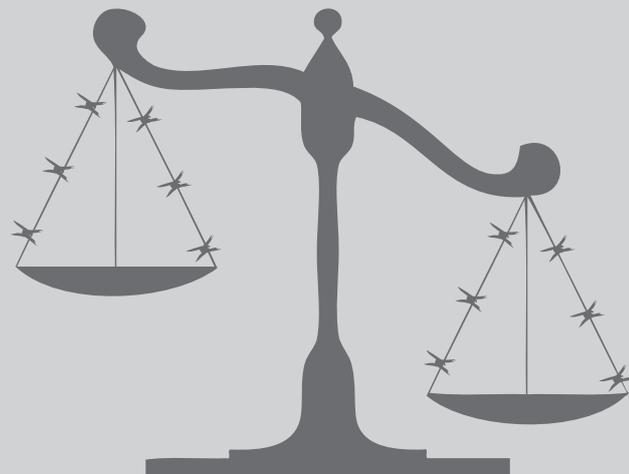


Fact Sheet about Palestinian Women

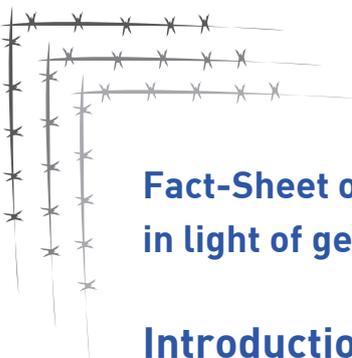


Submitted by:

**The Non-Governmental and Women Coalition
for the Implementation of CEDAW in the
Occupied State of Palestine**



May 2018



Fact-Sheet on Palestinian Women's status under the Israeli Occupation; in light of general recommendation No. 30 in CEDAW.

Introduction

For over half a century, Israel has been occupying the Palestinian territory and subjecting Palestinians to systematic human rights abuses, in violation of international law. Since the occupation of Palestine in 1967, Palestinians are confronted with legal and structural practices of the occupation on a daily basis. According to UN reports the occupation is a major obstacle to the advancement of Palestinian people and severely restricts their access to and enjoyment of a range of fundamental human rights and freedoms. The routine violations of human rights including, inter alia, forced displacement, confiscation of land for settlement construction, home demolitions, revocation of residency rights, arbitrary detention and imprisonment, settler violence perpetrated with impunity, and destruction of property have profound consequences for the population. It is essential to emphasize that numerous occupation policies in the West Bank, including East Jerusalem and the blockade of Gaza since 2007, have a negative gender differentiated impact on women. The UN reports confirm that Palestinian women and girls are exposed to threats to life, liberty and security as a direct result of Israeli occupation policies on a regular basis. The systematic violence, perpetrated by Israeli State and non-State actors in the West Bank, including in East Jerusalem is directly associated with continued existence of settlements and the Israeli government's policy for retroactive legalization of settlement outposts¹.

General Recommendation (GR 30) on Women in Conflict Prevention, Conflict and Post-conflict situations by CEDAW (2013) affirmed the application of the Convention in situations of armed conflict and occupation (paragraph 4), and legal obligations are imposed on States parties, which exercise extraterritorial jurisdiction over occupied territory. It underlines that State parties to the Convention are responsible for the human rights of individuals “**within their territory or effective control, even if not situated within their territory**” (paragraph 5).

1. International Legal Accountability Mechanisms: Palestinian Women Living Under Occupation.
http://www.lacs.ps/documentsShow.aspx?ATT_ID=30314



This is a clear indication that the Israeli government is responsible for the human rights situation of Palestinian women and girls who are under Israeli occupation. This is reiterated in the “List of issues and questions prior to the submission of the sixth periodic report of Israel” (16th November 2016) which reiterated that **“the Convention applies in all territories under the effective control of the State party and noting that the State party is an occupying power of Palestinian Territory.”** (Page 2).

The protection and advancement of women’s human rights is a key concern in international legal frameworks relevant to armed conflicts and occupation. International human rights laws emphasize the importance to protect women. It is observed by the UN and human rights actors in Palestine that the protection regime under international humanitarian law is premised on the temporary nature of military occupations; therefore protection mechanisms in Palestine have focused on service-oriented mitigation of the impact of the occupation on Palestinians, more specifically on Palestinian women and girls. The Committee’s General recommendation No. 19 on Violence against women underlines that war and occupation of territories often result in “sexual assault of women, which require specific protective and punitive measures” (1992, paragraph 16). Furthermore, General Recommendation on Women in Conflict Prevention, Conflict and Post-conflict situations (No. 30) underlines that women and girls are particularly targeted with sexual violence in armed conflict in order to humiliate, terrorize, and dominate a particular ethnic group (paragraph 35), and unfortunately, Palestinian women and girls are subject to intimidation, violence, and domination by Israeli occupation forces.

The occupation’s legal and structural violations of International laws in the West Bank, including East Jerusalem and the long-term consequences of the siege and military incursions in Gaza over the past 11 years have a differentiated impact on women and girls.





Illegal Transfers of Palestinian Female Detainees

According to the Prisoner Support and Human Rights Association (Addameer), there were 56 women and girls in prisons of the occupation state.

Palestinian women and girls in Israeli detention are subject to various forms of violence and ill-treatment, including sexual assault, harassment, threats, sleep deprivation, hitting, kicking, and cursing – in contravention with article 2 of the Convention. Additionally, Palestinian women and girls who are arrested from the Occupied Territory are routinely transferred inside Israel, which contravenes the Geneva Convention IV's prohibition on population transfer of the occupied population [Article 49 in conjunction with Article 76 and Rome Statute Article 8]. As of March 2017, 42 were held in HaSharon Prison and 13 were held in Damon Prison¹, both located in the occupying power's territory. This practice is considered discriminatory against women, as in the case of male prisoners, some are held in Ofer prison located inside the Occupied Territory. This signifies that the policy of transfer of Palestinian women and girls may in fact amount to gender-based discrimination and violates their protection under international law [Article 49 in conjunction with Article 76 and Rome Statute Article 8].

Detention of Children

According to UNOCHA, around 700 Palestinian children in East Jerusalem have been detained by Israeli forces every year, usually on charges of stone-throwing and, more recently, incitement to violence in social media. Some of these cases have triggered allegations of abuses during the arrest, transfer and/or interrogation². B'Tselem, an Israeli human rights organization, collates figures on Palestinian minors detained by Israel, which are provided by the Israeli police and Israeli Prison Service (IPS). The most recent figures from the end of April 2018, 315 Palestinian minors were held in Israeli prisons as security detainees and prisoners, including 3 administrative detainees. Another 6 Palestinian mi-

2. <https://www.ochaopt.org/content/children-detention>

3. https://www.btselem.org/statistics/minors_in_custody



nors were held in Israel Prison Service facilities for being in Israel illegally³. According to The United Nations Children’s Fund (UNICEF), 671 Palestinian children were arrested in East Jerusalem alone from November 2015 to September 2016. ²³ According to Addameer, 400 children remained in detention at the end of October 2016. The practice of holding children in administrative detention also continued. It was published by Haartz that most Palestinian Minors Arrested by Israel Claim Physical Violence During Detention 60 percent say experienced violence, only 10 percent met with a lawyer | In 2013, a UNICEF report said Israel was systematically abusing young detainees, new data shows little has changed⁴.

Illegal Settlements

It is widely acknowledged that Israeli settlements in the OPT are a violation of international humanitarian law. The Security Council, in its resolution 2334 (2016), reaffirmed that Israel’s establishment of settlements in Palestinian territory occupied since 1967, including East Jerusalem, had no legal validity, constituting a flagrant violation under international law and a major obstacle to the vision of two States.

Alongside this, they are a constant source of friction between Israelis and Palestinians and they underpin many of the abuses of women’s rights raised in this submission. **Around 395,000** settlers live in about 130 separate settlements⁵, meaning that the settler population has more than tripled since the Oslo Accords. The rate of settlement construction has doubled over the past 5 years⁶. On 5 June 2018, OCHA OPT has reported an increase in settler violence during the first four months of 2018 Israeli settler violence against Palestinians has been on the rise since the beginning of 2017. Between January and April 2018, OCHA documented 84 incidents attributed to Israeli settlers resulting in Palestinian casualties (27 incidents) or in damage to Palestinian property (57 incidents). On a monthly average, this is the highest level of incidents recorded

4. <https://www.haaretz.com/israel-news/.premium.MAGAZINE-most-palestinian-minors-arrested-by-israel-claim-violence-during-detention-1.5456372>

5. Greg Myre, Larry Kaplow, “7 Things to know about Israeli settlements”, NPR, December 29, 2016

6. Peace Now, Settlement Watch, <http://peacenow.org.il/en/40-increase-construction-starts-west-bank-settlements-2016>





since the end of 2014 and represents a 50 and 162 per cent increase compared with 2017 and 2016, respectively.

Settlements have fragmented lands in the West Bank, depriving Palestinians basic human rights – freedom of movement, the right to education, and access to water and sanitation. Crucially, as noted by the UN Special Rapporteur on Violence against Women, settlements place immense psychological strain on women and families in general, constantly disrupting and inhibiting everyday family life. In her visit to OPT in 2016, the Special Rapporteur stated: “Settler violence also translates in the loss of livelihood for the family, girls being harassed on the way to school to the extent that their families prefer not to send them to school. Settlers’ violence needs to be met with accountability, which seems to be lacking⁷”

Israeli settler violence against Palestinians has been on the rise since the beginning of 2017. Between January and April 2018, OCHA documented 84 incidents attributed to Israeli settlers resulting in Palestinian casualties (27 incidents) or in damage to Palestinian property (57 incidents). On a monthly average, this is the highest level of incidents recorded since the end of 2014 and represents a 50 and 162 per cent increase compared with 2017 and 2016, respectively (see chart). Settlers have practiced stone-throwing at Palestinian homes and vehicles, setting fire to Palestinian homes and mosques, and extensive damage to property, including trees.

Breaking Palestinian Peaceful Protests

On 30 March 2018, a six-week campaign composed of a series of protests started the Gaza Strip, near the Gaza-Israel border. Called by Palestinian organizers the «Great March of Return», the protests demand that Palestinian refugees and their descendants be allowed to return to their homes, in what is now Israel. They are also protesting the blockade of the Gaza Strip and the moving

7. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20584>





of the United States Embassy from Tel Aviv⁸ to Jerusalem. Violence during the protests has resulted in the deadliest days of the Israeli-Palestinian conflict since the 2014 military assault on Gaza.

At least 110 Palestinians were killed between 30 March to 15 May 2018 and between 13,000 to 14,000 Palestinians were wounded, with some 1,400 struck by three to five bullets. No Israelis were physically harmed from 30 March to 12 May, and one Israeli soldier was reported as slightly wounded on 14 May, the day the protests peaked, when 55 Palestinians were shot dead at twelve peaceful protest points along the border fence, including six children (one female), according to the Ministry of Health (MoH) in Gaza..

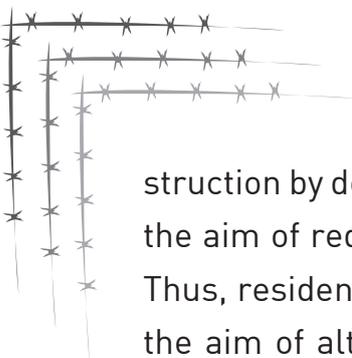
Israel's use of deadly force was condemned on 13 June 2018 in a United Nations General Assembly resolution. Condemnation has also been levied by human rights organizations, including Human Rights Watch, B'Tselem, and Amnesty International, and by United Nations officials. Kuwait has proposed two United Nations Security Council statements, calling for an investigation into Israel's killing of Palestinian protesters. The proposals have been vetoed by the United States,

Residency Revocation and Family Reunification

Israel's closely linked policies of residency revocation and family reunification are used to target Palestinians and forcibly transfer them from their homes. The harmful effects of these policies are particularly felt by Palestinians living in Jerusalem, where Israel is intent on diminishing the Palestinian presence. Residency revocation is the process where Palestinian residency permits are revoked by Israeli authorities, while family reunification is the process whereby individuals apply for residency permits to reunite with their families. Both represent the power Israel holds over fundamental Palestinian rights – the right to private and family life – and both are examples of Israeli demographic recon-

8. Historically what is now known as Tel Aviv is a Palestinian City (LOD). Since 1948 after the Palestinian Nakbah, the Israel occupying authority has changed its name and history to Tel Aviv.





struction by decree. These policies form part of Israel's 2020 "Master Plan" with the aim of reducing the Arab population of East Jerusalem to fewer than 28%. Thus, residency revocation and denial of family reunification are designed with the aim of altering facts on the ground and forcibly transferring Palestinians from Jerusalem, in order to maintain a majority Jewish Israeli demographic.

Residency Revocation

Around 14,595 Palestinians from East Jerusalem have had their residency status revoked between 1967 and the end of 2016. These revocations were carried out for a number of reasons, but mostly due to what Israel has deemed the failure to demonstrate a "centre of life" in East Jerusalem. The "centre of life" policy entails the practice of permanent revocation of residency for Palestinian Jerusalemites where the Israeli Ministry of the Interior deems that a Jerusalem Palestinian does not have his/her "centre of life" in Jerusalem but rather lives in the occupied West Bank or elsewhere, or has stayed abroad for 6 years or obtained residency/citizenship of another country. Providing proof that Jerusalem is one's "centre of life" is onerous. This necessitates providing to Israeli authorities numerous documents, "including such items as home ownership papers or a rent contract, various bills (water, electricity, municipal taxes), salary slips, proof of receiving medical care in the city, certification of children's school registration." Through residency revocations, Israel has separated husbands from wives, parents from children, and extended families from one-another, causing traumatic complications for women attempting to remain with their families in both Jerusalem and West Bank.

The purpose of residency revocations is to force people to leave their homes and to divide families. This leads to traumatic fears of separation from children for mothers and, contrary to Art.5 (a) of CEDAW, an entrenching of patriarchal practices across society. Palestinian women living in Jerusalem lose residency rights if they get divorced or their husbands remarry. There are no options for their children and their best interests are not considered : if they remain with the father, the mother will no longer be allowed to reside in the same city as them or even visit. Limiting their access to justice, and contrary to CEDAW Gen-



eral Recommendation 30, female victims of domestic violence fear going to authorities in case they are forcibly transferred away from their children.

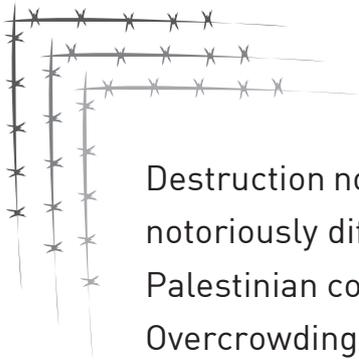
House Demolition

The practice of collective punitive action, which is a violation of international law, increased during the reporting period. Israel continued to punitively demolish family homes of Palestinians who reportedly attacked Israelis and to withhold the bodies of alleged attackers who are killed to prevent families from conducting funeral rites.

According to UN data, Israeli authorities demolished or seized 1,093 Palestinian-owned structures throughout the West Bank and East Jerusalem in 2016. They displaced over 1,600 Palestinians and affected the livelihoods of more than 7,000 others. These figures are nearly double those of 2015 and are highest since 2009, when OCHA began the systematic monitoring of demolitions. The burdens of the Occupation in Area C⁹ fall hardest on women, manifesting as threats to health and well-being, in addition to theft of economic, educational and political opportunity. Regarding the former, families and communities live under the omnipresent threat of home demolitions and forced displacement. Over 90% of the communities in Area C do not have “master plans”, owing to a policy of perpetual denial by the Israeli planning administration, leading to any building or construction is declared illegal by the Israeli occupation. In essence, the occupation authority refuses to grant permits approving Palestinian construction; in the first half of 2016, out of a total of 428 permit requests, 391 were rejected. Israel uses the absence of master plans and planning permits as pretext for the destruction of homes, infrastructure and, in certain cases, entire communities. In 2016 alone, 1,093 structures in Area C and East Jerusalem were confiscated or demolished, displacing over 1,600 children. Home demolitions fall especially hard on women.

9. In the 1995 Interim Agreement on the WBG, Israel and the Palestine Liberation Organization (PLO) agreed to the temporary division of the West Bank (excluding East Jerusalem) into three areas: A, B and C. This division was intended to last until a final status agreement was reached within five years. When Israeli/Palestinian





Destruction notices are usually issued due to lack of building permits, which are notoriously difficult to obtain. Only 13% of East Jerusalem's land is allowed for Palestinian construction, whilst only 7% of permits are granted to Palestinians. Overcrowding makes it difficult to obtain justification for a permit application. Resubmissions or oppositions of permit orders can cost thousands of shekels, leading to impoverishment, displacement, and mental strain especially on wives and mothers who are responsible for their family's welfare. In contravention of customary humanitarian law, 24 property demolitions are also denying Palestinian access to humanitarian relief. As noted by OCHA, "nearly 30% of the structures demolished by the Israeli occupying authority in 2016 were donor-funded humanitarian assistance.

Beyond the risk of physical harm and violence, women in Area C endure the burden of robbed opportunity. This theft of potential starts young. Palestinian girls have limited access to education, as a result of absent infrastructure and restricted mobility. In 2014, 50,000 Palestinian children enrolled in 183 schools suffer lacked of access to education, insufficient schools and risk on the way to school not to mention school demolition orders¹⁰. According to survey launched by the Palestinian Central Bureau of Statistics (PCBS), around 2,500 children are forced to cross military checkpoints to access their schools, mostly taking three to four times longer to avoid routes with settlements. Girls commonly drop out of schools at very early ages therefore leading to early marriage and pregnancy. Women on the other hand face fewer economic opportunities and have little capital. Although women's labor work is in agriculture, they tend not to leave their communities to market their products due to Israeli soldiers and settlers threats.

10. <http://www.pcbs.gov.ps/Downloads/book2147.pdf> (Page 26)