the imbalanced power dynamics within the family. These acts should be classified as a form of family violence against women. It's also evident that the penalty for **psychological violence** has been reduced compared to other penalties. Additionally, the penalty is either imprisonment or a fine. This implies that by paying the fine, the offender would not face imprisonment. Moreover, the reduction of the penalty for **forced marriage** from imprisonment for at least a year to imprisonment for at least six months. This is a setback for women's rights in this law.
 58. In terms of the economic cost of approving the Family Protection from Violence Law, MIFTAH, one of the NGO members of AL-Muntata, has prepared a study entitled "Draft Decree on the Family Protection Law, Financial and Economic Analysis" to provide financial and economic indicators within the framework of a case study of the financial repercussions of the provisions of the FPB. One of the most prominent results of this study is that the estimation of some costs that may result from the draft decree-law and the application of its provisions in relation to the social development budget is equivalent to 4 million shekels annually, given that the other parties (Police, Public Prosecution, and Courts) are currently performing their role without allocating fully specialized departments in favor of protection from violence, but in the case of these agencies, specialized departments only for protection from violence, the total cost will reach about 16.2% million shekels, but even if this cost is incurred, it

constitutes a small part of the public expenditures of the state, i.e. only about 0.1%, as the total public expenditures in 2022 amounted to about 16.2 billion Shekel ⁷.

59. The law should grant women and girls with disabilities special protection from gender-based violence, given the conditions of their double marginalization stemming from their gender and disability.

60. We Recommend to the Committee to urge the State Party on the following demands:

- **Urge the State of Palestine to expedite the enactment of the Family Protection Bill. We also stress the need to provide the five obligations imposed on the State Party based on the due diligence standard stressed by customary international law**
- **What are the measures has the State taken to protect women with disabilities i.e. a protection system that includes women with disabilities?**
- **Call on the State Party to allocate financial resources for the implementation of the FPB.**

The Right to Adequate Housing and Adequate Standard of Living (Article 11)

61. The systematic military operations in the framework of Israel's aggressive policy towards Palestinians are launched from time to time against their right to life, right to housing and the possession and ownership of land. These destructive policies have affected homes, farms, factories, businesses, NGOs and official institutions, places of worship, schools and universities. At the same time, it continues to impose restrictions on the residents of the Gaza Strip to deprive them of living and economic security by banning the entry of goods, basic and essential materials, and raw materials.

62. The most recent military operations took place on July 3, 2023, when the Israeli occupation forces launched attacks on Jenin Refugee Camp. The Israeli military employed airstrikes and thousands of heavily armed soldiers. This operation resulted in the martyrdom of 12 Palestinians⁸ and the arrest of over 300 individuals, many of whom were youth and children. Moreover, there were reports of settler violence in Tormosayya, Hiwwara, East Occupied Jerusalem, and other areas within the Occupied Palestinian Territory.

63. The refugee camps in the Gaza Strip and the West Bank have long suffered from overpopulation and the lack of basic services. As a result, women are affected by these unhealthy conditions, especially the lack of water in their homes. They also have to stay home for a long time to take care of children and the elderly.

64. With regard to the MoSD combating programs, they still fail to include a gender perspective regarding the services they provide. This negatively affects women below the poverty line and undoubtedly on women with disabilities, as the Ministry's financial aid program is still run based on indicators that pertain in general to the family as a single unit, and does not take into account disability criteria.

We demand the Committee to urge the State Party to clarify the following:

- **Does the State take into account gender issues in land planning policies? Is part of these lands allocated to the most marginalized groups, such as women?**
- **We demand a law that regulates the ownership of joint funds between spouses and legally regulates all matrimonial funds equally between the spouses**
- **Are there programs in place that target Palestinians of Jerusalem, especially women, who face twofold suffering resulting from the practices of the occupation in Jerusalem and Area C? Are there steadfastness programs for the Palestinians in these areas?**

⁷ Fact Sheet: Financial Indicators for the Family Protection from Violence Bill, prepared by The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) 2023

⁸ Press Report by the Palestinian Ministry of Health, published on 04/07/2023

Right to Health (Article 12)

65. The health insurance system is characterized as “gender-neutral” in the sense that it does not take into account the needs of both sexes based on their roles and the social and cultural reality. Women receive free health care services related to pregnancy and shortly after childbirth for the purposes of family planning and health supervision resulting from childbirth only, without taking into account the sexual and reproductive health care issue. A high percentage of women are deprived of compulsory health insurance, or reduced insurance.
66. Regarding sexual and reproductive health rights, there is no Palestinian legislation or national strategy on sexual and reproductive health, and it is not included in the educational curricula. There is denial access, availability, and quality of sexual and reproductive health services, including family planning and maternal and child health services, particularly in marginalized and remote areas. Based on field observations and cases reported through fieldwork, most marginalized and remote areas, specifically areas classified as Area “C”, lack full-time primary health care centers. The inhabitants women of these areas have stated that newborn vaccination services are available once every two weeks. This blatant violation demonstrates the Ministry of Health's failure to provide the right to access sexual and reproductive health services. Through field observations and testimonies with women and girls has revealed that any woman in need of sexual and reproductive health services must travel long distances due to the transportation challenges in these marginalized areas. Financial constraints often make it difficult for women to cover transportation costs, forcing them to travel to urban centers and villages to access services. In most cases, women may choose not to seek for these services due to the difficulty to access. Furthermore, primary healthcare centers that sporadically or continuously provide sexual and reproductive health services do not cater adequately to the needs of women and girls with disabilities, making it even harder for them to access these services.
67. Moreover, there are unmet needs for a significant percentage of women to access family planning services in marginalized and remote areas. Also, within sexual and reproductive health rights, the right to access information and benefit from scientific progress is crucial. Through field observations and testimonies of women and girls, it's clear that this right is not being fulfilled. Advanced health services are only available in urban and village centers, while remote and marginalized areas are excluded. This is evident from awareness and education programs carried out by NGO health institutions.
68. The State's report indicates the existence of a disability program at the Ministry of Health. To this end, there is no designated unit or program to ensure the inclusion of persons with disabilities in all departments, programs and interventions of the Ministry of Health which keeps the Ministry's interventions in connection with the health rights of persons with disabilities far from institutionalization, commitment and professionalism. The largest number of interventions referred to in Paragraph 181 of the State Party's report are merely selected interventions implemented by civil society institutions in cooperation with the Ministry. These interventions were not part of a clear and published plan of the Ministry's administrative and financial responsibilities.
69. 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 destinies of disabled applicants.

We recommend to the Committee to urge the State Party to clarify the following:

- **What are the guarantees provided by the State to the most marginalized groups; women, girls, elderly and women with disabilities, to benefit from the mandatory government health insurance especially that it is a family-based system instead of individual-based, hence no guarantees for individuals?**

Right to Education (Articles 13 and 14)

70. According to the statistics of the Palestinian Central Bureau of Statistics, the data for the scholastic year 2021/2022 showed that the participation rate in formal education (one year before enrolling in the official elementary stage) in Palestine is approximately 73% (68% among males, and 78% among female. The percentages of completion of different educational levels (lower and upper secondary education) were in favor of females reaching about 97% and 78%, respectively, while the percentages were 90% and 53% for males respectively. However, the percentages are equal between males and females for primary education completion rates, where they were 99% in the same year.
71. According to the statistics of the Palestinian Central Bureau of Statistics, the percentage of female students enrolled in Palestinian higher education institutions, it reached 62% out of the total number of students enrolled in higher education institutions in 2021-2022, of whom about 10% are enrolled in the ICT major, (59% among males, and 41% among females), and about 3% are enrolled in natural sciences, mathematics and statistics (28% among males, and 72% among females).
72. The number of school students for the scholastic year 2022/2023 in Palestine reached about 1.388 million students, out of which 1.116 million were students in the elementary stage (51% males and 49% females), and 272 thousand students in the secondary stage (45% males and 55% females). According to the statistics of the "Palestinian Central Bureau of Statistics" on the occasion of "Palestinian Child Day" on 4/5/2023, the percentage of children enrolled in schools and engaged in the labour market reached 1% (2% in the West Bank and 0.4% in Gaza Strip). As for gender distribution, the percentage was 2% among male children and 0.2% among female children during 2022.
73. Notwithstanding the fact that education at the primary level is mandatory and nearly free in governmental and UNRWA schools, there remain challenges in making secondary education accessible to all. Despite the measures taken by the Ministry of Education to ensure the availability of secondary education for everyone, there are still a set of challenges facing the education process. One of the primary challenges is the strikes of teachers in the government sector and UNRWA due to failure by the Palestinian government to pay their dues and benefits.
74. Other challenges include the absence of secondary schools in many villages located in remote areas and Jordan Valley which requires students to travel to neighboring villages or towns. Usually, girls are denied this opportunity due to conservative gender norms that prevent them from traveling for various reasons, such as the cost of transportation, the possibility of mixing with boys during travel, and the risk of harassment by Israeli soldiers at checkpoints or settlers on different roads.
75. The Ministry of Education suspended the "Opposition to Child Marriage Program", which is part of a comprehensive program aimed at "Enhancing the Rights of the Child". This program was developed by the Center for Women's Studies in collaboration with the Ministry for both male and female schools over the past two decades. It aimed to raise awareness among students and parents about the physical, psychological, and social dangers of child marriage. Moreover, the Ministry suspended AMAN Program, which was also developed by the Center for Women's Studies for years and aimed to educate students of both genders about sexual harassment and how to confront thereof. Despite the great success stories in schools as a result of implementing these two programs, this action takes place in response to the current aggressive smear campaign against women's organizations within the Palestinian community.

We demand the State Party to clarify the following:

- **What special measures and procedures have been taken in order to guarantee equal opportunities for the right to education in all its stages and types for girls and women, especially those with disabilities?**
- **What are the measures taken by the State in order to reduce the cost of higher education in Palestine?**
- **What is the proposed plan by the state to compensate students for educational losses during the teachers' strike period?**