



Palestinian Women on March 8, 2018 Reality and Horizons

PWWSD would like to convey warm greetings and wishes to Arab and International women on this International Women's Day in honor of their steadfastness towards freedom, equality, and social justice. On this occasion, which is dear to the hearts of Palestinian and international women, PWWSD pledges anew its commitment to strive for its vision until the end of the occupation wherefore creating a civil, democratic, fully sovereign state along the June 1967 borders with Jerusalem as its capital, and end the refugee situation in accordance to Resolution 194. PWWSD will continue its struggle to establish gender equality with respect to women's rights on the basis that these are human rights indivisible to fragmentation or interpretation. PWWSD will maintain its position in the democratic women's rights movement in order to create a divergence from this patriarchal society dedicated to inferiority and discrimination against women and which does not view women as fully-fledged citizens.

Recent decades have witnessed, as a result of women's struggles worldwide, developments at the conceptual level relevant to women's rights emphasizing full gender equality and the abolition of gender discrimination. Progress has identified mechanisms and instruments both nationally and internationally employed for the implementation of equal rights which has been embodied in its standards and principles in the Convention of Elimination of All Forms of Discrimination against Women (CEDAW) and in the fundamental pillars of the Security Council's resolution 1325 related to women's security and protection during and post conflict as an additional reference to International Legal Law. Sadly, however, women still face marginalization, discrimination, and exclusion exemplified in socio-cultural patterns that reinforce stereotypes and the perceived inferiority of women as a result of the absence of political will to recognize equality.

The ongoing presence of the Israeli Occupation is at the core of the plight of Palestinian women as well as the Palestinian people, for Palestinian women strive, side by side with men, for the recognition of their national rights and the right to self-determination first and foremost, and the right of return of refugees and the right to human security. Women and their families are considered the most affected by the suppressive acts held by the Israeli government, which continues to violate human rights laws through its illegal settlement activities and endless war crimes; these actions proceed to hinder the political peace process and obstruct the chance of a political resolve with the PLO.

Israel's recurring aggression against the Gaza Strip left devastating and destructive effects these past few years: from sealing off the border crossings to imposing a comprehensive blockade against the entire Gaza Strip, not to mention the expansion of illegal Israeli settlements despite the Security Council's 2016 resolution No. 2334 which considers Israel's expansion of settlements on the Palestinian Territory illegal and unlawful. The Israeli government has also continued its drive to Judaize Jerusalem in an effort to initiate what it calls "the deal of the century" by relocating the American Embassy from Jerusalem to Tel-



Aviv, thus recognizing Jerusalem as the capital of Israel, even after the Security Council dubbed this decision as a violation of the international Human Rights Law (IHRL) and International Humanitarian Law (IHL).

These policies have produced negative impacts on the lives of the Palestinian people and on women in particular. It will take centuries till this country can regain security and stability and restore the damage caused by this division: abating of our National Program and of our people's strategic goals, in addition to the rising lack of respect of the human rights system. In particular, these policies have previously posed an impediment to the Palestinian Legislative Council, which resulted in a clear decline in women's achievements, whether in the West Bank or the Gaza Strip. Following the division, special laws and regulations were formulated to combat gender-based violence; the Personal Status Act and the Penal Code had also been formulated at the same time. However, these draft laws, formulated by the civil society with the participation of women, have remained in a pile under the pretense that the Legislative Council's work had been impeded and the PA had decided to adopt a fragmented policy that recognizes "full equality". The PA did not comply with the international agreements written to demand the recognition of full equality in the private and public spheres; instead they chose to adopt a selective policy as a means of avoiding the implementation of CEDAW.

In this context, Prime Minister Rami Al Hamdallah announced on the 5th of March 2018 that special amendments had been made in correlation to the following laws:

- A woman is now capable of issuing a passport for her underage children.
- A woman can open a bank account for any child who is a minor.
- A woman has the right to transport her children to and from school.
- The Prime Minister issued an order to amend Penal Code No. 16 of 1960 which would reduce sentences of those committing honor killings, and repealed Article 308 which grants a rapist impunity in the instance that he decided to marry his victim.

These decisions came as a result of the struggles fought by the Palestinian Women's Movement since the beginning of the 19th century, where they fought for democratic and social freedom which overlaps with their conquest to end the occupation. Despite beginning the year with these decisions, PWWSO cautions against utilizing a compartmentalized approach as an alternative to an inclusive approach undermining provisions and laws that reflect on the philosophy of the justice systems [courts, judges and law enforcement officials. In order for the state to recognize gender-based equality and justice, there must be a sense of commitment on part of the political system on principle of separation of powers and the independence of the judiciary system and the rule of law indicating the importance of ending the division, building national unity and restoring the effectiveness of the PLO on the grounds with the participation and commitment of the civil society, particularly young men and women.

The General Association, along with women's groups and centers, has submitted a memorandum reflecting its vision to end the division and achieve national unity following the Reconciliation Meeting in Cairo on the 21-22/November 2017. Some of the



most prominent highlights announced during the meeting can be summed up on the basis of ending the division and in particular suspending financial and administrative sanctions on the Gaza Strip; they also expressed the significance of implementing agreements made previously and exclusively in Cairo 2011, reinstating the PLO as the official and legitimate representative of the Palestinian people and which guarantees the accession of all powers and factions on the basis of proportional representation in order to form a National Council in accordance with the Preparatory Committee's decisions [Beirut]. They emphasized the following: the significance of reinstating the PLO so that it may carry out its mandated tasks; the need to develop a timeline for the holding of presidential and legislative elections on the basis of proportional representation and allocating a Quota for women in governance which does not fall below 30%; the importance of enabling the government to carry out its tasks in the Gaza Strip. Despite the Women's Movement having made several developments toward enhancing women's role in the reconciliation process, including having been represented in the Reconciliation Committee in which 4 women participated in the Cairo meetings of 2017, the reconciliation process came to an abrupt halt that left negative impacts on the lives of citizens in Gaza. This requires a strategic articulation to apply pressure on all parties causing an impediment to the Women's Movement by prohibiting them from further continuation in the social peace process, thus rendering them incapable of mobilizing to confront the main enemy who continues to initiate war crimes against our nation on a daily basis.

In order to counter attempts to apply what is termed the "deal of the century" and refuse the US President's decision to relocate the US embassy, and support the men and women who are threatened by Israel's illegal settlement expansion and who battle aggressive Israeli settlers on a daily basis, the critical political situation which threatens the forming of a Palestinian national unity requires immediate action at all levels in order to achieve national unity.

With regards to the political context and its economic, social and cultural implications, PWWSd played a fundamental role in the Women's Movement activities. PWWSd was a pioneer both at the national level and in advocating for Palestinian women's rights where she exercised all efforts to empower women and increase women participation in developmental affairs with the objective of eliminating all forms of discrimination against women. Several institutions invoked the rule to recognize women's rights as legal human rights and to consider Palestinian women's issues as socio-political issues, thus recognizing that a Palestinian national unity built on socio-economic policies cannot be achieved without the effective participation of women.

Despite that the Palestinian Basic Law enshrines the principle of equality between the sexes and that Palestine was included in international conventions, including the agreement to eliminate all forms of discrimination against women [CEDAW 2014] which constituted as a major step in safeguarding women's rights, and despite the Women's Movement which began as an effect of this inclusion as well an effect of drafting a CEDAW shadow report specifically for the State of Palestine which was presented to the CEDAW Committee at the UN along with a shadow report drafted by the General Union of Palestinian Women – with the support of legal women's rights centres- also presented to the CEDAW Committee at the UN, and despite the Palestinian Constitutional Court's issuance of a constitutional decision to consider that all International Conventions take



precedence over domestic laws, the biggest challenge lies in the inclusion of the international conventions, particularly CEDAW conventions, into domestic laws and into the next Palestinian constitution, especially since CEDAW convention was not published in the Palestinian Gazette. In addition, the State of Palestine did not take the necessary political measures to modify cultural stereotypical patterns built on the inferiority and discrimination against women, thus creating an impediment to the progression of Palestinian women.

Consequently, Palestinian women continue to suffer from dual oppression, because of the continued occupation and its repressive measures, and on another social level, where the patriarchal system continues to enhance women inferiority. Palestinian women in general are still seen as policy objects instead of policy makers and partners, which is reflected in the many obstacles drawn before them, both in terms of the legislative structure that still discriminates against women, especially in the Personal Status Law and the Penal Code currently in force. As well, women exclusion from political participation still prevails at the level of decision-making, despite women's social, political, and national roles.

The situation of women has been greatly affected by the said conditions and factors. Palestinian women continue to live in discrimination at all levels. For example, the increasing percentage of women in education is not reflected in the labor market, and they still only represent 19.3% of the overall workforce in Palestine, with escalating high rates of unemployment among citizens in general and women in particular, where the economic environment is characterized by low growth and limited employment opportunities. Moreover, the expansion of employment opportunities, although limited, tends to be in favor of men, not women, other than the wages gap. This is especially true in alignment with the increase in poverty rates, especially in the Gaza Strip, severely increasing with each Israeli repressive measure that stifles domestic human and financial resources. Women and children are considered the poorest of the poor, and women are obliged to assume additional roles as a result. In the same context, the Labor Law that is unable to tackle all aspects of the economic situation requires re-adaptation to ensure achieving the economic rights of women, and the adoption of the law on minimum wages, where weakness of inspection and control on its application prevent many women from gaining their rights.

On a different note, the results of the latest survey of indicators of violence in Palestine issued by the Central Bureau of Statistics in 2011 show that women are exposed to various forms of violence. Violence against women is not confined to being domestic, but also prevails in the streets and workplaces. Recently, there was an increase in femicide; 32 women were killed in 2017 in the West Bank and the Gaza Strip. The number of women submitted into safe houses has also increased in order to be protected from death threats. Although women movement was able to record achievements after advocacy and lobbying efforts, including abolishing Article 97 of the Penal Code preceded by a presidential decree to eliminate unfair provisions against women in the Penal Code in force and to consider the killing on the grounds of the so-called family honor a crime, the measures are insufficient to stop the killing of women and deter the aggressors, in light of the legal environment that promotes discrimination against women and does not treat them as full citizens, especially the continued absence of the Personal Status Law, Penal Code and Family Protection Law.



In terms of political participation and decision-making, women political participation remained at the same rate due to the continued disruption of the presidential and legislative elections, with the exception of holding local council elections on two phases in 2017, resulting in 21.1% of women holding local council posts. As for women's participation in public life, 82.8% of the judges are male, compared to 17.2% of females. 83.3% of the public prosecutions are males, compared to 16.7% females. Palestinian female ambassadors constitute 5.8% of all ambassadors, compared to 94.2% of males and 23.2% of university student council members are females, compared to 76.8% males. In general, political parties' women members are excluded from certain tasks by their parties and rarely represent them or appear in the media. This prevailed in the marginalization of women by political parties in the recent local elections where electoral lists in the majority of the localities were finalized. Political parties, as well, do not adhere to the representation quota of women, that is 30%, and women representation in local councils was only 21.1%. The Palestinian statistics indicate that women's participation in senior management positions is decreasing, and that they are excluded from decision-making positions. In addition, and although women represent 13% of all administrative staff, they represent only 3% of staff in decision-making positions such as legislators and senior managers.

The continued disruption of the legislative environment resulting from oppressive occupation measures, on the one hand, and reaching no national reconciliation are obstacles affecting the progress of Palestinian women in all field. For example, there is a lack of control over the implementation of the Labor Law and the Basic Law, and a lack of adoption of important laws for women such as the Personal Status Law and Penal Code.

International Women's Day is considered an important stop for Palestinian and international women, who celebrate this occasion wholeheartedly. It is an event, during which we can take a moment to look at women statuses, and identify what needs to be changed. Palestinian women have ever been a symbol for freedom from the Israeli occupation and its oppressive policies and disregard of international conventions. Thereof, PWWSD urges the international community to work on the following in commemoration of IWD:

- Calling upon international entities, including the United Nations, to hold Israel accountable and have it abide by international legitimacy, foremost IHL, IHRL, and the Fourth Geneva Convention, which oblige the occupying state to provide protection to civilians under occupation, knowing that disrespecting such conventions impact on the priorities of Palestinian women and delays their progress in changing their reality based on gender equality.
- Calling on the Palestinian factions to act immediately and quickly to end the division and restore national unity and agree on a national strategy and political program that ensure the participation of the entire Palestinian political spectrum. The continuation of the division leaves negative impact both on our national cause and the lives of Palestinians, and women in particular.
- Calling the occupied state of Palestine to take adequate measures and policies to change the cultural structures that are based on discrimination against women, and their inferiority, thus hindering the progress of the status of Palestinian women.



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- Calling upon the occupied state of Palestinian to conduct a comprehensive review of the legal system to ensure that CEDAW is included in the local laws, including the need to publish the agreement in the Palestinian official Gazette.
- The need for the response of the occupied State of Palestine to the strategic demands of the women movement, namely to expedite the adoption of Family Protection Law and the Penal Code

IWD remains a milestone to activate national and social struggles of Palestinian women. PWWSO will continue to strive for a free and democratic Palestinian society based on social justice and gender equality, and the elimination all forms of discrimination by empowering and mobilizing women to participate in development processes, and the promotion of women civil rights as human rights.

International Women's Day 2018

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