



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
19 August 2020
English
Original: Arabic
Arabic, English, French and
Spanish only

Committee on the Elimination of Discrimination against Women

26 October–5 November 2020

Item 5 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention**

Information received from the State of Palestine on follow-up to the concluding observations on its initial report*^{**}

[Date received: 27 July 2020]

* The present document is being issued without formal editing.
** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

1. The present report was submitted as part of the follow-up of the State of Palestine to its international obligations under the human rights instruments to which it has acceded, including the Convention on the Elimination of All Forms of Discrimination against Women. A series of procedures, policies and measures have been put in place reflecting the fundamental principles and values on which the State of Palestine was founded. These include peace, freedom, equality, democracy, pluralism and respect for human rights. The State of Palestine has worked intensively to publish the relevant human rights instruments, including the Convention, in the *Official Gazette*. The necessary laws have been put in place for the elimination of all forms of violence and discrimination against women, including the Protection of the Family from Violence Act. For that purpose, appropriate national committees have been established, such as the committee on harmonizing national laws with international instruments and standards, and other technical committees. The ongoing Israeli colonial occupation and the attendant crimes and violations have affected the capacity of the State of Palestine to implement those obligations. Of particular note are the current plans to annex Palestinian land, a step that would plainly violate international law, the Charter of the United Nations and human rights principles and would have implications for the rights of the Palestinian people, particularly women, girls and children everywhere, including refugees and members of the diaspora. Foremost among those rights are the right of return, the right to self-determination and the right of the State of Palestine to independence with Jerusalem as its capital.

I. Actions taken further to the concluding observations

2. On 11 July 2018, the State of Palestine discussed its initial report concerning the Convention with the Committee on the Elimination of Discrimination against Women at its seventieth session. The Committee issued its concluding observations concerning the initial report on 25 July 2018.

3. A national team for following up implementation of the Convention was established by a presidential decree of 2018. It is chaired by the Ministry of Women's Affairs and the Ministry of Foreign Affairs and Expatriates, and its members consist of representatives of other relevant ministries.¹ On receiving the concluding observations, the team met several times to discuss the steps that would be taken to implement the Committee's recommendations. The first step would be translating the recommendations into Arabic and having the Cabinet distribute them to all relevant national institutions, which should implement them in their respective areas of competence.

4. As a first step in addressing the recommendations, the members of the team prepared a matrix of all the recommendations, the actions needed for their implementation, the party responsible for each one, and the necessary time frame for implementation. The matrix was then developed into a comprehensive national plan to implement all the recommendations during the period 2019–2022. The plan sets out the interventions and procedures that are needed in order to implement each

¹ The national team for following up implementation of the Convention consists of the following bodies: the Ministry of Women's Affairs, the Ministry of Foreign Affairs and Expatriates, the Ministry of Social Development, the Ministry of Justice, the Ministry of the Interior, the Public Prosecutor's Office (prosecutor responsible for family affairs), the sharia judiciary, the Higher Presidential Committee for Church Affairs, the Ministry of Health, the Ministry of Labour, the Ministry of Education and the Palestinian Central Bureau of Statistics. Following receipt of the concluding observations, the following bodies were added to the team: the Cabinet, the civil judiciary, the Ministry of the National Economy, the Ministry of Finance, the Ministry of Information, the Ministry of Agriculture and the security sector.

recommendation; the party responsible for each intervention; and the necessary time frame for implementation, ranging from 2019 to 2022. Some activities are being implemented immediately, and others on a continuous basis over the next two years. Performance benchmarks are also specified.

5. The implementation plan consists of a national plan aimed at strengthening the rights of Palestinian women by involving all relevant national bodies, including civil society organizations. The State of Palestine has therefore endeavoured to hold national consultations regarding the plan in order to gather comments and recommendations from the relevant national bodies; the plan is intended to be comprehensive and nation-wide, not merely governmental. National consultations were held on 16 September 2019. Civil society organizations in the West Bank and the Gaza Strip participated by videoconference, and the comments most consistent with the Committee's recommendations were incorporated into the national plan.

6. The plan (see annex 1) was then adopted by the national mechanism to monitor implementation of human rights instruments. For that purpose, the comments that emerged from national consultations were submitted to a committee of experts representing all Government bodies, and then to the senior ministerial committee for following up the accession of the State of Palestine to international conventions, protocols and treaties, chaired by the Minister for Foreign Affairs and Expatriates. The latter adopted it definitively in July 2020. In coordination with the Cabinet, the plan was then disseminated to all relevant national bodies for follow-up in their respective areas of competence.

7. In cooperation with relevant national bodies, the Palestinian Central Bureau of Statistics has developed a matrix of national and regional indicators related to the Convention with a view to monitoring and following up the situation of Palestinian women and providing the maximum available date to track the situation related to the instruments to which the State of Palestine is a party, including the Convention. The matrix is the first of its kind in the Arab world and the region.

8. The State of Palestine invited the Committee to visit Palestine and follow up implementation of its recommendations. The Committee accepted the invitation and decided to send three of its members to take part in a visit from 11 to 14 November 2019. The Ministry of Foreign Affairs and Expatriates, the Ministry of Women's Affairs, the Office of the United Nations High Coordinator for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) coordinated to prepare for the visit, design an appropriate programme to discuss the most important procedures, measures, policies and laws introduced by the State of Palestine to follow up implementation of the consulting observations, and draw on the expertise of the members of the Committee.

II. Information to be provided within two years of receipt of the concluding observations

A. Paragraph 11 (a): Adopt, without delay, national legislation 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

9. A definition consistent with the Convention and other human rights instruments has been incorporated into the draft decree-law concerning protection of the family from violence. A definition of discrimination has also been adopted as part of the work on the recommendations of the committee on harmonizing national legislation with international instruments and standards, with reference to the review of the Palestinian Labour Code (Act No. 7 of 2000). The Code is being amended in accordance with international standards and the recommendations of treaty bodies,

including the Committee on the Elimination of Discrimination against Women. A policy paper has been prepared regarding issues entailing amendments to labour laws. Such issues include incorporating a definition of discrimination and mechanisms to establish its occurrence and procedures for litigation; removing all exceptions; providing equal employment opportunities and guaranteeing equal wages for work of equal value; and criminalizing sexual violence. Work is underway on amending the Civil Service Act to include a legal provision prohibiting and criminalizing discrimination in the workplace.

10. Action is being taken to prepare a draft decree-law regulating trade unions in order to ensure that women can participate effectively in unions without gender discrimination. A draft decree-law has been prepared raising the quota of women in general and local elections to no less than 30 per cent, in accordance with the decisions of the Palestinian National Council and the Central Council of the Palestine Liberation Organization.

11. Cabinet decision No. 06/37/18/*mim -waw/mim-alif*, which was adopted in 2019,² provides for the formation of a national team to review the 2011 draft Palestinian penal code. The members of the team have put in place a plan and a working mechanism to review the draft code in accordance with the international standards and instruments to which the State of Palestine is a party and with the recommendations of human rights treaty bodies including the Committee, in particular as regards criminalizing discrimination in all areas of life and adopting a comprehensive definition of discrimination.

12. The laws recently adopted with a view to eliminating discriminatory practices against women include Act No. 22 (2019), pursuant to which, in accordance with the decisions taken by the Cabinet in March 2018, mothers have the same right as fathers to open bank accounts for their minor sons.

B. Paragraph 13 (c): Take concrete steps to accede to the Optional Protocol and publish the Convention in the *Official Gazette*

13. The State of Palestine acceded to the Optional Protocol on 10 April 2019, the third Arab State to do so after Libya and Tunisia. It has also acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The State of Palestine has endeavoured to activate mechanisms for individual complaints under those protocols in order to ensure that all effective remedies are available.

14. The Cabinet has established a committee for the purpose of ensuring publication in the *Official Gazette*. The members consist of the Ministry of Women's Affairs, the Ministry of Foreign Affairs and Emigrants, the Supreme Constitutional Court and the secretariat of the Cabinet. The committee has met numerous times and produced a draft decree-law on publication of the Convention in the *Official Gazette* and on the publication of an explanatory memorandum in that regard. The draft was submitted to the Cabinet in order for the latter to consider it and take the necessary action to have it published and incorporated into the Palestinian legal system. However, efforts to ensure swift publication have been hampered by campaigns against the Convention and its provisions and its rejection by certain segments of society.

² The team is chaired by the Ministry of Justice and comprises the Office of the President, the secretariat of the Cabinet, the Supreme Judicial Council, the Ministry of the Interior, the Ministry of Women's Affairs, the Ministry of Foreign Affairs and Expatriates, the Public Prosecutor's Office and the Independent Commission for Human Rights. The team is entitled to consult experts and specialists.

(c) Paragraph 15 (a): Reunify the legal systems in the Gaza Strip and the West Bank to ensure that all women and girls in the State party are afforded equal protection under the law, in line with the Convention

15. Implementation of that recommendation depends fundamentally on the completion of national reconciliation and the election of a legislative body for the State of Palestine. There have been a great many national endeavours to achieve reconciliation, end the division and restore national unity. That priority has been underscored by the National Council and the Central Council in numerous sessions, and by the President on many national occasions, in international forums and before United Nations entities. Those endeavours culminated in a national consensus on the holding of fresh presidential and legislative elections in accordance with the announcement made by the President in 2019. However, Israel, the occupying Power, has made every effort to hamper national reconciliation and the holding of elections. It has refused to allow voting in Jerusalem and to lift the blockade on the Gaza Strip. Such conduct is intended to entrench geographic division between the West Bank and the Gaza Strip in order to advance the colonialist interests of Israel.

16. It should be noted, however, that decisions issued by the President as having force of law apply without distinction across the nation, including the West Bank, Jerusalem and the Gaza Strip.

(d) Paragraph 15 (c): Expedite the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption

17. As was mentioned above, the Cabinet decided to form a national team to review the 2011 draft penal code. The team has met several times to determine a plan and working mechanism. The members of the team decided, in a timely manner, to submit the amended draft to relevant civil society organizations and national bodies and engage in the necessary consultations. That process will coincide with the opening of an online portal to receive legal comments on the draft code. The team began reviewing the draft code in early 2020. However, its work has been temporarily impeded by the Coronavirus pandemic and the declaration of a state of emergency. The Government is taking the necessary measures to ensure that the national committees and teams can continue to work effectively, with due regard for the necessary preventive measures.

18. As regards the draft decree-law concerning protection of the family from violence, after the formation of the eighteenth government, all the laws which the previous government had sent to the President for consideration were sent back to the new Government for reconsideration and resubmission to the President. Accordingly, on 29 May 2019, the Cabinet sent the draft decree law to the Ministry of Social Development, the Ministry of Women's Affairs and the Ministry of Justice for reconsideration, consultation and awareness-raising. A technical committee³ was then established to prepare a second version of the draft law. The committee is currently completing consultations and taking the necessary legal measures with a view to having the law adopted and published in the *Official Gazette* in accordance with the applicable procedure. The state of emergency owing to the Coronavirus pandemic has prevented the swift completion of measures to adopt the draft law.

³ The technical committee consists of the Ministry of Justice, the Ministry of Women's Affairs, the Ministry of Social Development, the Public Prosecutor's Office, the Supreme Council of the Judiciary, the sharia judiciary, the Advice and Legislation Bureau, the secretariat of the Cabinet, the Office of the President, the General Union of Palestinian Women and the Forum of Civil Society Organizations opposed to Violence against Women (Al-Muntada).

19. Nevertheless, numerous measures have been taken to ensure prevention, protection and accountability and to reintegrate victims in the family and society. For that purpose, the competent national bodies are implementing harmonized methods for evidence and work. In practical terms, a free direct phone line has been opened in order for family protection units in the police force across the country to receive complaints from women victims of violence. A risk assessment template consistent with the Coronavirus state of emergency has been developed.⁴ Mechanisms have been elaborated to respond to violence against women, particularly deaths in unclear circumstances. When conducting investigations and broadening their scope, social and psychological reports are used as a key indicator.

20. In order to develop the services provided for victims of violence, action is being taken to review the 2013 national referral system for women victims of violence and Act No. 9 (2011) regulating centres for the protection of women victims of violence with a view to developing national referral mechanisms and providing services to women who are excluded from those systems, particularly women with severe disabilities, women who have been exploited in prostitution cases and women living with alcohol or drug addictions.

21. A guide to harmonized work procedures regarding cybercrime has been compiled. The online register maintained by the prosecutors responsible for protecting families from violence has been activated with a view to documenting all the actions taken to address cases of violence.

22. In cooperation with the Palestinian Central Bureau of Statistics, the Ministry of Women's Affairs has carried out a survey of violence in 2019. The survey will be used to identify gaps and develop policies and mechanisms to reduce the rate of violence. In cooperation with the competent bodies, the Ministry of Women's Affairs is completing the necessary procedures to launch the National Monitoring Centre on Violence against Women with a view to adopting harmonized national statistics on violence against women and girls. For that purpose, a fully confidential online system is in place.

23. As regards the Personal Status Code: On 5 March 2018, the Cabinet established a technical committee to review the body of laws regulating personal and civil status, and to modernize those laws in accordance with international standards and best practices. The committee consists of relevant Government bodies and the General Union of Palestinian Women. It may consult any expert or specialist whom it deems appropriate in order to fulfil its functions. The committee began work in July 2019 and adopted a plan of action. However, it has not met often since then owing to a campaign launched by opponents of the Convention and because certain sectors of society reject any amendment to personal status laws in accordance with the Convention, because they are broadly based on religious precepts. Nevertheless, the national team responsible for following implementation of the Convention and the senior ministerial committee for following up the accession of Palestine to international instruments have been in continuous contact with the Cabinet with a view to reactivating the committee.

24. Decree-Law No. 21 (2019) determining the age of marriage in the State of Palestine was adopted on 3 March 2019 and amends the personal status laws governing Muslims, Christians and all citizens of the State of Palestine. The Decree-Law establishes a minimum age of marriage in the State of Palestine of 18 solar years

⁴ Annex 2 to the report explains the most significant measures taken by the Palestinian Government to protect and support women and girls during the Coronavirus pandemic.

for men and women alike, without distinction, with certain exceptions.⁵ On 11 December 2019, the Chief Qadi issued circular 2019/49 to qadis and celebrants of marriages (*ma'dhun*) stating that the aforementioned Decree-Law should be acted upon as of 29 December 2019. With regard to the particular exceptional circumstances, the circular provides as follows: “If a marriage is necessary for the benefit of both parties, you should verify the sharia, legal and social justifications, establish the facts and submit the matter for our consideration along with your recommendation so that it can be examined and the necessary sharia and legal actions can be taken in accordance with legal principles”.

25. It follows that marriage cannot be allowed for anyone under the age of 18 without written authorization from the Chief Qadi, who must provide clear reasons for allowing or not allowing the marriage. Before doing so, the Chief Qadi must examine the benefit at hand. The qadi to whom the marriage application is submitted shall examine the application, consider the benefit of the parties and make a recommendation to the Chief Qadi. A stringent approach is taken to marriage applications for individuals under the age of 16: they may marry only if there is a social risk. In the case of marriage applications for individuals aged between 16 and 17, the benefit considered less stringently. The benefit in marriages of individuals aged between 17 and 18 is given more flexible consideration. It should, however, be noted that standards for the benefits in question have not been defined owing to the social scandal that may befall the parties. According to the statistics of the sharia judiciary for 2020, assent was granted for less than 20 per cent of marriage applications for individuals under the age of 18; in most of those cases, the individual was over 17.

26. If the sharia judiciary ascertains, based on a psychological, social and security assessment, that there is no benefit in the marriage of an individual under the age of 18, the case file shall be transmitted to the public prosecutor with a view to prosecuting the husband, father or celebrant under the provisions of the penal code concerning marriage contrary to the law.

27. Consultations have taken place with Christian denominations in the State of Palestine with a view to amending their personal status laws in accordance with the Convention and the recommendations of the Committee on the Elimination of Discrimination against Women. The representatives of the denominations said they were prepared to discuss many of the issues raised. The Lutheran denomination amended its personal status code in accordance with the Convention one year after the accession of the State of Palestine to the Convention.

III. Challenges

28. Since acceding to the Convention without reservations in 2014, the State of Palestine has faced numerous difficulties and challenges when implementing the provisions of the Convention and the recommendations made by the Committee on the Elimination of Discrimination against Women in 2018. There have been campaigns against the Convention and the legal, policy and procedural measures taken to apply it at the national level. Those campaigns run counter to the position of the Palestinian leadership and the decisions taken by the National Council and the Central Council of the Palestine Liberation Organization concerning the need to

⁵ In article 2 of the Decree-Law, it is stated as follows:

1. In order to be eligible for marriage, the parties should be of sound mind and should each have reached the age of 18 solar years. 2. By way of exception to the provisions of paragraph 1 of the present article, the competent court may, in particular circumstances, and the marriage is necessary for the benefit of both parties, allow the marriage of someone who has not reached the age of 18 solar years, upon certification by the Chief Qadi of Palestine or the religious authorities of other confessions. The spouse shall thereby be fully eligible in all matters relating to marriage, separation and the effects thereof.

implement the provisions of the Convention and harmonize national laws with it. Moreover, society at large rejects some of the provisions of the Convention.

29. The legislative power of the State of Palestine has found it difficult to achieve unity because Israel, the occupying Power, has hampered the reconciliation process and the holding of presidential and legislative elections for the State of Palestine. That situation hampers the issuance of many laws called for by the Committee, particularly the draft Palestinian penal code and the draft personal status code.

30. As it endeavours to implement the Committee's recommendations, the State of Palestine faces several threats and challenges. These include the ongoing illegal colonialist Israeli occupation and its violations of all the rights of the Palestinian people, including the rights of women and girls. In taking those actions, the occupation has received direct encouragement from the current United States administration. The Trump plan – the so-called deal of the century – entrenches the colonialist occupation and gives the green light to the annexation of Palestinian land, something that would flagrantly violate international law, the internationally recognized resolutions and the inalienable rights of the Palestinian people, particularly the rights of return, self-determination and independence. Moreover, financial resources are limited owing to the economic downturn caused by the restrictions imposed on the Palestinian people by Israel, the occupying Power; piracy and the theft of resources; and the confiscation of Palestinian income. There has also been a considerable decline in foreign aid.

31. The violations committed by the Israeli occupation authorities against the population of the Gaza Strip have been particularly severe. The most salient example is the blockade that has been imposed since 2006, which is one of the most significant challenges faced by the State of Palestine in implementing the provisions of human rights instruments, including the Convention, in the Gaza Strip. The Palestinian Government has been unable to implement numerous programmes and activities in the Gaza Strip. The current division hinders numerous measures to implement the provisions of the Convention in the Gaza Strip.

32. Palestinians in the city of Jerusalem are subjected to clear racial discrimination by the Israeli occupation authorities. Israel, the occupying Power, imposes racial laws and policies on that population. The most significant of these are the policies of Judaizing Jerusalem; the policy of removing identity documents; the so-called reunification policies that disperse Jerusalemite families; the denial of permits to build or renew homes or facilities; the imposition of arbitrary fines; the high sums of money levied in return for permission to live in Jerusalem; and the denial of permits for Palestinian organizations to implement their programmes in Jerusalem, including programmes and activities to protect and promote the rights of Palestinian women and girls in Jerusalem.

33. The most significant obstacles facing the State of Palestine when implementing the Committee's recommendations include the state of emergency owing to the Coronavirus pandemic and the focus on health care and measures to stop the virus from spreading.
