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مجلس حقوق الإنسان

الدورة الخامسة والثلاثون

٦-٢٣ حزيران/يونيه ٢٠١٧

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بمسألة العنف ضد المرأة وأسبابه وعواقبه،
بشأن بعثتها إلى الأرض الفلسطينية المحتلة/دولة فلسطين**

مذكرة من الأمانة

تشرف الأمانة بأن تحيل إلى مجلس حقوق الإنسان تقرير المقررة الخاصة المعنية بمسألة العنف ضد المرأة وأسبابه وعواقبه، عن الزيارة التي قامت بها في الفترة من ١٧ إلى ٢٢ أيلول/سبتمبر ٢٠١٦. وفي هذا التقرير، تبحث المكلفة بالولاية الثغرات والتحديات التي تحول دون الوفاء بالالتزام بالقضاء على العنف ضد المرأة وأسبابه وعواقبه، وتوصي باتخاذ تدابير لمنع العنف ضد المرأة ومكافحته وضمان تمتع المرأة بحقوق الإنسان. وستقدم المكلفة بالولاية تقريراً منفصلاً عن زيارتها الرسمية إلى إسرائيل (A/HRC/35/30/Add.1)، ستتناول فيه أيضاً الآثار الجنسانية للنزاع الطويل الأمد والاحتلال القائم منذ وقت طويل على العنف ضد المرأة.

* تستخدم عبارة "الأرض الفلسطينية المحتلة" الواردة في العنوان وفقاً للقرارات ذات الصلة الصادرة عن الأجهزة الرئيسية المختصة، بما في ذلك قرار الجمعية العامة ٢٤٧/٧١ المؤرخ ٢١ كانون الأول/ديسمبر ٢٠١٦، للإشارة إلى المنطقة الجغرافية لقطاع غزة والضفة الغربية، بما فيها القدس الشرقية، وتتسق عبارة "دولة فلسطين" الواردة في العنوان نفسه مع قرار الجمعية العامة ١٩/٦٧ المؤرخ ٢٩ تشرين الثاني/نوفمبر ٢٠١٢، وغيره من القرارات ذات الصلة.

** قُدمت هذه الوثيقة بعد الموعد النهائي لكي تتضمن آخر المستجدات.



الرجاء إعادة الاستعمال

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**Report of the Special Rapporteur on violence against women,
its causes and consequences, on her mission to the Occupied
Palestinian Territory/State of Palestine* *****

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*** Circulated in the language of submission only.

I. Introduction

1. The present report covers the mission that the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, conducted from 17 to 22 September 2016. The mission dovetailed with a mission to Israel; the mission reports are being submitted separately, but cross-reference each other, particularly in the section on the general context.
2. On 29 November 2012, the General Assembly adopted resolution 67/19, by which it accorded to Palestine non-member observer State status in the United Nations. In order to reflect that development, the Special Rapporteur refers, in the title of the present report, to the Occupied Palestinian Territory/State of Palestine, without precluding any other use of terminology by the State of Palestine, Israel or others.
3. The Special Rapporteur expresses her sincere gratitude to the Government of the State of Palestine for its full cooperation. During her visit, the mandate holder visited Ramallah, Bethlehem, Hebron, Jericho, East Jerusalem and the Gaza Strip, where she met with representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Chief Justice of the High Judicial Council and the Chief of the sharia courts, as well as judges of the sharia courts, the Attorney General, the Minister and Deputy Minister of Women's Affairs, representatives of the Ministry of Social Development and the national committee on combating violence, the Deputy Minister of Health and the Minister of Education, among others. She also met with members of the Palestinian Legislative Council in Ramallah, including the Chair of its human rights committee, and members of the Palestinian Legislative Council in Gaza and the Independent Commission for Human Rights, and held consultations with civil society organizations, Bedouin women, internally displaced women, and representatives of United Nations agencies. She visited four shelters/safe houses, a refugee camp, a Bedouin community, a school, a health clinic and a safe space for those who have been subjected to gender-based violence, and provided the opening remarks at an international seminar on gender-based violence in the humanitarian context of the Gaza Strip, organized by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).
4. In particular, the Special Rapporteur would like to thank the women and girl survivors of violence who shared their experiences with her throughout the visit, placing their trust and some of their hopes in her hands.
5. The mandate holder expresses her gratitude to the Office of the United Nations High Commissioner for Human Rights in the occupied Palestinian territory and its suboffice in Gaza, UN-Women and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as well as other United Nations agencies and other interlocutors involved in the organization of her visit.
6. She looks forward to a fruitful dialogue with the Government and other stakeholders on the implementation of the action-oriented recommendations included in the present report.

II. General context

7. The visit of the Special Rapporteur took place in a general context of protracted conflict and prolonged Israeli occupation punctuated by frequent incidents of violence and the absence of any prospect of peace, which creates a growing despair and hopelessness among the population. The complicated de jure and de facto situation provides the backdrop for assessing the different forms of violence against women, its causes and consequences in public and private life. This context requires the joint application of international human rights law and international humanitarian law to all persons under the States' jurisdiction or territory under their effective control. International human rights law, in particular the Convention on the Elimination of All Forms of Discrimination against Women, provides a broad framework for eliminating violence against women and its causes, including violence that is based on inequalities and discrimination against women in

war, in peace and in conflict situations, while humanitarian law provides a specific framework for addressing some specific conflict-related forms of violence against women.

8. The Committee on the Elimination of Discrimination against Women has consistently held the view that the Convention on the Elimination of All Forms of Discrimination against Women and humanitarian law are applicable to all persons under the jurisdiction or effective control of Israel,¹ in line with the jurisprudence of the International Court of Justice² and the positions of other treaty bodies, such as the Committee on the Elimination of Racial Discrimination,³ the Committee on Economic, Social and Cultural Rights⁴ and the Human Rights Committee.⁵ The Special Rapporteur shares those positions.

9. General Assembly resolution 67/19 and the accession of the State of Palestine to a number of international human rights instruments have not altered the obligations of Israel under human rights law and humanitarian law vis-à-vis the territory under its effective control and people under its jurisdiction.

10. Following her 2004 visit to the Occupied Palestinian Territory only, the former Special Rapporteur on violence against women, its causes and consequences, highlighted a number of issues of concern related to violence against women that remain unaddressed and unresolved.⁶ Additionally, various United Nations bodies have expressed concern about the human rights, humanitarian and security issues that occupation brings, including with regard to the situation of women.

11. While recognizing the imperatives related to security and stability in the region, the mandate holder highlights the clear linkage between the prolonged occupation and violence against women and notes, like her predecessor, that the occupation does not exonerate the State of Palestine from its due human rights obligation to prevent, investigate and impose punishment and provide remedies for acts of gender-based violence in the areas under its jurisdiction or effective control. The de facto authorities in Gaza also bear human rights responsibilities, given their exercise of government-like functions and territorial control.

12. Under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip agreement of 1995, the West Bank was divided into Areas A, B and C, each having a different status of governance. In Area A, representing 18 per cent of the territory of the West Bank, the State of Palestine exercises control over security and civil matters. Area B is administered by the Palestinian National Authority, which has control over civil matters, while the Israeli authorities, jointly with the Palestinian National Authority, have control over security. In Area C, which constitutes 62 per cent of the West Bank, the Israeli authorities have full control over security, planning and construction.⁷ Within Area C, Palestinians have limited access to water, electricity, education and other State services.

13. The city of Hebron is divided into two zones: H1, under the control of the Palestinian National Authority, and H2, representing 20 per cent of Hebron, in which Israel retained all authority and responsibilities for internal security and public order under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.⁸

14. In East Jerusalem, Israeli law provides Palestinian residents with the status of permanent residents of Israel, treating them as immigrants in the occupied territory.⁹ While

¹ See CEDAW/C/ISR/CO/3, para. 23 and CEDAW/C/ISR/CO/5, para. 12. See also Committee on the Elimination of Discrimination against Women, general recommendation 28 (2010) on the core obligations of States parties under article 2 of the Convention, para. 12, and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, para. 8.

² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136 (in particular pp. 171-181) and *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 168 (in particular p. 216).

³ CERD/C/304/Add.45, CERD/C/ISR/CO/13 and CERD/C/ISR/CO/14-16.

⁴ E/C.12/1/Add.69, E/C.12/1/Add.90 and E/C.12/ISR/CO/3.

⁵ CCPR/C/ISR/CO/3; see also CCPR/C/79/Add.93, CCPR/CO/78/ISR and CCPR/C/ISR/CO/4.

⁶ E/CN.4/2005/72/Add.4.

⁷ See www.ochaopt.org/location/area-c.

⁸ See A/71/355, para. 26.

⁹ See A/66/356, para. 34.

the law provides such residents with more freedom of movement in comparison to other Palestinians, it discriminates against them in comparison to Jewish people who immigrate to Israel. The blockade of Gaza has led to a critical socioeconomic and humanitarian situation for Palestinians residing there, particularly women. There is limited access to water, housing, land and property, especially for widowed women, as well as to employment opportunities, higher education and health care.¹⁰

15. The situation is further complicated at the internal level, with a political deadlock characterized by an absence of legislative elections for the past 10 years and a divide between the Government of the State of Palestine and the de facto authority in Gaza since the previous elections.

16. Since October 2015, the security situation in the Occupied Palestinian Territory and Israel has continued to deteriorate, owing to an increase in violence and clashes between Palestinians and Israelis.

17. The complicated and conflicting political and legal regimes provide an equally or even more complicated and conflicting legal context for victims of violence against women, in which different authorities that share jurisdiction over security and other issues also share a complex due diligence responsibility to prevent violence against women, provide services for victims and punish perpetrators.

18. In this context of Israeli-Palestinian conflict, violence against women is a phenomenon that occurs on both sides of the divide. The Special Rapporteur looks at violence against women against this backdrop and with the conviction that combating and preventing violence against women will ultimately contribute to each society's growth, bridge divided communities and contribute to peace by removing obstacles to the full participation of women in the peace process.

III. Incorporation of the international framework on violence against women

19. In April 2014, the State of Palestine acceded to some of the key human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, and the Convention on the Rights of Persons with Disabilities. The Special Rapporteur notes that the State acceded to these instruments without any reservations. She notes as well the State's accession to the United Nations Convention against Transnational Organized Crime, the Rome Statute of the International Criminal Court and the Geneva Conventions relating to the protection of victims of international armed conflicts and the Protocol additional to the Geneva Conventions, and relating to the adoption of an additional distinctive emblem. The mandate holder welcomes the accession of the State of Palestine to these legal instruments.

20. In particular, the Special Rapporteur commends the accession to the Convention on the Elimination of All Forms of Discrimination against Women, through which the State of Palestine has assumed legal obligations to eliminate all forms of discrimination against women, including violence, and to ensure equality between men and women and the protection of the enjoyment by women of their human rights. She is confident that the State's accession to the Convention and the reporting to the monitoring body will play an important role in the ongoing harmonization of the State's outdated legislative framework and in bringing the framework into line with international norms and standards. She welcomes the submission in March 2017 of the State's overdue initial report under that Convention. She also welcomes the national consultations that took place with civil society organizations prior to the submission of the report.

¹⁰ See E/CN.6/2016/6, paras. 7 and 14.

21. The Special Rapporteur also welcomes the standing invitation that was extended to all special procedures.

22. The Special Rapporteur notes with concern a lack of implementation of the recommendations included in the 2011 concluding observations of the Committee on the Elimination of Discrimination against Women,¹¹ with many of the concerns remaining valid at the time of her visit and followed up in the recommendations included in the present report. She also notes with concern a similar lack of implementation of other treaty bodies' concluding observations relevant to the context of the present report, including on the practice of torture and ill-treatment of Palestinian children who have been arrested;¹² the legality and use of the "defence of necessity" as a justification for torture; the lack of effective accountability demonstrated, and protection provided, by Israeli authorities with regard to violence perpetrated by Israeli settlers;¹³ and the unequal treatment of Bedouin women and girls,¹⁴ among others.

IV. Manifestations of violence against women, its causes and consequences

23. The Special Rapporteur notes that violence against women occurs both in private and public spheres. Women face multiple sources of discrimination and violence: they suffer the violence of the Israeli occupation, directly or indirectly, and also suffer under a system of violence emanating from the tradition and culture, with embedded patriarchal social norms and multiple outdated legal frameworks. She notes, however, that there are ongoing efforts to revise numerous laws relevant to combating and preventing violence against women, and that the taboo attached to such violence is less than it was at the time of the visit of her predecessor.¹⁵

Femicide or gender-related killings of women, including violence in the name of "honour"

24. The Special Rapporteur notes that many forms of gender-based violence are linked to "honour", including femicide or gender-related killings of women, forced marriage, imprisonment, rape, incest, domestic violence and suicide. She also notes that these patriarchal patterns are reflected in the legislation, which allows for the protection of "honour" in such crimes and provides for "pardoning excuses", in accordance with which, all too often, perpetrators receive a reduced sentence or are not even convicted.¹⁶ The Special Rapporteur, however, notes the recent important legislative changes by which some of those provisions have been repealed (see para. 65 below).

25. The phenomenon of femicide exists and threatens Palestinian women's right to life. The Special Rapporteur notes that no government agency currently collects figures on femicides, but that several Palestinian women's rights groups reported that cases of "honour" crimes and killings of women and girls perpetrated by family members were often brought to their attention. For example, the Women's Centre for Legal Aid and Counselling, which collects such data, recorded 27 cases of the killing of women and girls in 2014, and 15 cases in 2015. In 2016, as at mid-August 18 cases of femicides had been documented by a civil society organization.¹⁷

26. Family honour plays a fundamental role in Palestinian society. Crimes in the name of "honour" have been defined as violent crimes committed against women for "tarnishing

¹¹ CEDAW/C/ISR/CO/5.

¹² CRC/C/ISR/CO/2-4.

¹³ CCPR/C/ISR/CO/4.

¹⁴ E/C.12/ISR/CO/3.

¹⁵ E/CN.4/2005/72/Add.4.

¹⁶ Ahmad Al Ashqar, "Murder of women in Palestine under the pretext of honour" (Office of the United Nations High Commissioner for Human Rights-Occupied Palestinian Territory, 2014).

¹⁷ See Women's Centre for Legal Aid and Counselling, submission sent to the Special Rapporteur.

the name and the honour of the family”.¹⁸ In the Palestinian context, they constitute a manifestation of culturally inherited values of inequality that impose upon women socially expected behaviours deriving from patriarchal norms and standards. Women’s transgressions of these social norms are considered violations of the honour of the family and men, which legitimizes violence against women as a disciplinary measure to maintain or restore the family honour.¹⁹ Women are therefore discouraged from reporting abuses by social norms and family members who fear for their reputation. Additionally, in some parts of the Occupied Palestinian Territory that are under the jurisdiction of Israel, women face difficulties in reporting incidents to the Israeli police.²⁰

27. The Special Rapporteur received several testimonies from Palestinian women who had found safety in protection programmes and shelters, such as the Mehwar Centre, which she visited. They shared their experiences of being punished for crimes they were the victims of, in a chain of sexual violence, fear and misguided persecution.²¹

28. While there is a lack of official statistics, it is known that the number of women killed under the pretext of protecting “family honour” has dramatically increased within the past years. The Special Rapporteur wishes to highlight the importance of collecting reliable data on femicide, or gender-related killing of women, including “honour” crimes, as a mandatory step towards addressing violence against women.

Domestic/family violence

29. Domestic violence is not specifically prohibited by law, although violence, whether perpetrated against males or females, is illegal and punishable under gender-neutral criminal law. The Special Rapporteur was, however, informed of draft legislation on domestic violence and protection of the family that had undergone national consultation and was reported by the Government to meet international standards.

30. The Palestinian Central Bureau of Statistics undertook a survey on gender-based violence in 2011 — its only such survey in 20 years. The results indicate that Palestinian women suffer from violence that emerges from the prevailing patriarchal culture in Palestinian society. The study showed that, of the respondents, about 37 per cent of the married women had been exposed to at least one form of violence by their husbands: 29.9 per cent in the West Bank and 51.1 per cent in Gaza.²² Less than 1 per cent will seek the help of a social worker, a shelter, a civil-society organization or the police. Of those who do seek help from the police, less than one third of the cases will go on to court, where again justice is not guaranteed.²³

31. The percentage of survey respondents who experienced psychological violence at least once was 58.6 per cent, while 55.1 per cent had been subjected to economic violence, 54.8 per cent to social violence, 23.5 per cent to physical violence and 11.8 per cent to sexual violence.²⁴

32. Several testimonies the Special Rapporteur received highlighted that the impact of the economic situation, the level of unemployment and the pressure of the occupation was greater on women and children, making them more vulnerable to domestic violence, in particular in Gaza, due to the constant pressure of the blockade and the recurring cycles of conflict, as well as the overcrowding, which limits their mobility and privacy. It was noted that, in particular in Gaza, the political situation served as a “mitigating circumstance” that

¹⁸ Palestinian National Authority and UN-Women, *Cross-Sectoral National Gender Strategy Booklet: Promoting Gender Equality and Equity 2011-2013*.

¹⁹ See E/CN.4/2005/72/Add.4, para. 56.

²⁰ See A/HRC/35/30/Add.1.

²¹ See also Zeina Jallad, “Palestinian women and security: a legal analysis” (Geneva Centre for the Democratic Control of Armed Forces, 2012).

²² See www.pcbs.gov.ps/Portals/_pcbs/PressRelease/el3onf2011_E.pdf.

²³ See <http://palestine.unwomen.org/en/news-and-events/stories/2016/03/path-to-justice>.

²⁴ See www.pcbs.gov.ps/Portals/_pcbs/PressRelease/el3onf2011_E.pdf.

made violence against women more acceptable,²⁵ while social norms led to the shaming of women who reported abuse to the police.

33. The Special Rapporteur notes efforts related to the establishment of the government-sponsored shelter and support for shelters run by non-governmental organizations (NGOs), but remains concerned that some shelters do not provide overnight accommodation.

34. The Special Rapporteur also notes that women face discrimination in the areas of inheritance and divorce and that some women may not leave situations of violence because they fear losing custody of their children. A woman can keep her children until a legally determined age but loses them before they reach that age if she remarries.²⁶ After that age, custody becomes the father's legitimate right. In Gaza, widows are now able to maintain custody of their children for an open-ended period of time or until they remarry, which is an important change in interpretation of the strict religious law.

Sexual violence, including rape and incest

35. The mandate holder is concerned about the occurrence of sexual violence, as victims of sexual violence are stigmatized in society. Women and girls who report cases of rape or incest are more likely to incur abuse or even be killed by family members because making the incidents public brings shame to the family. She notes with concern the persistence of article 308 of the Palestinian Penal Code (Law No. 16 of 1961), under which a perpetrator of rape, kidnapping or statutory rape can be exempt from prosecution and punishment if he marries his victim.

36. Marital rape is not criminalized under the current Palestinian legal framework. The Jordanian Penal Code of 1960, in force in the West Bank, defines rape as forced sexual intercourse with a female (art. 292 (1)), and does not specify that the woman can be the perpetrator's wife. With regard to incest, both parties are considered guilty, sometimes even in the case of rape by a family member. When the victim of incest is a minor, the charge is filed by a male family member up to the fourth degree of kinship.

37. Existing laws also criminalize abortion, even if the pregnancy is the result of incest or rape,²⁷ which leads to families forcing the victim to marry in order to legitimize the pregnancy.

Forced/child marriage

38. Legal references to the minimum age for marriage reveal many discrepancies and even discrimination. The Palestinian Child Law of 2004 defines the age of majority as 18. The Jordanian Personal Status Law of 1976, which is enforced in the West Bank, sets the minimum age for marriage at 16 for males and 15 for females; the Egyptian law of 1954 on family rights, which is enforced in Gaza, sets it at 18 for males and 17 for females. A judge may authorize the marriage of a minor if he or she believes that it is in the best interest of the child.

39. The Special Rapporteur notes that there are no reliable statistics on child marriage, but reliable sources informed her that approximately 9 to 10 per cent of weddings involve a bride and groom who are under the age of 18. In the context of the occupation girls are under increased pressure to get married, as marriage is seen as a coping strategy, but also to cover up rape and incest. Such marriages often further cement the cycle of abuse and misdeeds, as marriage protects a rapist from prosecution for the rape. The Special Rapporteur highlights that the risk of violence against women is higher in cases of child marriage, especially when the age difference between the spouses is large, and notes that the lack of an agreed minimum age for marriage undermines the protection of young girls from violence.

²⁵ Catherine Müller and Laila Barhoum, *Violence against Women in the Gaza Strip: After the Israeli Military Operation Protective Edge* (Alianza por la Solidaridad and Actionaid, 2014).

²⁶ United Nations Development Programme, "A review of Palestinian legislation from a women's rights perspective" (2012), p. 25.

²⁷ See, for example, the Jordanian Penal Code, arts. 321-325.

Polygamy

40. Men are permitted to have multiple wives, even if a man's current wife objects. Under the Egyptian law on family rights and the Personal Status Law, women are able to include conditions in their marriage contract, such as restrictions on polygamy, but in the West Bank this right is rarely respected by judges.²⁸

41. The Special Rapporteur wishes to recall that the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 24 (1999) on women and health, refers to polygamy as a harmful practice, and that various studies show that a woman who is in a polygamous marriage incurs a higher risk of suffering from violence. Moreover, in its general recommendation No. 21 (1994) on equality in marriage and family relations, the Committee stated that polygamous marriage contravened a woman's right to equality with men, and could have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited.

Violence against women in the workplace

42. In 2011, the Palestinian Central Bureau of Statistics conducted a study on gender-based violence in the workplace, in partnership with the International Labour Organization and the Institute of Women's Studies at Birzeit University. Of the 186 women (22.8 per cent of respondents) who reported having been exposed to gender-based violence in the workplace, 4.5 per cent claimed to have suffered unwanted sexual attention at least once, while 3.5 per cent said they had been victims of sexual coercion.²⁹ The survey revealed that the main perpetrators of gender-based violence at work were clients and co-workers, and showed that there were fewer incidences of such violence in Gaza than in the West Bank.

Groups of women particularly at risk

43. Among the adult population, the prevalence of women with disabilities is 3.7 per cent. It is not possible to establish exactly how many women with disabilities suffer from acts of violence per year, since women with disabilities are invisible in the national statistics.³⁰ Persons with disabilities have a higher risk of incurring violence or abuse due to their impaired ability to report such crimes and their placement within institutions; women with disabilities are particularly vulnerable to sexual violence or abuse. The Special Rapporteur was informed of several cases of violence against women with disabilities, which clearly show a pattern of impunity for perpetrators, made possible by the lack of adequate legislation protecting women and girls with disabilities. She notes a lack of access to protection services, including a lack of adequate shelters suitable for providing assistance to women with disabilities.

44. Bedouin women are particularly vulnerable to gender-based violence, including sexual violence, with some living in a context of fear of forced transfer by Israeli authorities.³¹ Since 1997, livestock-dependent Palestinian Bedouin refugees from the Jahalin tribe living in Area C have been forcibly transferred to Jabal. Since the construction of the Wall between Abu Dis and Jerusalem, Bedouin women are physically cut off from employment prospects, leaving them with very few options for supporting themselves financially. Women excluded from the job market are more likely to marry, and women suffering from domestic violence are less likely to report it if it means losing their only source of income.

45. Internally displaced women suffer from a similar lack of access to the job market. Entry into East Jerusalem by Palestinian women who were relocated to one refugee camp is restricted owing to the Wall between Area A, where the majority of the camp is located, and Area C (controlled by Israel), where some of its periphery is located. The Special Rapporteur observed that the lack of access leads to a higher incidence of gender-based

²⁸ Jallad, "Palestinian women and security".

²⁹ See www.ilo.org/beirut/publications/WCMS_236942/lang--en/index.htm.

³⁰ QADER for Community Development and Stars of Hope Society, submission to the Special Rapporteur.

³¹ A/HRC/35/30/Add.1.

violence in itself, on top of the already established fact that displacement increases vulnerability to and instances of gender-based violence.

46. Women and girls living in refugee camps are exposed to particular forms of violence that result from their confinement to the household, which isolates them and limits their ability to interact in society.

Access to justice

47. The implementation of existing laws condemning violence is hampered by the absence of a formal governmental authority in some areas. In this regard, the occupation is a real obstacle to the State's due diligence obligation to prevent violence against women in some areas where it does not have full jurisdiction, owing to the fragmentation of areas under the control of different authorities³² and the political divide between the de facto authority in Gaza and the Government of the State of Palestine.

48. The Special Rapporteur notes that several critical steps have been taken in the justice chain to improve access to justice for victims and to fight against impunity for perpetrators.

49. Since 2008, family protection units in the Palestinian civil police force have been established in all districts of the West Bank and work in close cooperation with shelters. Units are specialized in and sensitive to gender-based issues; to file cases, units collaborate with the specialized public prosecutor on protecting families from violence, a position established in February 2016 in the Public Prosecution Office in order to improve protection for women victims of violence and ensure accountability. The Special Rapporteur notes that the units have increased women's trust in the police but that women still face obstacles to gaining access to the police, including the lack of police stations in women's residential areas and the inability to afford transportation costs. Another obstacle discouraging women from filing complaints is the lack of confidentiality, as units are located within police stations which increases the risk of social stigmatization.³³ Privacy issues and the inability of the units to provide immediate protection to women are further impediments.

50. The Office of the Attorney General has established several gender units, which began operating in 2012 with the objective of integrating gender in the work of the public prosecution services and developing specialized services on violence against women. A new Chief Prosecutor was appointed in 2014 to work closely with the gender experts to institutionalize gender in the work of the services and improve access to justice. In 2014, the Attorney General assigned 15 specialized public prosecutors at various district offices to investigate cases of violence against women, with an emphasis on confidentiality, sensitivity and rapid legal procedures. Together with the new public prosecutor on protecting families from violence, specialized prosecution services investigate, litigate, prosecute, and appeal and monitor the enforcement of decisions in cases of violence against women and children in both the public and private spheres, and are specialized in dealing with sexual and electronic crimes. There are currently 23 specialized prosecution services in 10 districts. The Special Rapporteur was informed that, while they included women police officers, the services were understaffed. The services provided include core child protection services, psychosocial assessment, risk education and outreach for vulnerable families and children. The Special Rapporteur was appraised of the future plans of the gender units, which included developing a legal strategy to increase prosecution rates and punishment in violence against women cases and building the capacity of the public prosecution services with regard to the application of international treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, in litigation.

51. Among the main obstacles identified by the public prosecution services themselves, however, are the absence of a special law on gender-based violence, an outdated criminal

³² Prosecution under the Palestinian justice system is possible only in Areas A and B.

³³ Euro-Mediterranean Human Rights Network, "Palestine: report on violence against women in the context of conflict". Available from <http://euromedrights.org/wp-content/uploads/2015/12/EMHRN-Factsheet-VAW-Palestine-EN.pdf>.

code, the absence of a law on electronic crimes, the absence of protection orders, the absence of a specialized judiciary on violence against women, and a lack of use by lawyers of constitutional tools and treaties in litigation.³⁴ Additionally, the issue of enforcing court decisions when, for example, a husband flees to Area C is acute, as in those cases the Palestinian authorities lose jurisdiction and thus their power to enforce court decisions.

52. The Special Rapporteur observes that some judges still have traditional views and apply gender stereotypes to violence against women, which affect their verdicts in domestic violence cases. Judges often exercise their judicial discretion in ways that are unfavourable to women victims of violence.

53. There is no system that institutionalizes legal aid in a sustainable way and supports the coordination of legal aid and quality service delivery. Currently, most legal aid services are provided through civil society organizations and university legal clinics, which are primarily donor funded. Only a few women's rights organizations are in a position to support women victims by providing free legal assistance. The Special Rapporteur notes the draft bill of 2016 on legal aid for those in need, which includes a provision explicitly stating that women are to be given priority with regard to the allocation of such aid.

Women's empowerment: education, employment and political participation

54. Decades of Israeli occupation, in parallel with the continuation of patriarchal attitudes in Palestinian society, have led to women's roles becoming more subordinate, have exposed women to continuing violence and have marginalized women, hampering their ability to play an active role in political life, to engage in economic and social life and ultimately to make their own decisions.

55. Important factors that underpin violence against women include a lack of education and employment for women. Because of the conflict, young girls' education has been compromised. For example, UNRWA students in the West Bank lost 83 days of school between 1 October 2005 and 9 March 2016 due to raids and incursions in the vicinity of schools.³⁵ Children's right to education is further affected by high levels of harassment and attacks by Israeli soldiers.³⁶ On their way to school, it is not uncommon for girls and boys to witness or be the victim of violence or to be impeded at the checkpoint from accessing school facilities. Thus, many parents prevent their children, especially their daughters, from attending school. In 2015, 286 incidents of education-related violations were recorded by the United Nations Children's Fund (UNICEF).

56. A long-standing view on women's employment, in line with the patriarchal perception that a woman's rightful place is in the house to provide and care for male members of the family, is that Palestinian women should seek and be granted employment as a last resort and that women's employment is not perceived as a human right. This perception, coupled with limited work opportunities, has led to a striking employment gap in the Palestinian labour market. Palestinian women account for 17.4 per cent of the formal labour force (14.7 per cent in Gaza, 18.9 per cent in the West Bank) compared to 69.1 per cent for men, one of the lowest levels of labour force participation in the world. They account for 20.9 per cent of the formal labour force in rural communities, 16.8 per cent in urban communities and 15.7 per cent in refugee camps. A total of 32.9 per cent of Palestinian women are unemployed (25.3 per cent in the West Bank, 50.1 per cent in Gaza), compared to 20.5 per cent of Palestinian men (17.3 per cent in the West Bank, 26.8 per cent in Gaza). In 10 years, women's overall unemployment rate has almost doubled, from 17 per cent in 2002 to 32.9 per cent in 2012, while for men the rate has decreased from 33.5 per cent to 20.5 per cent over the same time period.³⁷

57. It has been observed that social, cultural and institutional barriers to women's labour market participation are exacerbated by Israeli restrictions that impede mobility and

³⁴ Information provided by the Attorney General and Public Prosecutor.

³⁵ See www.unrwa.org/sites/default/files/content/resources/children_in_distress_briefing_note.pdf.

³⁶ See A/HRC/35/30/Add.1.

³⁷ See <http://palestine.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures#sthash.V8HZCP1D.dpuf>.

perpetuate weak demand for labour in the formal economy, resulting in substantial loss of economic potential, particularly in view of the high levels of educational attainment of Palestinian women.³⁸

V. State responses and measures to address violence against women

A. Legislative framework

58. The Palestinian Basic Law, promulgated in 2003 and last amended in 2005, functions as a temporary constitution. Although the Basic Law establishes important rights that are to be enjoyed on the basis of equality and non-discrimination (arts. 9-33), such as equality before the law without distinction based upon sex, many laws, including penal legislation and the Personal Status Law, are not in compliance with the principle of non-discrimination on the basis of sex and the principle of equality between men and women. The guardianship clause in the Personal Status Law promotes the dependency of women, considering them incapable of making decisions. The Special Rapporteur notes the requirement under article 4 of the Basic Law that the principles of Islamic sharia shall be a principal source of legislation.

59. The Special Rapporteur received information that the Government had recently established a committee to harmonize the laws of the State of Palestine, and that the committee had started to review the penal legislation.

60. The Special Rapporteur was informed that work on a draft constitution for the State of Palestine was ongoing but that there was no clarity yet in the process or on the issue of the transposition of international law into domestic law (with respect to a monist or dualist model). She is concerned about the prospects for equal participation of women, including women representatives of civil society, in this process.

61. The current legislative frameworks in the West Bank and Gaza are comprised of a combination of unified laws promulgated by the Palestinian Legislative Council and ratified by the President; where no unified law has been promulgated, existing Jordanian and Egyptian laws continue to apply.³⁹ In East Jerusalem, considered under international law as occupied territory,⁴⁰ Israeli law has been applied. As noted by the former mandate holder, this multiplicity of laws has led to a lack of consistent and uniform Palestinian legal references.⁴¹

62. The legal framework on gender equality is limited and has yet to be adapted to become fully in line with human rights standards. The principles of non-discrimination and equality between women and men have not been embodied in national laws, hence they have not been extended to either the public or private spheres. The lack of gender-sensitive legislation, the outdated legal frameworks, discriminatory laws and the inaccessible justice system are some of the main issues that women and girls face.

63. Relevant laws are spread across legislation adopted under multiple legal regimes, including Palestinian laws, laws of the British Mandate, Jordanian and Egyptian laws and even laws from the Ottoman Empire. Combating violence against women is therefore hampered by an outdated, non-harmonized legal system that contains discriminatory provisions.

64. The main legal references for criminal offences are the Jordanian Penal Code, applicable in the West Bank, and the Criminal Code of 1936, applicable in Gaza. The Special Rapporteur notes in that regard that the penal legislation contains several

³⁸ See International Labour Office, *The Situation of Workers of the Occupied Arab Territories* (2015), report of the Director-General, appendix, para. 33.

³⁹ See www.hrw.org/sites/default/files/reports/opt1106webwcover_0.pdf.

⁴⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136 (in particular p. 167).

⁴¹ E/CN.4/2005/72/Add.4.

discriminatory provisions based on sex, age and marital status.⁴² In 2003 a new penal code was presented, but the mandate holder was informed that its adoption had been delayed due to the current internal Palestinian political division and the resulting paralysis of the legislative process. The Palestinian Legislative Council has not been able to meet since the last parliamentary election, held in January 2006, and the political division between the West Bank and Gaza has led to the restriction of Palestinian National Authority rule to the West Bank. The Special Rapporteur was, however, informed that, under article 43 of the Palestinian Basic Law, presidential decree can be used to legislate in the West Bank until the Palestinian Legislative Council reconvenes and reviews the legislation adopted by presidential decree. She notes that the President has resorted to this provision, including for accession in April 2014 to a number of international treaties, and that in those cases, members of the Palestinian Legislative Council were consulted informally. While 140 laws were issued by Presidential decree between June 2007 and the end of 2015, only 2 per cent of those were issued in relation to women's rights. None had a clear impact with respect to addressing violence and discrimination against women.⁴³ This reveals a normative sociocultural structure that places women and girls in a subordinate position to men simply because they are women.

65. In 2011, the Palestinian President issued a decree amending some provisions of the Jordanian Penal Code and the Criminal Code of 1936 with a view to deterring "honour" killings. The Decree abrogated article 340 of the Jordanian Penal Code and its equivalent in the Criminal Code of 1936, which allowed for pardon or mitigated sentences against men accused of "honour" crimes, and article 98 of the Jordanian Penal Code, which effectively allowed perpetrators to plead "honour" as a mitigating factor in crimes against women. Article 18 of the Criminal Code of 1936 on pardoning excuses, under which "honour" killings had been had legally legitimized, was amended with the addition, at the end of the article, of the phrase "not including the murder of women on the grounds of 'family honour'".⁴⁴

66. Despite these positive steps, the mandate holder expresses concern regarding the resort by defence lawyers to articles 99 and 100 of the Jordanian Penal Code, the application of which mitigates the penalty of killing, including if the victim belongs to the same family as the perpetrator. The sentence is then left to the discretion of the judge in accordance with the circumstances of the act. The Special Rapporteur was informed that most court rulings are based on these two provisions of the law, thereby denying women victims access to justice⁴⁵ and undermining the impact of the legislative amendments that were meant to act as a deterrent for crimes of killing women under the pretext of honour. She is particularly appalled by a two-year sentence delivered by a criminal court in Nablus for the killing of a wife by her husband, the judge having applied far-reaching discretionary powers under articles 99 and 100.⁴⁶ The case is emblematic of the patriarchal mindset of the judiciary when handling crimes of this nature, which has led to extremely lenient sentences for perpetrators of such crimes.

67. Additionally, violence against children by their parents is still justified under article 62 of the Jordanian Penal Code in the name of discipline, where the act of violence is permitted by law and by general custom. The Special Rapporteur was informed that this provision is often used in defence of a perpetrator who justifies abusing and/or killing his daughter as "discipline".

68. The Special Rapporteur notes with concern the lack of a specific law that directly addresses violence against women. She was informed of a process under way to draft a family protection act that would criminalize violence against women and provide for measures to protect against such violence. Due to the current gaps in the capacity of service

⁴² For a thorough analysis of the penal laws, see Khadeeja Hussein Naser, "Palestine and the Convention on the Elimination of all Forms of Discrimination against Women: implications of ratification" (Independent Commission for Human Rights, 2013).

⁴³ Women's Centre for Legal Aid and Counselling submission to the Special Rapporteur, referring to a study on the laws and legislations issued since 2007.

⁴⁴ Al-Ashqar, "Murder of women", p. 7.

⁴⁵ Women's Centre for Legal Aid and Counselling, submission to the Special Rapporteur.

⁴⁶ Ibid.

providers and government-sponsored shelters, women victims of violence often have no alternative place to live, and thus remain in their houses. Moreover, female victims of violence are subject to patriarchal traditions and social norms that prevent them from seeking protection from violence outside the family.

69. Domestic violence is not defined as a specific crime and is handled under the general abuse articles of the Jordanian Penal Code (arts. 333-337). The 2003 draft penal code establishes domestic violence as a crime punishable by a two-year prison sentence, but legal action against the perpetrator could only be taken if the victim herself, or a relative to the fourth degree for minors under the age of 15, filed a complaint. The Special Rapporteur observes that family honour constitutes a direct impediment to this system of denunciation, as members may pressure the female victim to not come forward if she is of age, or refuse to file the complaint if she is under 15. The Special Rapporteur is also concerned about the fact that the Personal Status Law requires a male relative (*wali*) to file a complaint on behalf of the victim if she is under the age of 18. This becomes especially difficult when a family member is the perpetrator; shelters and government institutions have no legal capacity to accompany a minor to file a complaint.⁴⁷

70. At the time of writing, under article 308 of the Jordanian Penal Code, a case may be dismissed if the perpetrator of the rape or sexual violence marries his victim. Female victims are often pressured to accept the marriage proposal to preserve the family “honour”, to avoid social stigma or even to save their life. Under 304 of the Code a man who deflowers a virgin, promising to marry her, can be punished. However, women rarely report those cases, again because of social values related to “honour”.⁴⁸

71. Sexual harassment is not currently criminalized; the draft penal code provides for its criminalization.

72. Other problematic areas of law persist. Among the key areas that need reform are property rights, inheritance rights, marriage, divorce and guardianship. The Personal Status Law and the Egyptian law on family rights grant only men the power to file for marriage and the right to guardianship and trusteeship. A man is considered responsible for supporting his wife, so she must obey him and accept his decisions with regard to changing their place of residence or preventing her from working. A man has the legal right to divorce with no conditions or restrictions, while a woman’s right to request divorce is conditioned on presenting justifications and the consent of the sharia judiciary.⁴⁹ The Special Rapporteur notes some encouraging efforts, made in 2012, to reform the Personal Status Law, but also notes that most provisions still contravene articles 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

B. Policy framework

73. The Special Rapporteur welcomes the establishment in 2013 of Takamol, the national referral system to connect women victims of violence with legal, health and social services. The system is based on a 2009 initiative developed by civil society organizations, namely, the Women’s Centre for Legal Aid and Counselling and Juzoor for Health and Social Development. She notes that its use is now mandatory for all centres providing services to battered women, for the police and in the health and social affairs sectors.

74. There are only three anti-violence shelters in the West Bank, and only one in Gaza; a national consultative committee has been established for shelters. In Gaza, there are currently two women’s health centres — in Jabalia and Bureij. They are managed by professional female staff who provide women with health, reproductive, psychological and recreational services. The centres are both active members of a coalition, supported by the United Nations Population Fund, that brings together 20 NGOs from all over Gaza. The

⁴⁷ Jallad, “Palestinian women and security”, p. 8.

⁴⁸ *Ibid.*, p. 9.

⁴⁹ For a thorough analysis of the personal status laws, see Naser, “Palestine and the Convention on the Elimination of all Forms of Discrimination against Women: implications of ratification”.

centres serve as models, following an approach in which women help to shape the services they are provided with.

75. Most of the existing hotlines and shelters for battered women are managed by the Ministry of Social Development. The Mehwar Centre is the first national multipurpose centre; in addition to being a shelter for women and their children, the centre combines prevention, protection, empowerment and community-awareness activities and offers social, psychological and legal counselling services.

76. Only a few civil society organizations, such as the Women's Centre for Legal Aid and Counselling, operate emergency protection shelters and provide social and legal services to women victims of violence. Various other women's organizations provide counselling services, psychological support and empowerment services, with funding from foreign donors and in coordination with the Ministry of Social Development and the Ministry of Women's Affairs.

77. Implementing proactive services for women is made difficult by the lack of infrastructure. Particularly in marginalized areas, transportation and better facilities are needed. Economic hardship only deepens the challenge faced by women victims of violence seeking protection facilities. Furthermore, few shelters and safe houses are willing to provide protection to women with disabilities.⁵⁰

78. The Special Rapporteur is concerned that no nationwide statistics on cases of violence against women exist, including data on domestic violence, rape, incest, femicide and honour-related crime. Moreover, no systematic analysis is being conducted with a view to identifying shortcomings of the system, prioritizing the end of violence against women at all levels and finding concrete solutions.

79. A lack of awareness of their rights is another reason why women continue to face violence on such a large scale. The Special Rapporteur notes that several national awareness campaigns on ending violence against women are being implemented by local women's rights and human rights organizations, and that the Ministry of Women's Affairs has conducted several awareness campaigns over the past three years. However, she also notes that more educational/awareness programmes addressed to women of all ages are needed and should be created.

80. The Palestinian civil police force provides training for public officials on women's rights and protection of battered women, and provides safe referral mechanisms for service providers in the social service and health sectors. While it was reported that the training programmes have been successful in changing perceptions of violence against women, the Special Rapporteur notes that the training is not conducted in accordance with a comprehensive strategy of capacity-building in the prevention of violence against women.

C. Institutional framework

81. The Ministry of Women's Affairs works to combat violence against women and aims to develop a governmental commitment to enhance the role of women and guarantee their political, economic and social rights. As the ministry in charge of implementing the Convention on the Elimination of All Forms of Discrimination against Women, the Ministry of Women's Affairs is committed to harmonizing laws and policies. It faces many challenges in its work, including a lack of accurate statistics that it could use to influence politicians and increase public awareness. The Special Rapporteur welcomes the news that, to address this issue, the Ministry plans to establish in 2017 a national observatory on violence against women, in collaboration with the Ministry of Social Development and the Ministry of Health, the police and a number of civil society institutions. She notes that such an observatory, which is in line with the call she made in 2015⁵¹ and her thematic work on the issue, would have the potential to provide powerful and compelling support for decision

⁵⁰ Stars of Hope Society, submission to the Special Rapporteur.

⁵¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796.

makers with respect to making the necessary changes in the laws and policies to protect women.

82. Due to the internal Palestinian political division, the governmental mechanisms put in place in the West Bank do not have parallels in Gaza. The de facto authorities in Gaza have taken a number of measures and opened some channels of coordination with local women's organizations but, on the whole, the measures have been very limited. The response mainly takes the form of humanitarian and development interventions that support local organizations providing services that respond to gender-based violence.

83. In August 2016, under the leadership of the Ministry of Women's Affairs, a national action plan on the implementation of Security Council resolution 1325 (2000) was adopted. The Special Rapporteur commends the Government for the adoption of the plan, which sends a strong signal to Palestinian women and girls that the Government recognizes their key role in advancing the peace and security agenda, as well as its own responsibility in responding to their needs.

84. The Ministry of Women's Affairs adopted the cross-sectoral National Strategy to Combat Violence Against Women 2011-2019 and established a technical committee to review femicides and to review legislation from a gender perspective. The Strategy is aimed at promoting the rule of law on the basis of women's rights and strengthening institutional mechanisms by improving social protection, social support and health services offered to female victims of violence.

85. The Cross-Sectoral National Gender Strategy serves as a political road map for the Government to address gender-related issues and supports the implementation of the national action plan. It is hoped that the Strategy will serve as a reference point for the development of appropriate and gender-responsive policies that will guarantee women's rights

86. The Special Rapporteur observes that there are not enough social programmes promoting women's rights. The Ministry of Social Development, which as part of its mandate raises awareness and empowers women economically, also provides women with permits and reports to enable them to gain access to shelters. However, the shelters usually do not have enough social workers or a good follow-up system that can be accessed outside of official working hours, forcing some women to wait in police stations until the shelters open the next day. The gaps in the system and the lack of protective laws mean that women must seek help from outside of formal protective frameworks.

87. Another key mechanism for combating violence against women is the National Committee to Combat Violence against Women, established in 2008 by the Council of Ministers and led by the Ministry of Women's Affairs. The Committee is responsible for following up on and monitoring the implementation of the National Strategy to Combat Violence against Women. Its wide-ranging membership includes a variety of key line ministries and other governmental institutions, as well as NGOs represented by the NGO forum for combating violence against women (Al-Muntada) and the General Union of Palestinian Women.

88. The mandate of the Independent Commission for Human Rights, which is the national human rights institution, includes receiving complaints from individuals regarding violations of human rights; reporting on the national human rights situation, on specific matters or through thematic reports, and on violations of any human right, including cases of killings of women; making recommendations to the Government, the parliament and other competent bodies on matters concerning legislative or administrative provisions; promoting the harmonization of national laws and practices with the international obligations of the State of Palestine and the implementation of recommendations of international human rights mechanisms; engaging with the international human rights system; conducting public education and awareness; and monitoring prisons and detention centres. The Commission reported positive developments, such as the openness of the Palestinian authorities to discuss human rights issues and the training and capacity-building provided to Commission officials, and noted positive legislative initiatives, for example the adoption by presidential decree in February 2016 of a juvenile protection law that unified and updated the legislative framework in that area and recognized minors as victims in need

of protection, rehabilitation and reintegration into society, rather than as criminals deserving of punishment.⁵² However, the Commission reported a continued overall lack of State accountability for human rights violations.

89. Civil society organizations have been delivering services, raising awareness, carrying out advocacy and lobbying to end violence against women. They work in collaboration with official institutions, such as the Ministry of Women's Affairs, the Ministry of Social Development and the Ministry of Justice, to provide psychological counselling and legal aid services to women victims of violence. Jointly with official institutions, civil society organizations have undertaken policy-level responses, such as the Palestinian National Development Plan 2014-2016, which promotes a rights-based, gender-sensitive and more inclusive, integrated and sustainable social protection system to alleviate poverty, marginalization and social exclusion, and which is also aimed at empowering Palestinian women to enjoy more protection and better participation in the labour market and public life.

VI. Conclusions and recommendations

90. **During the visit, the Special Rapporteur noted that violence against women occurred in both the private and public spheres. Women face multiple sources of discrimination and violence: they suffer the violence of the Israeli occupation, directly or indirectly, and also suffer from a system of violence emanating from the tradition and culture, with embedded patriarchal social norms and multiple outdated legal frameworks. She notes, however, the State's ratification of the Convention on the Elimination of All Forms of Discrimination against Women and ongoing efforts to harmonize and revise numerous laws relevant to combating and preventing violence against women, and that the taboo attached to such violence is less than it was at the time of the visit of her predecessor.**

91. **With respect to the observed gaps in the fulfilment of the State's obligations, including the due diligence obligations to prevent violence against women, to protect and provide remedies to women who have been subjected to violence and to prosecute and punish the perpetrators, the Special Rapporteur would like to put forward the recommendations below.**

92. **With regard to law and policy reform, the Special Rapporteur recommends that the Government:**

(a) **Urgently repeal discriminatory provisions that are at the root of violence against women and that perpetuate and reinforce the subordination and inferiority of women. As stressed throughout the visit, women's rights cannot wait and specific laws to address gender-based violence need to be adopted urgently, while laws that perpetuate violence against women and discrimination need to be urgently repealed in compliance with international human rights law, in particular the Convention on the Elimination of All Forms of Discrimination against Women, and Committee on the Elimination of Discrimination general recommendation No. 19 (1992) on violence against women. The use of presidential decrees to do so should be encouraged;**

(b) **Consider including in its new Constitution a provision making the Convention on the Elimination of All Forms of Discrimination against Women directly applicable, and urgently ensure that the composition of the constitution committee is gender balanced and includes representatives of civil society;**

(c) **Urgently take all legal, administrative and legislative action necessary to amend penal legislation so as to repeal or amend discriminatory provisions that help perpetuate violence against women. More specifically, the Government should repeal or amend articles 99 and 100 and any other legal loopholes in the Jordanian Penal Code to ensure that such provisions are not applicable in cases of violence against women, and adequately define and criminalize different forms of violence against**

⁵² See www.dci-palestine.org/president_abbas_signs_into_law_long_gestating_juvenile_protection_bill.

women, including marital rape, or adopt a unified penal code in line with the Convention on the Elimination of All Forms of Discrimination against Women and international standards;

(d) Adopt a unified personal status law by which equality and non-discrimination in family relationships are guaranteed, including provisions establishing the minimum legal age of marriage for girls and boys, with or without parental consent, at 18 years;

(e) Adopt the draft legislation on domestic violence/family protection and ensure that it is in line with accepted international standards on women's rights set out in the Convention on the Elimination of All Forms of Discrimination against Women, that it addresses prevention, protection of victims and prosecution of perpetrators and that it provides for protection orders and a sufficient number of shelters;

(f) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(g) Provide mandatory training to law enforcement officers and members of the judiciary, including judges and prosecutors, on the Convention on the Elimination of All Forms of Discrimination against Women, the general recommendations of the Committee on the Elimination of Discrimination against Women and the Committee's jurisprudence on violence against women;

(h) Strengthen efforts to combat discriminatory gender stereotypes among society, including in the media;

(i) Conduct campaigns and programmes, including in cooperation with the public defender and civil society, to increase awareness and understanding among the general public, including women of all ages, of the different forms of violence and to raise women's awareness of their rights and avenues of redress.

93. With regard to investigations, prosecution support services and protective measures, the Special Rapporteur recommends that the Government:

(a) Increase the number of police stations in residential areas and continue its efforts to facilitate women's reporting of incidents to the police, including by taking measures to ensure privacy and confidentiality;

(b) Strengthen and ensure the sustainability of both the specialized public prosecutors and the family and justice protection units and adequate representation of women on the staff of both;

(c) Consider establishing specialized courts or judges for hearing cases of violence against women;

(d) Provide the judiciary with specialized training on gender-based violence; improve access to justice, and incorporate into the programmes of public service training institutions, including for the judiciary, modules on the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and national provisions on gender equality and domestic violence, including recent amendments to penal legislation;

(e) Conduct awareness-raising campaigns and training for law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, to increase the understanding that all forms of violence against women are human rights violations;

(f) Provide a sufficient number of adequate shelters for women who are victims of, or at risk of, violence, for both the short and long term (emergency shelters and alternative housing solutions) and services, including financial and legal assistance; particular attention should be paid to women with disabilities;

(g) Ensure implementation of the national action plan on the implementation of Security Council resolution 1325 (2000), with a focus on the full

inclusion of women in any peace and development efforts, and adequate budget allocation for the realization of the plan;

(h) Engage in a constructive dialogue with the Israeli authorities on the issues relating to violence against women under joint responsibility.

94. The Special Rapporteur recommends that national human rights mechanisms and civil society support and strengthen their cooperation with the Independent Commission for Human Rights and civil society organizations to increase their capacity to monitor and report on the Government's international obligations in the area of women's human rights generally and violence against women in particular, and continue their collaboration in the elaboration and adoption of new laws, such as the law on domestic violence/protection of the family, which requires a consultative process that incorporates the opinions of civil society and victims/survivors, in dialogue with practitioners who will apply and enforce the laws;

95. With respect to the collection of data on femicide and other forms of violence against women, the Special Rapporteur recommends that the Government:

(a) Establish a system of standardized collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women. Monitoring and evaluation tools must also be developed to assess, in a clear and systematic way, progress made in eradicating violence against women;

(b) Establish a "femicide watch" or "gender-related killing of women watch" and annually collect and publish data on the number of femicides (all cases, including family related) and establish a separate body for, or entrust an existing body with, analysing each case of femicide in order to identify any failure of protection, with a view to improving and further developing preventive measures.

96. The Special Rapporteur recommends that the international community:

(a) Provide technical assistance to support legislative processes and the reform of the national framework to harmonize it with international standards, in particular the Convention on the Elimination of All Forms of Discrimination against Women, and provide capacity-building programmes for lawyers, judges, prosecutors, police officers and other law enforcement officials on the Convention and on women's human rights;

(b) Ensure better coordination between donors and NGOs to avoid duplication and overlapping of projects and policies aimed at ending violence against women; the area of prevention of violence against women should be better funded and the availability and capacities of service providers enhanced;

(c) Include a gender perspective in the projects funded and strengthen financial support for shelters and other services for victims.