



**AL-HAQ SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN on the First Periodic Review THE STATE OF PALESTINE**

**70<sup>th</sup> SESSION**

**June 2018**

**Introduction**

1. Al-Haq hereby presents its submission to the Committee on the Elimination of Discrimination against Women (hereinafter the Committee) at its 70<sup>th</sup> session with regard to its evaluation of the first report of the State of Palestine and its compliance with the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW or the Convention), to which it acceded without reservations or declarations on 1 April 2014. The submission also reviews all the appropriate measures taken by the State of Palestine to integrate CEDAW in its legislation and other policies, directives, and measures implemented by the State.

2. The Occupied Palestinian Territory (OPT), consisting of the West Bank, including East Jerusalem, and the Gaza Strip, has been under prolonged Israeli occupation for over fifty years. Israel, the Occupying Power, has instituted a variety of policies and practices against the Palestinian people, which stand in violation to International Humanitarian Law (IHL), International Human Rights Law (IHRL), and International Criminal Law (ICL). These include violations against the right to self-determination, the right to life, and the right of return, amongst others.

3. The Occupying Power has particularly targeted Palestinians, including women and girls, in occupied East Jerusalem and Area C of the West Bank, and in the Gaza Strip. In October 2017, Al-Haq presented a submission to the Committee at its 68<sup>th</sup> session with regard to Israel's sixth periodic report. The submission highlighted Israel's systematic violations of numerous human rights established in the Convention, including violations that deprive Palestinian women and girls of their dignity and economic, social, cultural, civil and political rights.<sup>1</sup> In its submission, Al-Haq specifically highlighted Israel's discriminatory measures and policies that violate CEDAW including: family unification and citizenship laws; collective punishment through punitive home demolitions and other practices; forcible transfer; residency revocations; and restrictions on building which lead to administrative demolitions.

4. Al-Haq urges the Committee to recognize that the systematic denial of the fundamental rights of Palestinians are primarily due to Israel's prolonged occupation and effective control

<sup>1</sup> Al-Haq, "Al-Haq Submits to the Committee on the Elimination of Discrimination against Women Regarding Israel's Sixth Periodic Report" (October 2017):

<http://www.alhaq.org/images/thumbnails/images/stories/Images/1146.pdf>



over the OPT, and that Israel is the primary duty bearer in regards to protecting the rights of the Palestinian people. Further, Al-Haq urges the Committee to take into consideration during deliberations with the delegation of the State of Palestine, and while forming its concluding observations that the Palestinian Authority (PA) only operates in a portion of the West Bank, and is obstructed from implementing cohesive policies for all Palestinians in the OPT. While acknowledging these realities, Al-Haq does, however, affirm that the State of Palestine must also uphold its responsibilities and obligations under the Convention in areas within its jurisdiction and within its competence.

5. The State of Palestine’s legislative framework is comprised of Ottoman Law, regulations from the British Mandate, as well as Jordanian and Egyptian laws. Consolidated Palestinian legislation was enacted after the establishment of the PA in 1994. Following the internal Palestinian political divide in 2007 and the suspension of the Palestinian Legislative Council (PLC), the PA has since been introducing regulations that apply exclusively to the West Bank, including laws by decree, that are effectively unenforced in the Gaza Strip. Laws promulgated in the Gaza Strip are also not applied in the West Bank.

6. According to the Standing Orders of the PLC, the PLC convenes at the invitation of the Palestinian President. The last invitation addressed by the Palestinian President to the PLC was at the peak of the internal Palestinian political divide in 2007, and the President has not called on the PLC to convene since. A Presidential Decree, dated 14 June 2007, declared a state of emergency as a consequence of the internal political divide. The state of emergency has not been lifted since, in violation of the Basic Law.<sup>2</sup>

7. Article 10(1) of the Basic Law (Provisional Constitution) provides that “[b]asic human rights and liberties shall be protected and respected.” This provision vests all human rights with a constitutional status.

8. On 19 November 2017, the Palestinian Supreme Constitutional Court (SCC) entered a decision on the Constitutional Appeal No. 4/2017, ruling by a majority vote for the “precedence of international conventions over domestic legislation, ensuring consistency with the national, religious and cultural identity of the Arab Palestinian people.” This latter phrase on “ensuring consistency with the national, religious and cultural identity of the Arab People” can be interpreted as a general reservation, in violation of the Convention, the Basic Law, and the 2006 Law on the Supreme Constitutional Court, as it is not vested with this competence.

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<sup>2</sup> Some emergency regulations continue to be in effect to date. According to Article 110 of the Basic Law, the state of emergency may be declared for a period of 30 days. It may only be extended by an additional 30 days when a two-third majority of the PLC members vote in favour of the extension. Because the PLC has not been in session since the internal political divide, the state of emergency should have been terminated by the force of the law 30 days after it had been declared. A decree has not been passed to terminate the state of emergency.



9. On 12 March 2018, the SCC rendered a decision on the Constitutional Appeal No. 5/2017 regarding the interpretation of Article 10 of the Basic Law.<sup>3</sup> In the ruling, the Court highlighted the “duality of legal norms” without a constitutional or legal basis. The Court held “international treaties and conventions are not considered by themselves as a law to be applied to Palestine. To be enforced, these must possess power by passing through the formal stages to be fulfilled for the enactment of a particular domestic law.” This means that the enforcement of international conventions would need to be domestically approved in tandem with the mechanisms for approving and publishing laws in the Official Gazette. According to its decision, the Court reiterated its general “reservation” to the applicability of international conventions domestically: “without prejudice to the religious and cultural identity of the Palestinian people.” The Committee should note that the Supreme Constitutional Court was formed by a decision made by the Palestinian President on 26 April 2016, and in violation of the Basic Law and Supreme Constitutional Court Law. Women are not represented on the court panel.<sup>4</sup>

10. Despite acceding to the core human rights treaties<sup>5</sup>, including CEDAW, the situation of human rights in the State of Palestine continues to deteriorate. While this deterioration is driven by the occupation, Al-Haq believes that there are other factors facilitating the decline. First, the on-going internal Palestinian political divide has had adverse consequences on the human rights situation. With the PLC ceasing to function, the executive branch of government has monopolised both legislative and executive functions. Transparency and public dialogue are largely absent in the law and policy-making processes.

11. The justice system is also compromised by executive interference, leading to an absence of accountability and redress for victims.

12. The executive has further placed increasing restrictions on civil society organisations, (CSO) such as restrictions on financial transactions, including where the salaries of CSO employees are only transferred following the approval of the Ministry of Interior. These restrictions are imposed without any legal basis.

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<sup>3</sup> Basic Law Article 10(a): “Human rights and fundamental freedoms are binding and respected”, and Article 10(b): “The Palestinian National Authority is working without delay to accede to regional and international treaties and declarations that protect human rights”.

<sup>4</sup> Al-Haq, *Transparency in Action: The Unlawful Path to Lifting Parliamentary Immunity and Undermining the Independence of the Judiciary*, 21 December 2016,

<http://www.alhaq.org/advocacy/topics/palestinian-violations/1091-transparency-in-action-the-unlawful-path-to-lifting-parliamentary-immunity-and-undermining-the-independence-of-the-judiciary>.

<sup>5</sup> In 2014, the State of Palestine acceded to seven of the nine core human rights treaties: The International Covenant on Civil and Political Rights (ICCPR); The International Covenant on Economic, Social and Cultural Rights (ICESCR); The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); The Convention on the Rights of Persons with Disabilities (CRPD); The International Convention on the Elimination of All Forms of Racial Discrimination (CERD); The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); The Convention on the Rights of the Child (CRC)



### **Violations Relevant to Articles 1 and 2: Definition of “Discrimination Against Women”**

13. To date, there are no laws enforced by the PA that explicitly define “discrimination” or criminalize discrimination on any basis. While Article 9 of the Basic Law prohibits discrimination, it does not provide a definition for it. Accordingly, penal and personal status laws and, more broadly, the body of Palestinian legislation in force in the West Bank and Gaza Strip do not contain a definition of “discrimination against women” as found under Article 1 of CEDAW. Operative Palestinian legislation also does not include any provisions to the effect of criminalising any form of discrimination specifically against women.

14. With this present vacuum, draft legislation has attempted to acknowledge the issue. Article 546 of the Draft Penal Law of 2011 defines discrimination as “any distinction between natural persons on grounds of national origin, social origin, colour, race, family status, state of health, disability, political opinion or trade union membership, or on account of the person’s actual or alleged membership or non-membership of a particular race, nation, ethnic group or religion.” The article goes on to state that discrimination also means “any differentiation between legal persons on the basis of the origin, gender, marital status, state of health, disability, political opinions or trade union activities of some or all of their members or the latter’s real or presumed membership or non-membership of a particular ethnic group, community, family or religion.”

15. According to Article 546 of the Draft Penal Law, “[d]iscrimination is punishable by either or both imprisonment for a term that does not exceed two years and by a fine of not more than one thousand dinars.” Article 75 of the Draft Penal Law provides that the minimum penalty of discrimination is “imprisonment for a term of 24 hours and/or a fine of five dinars.”

16. Question: Given that four years have passed since acceding to CEDAW, when will the State of Palestine develop and implement a definition on discrimination that is in line with Article 1 of CEDAW, and ensure that penalties are commensurate with the circumstances?

### **Violations relevant to Articles 1, 2, 13, 15, and 16: Discrimination in Matters Concerning Family Relations**

17. Although the State of Palestine acceded to CEDAW without reservations or declarations four years ago, progress made to align Palestinian legislation with CEDAW has been deficient, and subject to political will and pressure, including by influential clerics. To date the Personal Status Law of 1976 effective in the West Bank, and the Family Rights Law of 1954 in force in the Gaza Strip have not been amended. Further, Article 100 of the Penal Law has not been amended so as to exclude mitigating circumstances and reduced sentences in “misdemeanours” committed against women and girls (e.g. injury). This article remains unchanged.



18. Other laws have been amended, both before and after accession to CEDAW, but have not had a substantial impact on eliminating discrimination against women. Four articles under the Penal Law of 1960 in force in the West Bank have been amended.<sup>6</sup> For example, Article 340 provided a mitigating excuse for men who commit crimes (kills, injures, or harms) against their wife or close female relative if they catch them engaging in acts of adultery or engaging in sexual relations with another person in *flagrante delicto*. This article was amended by the Law by Decree No. 7 of 2011, enacted by the Palestinian President and published in the Official Gazette on 10 October 2011. This amendment poses no practical changes on the ground, as no judicial cases were ever previously reported where this law was used to provide individuals with legal immunity.

19. Because the Draft Penal Law of 2011 has not become law, it should be amended to align with Palestine's obligations in line with the human rights conventions to which it acceded.

20. In matters relating to marriage and family relations, the provisions of the 1976 Personal Status Law effective in the West Bank and the 1954 Family Rights Law in force in the Gaza Strip are discriminatory against women and girls. These laws need to be amended and brought in line with CEDAW. Discriminatory provisions particularly affect marriage, divorce, eligibility to choose a husband, polygamy, guardianship, custodianship, adoption, inheritance, child support, common properties, and testimony. Under the Personal Status Law, for example, women are prohibited from marrying without the permission of a male guardian. Further, decisions rendered by family courts are not subject to appeal before civilian courts (the natural judge). This is acknowledged in the first official report of the State of Palestine, submitted under Article 18 of the Convention.

21. According to Paragraph 4 of the State of Palestine's Reply to the List of Issues in relation to the initial report of the State of Palestine, the legislative harmonisation committee is currently looking into measures to repeal legislation that is discriminatory against women. This committee was established by a decision from the Council of Ministers in 2017. Membership on the committee mostly comprises of government bodies. The committee started reviewing the draft Palestinian penal law, but has not finalised this review.<sup>7</sup>

22. Mahmoud Al-Habbash, Chief Justice in the Sharia Courts and Advisor to the President for Religious Affairs gave concerning statements broadcast on Palestinian media outlets on 23

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<sup>6</sup> For example, Article 98 on the exclusion of women from mitigating excuses in the cases of murder or injury was amended by the Law by Decree No. 10 of 2014, published in the Official Gazette on 15 July 2014; Article 99 on the mitigating factors which exclude crimes against women and children was amended by the Law by Decree No. 5 of 2018, published in the Official Gazette on 25 March 2018; Article 308 on marital rape was repealed in accordance with the Law by Decree No. 5 of 2018, published in the Official Gazette on 25 March 2018. Article 340 is the fourth article (mentioned in main text).

<sup>7</sup> Al-Haq notes with concern that this same committee voted to approve articles in the Cyber-Crimes Law that are in violation of freedom of expression.



June 2018 in the context of an investigative report released by Wattan TV. According to Al-Habbash, the Islamic Sharia takes precedence over international conventions. Al-Habbash affirmed that he would not accept or apply any amendments to relevant laws that contradict the Islamic Sharia, he further asserted that this would be accepted by the Palestinian President, the PLC, and the Palestinian people.

23. Article 4(2) of the Basic Law provides that the “principles of Islamic Sharia shall be a principal source of legislation.” Al-Haq notes that there is a difference between the terms “principles of Islamic Sharia” (i.e. the general, conclusively proved and established principles) and the term “Islamic Sharia” (as stated by Al-Habbash) or the “provisions of Islamic Sharia”, which are not referenced under Article 4 of the Basic Law.

24. Questions: At what stage of review is the legislative harmonisation committee at in regards to the aforementioned laws? Can the State of Palestine clarify the statements of Chief Justice Al-Habbash and the how it will ensure the judgments of Sharia Courts are in line with CEDAW?

#### **Violations Relevant to Article 1, 2, 3, 12, 15 and 16: Penal Provisions Concerning Rape and other Sexual Violence, and the Criminalization of Abortion**

25. The Palestinian Penal Law does not criminalise marital rape. Article 292(1) of the 1960 Penal Law enforced in the West Bank limits the crime of rape to non-consensual sex outside of marriage only, and defines rape as “sexual intercourse with a female – other than his wife” which “shall be punished by temporary hard labour for a period of not less than five years.” This legal provision does not include marital rape.

26. Palestinian penal legislation criminalises “consensual abortion.” Article 321 of the 1960 Penal Law provides that “[a]ny woman who causes her own abortion using whatever means to do so or allows anybody else to use such means shall be punished by imprisonment from six months to one year.” Article 322 of the Penal Law also provides: “(1) Any person who, by any means whatsoever, causes the abortion of a woman with her consent shall be punished by imprisonment from one year to three years. (2) If the abortion or the means used to induce it lead to the woman’s death, the offender shall be liable to a term of not less than five years imprisonment with hard labour.” While Article 322 addresses the penalty of abortion with a woman’s consent, Article 323 prescribes a punishment for forced abortion without a woman’s consent. According to Article 324 of the Penal Law, “[a]ny woman, who causes herself to abort in order to protect her honour shall benefit from a mitigating excuse. The person who commits one of the crimes prescribed under Articles 322 and 323 in order to protect the honour of one of his decedents or relatives up to the third degree shall also benefit from the same excuse.” Article 324 includes cases of rape. Hence, according to Articles 323 and 324, if a descendant or relative of an unmarried pregnant woman causes her abortion without her consent, he will



benefit from the mitigating excuse. Article 97 on mitigating excuses would be applicable to that individual. Under such circumstances, imprisonment with hard labour of up to 10 years (a felony) is replaced by the penalty of imprisonment, which ranges from six months to a maximum of two years (a misdemeanour). Also, several provisions under the 1936 Penal Law effective in Gaza prescribe punishments against consensual abortion. Of particular note, Article 176 provides that “[e]ach pregnant or non-pregnant woman who unlawfully takes poison or another harmful substance, or uses force in any manner whatsoever or any means whatsoever, or allows anyone else to supply her with such substance or use such force or means with her with the intention of causing her abortion, shall be deemed to have committed a crime and shall be punished by imprisonment for a term of seven years.”

27. Question: What steps has the State of Palestine, including via the legislative harmonisation committee, taken to include marital rape in its penal law, as well as decriminalize consensual abortion?

#### **Violations Relevant to Article 1 and 2: Violence and Sexual Harassment**

28. On 13 June 2018, Palestinian security personnel, masked individuals, and persons in plain clothes aligned with government authorities targeted and forcefully dispersed a peaceful assembly in Al-Manarah Square in downtown Ramallah, OPT. Demonstrators called for lifting financial sanctions imposed by the State of Palestine on the Gaza Strip since April 2018. Security personnel used clubs, electric batons, tear gas grenades and sound bombs. A number of Palestinian women were sexually harassed by Palestinian security personnel and aligned individuals in plain clothes. Al-Haq documented cases of these incidents, including where women were sexually harassed, beaten with batons, verbally abused, and sprayed with pepper spray. Al-Haq and several Palestinian civil society organisations called for State authorities to investigate these offences, hold perpetrators to account, and ensure redress for victims.<sup>8</sup>

29. Questions: What are the steps that have been taken by the State of Palestine to investigate the incidents of sexual harassment and other violence inflicted on women at the 13 June 2018 protest, and ensure that perpetrators are held to account? What steps will be taken in the future to ensure that state authorities do not perpetrate such future violence?

#### **Violations Relevant to Article 2: Detention on the Grounds of Commission of Morally Offensive Acts**

30. Article 320 of the 1960 Penal Law provides: “Whoever commits an act of morally offensive content or makes a gesture of morally offensive content in a public place or

<sup>8</sup> Al-Haq, *Palestinian Security Forces and Agents Forcefully Disperse Peaceful Demonstrators in Ramallah*, 15 June 2018, <http://www.alhaq.org/advocacy/topics/palestinian-violations/1273-palestinian-security-forces-and-agents-forcefully-disperse-peaceful-demonstrators-in-ramallah>



community in such a manner whereby any person who is in a public place can see it, shall be punished by imprisonment for a term that does not exceed six months or a fine of not more than fifty dinars.” This penal provision is both overbroad and loosely defined. It vests security agencies, as opposed to the police alone, with broad powers to interfere with personal freedoms. In some cases,<sup>9</sup> women have been detained for a term of 24 hours. Summons have also been served to others to report to security headquarters, but the individuals refused to comply. According to security agencies, the fact that these women sat with their peers in cars in remote areas constituted an act of morally offensive conduct. Although summons are typically issued to men and women in such cases, the impact of them is far greater and more severe against women due to social norms and customs.

31. Question: How many women have been given summons to security agencies and interrogation centers under this law?

**Violations Relevant to Articles 3, 7, 10, 11, 12 and 14: Collective Punishment imposed against the Gaza Strip**

32. While Israel has implemented a debilitating closure on the Gaza Strip for over a decade, measures taken by the State of Palestine recently have also served to further violate the rights of Palestinians there. Financial sanctions implemented by the State of Palestine have exacerbated the disastrous humanitarian situation, and made the Gaza Strip even more volatile. Many local and international reports indicate growing rates of domestic violence, divorce and crime as a result of widespread poverty, unemployment, vulnerability, loss of livelihoods, and deteriorating economic, social and health conditions.

33. In April 2017, Palestinian President Mahmoud Abbas announced a wave of punitive measures against the Gaza Strip. Most notably, the Ministry of Finance (MOF) cut 30-35 per cent of the salaries of Gaza-based civil servants (approximately 62,000 individuals). Salary cuts continue to be in place. These cuts have come without publication of any directive or law. On 2 May 2018, the Ministry of Finance transferred the salaries of civil servants and military personnel in the West Bank to their bank accounts and, on the same date, transferred only 50 per cent of the salaries of employees in the Gaza Strip to their bank accounts. The salaries of Gaza Strip public employees for April 2018, have still not been transferred to their bank accounts and have not been paid at the time of the writing of this submission. Several government statements have reportedly cited a “technical error” in financial transfers to the

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<sup>9</sup> Al-Haq conducted a number of informal interviews with women who were detained on these grounds. The women did not agree to provide official affidavits due to concerns regarding their privacy and personal protection.





Gaza Strip. However, significant salary cuts affecting Gaza civil servants continued to be in place.<sup>10</sup>

34. Since the beginning of 2018, the State of Palestine suspended cash transfers to the Gaza Strip without providing any explanation for the suspension. Supervised by the Ministry of Social Development, and primarily funded by the European Union and World Bank, this program targets Palestinian households who live below the extreme poverty line. In addition to female-headed households, financial assistance covers families with persons with disabilities, senior citizens, orphans and chronically ill individuals. A total of 72,000 Palestinian households who live in extreme poverty in the Gaza Strip benefit from this programme; they have not received any payments since the beginning of this year. This has compounded the humanitarian crisis, especially for female heads of household, in the Gaza Strip.

35. Question: On what legal basis has the State of Palestine instituted the aforementioned measures against the population of Gaza, which serve to collectively punish all Palestinians therein?

#### **Violations Relevant to Articles 2, 3, 7, 11 and 13: Forced Early Retirement and Prosecution in Suppression of the Right to Freedom of Expression**

36. In addition to the abovementioned punitive measures, earlier this year, 6,145 civil servants in the Gaza Strip were forced into early retirement. Forced early retirement (i.e. retirement before the officially established retirement age has been reached) also affected many Palestinian women who occupied vital and significant positions, especially in the education and health sectors, resulting in a further decline in health and education service provision across the Gaza Strip. In November 2017, almost 7,000 military personnel were also pensioned off.

37. In February 2018, in violation of the Basic Law and relevant Palestinian regulations, the Palestinian government forced some 200 civil servants in the West Bank into early retirement. The majority of these were employed at the Ministry of Education and Ministry of Health. According to its monitoring, Al-Haq noted that many Palestinian women were forced into early retirement. Many of these employees ranked from 'very good' to 'excellent' in their annual performance assessment, while others received certificates of appreciation for their outstanding professional performance. Al-Haq has documented many cases<sup>11</sup> in relation to forced early

<sup>10</sup> See Al-Haq, *Legal Implications of Salary Cuts by the Palestinian Authority in the Gaza Strip*, 14 May 2018, <http://www.alhaq.org/advocacy/topics/palestinian-violations/1238-legal-implications-of-salary-cuts-by-the-palestinian-authority-in-the-gaza-strip>

<sup>11</sup> These cases include: Sana Said Nasser, a 50-year old resident of 'Ateel, Tulkaram district in the West Bank, is visually impaired and the sole caretaker and income provider for her and her 82-year old dependent mother. She was a teacher with the Ministry of Education, and she began working on temporary contracts with the Ministry on 2 September 1995, and later received a permanent contract.



retirement as a result of women's expressed opposition to certain policies and measures imposed by the Palestinian Authority.

*Raja Marouf Lahlouh is a resident of 'Arrabeh, Jenin district West Bank. She is 46 and has been a teacher with the Ministry of Education since 2004. She scored highly on her teacher evaluations, but received a disciplinary warning on 7/10/2016 due to her participation in the teachers' strike, for protesting for better wages. Although numerous teachers received warnings due to their participation, Raja was a leader in the strike. She was forced into early retirement on 6/3/2018. Although she also filed a complaint against the decision, she did not receive an answer. (Al-Haq Affidavit 21/2018)*

Al-Haq followed up on these cases with relevant government bodies and launched advocacy campaigns. However, affected women have not had any redress at the time of writing.<sup>12</sup> This has a disproportionate impact on women's participation in public life.

38. In April 2018, prominent Palestinian female journalists faced criminal prosecution by the Attorney General on grounds of the public statements opposing the PA that they made to An-Najah University Media Centre. The criminal prosecution involved that of Naelah Khalil, Director of *Al-Araby Al-Jadeed* newspaper, Rula Sarhan, Founder and Editor-in-Chief of *Al Hadath* newspaper, as well as journalists Ayat Abdullah and Mada Salbak from the An-Najah University Media Centre. Abdullah was wrongfully dismissed from her job, while Salbak chose to resign. Having issued notices of summons, the Palestinian Public Prosecution questioned all four journalists and referred their files to the court. These journalists continue to be on trial on grounds of their media work and activity.

39. In October 2017, the Palestinian Ministry of Information sent a formal letter to AHla FM, a private radio station based in the West Bank, requiring that Reem Al-Umari, the radio station director, be replaced by a new director. According to the Ministry of Information, the Palestinian Ministry of Interior and some PA security agencies did not agree that Al-Umari continue to serve

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She always received marks of "excellent and very good" during her annual reviews, and never received any administrative warnings or penalties. She was forced into early retirement on 6/3/2018, and sent a complaint on the decision to the Minister of Education. She has not received a response, in violation of the Civil Service Law, and she has not been informed of the reason for her forced retirement. (Al-Haq Affidavit 24/2018)

Dr. Asmaa Naim Yaghi, 43, holds a PhD in in administration, and is from Jericho in the West Bank. She worked as the director of the Education and Training Department in the Mental Health Directorate when she was forced into early retirement on 20 February 2018. She always had excellent annual performance evaluations during her years of work. She sent a complaint to the Minister of Health regarding the decision, but has yet to be provided with a response. (Al-Haq Affidavit 36/2018)

<sup>12</sup> Al-Haq, *Al-Haq Calls Upon the Council of Ministers to Form an Independent Committee to Review the Decision on Early Retirement*, 14 March 2018, <http://www.alhaq.org/advocacy/topics/palestinian-violations/1198-al-haq-calls-upon-the-council-of-ministers-to-form-an-independent-committee-to-review-the-decision-on-early-retirement>



as director of AHla FM. The Ministry of Information refused to renew the radio station's licence unless the director was replaced.<sup>13</sup> The Palestinian Journalists' Syndicate (PJS), Al-Haq and human rights organisations issued a number of statements, rejecting these arbitrary measures against female journalists. Alongside violating freedom of the press, these actions undermine Palestinian women's rights to participate in public life, and inhibit their influence on decision-making processes. As a result of these wrongful actions, some female journalists who were summoned for interrogation by the Public Prosecution have abandoned their media work. This is an indicator of the declining status of the right to freedom of opinion and expression and freedom of the press in the State of Palestine.

40. Question: What measures have the State of Palestine taken to ensure women's participation in public and political life, including by supporting freedom of expression?

#### **Conclusion and Recommendations:**

41. Al-Haq reaffirms the importance of taking into account the particular circumstances of the State of Palestine, which includes Israel's prolonged occupation of Palestinian territory. The occupation has adversely impacted the human rights situation and the rights of Palestinian women and girls in all areas of life. This should be considered during the constructive dialogue between the Committee and the Palestinian delegation and in the Committee's concluding observations.

42. Pursuant to the information provided in this report, Al-Haq urges the Committee members to highlight the following recommendations to the State of Palestine. The State party should:

- i. Approve through multi-stakeholder dialogue a definition of discrimination against women consistent with Article 1 of CEDAW, and publish it in the Official Gazette.
- ii. Introduce clear accountability mechanisms for discrimination against women and girls.
- iii. Approve new personal status and penal laws, or amendments to the laws currently in force, ensuring full alignment with CEDAW. Such laws should include the criminalization of marital rape.
- iv. Introduce a law on sexual harassment, and ensure that other laws currently in place under the umbrella of "morality" due not seek to uniquely target women.
- v. Immediately end all punitive financial measures imposed on the Gaza Strip since April 2017.

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<sup>13</sup> Al-Haq, *Al-Haq demands the withdrawal of the Ministry of Information's letter for replacing journalist Reem Al-Umari and calls for the respect for the freedom of the press*, 23 November 2017, <http://www.alhaq.org/advocacy/topics/palestinian-violations/1152-al-haq-demands-the-withdrawal-of-the-ministry-of-informations-letter-for-replacing-journalist-reem-al-umari-and-calls-for-the-respect-for-the-freedom-of-the-press>



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- vi. Reverse decisions on forced early retirement in place since February 2018, and ensure that effective measures are put in place that facilitate female employment.
- vii. Take measures to empower Palestinians, particularly women and girls, to exercise their right to participate in political life and decision-making processes, including by ensuring presidential and parliamentary elections are held as soon as possible.
- viii. Submit to the Committee disaggregated statistical data on the punitive financial measures imposed by the State of Palestine against the Gaza Strip since April 2017. Data should also be provided on forced early retirements in the West Bank since February 2018, highlighting their impact on women and girls' rights enshrined in CEDAW and relevant international conventions and standards.

43. Al-Haq calls on the Committee to request a “follow-up report” on all the aforementioned issues, to be issued within a year from the Committee’s concluding observations.