

PALESTINIAN WOMEN'S RIGHTS IN EU-ISRAEL AND EU-PA RELATIONS 2014



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- CEC: Central Elections Committee
- CEDAW: Convention on the Elimination of all Forms of Discrimination against Women
- CERD: UN Committee on the Elimination of Racial Discrimination
- CFSP: Common Foreign and Security Policy
- COHOM: Working Group on Human Rights
- CSOs: Civil Society Organisations
- DCAF: Geneva Centre for the Democratic Control of Armed Forces
- DG: Directorate-General
- EMHRN: Euro-Mediterranean Human Rights Network
- EC: European Commission
- ENP: European Neighbouring Policy
- ENPI: European Neighbourhood and Partnership Instrument
- EP: European Parliament
- EU: European Union
- EUSR: EU Special Representative
- FAC: Foreign Affairs Council
- ICESCR: International Convention on Economic, Social and Cultural Rights
- ICJ: International Court of Justice
- ISF: Israel Security Forces
- LGBTI: Lesbian, Gay, Bisexual, Transgender and Intersex
- MAMA: Maghreb/ Mashreq working party.
- MEPP: Middle East Peace Process
- MoWA: Ministry of Women's Affairs
- NGO: Non-Governmental Organisation
- OCHA: Office for the Coordination of Humanitarian Affairs
- OHCHR: Office of the High Commissioner for Human Rights
- PA: Palestinian Authority
- PCBS: Palestinian Central Bureau of Statistics
- PCHR: Palestinian Center for Human Rights
- PIP WG: Palestine, Israel and the Palestinians Working Group
- PLC: Palestinian Legislative Council
- PLO: Palestinian Liberation Organisation
- OPT: occupied Palestinian territory
- UfM: Union for the Mediterranean.
- UNDP: United Nations Development Programme
- UNSCR: United Nations Security Council Resolution
- UN Women: The United Nations Entity for Gender Equality and the Empowerment of Women
- VaW: Violence against Women
- WCLAC – Women's Centre for Legal Aid and Counselling

Executive Summary

This report on Palestinian women's rights in EU-Israel and EU-PA relations is unique in many ways. Firstly it addresses Palestinian women's rights in Israel, the West Bank and Gaza Strip in a joint report. Palestinian women living in Israel, the West Bank and Gaza Strip share, among other commonalities, the fact that they are all Palestinian women. However, the political situation, not least the occupation and Israeli policies – have led to this fact becoming more and more obscured. Palestinian women are either seen as part of the Palestinian minority in Israel, as part of the Palestinian population in the OPT¹ – or as citizens under the PA or Hamas-led governments – and their concerns and identity as women are either considered secondary or overlooked. In this report, we want to stress Palestinian women's rights as a whole, and raise awareness of this worrying division, which in itself undermines Palestinian women's rights.

Secondly, the report addresses common issues of concern to Palestinian women, such as access to health, education, employment and housing, as well as political participation and violence against women. It shows how Palestinian women often face double discrimination: as a consequence of general policies and specifically as women. In this regard, the report identifies the gender dimension of many of these policies. We argue that these issues should be addressed as violation of women's rights.

Thirdly, the report addresses the EU human rights framework and presents advocacy opportunities for raising the issue of Palestinian women's rights. While violations of Palestinian women's rights are mainly committed by Israel and the PA, both have relations with the EU, and as such, it is incumbent upon the EU, given its own commitments to human rights and gender equality, to address Palestinian women's rights violations.

Finally, the report makes recommendations in relation to what the EU should do – and what organisations could advocate for the EU to do – in order to address violations of Palestinian women's rights.

¹ The Occupied Palestinian Territory comprises the West Bank, including East Jerusalem and the Gaza Strip.

Presentation of the Report

The first part of this report discusses the EU's global human rights policies and instruments, as well as their relevance to women's rights in Israel and the OPT. This is followed by an overview of advocacy targets and opportunities at the EU and EU Member State level, specifically highlighting the Council of the European Union, the High Representative, the European External Action Service, the European Commission, the European Parliament and EU Member State missions. Ease of accessibility for NGOs and the likelihood of successful advocacy in relation to Palestinian women's rights is also assessed.

In addition, the first part of this report outlines the various instruments and mechanisms the EU has at its disposal to ensure the promotion and protection of human rights, including women's rights, as well as its commitments to mainstreaming gender across its policies and plans. Many of these instruments and mechanisms stem from the EU's multilateral partnerships with Israel and the Palestinian concluded in the framework of the Union for the Mediterranean; of these, specifically the Istanbul-Marrakesh process is of particular relevance to gender equality and women's rights. Other mechanisms derive from the policies, structures and agreements set up under the EU's bilateral Association Agreements with Israel and the Palestinian Authority, and from the European Neighbourhood Policy, in particular the bilateral Action Plans, which are built on mutual commitment to common values such as democracy and human rights.

This chapter aims at being a 'hands on' guide, providing practical information for NGOs involved in advocacy activities to promote Palestinian women's rights. It intends to help NGOs target the right actors and achieve the right timing for their actions, so that they can be as effective as possible when advocating to the EU. It aims to show NGOs what they can ask for and expect from EU institutions, and how these institutions should be approached.

The second part of the reports outlines the violations of Palestinian women's rights in Israel and the OPT. It describes the ways in which Palestinian women are victims of double discrimination, as members of the Arab Palestinian minority in Israel or the Palestinian population in the OPT, and as women. With respect to the situation of Palestinian women in Israel, this chapter highlights discrimination in: 1) access to education, health, employment and housing; 2) access to residency rights (including family reunification and citizenship); and 3) access to political participation and decision-making. Furthermore, it also addresses the issue of violence against women (including domestic violence). With respect to Palestinian women in the OPT, the chapter discusses freedom of movement; access to education, health and housing; access to residency rights; state and settler violence; and the plight of prisoners. Finally, with respect to Palestinian women under the PA and Hamas-led governments, it assesses access to fundamental freedoms; access to political participation and decision making; access to education, employment and health; and violence against women (including the effects of discriminatory laws).

Based on these two parts, the report presents some recommendations for advocacy messages and targets for the promotion and protection of Palestinian women's rights within EU-Israel and EU-PA relations.

About the Report

The first part of this report, which addresses EU structures and mechanisms with respect to women's rights, is mainly developed based on the following: the EMHRN-EU Human Rights Instruments Training Guide;² EMHRN meetings with EU officials; the experience of the EMHRN Working Group on Palestine, Israel and the Palestinians (PIP WG) advocating for women's rights in EU-Israel and EU-PA relations;³ and the overall experience of the EMHRN and its members of doing advocacy in Brussels on gender issues.⁴

The second part of this report, which addresses discrimination against Palestinian women in Israel and the Occupied Palestinian Territory (OPT) is mainly developed based on focus group meetings held in the West Bank, the Gaza Strip and Israel with women/human rights organizations, as well as on information drawn from the alternative reports that Palestinian Civil Society Organisations (CSOs) submitted to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee)

Two researchers were hired to draft this report, while a Steering Committee, composed of Palestinian human rights and women's rights organisations in Israel, the West Bank and Gaza, as well as international organisations, commented on various drafts. A final draft was shared with the focus groups and with PIP WG members.

This report is thus the collaborate effort of many persons, and EMHRN would like to thank everyone who took the time and energy to contribute, most importantly, the following organisations and institutions: Adalah – The Legal Centre for Arab Minority Rights in Israel, Israel; Addameer – Prisoner Support and Human Rights Association, OPT; Aisha – Association for Woman and Child Protection, OPT; Al-Haq, OPT; Al-Mezan Centre for Human Rights, OPT; Al-Muntada – NGO Coalition on Violence against Women, OPT; Al-Tufuleh Centre: NNI Pedagogical and Multipurpose Women's Centre, Israel; Arab Association for Human Rights, Israel; Community Media Center, OPT; Democracy and Workers' Rights Centre, OPT; Grassroots Institutions in the Northern West Bank: Al Najdeh Association, Tubas Association, Women for Life Association, OPT; HWC – Health Work Committees, OPT; Ibdaa – Cultural Centre for Community Development, OPT; ICHR - Independent Commission for Human Rights, OPT; Isaad Al-Tufuleh Centre, Israel; Kayan – Feminist Organization, Israel; Kvinna Till Kvinna, Sweden; Ma'an, Israel; Negev Coexistence Forum, Israel; Nissa' w afaq, Israel; PADR – Palestinian Association for Development and Reconstruction, OPT; PCATI – The Public Committee against Torture in Israel, Israel; PCDCR – Palestinian Centre for Democracy and Conflict Resolution, OPT; PCHR – Palestinian Centre for Human Rights, OPT; PDWSA – Palestinian Developmental Women Studies Association, OPT; PWWSD – Palestinian Working Woman Society for Development, OPT; Teacher Creativity Centre, OPT; WCLAC – Women's Centre for Legal Aid and Counselling, OPT; Women against Violence, Israel; Women's Studies Institute, Birzeit University, OPT; WATC - Women Affairs Technical Committees, OPT.

Moreover, EMHRN would like to thank the representatives of the following EU institutions: EEAS Head of Division Middle East II; Advisor of the EU Special Representative for Human Rights; Administrator of the European Parliament delegations for relations with Israel and the Palestinian Legislative Council.

² <http://www.euromedrights.org/eng/2013/01/15/emhrn-training-guide-and-toolkit-on-eu-advocacy>.

³ The PIP WG consists of 17 human rights organisations from Israel, OPT, Europe and the Arab world.

⁴ The EMHRN is a network of more than 80 human rights organisations and institutions in the Euro-Mediterranean region. It believes in regional civil society cooperation and advocacy particularly as regards the EU, its Member States and regional governments, in order to protect and promote human rights. For further information, see <http://www.euromedrights.org/eng>.

Introduction

The Euro-Mediterranean Human Rights Network (EMHRN) has worked for years on promoting human rights in the European Union's (EU) relations with Israel and the Palestinian Authority (PA); it has done so through an extremely active Working Group on Palestine, Israel and the Palestinians, consisting of 17 human rights organisations in Palestine, Israel, the Arab world and Europe. However, women's rights and gender equality issues have never been top priority on its agenda. When consulting women's rights organisations in Palestine and Israel, we realised that they generally worked with United Nations (UN) mechanisms, and had limited or no experience of the EU policy framework and available EU mechanisms.

In light of this, the EMHRN decided to draft a report that would serve to introduce the EU structure and the available human rights instruments that civil society organisations can use to advocate for Palestinian women's rights and to highlight violations of these rights in both Israel and the OPT.

Concurrently, given that Palestinian women's rights are rarely addressed in the EU framework (neither in relation to EU gender-specific instruments nor in relation to the EU-Israel and EU-PA cooperation frameworks), the EMHRN wanted to highlight areas of specific concerns where the EU should take action to address discrimination against Palestinian women.

The aim of this report is thus twofold:

- to raise awareness among Palestinian CSOs of available EU instruments for the promotion of women's rights; and
- to raise awareness among EU representatives of the various violations of Palestinian women's rights (discrimination) and how these can be tackled.

The EU has been increasingly active in promoting gender equality in its external action, including in its development cooperation and humanitarian aid. This commitment is reflected in a number of legal and policy documents, including the *Treaty of Lisbon* (2009), which emphasizes the importance of non-discrimination and equality as fundamental principles of EU law. In December 2005, the Council of Europe, the European Parliament (EP) and the European Commission (EC) jointly adopted the *EU Consensus on Development*,⁵ which recognises gender equality as a distinct goal, and identifies it as one of the five essential principles of development cooperation.⁶

Gender equality

Equality between men and women and the active involvement of both genders in all aspects of social progress are key prerequisites for poverty reduction. The gender aspect must be addressed in close conjunction with poverty reduction, social and political development and economic growth, and mainstreamed in all aspects of development cooperation. Gender equality will be promoted through support to equal rights, access and control over resources and political and economic voice.

European Consensus on Development (22 November, 2005, paragraph 104, page 30).

In April 2007, building on the Consensus, the Commission adopted a *Communication on Gender Equality and Women's Empowerment in Development Cooperation*. Furthermore, the subsequent

⁵ The Consensus is politically but not legally binding, since non-compliance with the Consensus cannot be brought to the European Court of Justice.

⁶ European Commission (2010). *EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015*. SEC(2010) 265 final, available in: http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf.

Council Conclusions on Gender Equality and Women's Empowerment in Development Cooperation called on the Commission and Member States to “promote clear objectives and indicators on gender equality and by assigning clear tasks and responsibilities to lead donors to this effect in all sectors.” In December 2008, the Council adopted the ***EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them***, which outline the intervention criteria regarding women's rights; these guidelines have been the reference for intensified EU action to combat violence and discrimination against women and girls in the world.⁷

These developments are part of a broader EU policy on gender equality, reflected in the Commission's *Strategy for Equality between Women and Men 2010 – 2015*, which covers both internal and external EU policies, and aims at increasing coherence between them.⁸ This Strategy identifies six priority areas for action, including the promotion of gender equality in external actions. For the purposes of this report, it is interesting to highlight the following priority identified in the Strategy with respect to external actions:

- Continue to encourage European Neighbourhood Policy (ENP) partner countries to promote gender equality through regular policy dialogue, exchange of experience and by exploring possibilities for assistance under the European Neighbourhood and Partnership Instrument.

Following the Strategy, in December 2008, the Council adopted a *Comprehensive Approach to the EU Implementation of the United Nations Security Council Resolutions (UNSCRs) 1325 and 1820 on Women, Peace and Security*, which recognises the close links between peace, security, development and gender equality.⁹ Furthermore, in 2010, the European Commission adopted the *EU Plan of Action on Gender Equality and Women's Empowerment in Development*, which outlines a number of activities to be carried out by EU Member States and the EC between 2010 to 2015.¹⁰ This Action Plan aims to reinforce EU coordination on gender equality policies in development cooperation with partner countries, in an effort to increase the EU's impact on the ground.

Last but not least, since the *Barcelona Declaration*, the EU has been seeking ever-closer political and economic relations with Israel and the PA.¹¹ Therefore, one important way that local and international human rights organisations can address the issues and cases they are working on is by calling on the EU to properly and fully implement its existing human rights commitments in relations with Mediterranean partners – in this case, Israel and the PA – is.

It is important to mention a number of important distinctions that must be made when discussing the EU structure and instruments in the context of its relations with Israel and the PA. Firstly, the EU has made commitments to respect and promote gender equality and women's rights in its policies with non-EU countries generally; these commitments thus also cover women's rights in Israel and the OPT. Secondly, the available mechanisms to address human rights violations (including women's human rights) in Israel and the PA-controlled/administered areas are very different. A range of instruments are available within the structures, policies and agreements established under the Association Agreements and the European Neighbourhood Policy, which apply to both EU-Israel and EU-PA relations (see Chapter 1). However, given that these are bilateral agreements, significant differences exist with respect to the instruments available to the EU in addressing women's rights in Israel versus in the PA-controlled/administered areas. Moreover, although the EU-PA instruments should in theory also apply to the Gaza Strip, the absence of an EU interlocutor with the de facto Hamas government makes this impossible. The EU currently upholds a “no-contact policy” towards

⁷ EC (2008). *EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against Them*, available in: http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/dh0003_en.htm.

⁸ EC (2010). *Strategy for equality between women and men 2010-2015*, available in: http://ec.europa.eu/justice/gender-equality/files/strategy_equality_women_men_en.pdf.

⁹ Council of the European Union (2008). *Comprehensive Approach to the EU Implementation of the United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security*, available in http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news187.pdf.

¹⁰ Ibid. 6.

¹¹ Collier, C. (2013). *Training Guide: Promoting Human Rights in North Africa and in the Middle East : Navigating the EU Institutional Maze and Its Relations with the Southern Neighbourhood*. EMHRN: Denmark.

the de facto Hamas government in the Gaza Strip, thus no framework of cooperation currently exists. As such, when advocating for Palestinian women's rights, it is important to clarify when to address the EU-Israel cooperation framework and when to address the EU-PA one. This distinction is made both in the chapter on EU instruments, and in the sections dealing with key concerns about women's rights violations in Israel and the OPT.

In relation to women's rights violations in Israel and the OPT, further distinctions must also be mentioned. Palestinian women in Israel and the OPT are directly and indirectly affected by the Israeli occupation. Whether as members of the Palestinian minority in Israel or of the Palestinian population in the OPT (who are affected by Israeli policies and security measures, as Israel retains a great deal of control over the entire West Bank and Gaza Strip, not only in area C and East Jerusalem), Palestinian women face general discrimination that affects all aspects of their lives. Compounding this, they also face discrimination and rights violations as women, or, at the very least, they are harder hit by general discrimination because they are women. While general discrimination is often addressed through the UN Committee on the Elimination of Racial Discrimination, we believe it is important to highlight the particular ways in which this general discrimination affects women, and to advocate for the activation of CEDAW to address this issue.

Finally, it is also crucial to take into account the fact that the PA operates under considerable restrictions due to the Israeli occupation and therefore exercise limited control over many parts of the OPT. As such, the responsibilities of Israel and the PA are not comparable.¹² This been said, the PA is still responsible for enforcing law through effective and lawful measures in accordance with its obligations under International Human Rights Law (IHRL). The PA has voluntarily accepted obligations under IHRL and has included the respect for human rights in its Basic Laws. The PA has also committed itself to the respect of human rights in the Interim Association Agreement with the EU and in the *European Neighbourhood Policy (ENP) Action Plan*.

Considering the EU's trajectory and its commitments to gender equality and women's rights, this report aims to become a tool for the promotion of Palestinian women's rights in the framework of EU-Israel and EU-PA relations. Specifically, it intends to facilitate advocacy work addressing Palestinian women's rights in Israel and the OPT at the EU and EU Member State level.¹³

¹² The PA's ability to protect the Palestinian people is severely compromised by its lack of jurisdiction over the parts of the West Bank which are outside of Area A (i.e. 83% of West Bank land, comprising 45% of the Palestinian population of the West Bank). This is further compounded by the paralysis of the Palestinian Legislative Council (PLC). Numerous PLC members have been arrested by Israeli occupying forces due to their political engagement, resulting in major obstacles to the PLC's adoption of required legal reforms.

¹³ While the report does not specifically address the situation of Palestinian refugee women in either Israel or in the PA-controlled/administered areas (nor, for that matter, in Jordan, Syria or Lebanon), it is important to draw attention to their particular situation, notably in view of recent regional developments, such as the crisis in Syria, which have heavily impacted the situation of Palestinian refugees, notably women.

1

CHAPTER

Women's Human Rights in the EU and in its Relations with Israel and the Palestinian Authority (PA)

- A. Opportunities to Advocate for Palestinian Women's Rights in EU Institutions
- B. Human Rights Instruments

A. Opportunities to Advocate for Palestinian Women's Rights in EU Institutions¹⁴

A.1 The Council of the European Union

The Council of the European Union is the institution in which the governments of all 28 EU Member States are represented. Member States meet in 10 different Council “configurations”, each of which deal with specific areas and is composed of the relevant Member State Ministers. One such configuration is the Foreign Affairs Council (FAC), chaired by the High Representative, in which Member State Foreign Ministers meet approximately once a month.¹⁵

The work of the FAC is undertaken by the Political and Security Committee (PSC). The PSC is composed of 28 EU PSC Ambassadors, based at Member States' Permanent Representations to the EU in Brussels. The PSC provides coordination and expertise in the area of foreign policy and is supported by several working groups. A relevant working group is the **Maghreb / Mashreq (MAMA)** working group. This working group brings together representatives based at Member States' Permanent Representations to the EU in Brussels, and it is chaired by the European External Action Service (EEAS) and meets regularly. It discusses the human rights situation in the MENA region, as well as actions the EU should take. Furthermore, it prepares the FAC's Conclusions on individual countries in the region. With the help of the EEAS, the MAMA working group also prepares Association Council meetings and the EU's public declarations concerning the Euro-Mediterranean region. It also discusses and agrees on the EEAS-prepared agendas for the Subcommittees on Human Rights between the EU and Southern Mediterranean countries. Finally, based on EEAS proposals, it is in charge of agreeing to the European Neighbourhood Policy (ENP) Action Plans before they are submitted to higher levels.

Another relevant working group is the Working Group on Human Rights (COHOM), of which two exist: 1) the original COHOM with its human rights experts based in EU Member State capitals; and 2) the Brussels-based COHOM established by the *EU Strategic Framework and Action Plan on Human Rights and Democracy*, with human rights experts based in Member State embassies in Brussels.¹⁶ The COHOM meets at least once a month and is responsible for shaping the EU's overall positions and policies in the area of human rights in foreign policy, as well as developing the relevant implementation instruments, such as the *EU Human Rights Guidelines*. It monitors developments, discusses EU actions and prepares positions in relation to specific situations. It is responsible for the EU's participation in UN Human Rights mechanisms and for determining EU positions at the UN. It is also responsible for the mainstreaming of human rights in EU geographical working groups and for the EU's global human rights strategy. Within the COHOM, individual Member States may take a leading role on specific issues, such as torture or the plight of human rights defenders. The agendas of actual Council meetings are not publically available, thus limiting NGO accessibility. In fact, the positions of different Member States can only be known to CSOs via direct contact with Member States themselves. Furthermore, higher level groups, such as the FAC, are less accessible than the working group (WG) level. This is due to two factors: firstly, the fact that the FAC meets once a month versus the bi-weekly WG meetings; and secondly, the fact that the WGs include Member State embassy

¹⁴ Ibid. 11.

¹⁵ The FAC decides on the political orientation of the EU's Common Foreign and Security Policy. The FAC takes positions on human rights violations in non-EU countries and makes decisions on the measures that the EU will take to address them. Such measures can include sanctions, such as restricting admission or freezing the funds of the individuals responsible for human rights violations, etc. The Council's positions and measures are contained in the Foreign Affairs Council's Conclusions. In the area of foreign policy, individual Member States can propose that specific issues be discussed, or that the EU take specific actions. Any Member State can mobilise other Member States to support its position. Moreover, any Member State can block EU action, since decisions taken in the FAC are made by consensus or unanimity and not through voting. This means that all 28 Member States have to agree on a course of action.

¹⁶ The Brussels-based COHOM was established to cope with the original COHOM's enhanced workload and to allow it to react more quickly to ongoing developments. It was also intended to increase cooperation between other relevant WGs (in particular the geographical ones). For official documents on the COHOM, see http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf.

staff in Brussels. . While PSC ambassadors have a say in the decision-making process (i.e. the more important stage), they are only accessible when you approach them at their level (e.g. if a director is on mission in Brussels). Finally, representatives of the MAMA and COHOM are human rights experts and thus generally already sympathetic to human rights concerns. Approaching them exclusively thus carries the risk of “preaching to the choir”. In contrast, the COHOM is an important player to engage in the mainstreaming of human rights concerns in other geographical WGs. While access to the WGs is generally easier than higher levels, CSOs still struggle to obtain a list of all COHOM members.

Success in advocacy depends enormously on how much time and effort are invested in developing relationships and getting information from officials, given that crucial information is often not publicly available and structures are complex. It also depends on the political context in the MENA region. As the Council’s various bodies deal with the whole region, the challenge often lies in identifying the opportune moment to bring a specific priority issue forward on the relevant agenda.

A.2 The High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission

On foreign affairs, the EU is represented by the High Representative of the Union for Foreign Affairs and Security Policy, who is also the Vice-President of the European Commission. The first person appointed to this position was Catherine Ashton; her appointment runs until the end of the current European Commission’s mandate in 2014. She is assisted by her cabinet, which includes a person in charge of human rights issues and another in charge of the Mediterranean region.

Since the entry into force of the *Lisbon Treaty*, the High Representative permanently chairs the Foreign Affairs Council. She makes public statements and visits countries where she raises issues during meetings with relevant authorities.¹⁷ In addition, the EU has 10 Special Representatives (EUSRs) in either various countries/regions or focused on different themes.¹⁸ The EUSRs promote the EU’s policies and interests, and play an active role in efforts to consolidate peace, stability and the rule of law. There used to be a EUSR on the Middle East Peace Process (MEPP), however, this responsibility was taken over in December 2013 by EEAS’s political director; it is unclear whether a new EUSR on the MEPP will be appointed after the new EU Commission is in place in 2015.

EU Special Representative for Human Rights

In the context of the adoption of a new *EU Strategic Framework and Action Plan on Human Rights and Democracy*, the Foreign Affairs Council decided to create this position to raise awareness of EU actions in this area. The EU Special Representative for Human Rights has so far not considered either Israel or the PA as a priority.

A.3 The European External Action Service (EEAS)

EU level (Brussels)

The European External Action Service was created by the *Lisbon Treaty* and became operational in 2010. It is based in Brussels and falls under the authority of the High Representative, whom it is meant to assist. The EEAS consists of Directorates, which are geographic, and one which is thematic, namely, the Directorate for Global and Multilateral Issues.

This thematic Directorate is divided into departments, one of which deals with human rights and democracy. This department has two further units, one of which deals with human rights, and one

¹⁷ The public statements of the High Representative fall into three categories” 1) statements “on behalf of the EU,” which are drafted by the European External Action Service (EEAS), discussed in the Council WG on Maghreb / Mashrek (MAMA), and thus approved by the 28 Member States; 2) statements “by the High Representative ”; and 3) statements “ by the spokesperson” of the High Representative. Neither of these last two types of statements requires prior approval of Member States.

¹⁸ This number may change in 2015 following the EU Parliament elections in 2014.

which deals with democracy and electoral observation. There are desk officers responsible for specific countries (including those in the Middle East). A specific EEAS division also deals with European Neighbourhood Policy “Strategy and Instruments”.

A geographic Directorate, the Directorate for the Middle East and North Africa (MENA) has two units dealing with Middle Eastern countries, one of which focuses on Israel, the OPT and the MEPP: Middle East Unit II. It also has a unit dedicated to regional policies, the Euromed and the Union for the Mediterranean.

The EEAS supports the work of the High Representative and the Foreign Affairs Council and its working groups through various activities, including: policy analysis; participation in meetings; agenda setting (e.g. for Association Councils or for the Association Committee and Subcommittees on Human Rights); report drafting (e.g. the EU Annual Report on Human Rights and Democracy)¹⁹; and the preparation of statement (e.g. Statements of the EU Ahead of the Association Council, EU Council Statements) and *démarches*.²⁰

In term of NGO accessibility, these institutions are generally rather accessible (depending on which level is targeted). In terms of successful advocacy, the Director of the Directorate for the MENA has been a civil society ally and has been instrumental in getting EU guidelines on funding for Israeli settlements adopted.

The EEAS is represented in non-EU Countries by EU delegations.

EU Delegations

EU Delegations, which are an extension of the EEAS, are headed by an EU Ambassador. A Delegation is usually divided into a Political Section and an Operational Section. Usually, EU Delegations have a focal point on human rights, often the Head of the Political Affairs Section.

EU Delegations take action on behalf of the EU, such as conducting political dialogue and *démarches*. The Operational Sections are in charge of managing EU funding and programmes on the ground.

EU Delegations also arrange visits by the High Representative, European Commissioners, EEAS staff or European Commission and EU Special Representatives, like the Special Representative for the Southern Mediterranean. EU Delegations also assist during European Parliament Delegation and Committee visits. Delegations sometimes arrange meetings between visiting EU representatives and local civil society organisations; NGOs can also push for such meetings.

A.4 The European Commission

The European Commission is made up of 28 Commissioners. Commissioners are in charge of the different Directorates-General, or departments, into which the Commission is divided. “The mission of the European Commission is to promote the general interest of the European Union [...] by participating in the decision-making process, in particular by presenting proposals for European law, by overseeing the correct implementation of the Treaties and European law, and by carrying out common policies and managing funds.”²¹

¹⁹ http://eeas.europa.eu/top_stories/2013/250613_eu_hr_report_2012_en.htm.

²⁰ A *démarche* is a written or oral expression of the EU’s position to the government of a non-EU state or to an inter-governmental organisation. It may contain a request for specific actions or measures to be taken.

²¹ European Commission, *Governance Statement of the European Commission*, 30 May 2007: http://ec.europa.eu/atwork/synthesis/doc/governance_statement_en.pdf.

Relevant areas:

- The Commissioner for Justice, Fundamental Rights and Citizenship has, among other portfolios, the responsibility for implementing the EU's gender equality commitments, as well as the *Strategy for Equality between Women and Men 2010 – 2015*.²²
- The Commissioner for Enlargement and European Neighbourhood Policy is responsible for Northern African and Middle Eastern countries on issues within the mandate of the Commission. The Commissioner can raise human rights concerns and make public statements.
- The Commissioner for Development is responsible for designing EU development policies and delivering aid worldwide.

The Directorate General for Development and Cooperation – EuropeAid

EuropeAid is responsible for designing EU development policies and delivering aid through programmes and projects across the world:

- EuropeAid formulates EU development policy and defines sectoral policies with respect to external aid, in order to reduce world poverty; ensure sustainable economic, social and environmental development; and to promote democracy, the rule of law, good governance and the respect of human rights.
- EuropeAid is responsible for implementing the EU's external aid instruments, which are financed through the European budget and the European Development Fund.

EuropeAid provides funding to ENP governments through its European Neighbourhood and Partnership Instrument (ENPI). It has staff responsible for all ENP countries, including Israel and the OPT. EuropeAid also supports CSOs through other funding instruments, such as the European Initiative for Democracy and Human Rights (EIDHR)²³ and Civil Society Facility.²⁴

A.5 The European Parliament

The European Parliament (EP) represents the citizens of the EU. There are 751 Members of the European Parliament (MEPs), who are directly elected for a five-year term. Each Member State has a certain number of seats, according to the size of its population. Elections for the new EP will be held between 22 and 25 May 2014, and the new EP is expected to be in place by July 2014.²⁵ As members of **political parties**, MEPs are assisted in preparing their work by the party staff. Staff members of political parties provide important contacts in the Parliament, because they work with several MEPs and generally draft proposals for parliamentary resolutions coming from their respective parties.

The EP has 20 **Parliamentary Committees**. Relevant committees include:

- The Foreign Affairs Committee, which “helps to formulate and monitor a foreign policy that addresses the interests of the Union, the security expectations of its citizens and the stability of its neighbours, and ensures that it is coherent and effective.” It is responsible for issues

²² Available in: <http://ec.europa.eu/justice/gender-equality/>

²³ Further information on the EIDHR available in: http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm

²⁴ For the MENA region, the Civil Society Facility falls under the ENP, see: http://www.enpi-info.eu/mainmed.php?id=393&id_type=10

²⁵ The European Parliament elects a **President** who represents it internationally and in its relations with the other EU institutions. During a given five-year legislative term, two Presidents are elected from two different political parties, each for two-and-a-half years. The two Presidents are chosen from the two largest political parties, generally the centre-right European People's Party (EPP) and the Socialist & Democrat Party (S&D). The President's activities include conducting visits and meetings, raising human rights issues and cases and making public statements. The President may assign tasks to one of the 14 Vice-Presidents elected by MEPs.

concerning human rights, the protection of minorities and the promotion of democratic values in non-EU Countries. The Subcommittee on Human Rights assists the Foreign Affairs Committee. This subcommittee holds hearings and adopts reports about specific human rights issues or countries. It invites NGOs, experts, academics, EEAS representatives and representatives of non-EU countries to address it. It is supported by the staff of the Parliament's Human Rights Unit, which acts as the subcommittee's secretariat.

- The Committee on Women's Rights and Gender Equality (FEMM) is not only concerned with the promotion of women's rights in the EU, but also in non-EU Countries. Among other tasks, this Committee is responsible for the definition, promotion and protection of women's rights in the EU and the promotion of women's rights in non-EU countries. In addition, it oversees the implementation and the further development of gender mainstreaming in all policy sectors. It also follows-up on the implementation of international agreements and conventions regarding women's rights.

There are also currently 41 **parliamentary delegations** in the EP. The delegations maintain relations and exchange information with parliaments in non-EU countries. Through its delegations, the European Parliament helps to represent the EU externally. Currently, there are parliamentary delegations to the Israeli Knesset, the Palestinian Legislative Council and the Union for the Mediterranean Parliamentary Assembly. These delegations visit countries and meet government officials and local NGOs. They can raise human rights issues and specific cases, make public statements or take other forms of action.

As the only democratically elected EU institution, the European Parliament has an important role to play in monitoring EU human rights policies, in making resolutions and recommendations and in calling for actions. Moreover, it can present **written or oral parliamentary questions** to the Council of the European Union, the EU Commission, the EEAS, EU Member States, as well as the government of the country concerned.²⁶

Each year, the European Parliament issues a report on the human rights situation in countries outside the EU.

Actions by MEPs are particularly useful for raising awareness and, when questions are answered, getting more information on a given topic.

Generally, MEPs, delegations and committees are accessible to NGOs, and CSOs are often invited to give presentations. The actions of these members, delegations and committees can attract important press interest. The challenge is that the issue of concern must also somehow serve the MEPs political interest and the timing must be right (i.e. MEPs will generally not want to engage sensitive issues ahead of elections).

A.6 EU Member State Missions

EU Member States are represented by Ambassadors assisted by their staff who are based at the country embassy. The Deputy Head of Mission is usually responsible for human rights issues.

The EU Ambassador and Ambassadors of EU Member States, collectively known as the Heads of Missions, meet regularly as a group. Another relevant group is the Human Rights Working Group, which brings together the EU Delegation and Embassy staff who specialise on human rights issues.²⁷ At both of these meetings, human rights issues and EU actions are discussed and decisions made. The

²⁶ The European Parliament plenary adopts general **resolutions** pertaining to human rights, the ENP and the Mediterranean region, as well as three urgent human rights resolutions per plenary session. Resolutions are researched and drafted by individual political parties, with support from their own staff and the staff of the Parliament's secretariat (Human Rights Unit); these resolutions are agreed to by other political parties.

²⁷ The EU Delegation coordinates the preparation of such meetings with the EU Human Rights focal point/political referent taking the lead. However, in some cases, Member States can take the lead on specific human rights cluster topics as part of their burden-sharing policy.

EU Human Rights Working Group deals explicitly with the situation of human rights defenders. In some countries, there is “task-sharing” among EU Missions, whereby different Missions take the lead on different human rights issues. Local EU statements are approved by EU Member State Heads of Mission.

In relation to the ENP and Association Agreements, EU Missions also play an important role. For example, they provide input ahead of the Association Council, Association Committee and Sub-Committee meetings : these meeting agendas are approved by EU Member States (in the MAMA in Brussels), in coordination with their missions. In addition, they play a key role in planning the visits of EU representatives to Mediterranean countries.

EU Member States embassies organise visits for their Foreign Ministers, for the staff of their Foreign Ministries and for members of their National Parliament. As noted above, EU Member States’ policies are crucial to defining the EU’s global foreign policy. That is why it is relevant to take advantage of such visits to influence Member States’ policies.

B. Human Rights Instruments²⁸

B.1 At the Multilateral Level: The Euro-Mediterranean Partnership / Union for the Mediterranean²⁹

When they adopted the *Barcelona Declaration* in November 1995, the then-15 EU Member States launched the Euro-Mediterranean Partnership with 12 Southern and Eastern Mediterranean countries. This multilateral partnership was also known as the Barcelona Process. The *Barcelona Declaration* included commitments to act in accordance with the *Universal Declaration of Human Rights* and to respect human rights and fundamental freedoms.

In 2008, the Euro-Mediterranean Partnership evolved into the Union for the Mediterranean (UfM), which continued to be based on the *Barcelona Declaration*. The UfM aims to increase the potential for regional integration and cohesion among Euro-Mediterranean countries.³⁰ However, the regional dimension has increasingly lost political importance, as it has been difficult to gather representatives of the partner states around the same table.

The Euro-Mediterranean Partnership’s Ministerial Conferences on Strengthening the Role of Women in Society³¹

The Euro-Mediterranean Partnership’s Ministerial *Conferences on Strengthening the Role of Women in Society* take place within the UfM framework. The first conference was held in Istanbul in November 2006, where the representatives of 37 participating countries agreed to a regional “plan” for the promotion of gender equality and women’s rights in the Euro-Mediterranean region. At a follow-up conference in Marrakesh in 2009, these intentions were translated into a commitment to establish national action plans for achieving gender equality. However, with neither a clearly defined follow-up committee nor financial commitments in place, little progress was achieved. The September 2013 Paris meeting, reaffirmed the importance of gender equality and women’s rights, but it was weaker on specific partner state commitments. The process is, however, interesting to follow, not least of all because the tradition of holding a civil society forum ahead of the Conferences was established. Look at all Conclusions of the Ministerial Conferences and EMHRN positions/statements on them on page 48.

²⁸ Ibid. 11.

²⁹ Ibid. 11.

³⁰ Further information on the UfM is available in www.ufmsecretariat.org.

³¹ Based on information available in <http://www.euromedgenderequality.org>

B.2 At the Bilateral Level: The Association Agreements

Within the overall framework of the Euro-Mediterranean Partnership / EMP, the EU and individual Mediterranean countries, including Israel and PA, began signing bilateral Association Agreements. These Agreements are legally binding on both the EU and its partners. They are mainly economic in nature, aiming to liberalise trade and investment. However, they also commit the EU and its partners to respecting democratic principles and fundamental human rights, as well as establishing enhanced political dialogue, including on human rights issues.

The *EU-Israel Association Agreement*

The legal framework for EU-Israel relations was signed in November 1995, following the ratification by the 15 EU Member State parliaments, the European Parliament and the Knesset. It entered into force on 1 June 2000, as the *EU-Israel Association Agreement*, replacing the earlier *Cooperation Agreement* of 1975. The main features of the *EU-Israel Association Agreement* include provisions on: regular political dialogue, freedom of establishment and liberalisation of services; the free movement of capital and competition rules; the strengthening of economic cooperation; and cooperation on social matters. In addition, the Agreement states that **the respect for human rights and democratic principles guides the internal and international policy of both Israel and the EU, and constitutes an essential and positive element of the Agreement.**

The *EU-PA Association Agreement*

The legal framework for EU-PA relations was signed in February 1997, as the Interim Association Agreement on Trade and Co-operation. In 2004, the PA was among the first partners to be included in the ENP. In May 2005, the EU and the PA agreed on an ENP Action Plan, which was updated and adopted in March 2013. The Action Plan sets the agenda for economic and political cooperation with the EU.

Article 2 of the agreements states that: “Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and international policies of the Parties and shall constitute an essential element of this Agreement.³²” A non-execution clause complements Article 2 of the Association Agreements; in case of the violation of democratic principles or human rights, this clause provides the legal mechanisms through which either party can take ‘appropriate measures’ (i.e. suspension of the agreement).

The human rights clause is the basis for political dialogue on human rights issues and it is the framework for EU financial support to human rights NGOs. It is currently interpreted by the EU as a means for the ‘positive’ promotion of human rights. However, it can, in theory, also be used in a ‘negative’ manner, i.e. to justify sanctions in cases of human rights violations.³³

EU-Israel related documents

EU-Israel Association Agreement available at:

http://eeas.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf

EU-Israel Action Plan available at:

http://eeas.europa.eu/enp/documents/action-plans/index_en.htm

³² See http://eeas.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf.

³³ This approach has never been used by the EU in relation to a Mediterranean country, with the recent exception of Syria. It is important to note in this case, however, that Syria and the EU had never signed an Association Agreement.

EU – PA related documents

EU-Palestine Interim Association Agreement on Trade and Cooperation available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0716%2801%29:EN:HTML>

EU-Palestine Action Plan available at:
http://eeas.europa.eu/enp/documents/action-plans/index_en.htm

Joint EU-partner structures are established in order to implement the Association Agreements. These include:

- **Association Council:** The Council normally meets once a year at the ministerial level. The EU is represented by the High Representative or the ENP Commissioner, and the Southern partner by its Minister of Foreign Affairs. The meeting consists of a general political discussion covering the broad priorities of the relationship. This ministerial meeting is generally followed by a press conference which can attract media attention. On the occasion of these meetings, the EU issues a public statement, which addresses relevant human rights issues. Human rights issues can also be raised formally and informally by the EU during the meeting.
- **Association Committee:** An annual meeting of high-level public servants / senior officials. The committee prepares the Association Council and mainly discusses technical cooperation.
- **Technical Sub-committees:** **Technical sub-committees are set up in the various areas of cooperation. These sub-committee meetings happen once a year at the civil servant level of the European External Action Service (EEAS) and can include the relevant Ministries of the partner country, depending on the focus of the sub-committee. Specific discussion of human rights issues takes place in human rights sub-committee meetings. For almost all Mediterranean countries, there are sub-committees specifically on human rights. In the case of Israel, so far there is only an informal working group on human rights, which only addresses human rights issues inside Israel.³⁴ However, the EU-Israel political subcommittee also addresses human rights issues. Other relevant sub-committees include those on Migration, Social Affairs and Health and on Justice and Security. Human rights should also be mainstreamed into other sub-committees such as those addressing issues like education. Sub-committee meetings are organised by the EEAS in cooperation with the partner government. The agenda mainly follows the priorities agreed upon in the ENP Action Plan, but partners can negotiate to add items to the agenda. The EEAS usually organises meetings with NGOs in Brussels before sub-committee meetings, in order to discuss issues and get recommendations for the agenda from them. After the meetings, the EEAS also debriefs NGOs, although this sometimes is only done if NGOs request it. Similar briefings and debriefings are organised both in Brussels (by the EEAS) and in the capital city of the partner country (by the EU Delegation).**

Example of relevant Sub-committees

- Human rights
- Political dialogue and cooperation
- Justice and legal matters
- Research, innovation, information society, education and culture

³⁴ Up to January 2014.

Although sub-committee meetings present an opportunity for more in-depth discussion of human rights issues between the EU and its partners, these structures have a number of limitations in terms of their effectiveness. In most cases, the EU and its partners have agreed that individual cases either will not be raised or can only be raised as ‘illustrations’ of wider issues. As the agenda and minutes of the meetings are not made public, it is difficult for NGOs to know what the results of the meetings were and what commitments were made; they are therefore often unable to ensure proper monitoring of the implementation of these commitments.

B.3 The European Neighbourhood Policy

The *European Neighbourhood Policy* (ENP) is an EU external policy which was launched in 2004. Through the ENP, the EU works with its southern and eastern neighbours to achieve the closest possible political association and the greatest possible degree of economic integration, offering “a privileged relationship” to 16 EU neighbours. The ENP builds on mutual commitment to the common values of democracy and human rights, the rule of law, good governance, market economy principles and sustainable development.

The ENP builds on the Association Agreements, Action Plans and Progress Reports play a key role in financial programming; consequently, it is of vital importance to ensure that women issues are addressed in these documents.

The Southern Mediterranean countries to which the ENP applies are involved in the Union for the Mediterranean. However, the ENP is the EU’s own policy towards its neighbours, concretised into a bilateral Action Plan with each country, while the Union for the Mediterranean is a multilateral partnership. Among the main features of this co-operation are liberalisation of trade, promotion of political reforms, the managed movement of people and financial assistance. Participation in the ENP can offer strengthened political cooperation, access to the EU’s internal market as well as to EU programmes and agencies.

More-for-more principle

In 2011, the EU committed itself to a more active approach through the more-for-more principle. Through this principle, the EU will develop stronger partnerships and offer greater incentives to countries that make greater progress towards democratic reform, including: free and fair elections; freedom of expression, assembly and association; judicial independence; the fight against corruption; and democratic control over the armed forces.

The EU’s approach is differentiated; its partnership with each country is based on that country’s specific needs, capacities and reform objectives.

Further information on EU ENP policy is available in the *EMHRN Training Guide and Toolkit on EU Advocacy*.³⁵

B.4 EU Global Human Rights Policies and Instruments, including on Women’s Rights

According to the EU’s Common Foreign and Security Policy (CFSP), all the EU’s relations with non-EU countries, aim “to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms”.³⁶

Strategy for Equality between Women and Men 2010-2015³⁷

This Strategy follows on from the 2006-2010 roadmap for equality between women and men. It takes up the priorities defined by the *Women’s Charter* and forms the Commission’s work programme. It

³⁵ Available at <http://www.euromedrights.org/eng/2013/01/15/emhrn-training-guide-and-toolkit-on-eu-advocacy>.

³⁶ http://eeas.europa.eu/delegations/liberia/key_eu_policies/common_foreign_security_policy/index_en.htm.

³⁷ http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/em0037_en.htm.

also outlines the key actions planned for the period 2010-2015.

This Strategy also acts as a basis for the cooperation between the Commission and other EU institutions, Member States and other stakeholders, as part of the *European Pact for Equality between Women and Men*. Among its six priority areas, the Strategy aims to ensure that EU external policy contributes to greater gender equality and women's empowerment. In this respect, the Commission will:

- Track the progress of equal treatment between women and men in the candidate and potential candidate countries for accession to the EU;
- Implement the *EU Plan of Action on Gender Equality and Women's Empowerment in Development (2010-2015)*;
- Conduct a regular dialogue and exchange of experience with the European Neighbourhood Policy partner countries; and
- Integrate equal treatment considerations into humanitarian aid operations.³⁸

Progress is reported every year and presented in a *Report on Equality between Women and Men*.³⁹

EU Human Rights Guidelines

Since 1998, the EU has elaborated several *Human Rights Guidelines*, in which it outlines how it aims to address foreign policy and specific human rights issues. EU guidelines are not legally binding, but because they have been adopted at a ministerial level, they send a strong political signal on human rights priorities for the EU and its Member States.

The EU *Human Rights Guidelines* detail the tasks of EU Missions (EU Delegations and EU Member State embassies) in non-EU countries, including:

- Monitoring, analysing and reporting to higher structures (such as COHOM, MAMA working group, Foreign Ministries) on the human rights situation;
- Researching or investigating specific cases, including making enquiries to local government, on an ad hoc basis;
- Giving advice or making recommendations for action to higher levels (Brussels and capitals);
- Observing trials;
- Carrying out démarches;
- Making local public statements;
- Raising human rights issues / cases in meetings with local authorities;
- Conducting urgent local actions to support human rights defenders who are at immediate or serious risk;
- Drafting local human rights strategies (general human rights strategies, as well as country strategies for specific issues, such as torture, human rights defenders, children's rights, etc.);
- Maintaining contacts with human rights defenders, inviting them, visiting them and giving them publicity;

The EU has adopted Human Rights Guidelines on the following themes⁴⁰

- Human rights dialogues with non-EU Countries;
- Human rights defenders;
- Violence against women and girls, and combating all forms of discrimination against them;
- The death penalty;
- Torture;
- Children and armed conflict;
- International humanitarian law;
- The rights of the child;
- Freedom of religion or belief;
- LGBTI rights.

³⁸ Available in http://ec.europa.eu/europeaid/infopoint/publications/europeaid/227a_en.htm.

³⁹ Available in http://ec.europa.eu/justice/gender-equality/document/index_en.htm.

⁴⁰ Official documents are available in: http://eeas.europa.eu/human_rights/guidelines/index_en.htm.

- Visiting human rights defenders in custody or under house arrest; and
- Issuing emergency visas and facilitating temporary shelter.

The EU has specific guidelines on “violence against women and girls and combating all forms of discrimination against them.” According to the EU these Guidelines “provide guidance for conducting political dialogue and for taking action, where appropriate, in individual cases of women’s rights violations.”⁴¹ Embassies of EU Member States, EU Delegations and the EEAS should all play an active role. EU Missions should assess and report on the situation, raise the issue with local authorities, maintain contact with and support women human rights defenders, monitor legal proceedings and take other specific measures. The challenge is that very often these guidelines are not always well known; in some cases, they are known but simply not implemented. To remind the EU of its commitments in relation to the *Human Rights Guidelines* is important.

The EU also has guidelines on International Humanitarian Law that describe how the EU will promote compliance with international humanitarian law in its external policy, in situations of international and non-international armed conflict, and in situations of occupation arising from an armed conflict.⁴²

COHOM is responsible for the implementation of the *Guidelines* worldwide. There is a task force for each of the Guidelines within the COHOM members bringing together those countries that have a particular interest in the human rights issue in question.

EU Strategic Framework and Action Plan on Human Rights and Democracy

In June 2012, the EU adopted the *EU Strategic Framework and the Action Plan on Human Rights and Democracy*.⁴³ This first-ever *Strategic Framework* sets out principles, objectives and priorities, which include gender equality and combating violence against women. The framework is designed to improve the effectiveness and consistency of EU human rights policy as a whole.

This is the most far reaching human rights policy developed by the EU thus far. It was approved by the then-27 Member States at the European Council level (i.e. at the Heads of State level). As such, it is an extremely powerful tool, one that could be particularly useful for CSOs in order to hold States to account. Especially useful is the Action Plan that include 36 actions divided into 97 subheadings; the Plan spelling out the responsibilities of EU institutions and Member States. These are to be executed by December 2014. The progress on implementing these actions is published in the *EU Annual Report on Human Rights and Democracy*.

Practical Tips for effective EU Advocacy are available in Chapter 4 of the *EMHRN training guide and toolkit on EU Advocacy*.

⁴¹ Available in http://eeas.europa.eu/human_rights/guidelines/women/docs/16173_08_en.pdf

⁴² Available in <http://register.consilium.europa.eu/pdf/en/09/st16/st16841.en09.pdf>

⁴³ Available in http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf.

An Overview of Palestinian Women's Rights Violations

- A. Violations of Palestinian Women's Rights in Israel
- B. Israeli violations of Palestinian Women's Rights in the OPT
- C. Violations of Palestinian Women's Rights in the West Bank and Gaza Strip under the PA and the Hamas-led governments

In 1948 Israel declared its independence. Between 1948 and 1966, Palestinians living in Israel were granted no political rights and were subject to Israeli military rule. After 1966, they were granted the right to vote and other civil rights, but to this day they continue to suffer from widespread and systematic legal and institutionalized discrimination affecting everything from land ownership and employment opportunities to family reunification rights. According to 2012 data, there are approximately 1.4 million Palestinian citizens of Israel, constituting about 17.5% of the population.⁴⁴

Since 1967 the West Bank, including East Jerusalem, and the Gaza Strip have been under Israeli military occupation. During this time, East Jerusalem has been annexed in violation of international law; half a million Israelis now live in illegal settlements in the West Bank and East Jerusalem; and at least 730,000 Palestinian men, women and children have been prosecuted in military courts and imprisoned. However, these facts and figures do not describe the human cost of occupation on the day-to-day activities of Palestinians, and particularly for women.

Israel is a State Party to the CEDAW, which it ratified in October 1991. However, upon ratification, Israel made substantive and procedural reservations to the Convention, in particular to Article 7(b), which concerns women's participation in government decision-making and public functions and to Article 16, which concerns personal status.⁴⁵ Israel is also a State Party to the International Convention on Economic, Social, and Cultural Rights (ICESCR), which it ratified in October 1991.

A. Violations of Palestinian women's rights in Israel

Violations committed by Israel towards Palestinian women citizens of Israel are largely related to the discriminatory treatment of the Palestinian minority in Israel. These discriminations, either resulting from direct or covert legislation and laws, de facto policies or inequitable allocation of resources and services, have a severe impact on Palestinian women in all aspects of their lives. This is the case, on the one hand because they are often more affected by these violations than are men, and on the other hand because they suffer double discrimination as members of the Palestinian minority and as women.

For a more in-depth analysis of discriminatory legislation in Israel, please visit Adalah's website, notably the section on discriminatory laws:
<http://www.adalah.org/eng/Articles/1771/Discriminatory-Laws>.

A.1 Access to Education, Employment and Health

In general terms, Palestinian students in Israel, girls and boys, are less likely to stay in school than their Jewish peers, to pass the matriculation examinations (*bagrut*) and to qualify for university admission. Among Palestinian students, these trends are even higher for Negev Bedouins, and even more for Negev Bedouin girls. Whereas, the Israeli government has used low academic performance among certain groups of Jewish children to justify providing them with additional programs and resources, it has not extended equal assistance and resources to either Palestinian or Negev Bedouin students. In this manner, Israel disregards its own internal legislation and violates its international obligations.⁴⁶

⁴⁴ Haaretz: "Palestinians to outnumber Jewish population by 2020, says PA report", 1st January 2013:
<http://www.haaretz.com>.

⁴⁵ Adalah: Committee on the Elimination of Discrimination Against Women (CEDAW) in <http://adalah.org/eng/Articles/1516/Committee-on-the-Elimination-of-Discrimination>.

⁴⁶ With respect to national laws, Israel is currently disregarding the 1947 Law for Free Compulsory Education to All and the 1951 Women's Equal Rights law, which is not fully implemented for the education area. With respect to not upholding its international obligations, Israel is in particular violation of article 26 of the 1948 Universal Declaration of Human Rights, which states that free compulsory fundamental education shall be available to everyone and article 10 of the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which it has fully ratified.

Palestinian citizens of Israel suffer from a low employment rate, , which is even lower among Palestinian women citizens of Israel, reaching only 22.5%. The poor infrastructure and almost total absence of public transit to and from Palestinian Arab villages play a central role in women's social exclusion and have a particularly negative effect on their ability, though not on their willingness, to join the work force. The shortage of government employment assistance –there are, for example, only 14 Employment Service branches in the 63 Palestinian recognised communities – and the absence of suitable employment training programs have also had detrimental effects. Other factors contributing to the low employment rate include the shortage of day-care centres in Palestinian towns: of 1,621 government supported day-care centres for children under the age of three years, only 51 (or 3.4%) operate in Palestinian communities and industrial zones, and only 3.2% are located in Palestinian areas).⁴⁷ In addition, Palestinian women citizens of Israel constitute a mere 3% of civil servants, even though the civil service is the largest employer of women in Israel.

In Israel, there is a further disparity in government assistance to the Palestinian versus the Jewish population, which stems from a policy of deliberate and consistent discrimination against its Palestinian citizens.

As per the General Comment on the Right to Health in 2000 (within the framework of the International Covenant on Economic, Social and Cultural Rights (ICESCR)), states have the obligation to respect, protect and fulfil their citizens right to health⁴⁸. States should provide assistance according to individual needs and initiate actions to promote health.

The 1995 National Health Insurance Law requires the healthcare system to provide equitable, high-quality health services to all residents of Israel. However, Palestinian citizens of Israel face numerous barriers that prevent them from enjoying this right. Palestinian women citizens of Israel score worse than all other groups on relevant health indicators, such as morbidity and mortality, life expectancy and use of health services. They are confronted with dual discrimination,: firstly as women living in a patriarchal Arab society, which limits their freedom of action, and secondly, as citizens of a state that often fails to provide them with equal opportunity for advancement and integration⁴⁹.

An important measure of the unequal provision of healthcare to Palestinian citizens is the lack of available clinics and hospitals in Palestinian towns and villages. This obligates the Palestinian minority to use services located in Jewish or mixed cities. Accessing these services, however, is not without its own set of problems, particularly the language barrier, as most health service providers only speak Hebrew.⁵⁰ The limited provision of public transportation to and from Palestinian towns further exacerbates this problem of access to healthcare. This final problem is especially severe in the Negev area where “unrecognised” villages lack on-site health facilities and are often remote from main roads (and thus the few public transit options), and where most women do not drive.

In the “unrecognised” Bedouin villages of the Negev, very few healthcare facilities are available; ambulances do not service the villages, and 38 villages have no medical services whatsoever.⁵¹ Furthermore, the number of doctors is only a third of the normal number for other Israeli areas. There is also an urgent need for proper infrastructure, such as water and electricity, as well as waste and garbage disposal that would improve the general health of the population in the area.⁵² Preventing

⁴⁷ Espanioly, N. (2010). *The ECCD services in the Palestinian community in Israel 2010* (unpublished paper in Arabic and Hebrew).

⁴⁸ For further information on the Right to Health and State obligations, please visit: <http://www.who.int/mediacentre/factsheets/fs323/en/>.

⁴⁹ Khatib, M. (2012). *Health of Arab Women in Israel - Policy Paper*. The Galilee Society et al.: Israel.

⁵⁰ See, for example, a letter sent by Adalah to 40 health centers about linguistic and cultural adaptation: <http://adalah.org/eng/Articles/2004/Israeli-Health-Care-Facilities-Lack-Required->.

⁵¹ *Briefing to the Committee on the Elimination of Discrimination Against Women*; Amnesty International, 2005 (citing J. Cwikel and N. Barak, *Health and Welfare of Bedouin Women in the Negev*, The Centre for Women's Health Studies and Promotion, Ben Gurion University, 2001).

⁵² Working Group on the Status of Palestinian Women Citizens of Israel, (2010). *The Status of Palestinian Women Citizens of Israel*. Submitted to the Committee on the Elimination of Discrimination against Women. Pg. 46.

Negev Bedouin residents from accessing adequate health services is being used as a pressure tactic to force them to relinquish ownership of their land and to relocate to Government-planned towns.⁵³

In addition, persons with disabilities in Israel are discriminated against in all life domains, despite the passing of the 1998 *Bill for Equal Right for Persons with Disabilities*. This issue is of critical relevance for Palestinian Arab women citizens of Israel with disabilities, who suffer from discrimination at three levels: as part of the Palestinian Arab minority, as women and as persons with disabilities.⁵⁴

Further information on access to education, employment and health for Palestinian women and girls citizens of Israel is available in *The Status of Palestinian Women Citizens of Israel* report, submitted to the Committee on the Elimination of Discrimination against Women prepared by the Working Group on the Status of Palestinian Women Citizens of Israel.⁵⁵

A.2 House demolitions

Approximately 20,000 houses in Palestinian towns in Israel have been denied building permits from the planning and building committees, and are slated for demolition.⁵⁶ Restrictions on the building of houses on privately owned Palestinian land are the direct result of the containment policy imposed by the government against Palestinian towns and unrecognized villages. Moreover, the problem is aggravated by the inadequate allocation of land resources to Palestinian towns in comparison to Jewish ones. Unauthorised Palestinian buildings that are built on private lands are mainly used for residential purposes, i.e. in order to provide housing for a family, and not for economical profit.

Facts on the ground:

In 2009, 165 buildings owned by Arab citizens were demolished in various regions throughout the country.

In September 2011, the Israeli government approved the *Praver Plan*, which aims to relocate tens of thousands of Arab Bedouin from unrecognized villages in the Negev desert to communities with official status.⁵⁷ If fully implemented, this plan will result in the forced displacement of up to 70,000 Arab Bedouin citizens of Israel, and the destruction of 35 “unrecognized” villages. In 2011 alone, more than 1,000 homes were demolished, despite the Arab Bedouin community’s rejection of the plan and strong disapproval from the international community and human rights groups.⁵⁸

House demolitions have a serious impact on the entire family. Once a home is demolished, the family loses both the house as a financial asset and often the property inside it, which affects all aspects of family life. Moreover, when houses are demolished, in most cases the Israeli State institutions provide no alternative accommodation to the family.⁵⁹ Women face a further impact from house demolitions, since, the home is often the only space available to them for public and private activities (this is especially the case because of the discrimination in resource allocation within the family).

For more detailed information on the *Praver Plan* please see *The Praver-Begin Bill and the Forced Displacement of the Bedouin*, from Adalah and the Negev Coexistence for Civil Equality. Women testimonies on house demolition, notably in East Jerusalem, are also available on the website of the

⁵³ Physicians for Human Rights (2011). *Arab-Palestinian Citizens of Israel: Discrimination in Access to Health*. Lower Health Indicators : www.phr.org.il/default.asp?ItemID=1172&PageID=186.

⁵⁴ Espanioly, H. (2010). *The Silenced Stories*. Al-Tufula (NNI): Nazareth, Israel.

⁵⁵ Ibid. 52.

⁵⁶ This number relates only to Palestinian towns outside of the Negev.

⁵⁷ J. Khoury, *Cabinet approves plan to relocate Negev Bedouin*, Haaretz, September, 12, 2011: www.haaretz.com/print-edition/news/cabinet-approves-plan-to-relocate-negev-bedouin-1.383842.

⁵⁸ Adalah (2013). *The Arab Bedouin and the Praver Plan*. Adalah: Haifa, Israel and Adalah (*Demolition and Eviction of Bedouin Citizens of Israel in the Naqab (Negev) - The Praver Plan*, information on website: <http://adalah.org/eng/?mod=articles&ID=1589> .

⁵⁹ Ibid. 52.

Women Centre for Legal Aid and Counselling (WCLAC), under the section titled “Occupied Lives”.

Further information on the situation of Palestinian citizens of Israel, including Palestinian women, is available in Adalah’s *The Inequality Report*.⁶⁰

A.3 Access to Residency Rights, Family Reunification and Citizenship

Since 2002, the *Nationality and Entry into Israel Law (Temporary Order)* has been enshrined in law, follow a government decision to impose a sweeping freeze on the naturalization proceedings for spouses of Israeli citizens of Palestinian origin. However, this law was only officially formalized (in July 2003) as a temporary order. As such, its validity since then has been regularly extended each year by the Knesset, severely impairing the family life of tens of thousands of people, both citizens and residents of Israel and residents of the OPT.

This law discriminates against people on the basis of ethnic origin and / or nationality:

The Law prohibits the granting of Israeli citizenship to residents of the OPT or of Palestinian origin/descent who are applying to enter Israel for the purpose of family reunification with their spouses, children or parents. Furthermore, the law also attempts to stop family reunification between Palestinian citizens of Israel and OPT residents, by denying OPT residents the possibility of gaining permanent residence in Israel through marriage. Only Palestinian women over 25 and men over 35 from the West Bank, married to residents or citizens of Israel, may receive a temporary permit to remain in Israel (this exception does not apply to spouses from the Gaza Strip or from “enemy states”⁶¹). However, this temporary residency neither grants a formal civil status nor offers social benefits.

As a result of this law, women’s access to healthcare, employment, education, social benefits, as well as their freedom of movement, have all been affected. Moreover, Palestinian women married to Jerusalem residents, even those holding a permit, are not entitled to work in Jerusalem, to access the healthcare system or to drive a car.⁶²

Further information on the consequence of the law for Palestinian women in Israel is available in *The Status of Palestinian Women Citizens of Israel* report.⁶³ Further information on the consequences of the law for Palestinian Arab citizens of Israel generally is also available in Adalah’s *Report to the UN Committee on the Elimination of Racial Discrimination (CERD)*.

Families Interrupted

Through a series of anonymous portraits, this online exhibition captures the reality of the many thousands of Palestinian families who have been forced to live in the shadows as a consequence of the Israeli Citizenship Law:

<http://www.familiesinterrupted.org>

A.4 Access to Participation and Decision-making

There is no provision in Israeli law or its Basic Laws to encourage adequate representation of women in political parties (i.e. no affirmative policies, quotas, etc).

Women’s political participation is therefore linked to the status of the Palestinian minority in Israel. Furthermore, in the current context of conflict and occupation, the Palestinian minority is widely perceived as “subversive” and “disloyal” by the Jewish majority. As such, measures have been taken, based on provisions in the Basic Law (section 7A) and the 1992 Law on Political Parties, to

⁶⁰ Hesketh, K. et al. (2011). *The Inequality Report: The Palestinian Arab Minority in Israel*. Adalah: Haifa, Israel.

⁶¹ According to Israeli law, Iran, Iraq, Libya, Lebanon, Saudi Arabia, Syria and Yemen are considered “enemy states”. The law also defines the West Bank and the Gaza Strip as such.

⁶² *Alternative Report for Consideration Regarding Israel’s Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination Against Women*, 17 January – 4 February 2011, CEDAW, p.23.

⁶³ http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WCLAC_for_the_session_ISRAEL_CEDAW48.pdf

disqualify Palestinian citizens' political participation. In fact, since 1948, no Palestinian party has been included in a ruling government coalition. This exclusion from ruling coalitions is due in part to the unwillingness of other coalition members to invite Palestinian parties to join them on the basis of their electoral platforms; however, it also stems from the objections of Palestinian parties themselves to the policies of these coalitions. In Israel's 66-year history, only a handful of Palestinian citizens have ever been appointed to ministerial positions.

Women comprise approximately 51% of the Palestinian minority in Israel, yet, only one Palestinian woman belonging to an Arab party (Balad), MK Hanin Zoabi, has been elected to the Knesset, in the 2009 and 2013 elections. Despite this, in 2013, she was disqualified for further participation on the basis of the Basic Law 7(A), following a request from the Knesset Election Committee. The Supreme Court eventually overturned this decision. Overall, Palestinian MKs hold only 11 out of the 120 seats in the Knesset.

Local elections further highlight the exclusion of Palestinian women from political life. For example, in 2008, only 149 women ran for municipal elections (most of them for positions that were not guaranteed). Of these, only six were elected. In the 2013 local elections, only 14 Palestinian women were elected to local councils.⁶⁴

Both inside and outside of political parties, women have all described similar obstacles to their political participation: lack of opportunities to engage in political parties; lack of employment opportunities for college-educated Palestinian women citizens of Israel generally, which undermines their credibility as potential candidates; parental fear of any form of political activism; and, finally, the fact that current party platforms do not speak to women's needs, problems and aspirations.⁶⁵ Many women also feel that change is not possible within the Israeli political system, while it is committed to the idea of a Jewish State.

Local Authorities Law of 2000 (Advisor on Promoting the Status of Women)⁶⁶

In 2000, the Local Authorities Law was passed, which provided for the appointment of a women affairs' advisor in each local authority structure in Israel. The state aim was to increase women's participation in the public sphere and in decision-making positions specifically. However, despite this legislation very little changed, especially in Palestinian areas.

The enactment of the law has not contributed to the expansion of women's social, political or economic leadership roles, for several reasons. Firstly, the law does not require local authorities to allocate a permanent paid position for the women affairs' advisor; consequently, this task is often simply added to the workload of a current employee. Secondly, the State does not allocate specific resources to develop and run programs that would target women's integration into local authorities. Finally, despite the law requiring the advisor's participation in local authorities' management meetings, nearly 99% of advisors were not invited to participate in these meetings, or in the meetings of the local authorities' committees. In general, the law has not been implemented in Palestinian local authorities.

⁶⁴ "More Arab Women in Israeli Local Councils," <http://kvinnatillkvinna.se/en/2013/11/15/more-arab-women-in-israeli-local-councils/>.

⁶⁵ C. Leland, "Calling for More Hanin Zoabis: Why Israeli Arab Political Parties Should Prioritize Recruiting and Promoting Women," Kennedy School Review, <http://harvardkennedyschoolreview.com/calling-for-more-hanin-zoabis-why-israeli-arab-political-parties-should-prioritize-recruiting-and-promoting-women/>.

⁶⁶ Ibid. 52.

Participation in Boards of Governmental Corporations

In order to encourage representation of the Palestinian minority, including women, in boards of governmental corporations, relevant legislation has been amended.⁶⁷ However, this has not resulted in the expected change. While Israeli Jewish women's representation increased from 7% to 37.6% between 1994 and 2009, there was little noticeable improvement in the representation of Palestinian women, which has remained near-static at around 1-2% of the total.⁶⁸

A.5 Violence against Women

In Israel, Palestinian women are the most vulnerable to gender-based violence, and by far its primary victims, yet they are the ones with least access to required services and support. In its 2010 contribution to the CEDAW report, Women Against Violence indicated that: *"Since Israel had signed the UN pact in 1991, 132 Arab Palestinian women citizens of Israel had been murdered by the partners of family. In 2010, 15 women were murdered in Israel by their partners, 11 of which were Arab women."*⁶⁹

Existing legislation in Israel criminalises violence against women, whether physical, sexual or moral. However, to benefit from such legislation, it is crucial to benefit from police and judicial recourse. Generally, most cases of violence against Palestinian women citizens of Israel are not followed by judicial proceedings; even when the police are informed, they are often reluctant to investigate. In addition, welfare departments within Palestinian localities are under-resourced and existing services are unstable.⁷⁰

*In Israel, 13 shelters for battered women exist, only two of which are for Palestinian Arab girls and women, and only one of which is for Palestinian and Jewish women. There are only 14 halfway houses in Israel, two of which are for Palestinian Arab girls and women, and only one is mixed for both Palestinian Arab and Jewish women. There are two Rape Crisis Centres for Palestinian Arab Women in Israel out of a total of 10.*⁷¹

Last but not least, existing infrastructure to host and support abused women is far from satisfactory; even in this regard, Palestinian women face discrimination, as there are more services for Jewish women than for Palestinian Arab citizens of Israel.⁷²

⁶⁷ Amendment 6 to the 1975 *Governmental Companies Law*, passed in 1993, requires equal representation for all women in Israel on the boards of directors of government-owned companies. Amendment 11 to the same law, passed in June 2000, states that: "In the board of directors of governmental companies, adequate representation will be given to the Arab population."

⁶⁸ Ibid. 52, p 7-8.

⁶⁹ Ibid. 52.

⁷⁰ Ibid. 52, p 63-74.

⁷¹ The Association of Rape Crisis Centers in Israel: <http://www.1202.org.il/English/>.

⁷² Ibid. 52.

B. Israeli violations of Palestinian Women's Rights in the OPT⁷³

The repressive and discriminatory policies exercised by Israel against the free movement of Palestinians have had a devastating effect on the entire population, denied in this manner the most basic economic and social rights guaranteed under international law.

B.1 Freedom of Movement

In stark contrast to Israeli settlers living in the West Bank and Israeli citizens generally, Palestinians, including women, face regular and ongoing infringements to their right to freedom of movement, within the West Bank. This is particularly the case when moving to and from East Jerusalem, and between the Gaza Strip and the West Bank.

Since the early 1990s, when Israel imposed a general closure on the West Bank and Gaza Strip, Palestinians in the OPT have been required to obtain a permit from the Israeli authorities to enter Israel. Permits were also required for entry to East Jerusalem, despite the fact that East Jerusalem is part of the occupied West Bank. The permit regime is enforced through a series of Israeli military checkpoints: along the perimeter of the Gaza Strip, where a fence was constructed in the mid-1990s, and in the West Bank, particularly around the Jerusalem periphery. The checkpoints controlling movement into East Jerusalem and Israel have been consolidated and made permanent by the Wall/Barrier, which Israel began constructing in 2002.

The Wall/Barrier, the construction of which resulted in the appropriation of lands and the permanent division of communities, also restricts access to medical care, schools, and workplaces. It is only one of numerous pernicious policies that violate Palestinians' right to freedom of movement on a daily basis. The Wall/Barrier and its associated permit regime, as well as the over 500 other obstacles throughout the OPT (including checkpoints and road blocks) have greatly increased travel time and costs. These restrictions imposed by Israel have a gender-specific impact and present particular risks for expectant mothers, female students and workers, resulting in the denial of their right to health, education, decent work and an adequate standard of living. Furthermore, frequent body searches at checkpoints do not, as a rule, observe women's right to privacy and modesty. The socio-economic instability that these violations have wrought in the OPT –most notable in the Gaza Strip where severe deprivation is aggravated by a continuing policy of closure – coupled with the loss of many male members of Palestinian society to Israeli detention or violence, has contributed to the stress of family life, and created conditions rife for domestic violence.

Palestinian movement is also controlled through Israeli military checkpoints and movement obstacles erected inside the West Bank and, prior to Israel's 2005 disengagement, also inside the Gaza Strip.

International Court of Justice advisory opinion on the Israeli barrier on Palestinian territory⁷⁴

On 9 July 2004, the International Court of Justice issued an advisory opinion stating that Israel's building of a barrier in the OPT is illegal, and urging Israel to immediately halt construction and make reparations for any damages caused.

This opinion was overwhelmingly reaffirmed by the UN General Assembly, including the EU, which voted as a block to affirm it.⁷⁵

⁷³ A. Horowitz, "Palestinian Women are Disproportionately Impacted by the Israeli Occupation," *Mondoweiss*, 8 March 2011.

⁷⁴ UN News Centre: <http://www.un.org/apps/news/story.asp?NewsID=11292&Cr=palestin&Cr1=#.Uq4kRKXpCyJ>.

⁷⁵ Féron, V. (2009). *Five years of illegality. Time to dismantle the Wall/Barrier and respect the rights of Palestinians*. Oxfam International: Oxford, UK, 29.

The number of internal checkpoints and closures expanded dramatically following the beginning of the Al-Aqsa Intifada in September 2000, particularly in the West Bank.⁷⁶

B.2 Access to Health, Education, Employment and Housing

Israeli restrictions on movement and the separation and fragmentation of Palestinian land have had a severe impact on the national and social fabric, violating the rights of the Palestinian people as a whole to freedom of movement within their territory, as well as undermining their rights to self-determination, housing, family life, education and health.

Women have been affected in many diverse ways by the movement restrictions. The checkpoints and the Wall/Barrier reduce women's ability to access health services, education, and employment. They also restrict access to religious sites, as well as to their families and communities. This situation is exacerbated for women in the so-called Seam Zone between the Green Line and the Wall/Barrier, where the permit regime is even more restrictive.⁷⁷ Furthermore, the increase in militarisation coupled with the concomitant deterioration of the security and economic situations, have led to an increase in domestic violence, thereby exacerbating the already existing problems of gender inequality in the Palestinian society.⁷⁸

Women from the Gaza Strip, as well as Palestinian women who have had their permanent residency revoked by Israel, have also been particularly severely affected – and often confined to their homes – as a result of Israeli practices and policies.

In this context, particular attention should be given to Palestinian women living in Area C and East Jerusalem, since they are particularly vulnerable to Israeli occupation policies. Palestinian women living in the Gaza Strip are also a population of concern. The Israeli-imposed blockade on Gaza, established in 2007, remains in place. As a consequence of the associated import restrictions and a rapid increase in population, the quality of infrastructure and vital services, including in areas of health, education, water and sanitation, have significantly declined. The continuous failure to address these existing gaps is only increasing the humanitarian vulnerability of the Palestinian people in the Gaza Strip, including women and children. Furthermore, the productive capacity of Gaza's economy has shown almost no recovery, rendering recent economic growth unsustainable. The continued ban on the transfer of goods from Gaza to its traditional markets in the West Bank and Israel, along with the severe restrictions on access to agricultural land and fishing waters, also prevents sustainable growth and perpetuates the high levels of unemployment, food insecurity and aid dependency.⁷⁹

⁷⁶ According to OCHA (Special Focus: West Bank Movement and Access Update 2012), 542 obstacles, including 61 permanently staffed military checkpoints, 25 partial checkpoints and 436 unstaffed physical obstacles (roadblocks, earth mounds, earth walls, road barriers, road gates and trenches) constrain or forbid movement. These obstacles to movement are compounded by ad-hoc or "flying" checkpoints. Further information on the impact of the lack of freedom of movement on Palestinian women is available WCLAC's webpage, notably WCLAC's publications Women's Voices, <http://www.wclac.org/english/etemplate.php?id=1149>.

⁷⁷ Due to the construction of the Wall/Barrier inside the OPT, many Palestinians have found themselves caged between the Wall/Barrier and the Green Line, in an area called the "Seam Zone". This area consists of around 10% of the total area of the West Bank and has been declared a closed military zone for Palestinians. Palestinians aged 16 and above, residing in this area, therefore require a permit from the Israeli authorities in order to continue living in their homes. Furthermore, family members without permits are not allowed to pass through the checkpoints into the Seam Zone in order to visit family or attend family gatherings. Finally, Palestinians owning land inside this area have to obtain a 'visitor's' permit to access their land and water resources through a designated gate. According to the UN OCHA, once completed, the total length of the new Wall/Barrier route will be 709 km long. Only 15% of the total length runs along the Green Line; the remaining sections of the Wall/Barrier cuts through Palestinian territory (WCLAC, 2010: 10-11). Further information is available in the *Alternative Report for Consideration Regarding Israel's Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination against Women*, 17 January – 4 February 2011, prepared by the Women's Centre for Legal Aid and Counselling (WCLAC) et al.

⁷⁸ Amnesty International report (2005), "New Report: Palestinian Women Carry the Burden of Israel's Occupation," for Electronic Intifada.

⁷⁹ UN OCHA (2012). *Five Years Of Blockade: The Humanitarian Situation in the Gaza Strip*. OPT: OCHA. Women's testimonies on the consequence of the blockade for their daily lives can be found on WCLAC's website at www.wclac.org/english, under the section titled "Women's Voices – Gaza".

B.3 The Situation of Palestinian Women in Area C and in East Jerusalem⁸⁰

Area C and East Jerusalem are priority areas in the bilateral framework between the EU and Palestine, and most recently, the EU and the PA signed a financial agreement dedicated to Area C⁸¹

The Office for the Coordination of Humanitarian Affairs (OCHA) in the OPT indicates that over 60% of the West Bank is considered Area C, in which Israel retains near exclusive control, including over law enforcement, planning and construction. Seventy percent of Area C is included within the boundaries of the regional councils of Israeli settlements, and is therefore off-limits for Palestinian use and development.⁸² In 29% of Area C, Palestinian construction is heavily restricted, and less than 1% of Area C has been allocated to Palestinian development.⁸³ These Israeli-imposed zoning and planning restrictions imposed mean that many rural Palestinian families in Area C live either in inadequate and overcrowded housing conditions, or are forced to build illegally, risking demolition of their houses and displacement (see section A.2 of Chapter 2 for information on the consequences of house demolition for women). In the Seam Zone, families are prevented from renovating or expanding their houses.⁸⁴

While suffering the same restrictions and difficulties affecting men who live in Area C, women suffer a greater impact due to these restrictions. A recent study carried out by the Kvinna till Kvinna Foundation identified early marriages, lack of political participation and violence as the three major problems that Palestinian women living in Area C face as a direct / indirect consequence of the restrictions.⁸⁵

Regarding East Jerusalem, around 293,000 Palestinians currently reside there. The Wall/Barrier physically separates a further 55,000 Palestinian residents of East Jerusalem from its urban centre. These individuals must therefore cross crowded checkpoints to access health, education and other services to which they are entitled as East Jerusalem residents. Furthermore, several hundred East Jerusalem Palestinian residents are at risk of forced displacement due to settler activities, particularly in the Old City, Silwan and Sheikh Jarrah neighbourhoods.⁸⁶ Among the different policies deployed by Israel in these areas, these house evictions and demolitions are amongst the most brutal. Documentation testifies to the trauma experienced by women in the period prior to a demolition or eviction.⁸⁷ Economic consequences are severe, with families having to deprive themselves of essentials to pay high court fees, fines and legal fees. Available documentation also highlights the disproportionate force used during the process itself: demolitions and forced evictions are carried out by tens, and sometimes hundreds, of armed Israeli soldiers and police. The brutality of the process

⁸⁰ For further information on how the OPT is divided please see the : Oslo Agreements, www.diakonia.se/sa/node.asp?node=1125.

⁸¹ For further information see the Joint answer given by the High Representative/Vice-President Ashton on behalf of the Commission - Written questions :E-008783/13 , E-008782/13, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2013-008782&language=EN> and the Financial Agreement, Area C, EU and the PA, signed on the margins of the AHLC, 18 March 2013.

⁸² 150,000 (approx.) Palestinians live in Area C. Some 325,000 Israeli settlers live in some 135 settlements and about 100 outposts in Area C, in contravention of international law; the settlements' municipal area (the area available for their expansion) is nine times larger than their current built-up area.

⁸³ UN OCHA (2013). *Area C of the West Bank: Key Humanitarian Concerns*. OCHA : oPt.

⁸⁴ WCLAC et al. (2011), *Alternative Report for Consideration Regarding Israel's Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination Against Women*, 17 January – 4 February 2011, 7.

⁸⁵ Öhman, L. et al. (2012). *Inequalities Facing Women Living in Area C of the Occupied Palestinian Territories' West Bank*. The Kvinna till Kvinna Foundation: Sweden, <http://kvinnatillkvinna.se/en/2013/05/03/palestinian-womens-rights-on-hold-in-area-c/>.

⁸⁶ UN OCHA (2012). *East Jerusalem: Key Humanitarian Concerns*. OPT: OCHA. Further information on humanitarian concerns in Area C is available at www.ochaopt.org and www.wclac.org/english (with a women's rights perspective), notably their publications on Property Destruction, www.wclac.org/english/einside.php?tag_id=17.

⁸⁷ The effects of waiting are particularly difficult to bear; Palestinians sometimes wait for many years with the threat of demolition or eviction hanging over them, which leads to anxiety, depression and trauma. This distress can also manifest itself in physical symptoms, with some women describing stomach cramps, chest pains and high blood pressure.

can result in injury or arrest, adding to the trauma of losing a home.⁸⁸ Forced evictions, displacement and poor and inadequate housing conditions all hamper the advancement and development of women, and prevent them from enjoying their fundamental rights and freedoms under international human rights law.⁸⁹

Palestinians from the rest of the OPT are prohibited from entering East Jerusalem without Israeli-issued permits, which are extremely difficult to obtain. Access to East Jerusalem is thus controlled through a combination of physical and administrative obstacles.⁹⁰

B.4 Access to Residency Rights

Palestinian women's right to be with their families is also impacted by Israeli policies and laws, which through a complex system of permits and administrative bureaucracy prevent Palestinians with different residency statuses from living together. Palestinians with West Bank identification cards are prevented from residing with their family in occupied East Jerusalem, while Palestinians from the Gaza Strip are prohibited from joining a spouse in the West Bank, including East Jerusalem. In addition, arbitrary nationality laws deny Palestinian family members with a foreign passport entry at Israeli-controlled borders. Israel's denial of family reunification often places the burden of raising children on women, who must do so alone in the absence of the father; this carries with it important negative economic and financial consequences for the family.

Residency rights in East Jerusalem⁹¹

As previously mentioned, the 2002 *Nationality and Entry into Israel Law* seeks to halt family reunification by expressly prohibiting the granting of Israeli citizenship to a resident of the OPT, as well as the granting of permanent residence in cases where one spouse is an OPT resident. The impact of this policy has been devastating, depriving Palestinians of the right to enjoy a family life of their choosing.

Palestinians living in East Jerusalem have to comply with very strict criteria in order not to have their residency rights revoked.⁹² For example, between 1967 and mid-2010, approximately 14,000 Palestinians have had their East Jerusalem residency revoked by the Israeli authorities.⁹³

Residency rights for Palestinians from the West Bank (excluding East Jerusalem) and the Gaza Strip⁹⁴

A person who is not registered in Israel's population registry and who wishes to live lawfully in the OPT must apply for family unification. Many Palestinian families consist of one spouse who is a resident of the OPT and the other who is considered a "foreigner"; this transnationalism is evidence of strong ties between OPT residents and the Palestinian Diaspora as well as of Israeli policies that have driven Palestinians to work, study and build families abroad.

⁸⁸ Ibid. 84, p 13.

⁸⁹ Ibid. 84, p 3.

⁹⁰ Further information on humanitarian concerns in East Jerusalem is available at www.ochaopt.org and www.wclac.org/english (with a women's rights perspective), notably WCLAC's publications on "Women's Voices – Jerusalem", www.wclac.org/english/einside.php?tag_id=17.

⁹¹ Ibid 19-29.

⁹² For example, any Palestinian resident of East Jerusalem who leaves the country for seven years or more loses his or her residency rights in Jerusalem. Any Palestinian resident of East Jerusalem who obtains citizenship or permanent residency in any other country also loses their residency rights in Jerusalem. Furthermore, a person living in other West Bank areas (e.g. in Ramallah or Nablus) or in the Gaza Strip is considered to be living abroad.

⁹³ OCHA (2012), *East Jerusalem : Key Humanitarian Concerns*. OPT: OCHA. Further information on the effects of these policies is available on the WCLAC's website at www.wclac.org/english, under the section titled "Occupied Lives – Jerusalem Women".

⁹⁴ Ibid. 52, p 29.

Since 2007, more than 120,000 requests for family reunification in the West Bank and the Gaza Strip have been pending.⁹⁵ When residency rights are granted, this has been done as a ‘gesture’ of good faith rather than the fulfilment of a human right. Furthermore, residency rights have at times been halted for political reasons (such as after the outbreak of the Al-Aqsa Intifada in 2000).

This divisive policy, as well as the frequent refusal to even process family unification applications, is a direct violation of the right to family life. Moreover, in its exclusive application to OPT residents, it proves discriminatory as well. The impact of this policy, as with the other situations described above, is wide ranging, with spouses often unable to live together under one roof. Children thus grow up in one-parent families and residents refrain from going abroad for medical treatment out of fear that they will not be allowed to return to their families. Families are often left with little choice but to immigrate to the spouse’s country.

Since 2000, Israel has also forcibly transferred Palestinians from the West Bank to the Gaza Strip, solely on the basis of their registered address. Israel refuses to correct and update individuals’ addresses, stating that Israeli registries consider them to be “living in Gaza Strip”. Consequently, Palestinians who have, in many cases, been living in the West Bank for years, and who have established their families there, face the risk of deportation.

Israeli Military Orders 1649 and 1650, issued on the 13th April 2010, have further entrenched this practice, thereby increasing fear and anxiety for Palestinians travelling between Gaza and West Bank: under these orders, Palestinians risk deportation for not carrying the identity papers deemed necessary by the Israeli authorities.

B.5 Violence against Women

“Operation Cast Lead”, an Israeli offensive which took place between 27 December 2008 and 18 January 2009, claimed the lives of 118 women and injured 825 more. In total 1,414 Palestinians lost their lives, 83% of whom were civilians. A further 5,303 were injured. The Gaza Strip’s infrastructure was decimated, with 5,356 houses (representing 7,833 housing units) rendered uninhabitable and thus displacing 51,842 individuals.⁹⁶ The true impact of the offensive, however, cannot be measured using statistics and figures alone. Although the numbers of victims and casualties illustrate the appalling human toll of the offensive, the true extent of the suffering lies in the reality of daily life in the Gaza Strip following Operation Cast Lead, as civilians struggle to rebuild their lives, come to terms with their loss and restore some semblance of human dignity.⁹⁷

As a result of the patriarchal nature of Palestinian society, women in the Gaza Strip are particularly susceptible to the marginalization, poverty and suffering brought about as a result of armed conflict and occupation. Israeli attacks result in all-too-often ignored gender-specific consequences. For example, in the Gaza Strip, men typically head the household and are the primary breadwinners. Widows, thrust suddenly into this role, often find themselves falling victim to cultural discrimination, as well as economic and social marginalization. In the Gaza Strip, it is exceptionally difficult for a woman to live alone; widows are therefore forced either to return to their own family home or to remarry. Both alternatives present difficulties, as women try to recover from the trauma of the offensive, and rebuild their life and that of their children. Women are traditionally regarded as the primary care-givers; as such, many homeless women are now forced to care for their families in temporary accommodation or crowded into relatives’ homes, a situation which often results in social conflict and increased family tensions.⁹⁸

⁹⁵ Ibid. 84, p 26.

⁹⁶ Note on the Human Rights Situation in Israel and the OPT in light of the fourth meeting of the EU-Israel Informal Human Rights Working Group, 3 September 2009.

⁹⁷ Further information on the gender-specific effects of “Operation Cast Lead” can be found in the 2005 report *Through the Women’s Eyes: A PCHR Report on the Gender-Specific Impact and Consequences of Operation Cast Lead*, at http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=2868:through-womens-eyes-a-pchr-report-on-the-gender-specific-impact-and-consequences-of-operation-cast-lead-&catid=47:special-reports&Itemid=191.

⁹⁸ Ibid. 97, p 5-6.

The United Nations Fact Finding Mission found strong evidence that war crimes and crimes against humanity had been committed during "Operation Cast Lead" and has called for an end to impunity. Unfortunately, the offensive's aftermath has been characterised by pervasive impunity.⁹⁹ Moreover, in November 2012, Israeli forces launched a new eight-day offensive against the Gaza Strip named "Operation Pillar of Defence", in which Israeli forces killed 156 Palestinians, including 103 civilians, among them 13 women and 33 children.

In the West Bank, there are regular Israeli incursions and arrest campaigns. Peaceful demonstrations against the Israeli occupation and the Wall/Barrier are often violently repressed.¹⁰⁰ In 2012, one Palestinian was killed and approximately 1,300 injured by Israeli settlers or soldiers in incidents directly or indirectly related to settlements.¹⁰¹ The absence of adequate law enforcement vis-à-vis settler violence and their takeover of land have led to a state of impunity, which has encouraged further violence and undermined Palestinians' physical security and livelihoods.¹⁰² For example, only 10% of 781 investigations conducted into incidents of settler violence by Israeli police between 2005 and 2011 resulted in indictments.¹⁰³

Women are particularly vulnerable to attacks from settlers, as a report submitted by WCLAC to the Human Rights Committee clearly shows.¹⁰⁴ Aside from physical injuries, the WCLAC report highlights the ways in which many women are left scared and psychologically affected, some feeling unable to leave their homes or carry on with their normal lives because of fear of repeat attacks. Furthermore, victims fear further harassment or reprisal attacks from settlers if they file complaints against them, and fear exposing themselves to harassment and threats from the Israeli police when filing complaints. Many Palestinian women simply have no confidence in the law enforcement system.

B.6 Palestinian Prisoners

Since 1967, over 750,000 Palestinians, including 10,000 Palestinian women, have been detained by Israel.¹⁰⁵ It must be noted that the Israeli occupation has produced more than 1,650 military orders criminalising all aspects of Palestinian civic life, including the enjoyment of fundamental human rights such as freedoms of opinion, expression and association. These orders also contravene the rights of the detainee, by undermining safeguards against torture and ill treatment, as well as authorising prolonged detention and denying due process and other fair trial rights.

Furthermore, Palestinian prisoners remain incarcerated mainly in Israel's detention centres outside the 1967 occupied territory, in direct contravention of Article 76 of the *Fourth Geneva Convention*, which states that an Occupying Power must detain residents of occupied territory in prisons inside

⁹⁹ For information on the Fact Finding Mission, see <http://unispal.un.org/UNISPAL.NSF/0/8B74CCCA633569BC8525763200528D40>. For further information on the citation in Gaza following "Operation Cast Lead" see: PCHR (2010). Two years after Operation Cast Lead: Gaza Remains Sealed-Off from outside World, Impunity for War Crimes Prevails: http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7193:two-years-after-operation-cast-lead-gaza-remains-sealed-off-from-outside-world-impunity-for-war-crimes-prevails-&catid=36:pchrpressreleases&Itemid=194 and the Joint Oral Statement on the Embedded Impunity of Israel to the Human Rights Council, 24 September 2012, http://www.alhaq.org/images/stories/PDF/2012/HRC_Joint_Oral_Statement_Embedded_Impunity_20_9.pdf.

¹⁰⁰ See chapter on Israel in the EMHRN report (2010), *Freedom of Association Assessment Report*. EMHRN: Denmark, Copenhagen.

¹⁰¹ OCHA (2012). *The Humanitarian Impact of Israeli Settlement Policies*. OPT: OCHA.

¹⁰² Ibid. 10.

¹⁰³ Ibid. 10.

¹⁰⁴ *Alternative Report for Consideration Regarding Israel's Third Periodic Report to the United Nations Human Rights Committee - International Covenant on Civil and Political Rights (1966) (ICCPR)*, prepared by the Women's Centre for Legal Aid and Counselling (WCLAC) - 2009, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WCLAC_for_the_session_ISRAEL_CEDAW48.pdf.

¹⁰⁵ These figures are partly based on the *Alternative Report for Consideration Regarding Israel's Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination against Women*, 17 January - 4 February 2011, CEDAW, 51-57.

The figure on women detainees comes from a UN Women report mentioned in the article by C. Silver, "Women Prisoners Tell Their Stories in 'Suspended Lives'", Electronic Intifada.

the occupied territory.¹⁰⁶ These practices effectively make it extremely difficult for Palestinian prisoners in Israeli detention centres to meet with their defence lawyers and enjoy family visits, as their attorneys and relatives are very often denied permits to enter Israel.

Although men are those most often imprisoned, women must also bear the costs of their detention: the burden of running a household and raising children, as well as interceding on behalf of prisoners, visiting and taking care of them once released – all weigh heavily on women’s shoulders.¹⁰⁷

C. Violations of Palestinian Women’s Rights in the West Bank and Gaza Strip under the PA and the Hamas-led governments

The PA was established in 1994 with limited authority over the Palestinian population living in the OPT, defined as the West Bank, East Jerusalem and the Gaza Strip. The areas under limited PA rule are not contiguous, but rather are separated by 102 Israeli checkpoints in the West Bank and 21 in Gaza. It is crucial to take into account the considerable restrictions under which the PA and the Hamas-led governments have both had to operate under by virtue of the Israeli occupation, insofar as they both exercise limited control over parts of the OPT.¹⁰⁸ Complicating the situation further, there are no official EU contact points with Hamas, and no recognition of its authority within the Gaza Strip.¹⁰⁹ Nevertheless, the PA and the Hamas-led governments are still responsible for enforcing the law through effective and lawful measure, in accordance with their obligations under international human rights standards.

Checkpoints curtailing Palestinian freedom of movement, combined with a general lack of security, have devastated the Palestinian economy. According to the Palestinian Central Bureau of Statistics, in 2011, 25.8% of Palestinians lived below the poverty line (17.8% in the West Bank and 38.8% in Gaza Strip), while approximately 12.9% lived below the deep poverty line (7.8% in the West Bank and 21.1% in Gaza Strip)¹¹⁰ Rates for East Jerusalem from 2013 show that more than 80% of Palestinian children live in poverty.¹¹¹

Continued political unrest and ongoing conflict; restrictions on freedom of movement; the continued paralysis of the Palestinian Legislative Council (PLC), resulting in the difficulty of properly adopting required legal reforms and the slowdown in implementation of new legislation; and the inability of most PA courts to enforce decisions have made it extremely difficult for Palestinian women to advocate for women’s rights in face of continuing violence and poverty, despite the fact that Palestinian women continue to suffer from insufficient legal protection and inconsistent enforcement of laws.¹¹²

C.1 Violence against Women

In 2012, the Independent Commission for Human Rights registered 24 women’s deaths, including five cases of so-called honour killing and 15 deaths under mysterious circumstances. The latest survey by the Palestinian Central Bureau of Statistics (PCBS) on violence in Palestinian society, published in

¹⁰⁶ Addameer (2010). *Palestinian Female Political Prisoners*. OPT: Addameer, 4.

¹⁰⁷ Further information on the consequences of Israel’s prisoner practices for Palestinian women is available in Addameer’s report, *Palestinian Female Political Prisoners*, <http://www.addameer.org/files/Brochures/palestinian-women-political-prisoners-december-2010.pdf> and the *Alternative Report for Consideration Regarding Israel’s Fifth Periodic Report to the CEDAW Committee*, coordinated by WCLAC, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WCLAC_for_the_session_ISRAEL_CEDAW48.pdf.

¹⁰⁸ The PA’s ability to protect the Palestinian people is severely compromised by its lack of jurisdiction over the parts of the West Bank which are outside of Area A (i.e. 83% of West Bank land in which fully 45% of the Palestinian population of the West Bank resides).

¹⁰⁹ In the context of its dialogue with Palestinian Legislative Council (PLC) members, the European Parliament does meet with representatives of the Change and Reform party (Hamas). The EU is also in contact with human rights and women organisations operating in the Gaza Strip, as well as with States who have contacts with Hamas.

¹¹⁰ PCBS (2012). *Levels of Living and Poverty in the Palestinian Territory, 2011*. Ramallah, Palestine: PCBS.

¹¹¹ Aljazeera, “UN decries rising poverty in east Jerusalem” (08/05/2013).

¹¹² Numerous PLC members have been arrested by Israeli occupying forces due to their political activism.

December 2011, showed an increase in all types of violence, with worrying rates of domestic violence against women: 37% of married women had been exposed to some form of violence at the hands of their husbands, 29.9% and 51.1% in the West Bank and the Gaza Strip, respectively.

C.2 Discriminatory laws

The current legal framework in the OPT is a mixture of Israeli military orders and Jordanian, Egyptian, Palestinian, Ottoman and British laws, many of which were inherited from the colonial period. Furthermore, different laws apply to the West Bank and the Gaza Strip. The absence of a unified legal framework is the root of many inconsistencies and gaps in current legislation, including in penal law.¹¹³ Thus, Palestinian women are victims of an inadequate and outdated legislative framework, coupled with an unfavourable human rights environment, most notably due to persistent internal division between the PA-led government in the West Bank and the Hamas-led government in the Gaza Strip.

The gaps and contradictions in current penal legislation constitute an obstacle to the administration of justice, and to the principle of equality before the law, which is enshrined in the Palestinian Basic Law.¹¹⁴ In order to rectify this situation, the PA drafted a new and unified penal code following thorough consultations in which important progress has been made on important issues, including honour crimes. Adoption of the revised penal code is still pending.¹¹⁵

The Palestinian Cabinet has also endorsed a nine-year national *Strategic Plan to Combat Violence Against Women (2011-2019)* in the OPT; the first of its kind in the Arab region, this Plan was developed through a bottom-up approach and officially adopted on 11 January 2011.¹¹⁶ This Plan is complementary to the *Cross-Sectoral National Gender Strategy (2011-2013)*.¹¹⁷ It prioritises the issue of combating violence against women and takes a cross-sector approach, recognizing that violence against women is a development issue affecting the social, economic and political systems of Palestinian society.¹¹⁸ The Plan was launched by the PA Ministry of Women Affairs (MoWA), in collaboration with UN Women, within the framework of the 3rd Millennium Goal.

The main objectives of the *National Strategic Plan for Combating Violence against Women (2011-2019)* are to:

- promote protection and empowerment mechanisms for women violated by the Israeli occupation;
- promote a legal framework and institutional mechanisms to protect women from violence;
- improve social protection and social support offered to women victims of violence;
- improve health services for dealing with cases of violence against women (VaW);
- change community perceptions of VaW through promoting the principle of violence prevention; and
- improve the system of legal protection, defence and jurisdiction to the benefit of women victims of violence.

¹¹³ WCLAC-DCAF5 (2012). *Palestinian Women and Penal Law, Policy Brief*. Ramallah, OPT and Geneva, Switzerland: WCLAC-DCAF, 1.

¹¹⁴ Ibid. 113, p 1.

¹¹⁵ As of January 2014, the draft has not been adopted. Detailed information on gaps and contradictions identified by advocates for gender equality and women's rights in the OPT is available in the WCLAC - DCAF Report, *Palestinian Women and Penal Law: Policy Brief*, <http://www.dcaf.ch/Publications/Palestinian-Women-and-Penal-Law-Policy-Brief-Ramallah-and-Geneva-May-2012>.

¹¹⁶ <http://www.unwomen.org/~media/Headquarters/Media/Stories/en/PalestinianAuthorityNationalStrategytoCombatpdf.pdf>.

¹¹⁷ <http://www.unwomen.org/~media/Headquarters/Media/Publications/en/UNWomenPtBookletPalestinianGenderStrategy2.pdf>.

¹¹⁸ The 3rd objective of the Cross-Sectoral National Gender Strategy is: "To reduce all forms of violence against women in the occupied Palestinian territory," notably through the enactment of a law to protect women from domestic violence and through the amendment of the penal code and the penal procedural laws.

Both the *National Strategic Plan to Combat Violence against Women (2011-2019)* and the *Cross-Sectoral National Gender Strategy (2011-2013)* require follow-up to ensure their effective implementation.

C.3 Personal Status Law

The status of women in the family and in Palestinian society is determined by recent Palestinian legislation, as well as by laws inherited from Jordan (the 1976 Personal Status Law) in the West Bank and from Egypt in the Gaza Strip (the 1954 Personal Status Law). These laws, which were in effect in the West Bank and Gaza Strip prior to the 1967 Israeli occupation, are extremely detrimental to women's rights. While there have been many positive changes for women under the more recent laws adopted by the PA, gender-based discriminatory practices enshrined in the Jordanian and Egyptian laws still apply to situations not covered by new legislation. Personal status law for Palestinians is mainly based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, while the varied ecclesiastical courts rule on personal status issues for Christians. Civil courts do not adjudicate such matters.

A Personal Status Law should be adopted covering key issues such as: the minimum marriage age for girls; the guardianship clause; the witness status on marriage contracts; equal right to divorce; child custody; the abolishment of polygamy; and inheritance.¹¹⁹ A revised Personal Status Law was drafted by a national committee and submitted to the President. However, a civil society committee formed for the occasion proposed important amendments to the official draft with respect to critical issues that had not been addressed.¹²⁰

C.4 Access to Participation and Decision-making

Historically, Palestinian women have participated in national, social and political action. When the PLO was established, Palestinian women created their own body – the General Federation for Palestinian Women. The aim of the Federation was to strengthen women's participation in the development of legislation both inside and outside of the OPT, as well as to link Palestinian women from different political parties in coordinated women's actions.¹²¹

After Oslo and the establishment of the Palestinian National Authority, the avenues for Palestinian women's resistance shifted, and women began to mobilize within the PA to demand their rights as citizens.¹²²

Formally, women's political representation within the PA was good; however, it has been nearly nonexistent in the *de facto* Hamas-led government in Gaza. In June 2012, the PLO Reform Committee agreed that party lists for upcoming PLC elections should have at least one woman among the top three candidates, in order to increase the number of women candidates.

In 2012, the highest participation rate for women in local councils was in Ramallah and Al-Bireh governorate with 18.9%, while the lowest was in Jericho and Al-Aghwar governorate with only 2.3%.¹²³ Also, 4.3% of Palestinian ambassadors were women. In the public sector, 40.6% of employees were women in 2012.

Women's presence within the leadership of political factions is very limited, with only one woman appointed as Secretary General of a political party. While most political parties have signed a

¹¹⁹ A. Abu Hayya, "The Experience of Personal Status Law Reform in the OPT," WCLAC, 2012; F. Almouagat, "Palestinian Women and the Personal Status Law," WCLAC, 2011.

¹²⁰ A. Abu Hayyeh, *The Justifications for Amending the Personal Status Law*, WCLAC, July 2012.

¹²¹ K. Husain, "Resolution 1325: A step on the way To Enhance Political Participation of Palestinian Women", May 16, 2013, MIFTAH.

¹²² K. Husain et al. (2012). "Application of UN Resolution 1325 in the occupied Palestinian territories" in Revista Múltiples, n° 15. Just Governance Group: Ottawa, Canada.

¹²³ Palestinian Central Bureau of Statistics (PCBS), Press release at the occasion of the International Women's Day 2013, 07/03/2013.

document of commitments on gender issues, implementation of these commitments is still pending. Furthermore, despite their often active role on the ground, women's formal role on major political issues remains limited (i.e. in peace talks, reconciliation or the UN statehood bid).

C.5 Access to Fundamental Freedoms

Restrictions on fundamental freedoms, notably freedoms of expression, assembly and opinion, also affect women. The ongoing division between the PA-led government in the West Bank and the Hamas-led government in the Gaza Strip has led to a worsening environment for the protection of fundamental freedoms in both areas. The Independent Commission for Human Rights, together with Palestinian human rights organisations, has highlighted the consequences of this very volatile environment for the respect of human rights; though there have been short moments of improvement, the trend has been one of steady deterioration of rights protection.¹²⁴

Violations of freedom of opinion and expression, including the arrest of citizens for their political opinions, have been common; moreover, violations of freedom of the press, including summoning, detaining and arresting journalists, have also increased.

While these violations have not specifically targeting women, they nevertheless suffer their effects, not least of all in relation to their ability to advocate for women's rights.

C.6 Access to Education, Health and Employment¹²⁵

Important gaps are evident between men and women in key areas, including education, health and employment.

In 2012, illiteracy among women was three and a half times higher than among men: 6.4% for women versus only 1.8% for men. The current dire economic situation, coupled with a tendency to privilege boys' education, is increasingly jeopardising women's chances of receiving basic education; the likelihood of women being denied higher education is even greater.

Despite the rise in women's share of the labour force over the past ten years, it has remained low at 17.4%, with men's contribution nearly four times higher. Targeted measures to support women's employment are lacking. Many women work without contracts and without salary. When they are paid, women very often receive a salary much lower than their male counterparts; on average, women receive 20% less than men for the same job. 2012 also saw an increase in women's unemployment rates to 32.9%.¹²⁶

To address these gaps, the PA has drafted the *Cross-Sectoral National Gender Strategy* developed by the Palestinian MoWA with the support of UN Women.¹²⁷ This Strategy serves as a practical road map for the government to address gender-related issues on the national agenda, and supports the implementation of the *2011-2013 Palestinian National Plan*. The three-year Strategy, endorsed by the Council of Ministers, highlights multiple challenges Palestinian women face that require the attention, cooperation and coordination of public institutions, non-governmental organizations, the

¹²⁴ ICHR and PCHR annual reports.

¹²⁵ Statistics appearing in this section come from the Palestinian Central Bureau of Statistics (PCBS), Press Statement at the occasion of the International Women's Day 2013, <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=725&mid=3171&wversion=Staging>.

¹²⁶ Further information on the situation of Palestinian women in the OPT is available in the *Situation of and Assistance to Palestinian Women - Report of the Secretary-General*, that is presented every year to the Commission on the Status of Women, in New York, http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2012/6.

¹²⁷ <http://www.unwomen.org/~media/Headquarters/Media/Publications/en/UNWomenPtBookletPalestinianGenderStrategy2.pdf>.

private sector and international and regional organizations supporting women's rights. It is a guiding document that serves as a reference for the development of appropriate and gender-responsive policies that would positively influence the socio-economic and political conditions of women and men, while ensuring that women can better enjoy their rights within Palestinian society. Given that the MoWA is now working on a new cross-sectoral strategy, it is important to assess the implementation of the current strategy in order to draw appropriate lessons.

3

CHAPTER

Recommendations

- A. Violations of Palestinian Women's Rights in Israel (EU-Israel relations)
- B. Israeli Violations of Palestinian Women's Rights in the OPT (EU-Israel relations)
- C. Violations of Palestinian Women's Rights in the West Bank and Gaza Strip under the PA and the Hamas-led Governments (EU-PA relations)

General recommendations:

The EU and EU Member States should urge Israel to fulfil its commitments and implement the concluding observations of CEDAW, as well as lift its reservations to the convention, and ensure that Palestinian women living in the OPT are included in Israel's reporting to the CEDAW Committee.

The EU and EU Member States should urge the PA to ratify CEDAW and its Optional Protocol, as well as all other UN Human Rights Treaties, giving assistance so the PA can fulfill its obligations. Israel must not interfere in ways that render it impossible for the PA to comply.

The EU and EU Member States should urge Israel to protect and fulfil the right to equality to all citizens of Israel, including Palestinian women.

The EU Plan of Action on Gender Equality and Women's Empowerment in Development should translate into action to support Palestinian women's rights in Israel and the OPT.

The EU should include in its next ENP Progress Report on Israel and the PA the situation of Palestinian women.

Violations of Palestinian women's rights in Israel (EU-Israel relations)

Access to education, employment and health.

1. Call on the EU Delegation to Israel to provide information (preferably in Arabic) regarding Horizon 2020 to Palestinian women researchers and scientists in Israel. It should organise or sponsor training sessions in colleges and universities to enhance Palestinian women's participation in the European research area to comply with its own provisions.¹²⁸
2. Call on the EU Member States to adopt affirmative action measures to assist Palestinian women in obtaining scholarships to study in EU countries and participate in bilateral research projects.¹²⁹
3. Call on the EU and EU member states to urge Israel to develop a non-sexist curriculum for the Palestinian schools in Israel and to eliminate all forms of gender discrimination.
4. Call on the EU and EU Member States to address unequal budgeting, poor infrastructure and lack of access to transportation and public services in Palestinian towns and villages to increase Palestinian women's access to health services, education, and employment.
5. Call on the EU to ensure that Palestinian women's rights to education, employment and health are addressed in the relevant technical sub-committees and the Working Group on Human Rights and that Palestinian women's rights are addressed at the Association Council meetings.
6. Call on the EU and EU Member States to financially support women's rights organisations that are working to strengthen the access to education, employment and health care for Palestinian women in Israel.

Access to residency rights, family reunification and citizenship.

7. Call on the EU and EU Member States to urge Israel to repeal the "Nationality and Entry into Israel Law (Temporary Order)", depriving the right to family reunification of the Palestinian minority in Israel with their Palestinian spouses, predominantly from the OPT, which has severe effects on Palestinian women's rights to family life, dignity and equality. All UN human rights treaty bodies, including the ICCPR and CERD, have urged Israel to facilitate family reunification of all citizens irrespective of their ethnicity, nationality, race or other origin.

¹²⁸ If "full access on an equal footing for all students, researchers, other individuals, companies and organisations based in Israel to projects under Community programmes" is to be promoted, and the "relatively low level of interconnectedness between Palestinian scholars and their European counterparts, and the lack of information of EU programmes in Arab countries" addressed.

¹²⁹ Given the absence of "national quotas" in the Horizon2020, Erasmus Mundus, Tempus and similar research and study programs.

While the current law continues to exist, call on the EU and EU Member States to urge Israel to ensure social protection (i.e. right to healthcare, social security, schooling for children etc.) for the Palestinian spouses of Israeli citizens and residents who are left without a citizenship or residency status living under Israeli jurisdiction (i.e. core obligations under the ICESCR).

8. Call on the EU to monitor the Nationality and Entry into Israel Law in its annual ENP progress report on Israel, linking progress and/or regression to international HR standards, notably CERD, ICCPR, CEDAW, and the ICESCR.
9. Call on the EU to address the gender specific impact of non-access to residency at the EU-Israel Social Affairs Committee, the WG on Human Rights, the Sub-committee on Political Dialogue and at the EU-Israel Association Council meeting.
10. Call on the European Parliament to play a more active role in addressing these issues, notably by parliamentary questions or resolutions in relations within the framework of the Inter-Parliamentary meetings between the European Parliament delegation for relations with the Knesset, as well as the European Parliament's Subcommittee on Human Rights and the European Parliament's Working Group on Middle East.

Access to participation and decision-making

11. Call on the EU and EU member states to urge Israel to encourage and facilitate Palestinian women's participation in public positions.
12. Call on the EU and the EU Member States to urge Israel to ensure the implementation of the Local Authorities Law (Advisor on Promoting the Status of Women) of 2000, by providing local authorities with the necessary financial resources to fill this position, with a clear job description and responsibilities.
13. Call on the EU and EU member states to increase the international visibility of the Palestinian women in Israel. The EU could regularly invite Palestinian civil society organizations, including human rights and women's rights organizations, political officials and business representatives to the European Parliament in Brussels and/or to the national parliaments of the Member States, their Ministries of Foreign Affairs, etc. Parliamentary and Governmental delegations of the EU and its Member States to Israel should maintain regular meetings with representatives of Palestinian women in Israel.

Confiscation of land, forced evictions, displacement and house demolitions

14. Call on the EU and the EU Member States to strongly condemn land confiscation, forced evictions, displacement and house demolitions, which violate Palestinian women's economic and social rights, as well as constitute violence against them. Special attention should be given to the situation of Palestinian women affected by these policies in the Naqab (Negev) and in East Jerusalem.
15. Call on the EU, EU member states and the EP to urge Israel to withdraw the proposed Praver Plan Law, the ongoing legislative process and any other plans to demolish the unrecognized villages, in line with the EP resolution 2012/2694(RSP), that severely affects Palestinian Bedouin women and communities in the Naqab.
16. Call on the EU delegation in Tel Aviv to implement the recommendations adopted by the European Council in relation to house demolitions, humanitarian conditions in Area C and address their gender impact.
17. Call on the EP to take actions in relation to house demolitions in line with its resolution adopted 5 July 2012.¹³⁰
18. Call on the EU member states to take a strong stand against house demolitions and create a core group to ensure strong EU public positions on the issue.

Domestic Violence

19. Call on the EU and the EU Member States to urge Israel to address domestic violence by:

¹³⁰ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0298&language=EN>

- Providing adequate infrastructure for Palestinian women victims and survivors of violence, including proper facilities and shelters with professional expertise to host abused Palestinian Arab women and ensure their access to social, psychological and legal counselling (in Arabic).
20. Call on the EU and the EU Member States to support financially civil society organizations and women's organisations combatting all forms of violence against women and providing services to victims/survivors of violence.

2. Violations of the rights of Palestinian women in OPT (EU-Israel relations)

Freedom of movement

21. Call on the EU and EU member states to pay specific attention to the situation in occupied Area C in the West Bank, and the Access Restricted Areas in the Gaza Strip where Israel remains in total effective control, and the effects of Israeli policies on Palestinian women's rights, including displacement and armed attacks on farmers in the case of Gaza. These actions should include, for example, strong political statements as well as integration of a gender perspective in all support (humanitarian and other) to the population in Area C and East Jerusalem.
22. Call on the EU and EU Member States to urge Israel to guarantee free movement, including dismantling the system of restrictions in relation to the Wall/barrier,¹³¹ its associated permit regime and road blocks/check points throughout the OPT, and to pay specific attention to these limitations on women, and on women's rights.
23. Call on the EU and EU member states to urge Israel to ensure the freedom of movement of Palestinians to protect the social fabric and family reunification, and especially in relation to Gaza and the closure, the freedom of movement of people, goods, and services to enable the reconstruction of homes, schools, and hospitals. Israel must allow unrestricted access to healthcare, education and family life, especially for women from Gaza who need access to the West Bank.

Confiscation of natural resources and construction of settlements

24. Call on the EU and EU Member States to urge Israel to dismantle the existing settlements and stop the construction of new settlements, and to cease its confiscation and control of natural resources (land and water). The EU and EU member states should publicly state their condemnation of these practises, which have devastating effects on the economic and social rights of Palestinians – men and women, and also affect women as caretakers of their families and on the fundamental right to self-determination.

State and settlers' violence against Palestinian women

25. Call on the EU and EU Member States to urge Israel to abide by the international obligations pertaining to ensuring independent investigations of alleged violations committed by Israeli army and security forces, paying particular attention to women.
26. Call on the EU and EU Member States to urge Israel to end impunity for perpetrators of IHL and IHRL violations, with particular attention to women, by conducting investigations into alleged violations in line with international standards and ensuring the prosecution and sentencing of those responsible.
27. Call on the EU and EU Member States to urge Israel to remove legal, administrative, monetary and physical restrictions on access to justice and remedies for Palestinian victims, including women

¹³¹ Recalling the illegality of the Wall/Barrier, as established by the ICJ in 2004, requesting the immediate and unconditional dismantling as it violates both International HRL and IHL.

28. Call on the EU delegation in Jerusalem to follow up on and implement the recommendations of the EU Heads of Missions reports in relation to settlement activity and settler violence with a specific focus on its affects on Palestinian women.

Palestinian women prisoners

29. Call on the EU and the EU Member States to urge Israel to respect all Palestinian women prisoners rights based on international human rights standards, and ensure no torture or other cruel, inhuman and degrading treatment; access to health care; regular communication and visits from family; and legal aid and appropriate frameworks for reintegration into society.
30. Call on the European Parliament to send a fact-finding mission to assess the detention conditions of all Palestinian prisoners, including women and children, as stated in its resolution of 14 March 2013.

Access to health, education and employment

31. Call on the EU and EU Member States to urge Israel to ensure that in all parts of the OPT, women have:
- Safe access to healthcare;
 - Safe and just access to land, water, and economic opportunity;
 - Access to school and healthcare for their children.

Access to residency rights

32. Call on the EU to continue raising issues relating to residency rights and the gender specific effects on Palestinian women in relation to their right to family life, dignity and equality, and access to health, education and employment.
33. Call on the EP to play a more active role by adopting a resolution, asking questions to the EEAS etc. in addressing residency issues, notably within the framework of the Inter-Parliamentary meetings between the European Parliament delegation for relations with the Knesset and the Israeli Knesset. Furthermore, call on the EP Subcommittee on Human Rights and the EP Working Group on Middle East to address these questions as well.

3. Violations of the rights of Palestinian women in the OPT (EU-PA Relations)

Access to fundamental freedoms

34. The EU should urge the PA to ensure the rights to fundamental freedoms such as the right to freedom of expression, association and assembly, with special attention to women.

Violence Against Women

35. The EU and EU Member States should urge the PA to adopt unified national laws in compliance with international human rights obligations, especially in relation to the Penal Code and the Personal Status Law (key legislation for women's rights).¹³²
36. The EU and EU member states should support the PA's full implementation of the National Strategy to combat violence against women.

¹³² To end the superposition of outdated legislation (Ottoman, British mandate, Jordanian and Egyptian laws).

Access to participation and decision-making

37. Call on the EU to urge the PA to promote political participation and access to decision making positions of Palestinian women in the different legislative, executive and judicial fields by introducing quotas and gender mainstreaming in relation to including women in delegations on reconciliation, ending occupation and conflict resolution.
38. Call on the EP to nominate a contact point on Palestinian women in the European Parliament Delegation for relations with the PLC and encourage the EP Committee on Women's Rights to hold regular hearings on the rights of Palestinian women.

Access to Education, Health and Employment

39. Call on the EU to urge the PA to implement the cross-sectoral Gender Strategy to fight discrimination against women including in the areas of education, health and employment.
40. Call on the EU and EU member states to support the implementation of the cross-sectoral Gender Strategy and encourage the PA to regularly evaluate progress in consultation with the Ministry of Women Affairs and women's organisations.
41. Call on the EU to establish a working group on Palestinian women's rights under the Subcommittee on Human Rights, Rule of law and Good governance and/or the Subcommittee on Social Affairs and Health.
42. Call on the EU Member States to adopt affirmative action measures to encourage Palestinian women in obtaining scholarships to participate in programmes such as Horizon 2020, Erasmus Mundus and Tempus, and making sure that the EU also helps Palestinian women benefitting from these programmes in overcoming the restrictions on their freedom of movement.

Closing remarks

Gender equality is, first and foremost, a human right. Women are entitled to live in dignity and in freedom from want and from fear. Gender equality and women's empowerment are also essential for the development of all societies.

This report does not intend to provide a comprehensive description of violations committed against Palestinian women in Israel and in the OPT; rather, it points out critical areas that need to be addressed within EU-Israel and EU-PA relations regarding Palestinian women's rights. It does so while also providing a practical guide for understanding EU policies and the EU's complex mechanisms, including those for gender equality and women's empowerment in the context of Israel and the OPT.

The EMHRN is convinced of the necessity to create a long-lasting and viable solution for the Palestinian people based on international law and is concerned by the degrading humanitarian situation in the OPT and particularly in East Jerusalem, area C and the Gaza Strip, which has specific implications for Palestinian women and girls. As such, this report aims to highlight the crucial role of the EU and Member States in the region: Palestinian women's rights cannot and should not be left out of discussions, dialogues and solutions.

Furthermore, given the continued deterioration of the situation in the Middle East and the failure of the Oslo Peace Agreement after 20 years and innumerable UN resolutions, the EMHRN considers that it is time for the EU and the Member States to act with creativity and determination to build peace in the Middle East. These efforts should begin with a clear commitment to end occupation in the OPT and the discrimination against Palestinian citizens of Israel. In addition, UNSCR 1325 must be implemented, which reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post armed conflict reconstruction and rehabilitation. Women's rights must be an integral part of the EU's human rights agenda within the Middle East Peace Process, and a key element for freedom, democracy, development and peace.

Last but not least, the promotion of CSOs' participation, including women's rights organisations, is critical, in order for their considerable insights to be taken into account within EU-Israel and EU-PA political dialogues.

Bibliography

- Abu Hayyeh, A. (2012). *The Experience of Personal Status Law in the Occupied Palestinian Territory*. WCLAC: Ramallah, OPT.
- Adalah: Committee on the Elimination of Discrimination Against Women (CEDAW).
- Adalah (2013). *The Arab Bedouin and the Praver Plan*. Adalah: Haifa, Israel.
- Adalah (N/A). *Demolition and Eviction of Bedouin Citizens of Israel in the Naqab (Negev) - The Praver Plan*. In Adalah's website.
- Addameer (2010). *Palestinian Female Political Prisoners*. Addameer: Ramallah, OPT.
- Aljazeera, "UN decries rising poverty in east Jerusalem" (08/05/2013). Aljazeera's website.
- Almouaqat, F. (2012). *Palestinian women and the personal status law*. WCLAC: Ramallah, OPT.
- Amnesty International (2005). Article on "New report: Palestinian women carry the burden of Israel's occupation" for Electronic Intifada. Electronic Intifada: Chicago, IL, USA.
- Collier, Ch. (2013). *Training Guide: Promoting Human Rights in North Africa and in the Middle East: Navigating the EU institutional maze and its relations with the Southern neighbourhood*. EMHRN: Copenhagen, Denmark.
- Convention on the Elimination of All forms of Discrimination Against Women: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- Council of the European Union (2008). *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*. CoE: Brussels, Belgium.
- Cwikel, J. and Barak, N. (2001). *Health and Welfare of Bedouin Women in the Negev*. The Centre for Women's Health Studies and Promotion, Ben Gurion University: Be'er Sheva, Israel.
- EC (2010): *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Strategy for equality between women and men 2010-2015. COM(2010) 491 final*. EC: Brussels, Belgium.
- EC (2008). *EU guidelines on violence against women and girls and combating all forms of discrimination against them*. EC: Brussels, Belgium.
- EC (2010). *EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015. SEC(2010) 265 final*. EC: Brussels, Belgium.
- EC (2010). *Strategy for equality between women and men 2010-2015*. EC: Brussels, Belgium.
- Ekerstedt, M. (2013). "More Arab women in Israeli local councils" article for Kvinna till Kvinna Foundation's website. Kvinna till Kvinna Foundation: Johanneshov, Sweden .
- EMHRN (2010), *Freedom of Association Assessment Report*. EMHRN: Denmark, Copenhagen
- Espanioly, N. (2010). *The ECCD services in the Palestinian community in Israel 2010* (unpublished paper Arabic and Hebrew). Israel.
- Espanioly, H. (2010). *The Silenced Stories*. Al-Tufula (NNI): Nazareth, Israel.
- Féron, V. (2009). *Five years of illegality. Time to dismantle the Wall/Barrier and respect the rights of Palestinians*. Oxfam International: Oxford, UK.
- Haaretz: "Palestinians to outnumber Jewish population by 2020, says PA report", 1st January 2013: <http://www.haaretz.com>.
- Haaretz article Cabinet approves plan to relocate Negev Bedouin, by Jack Khoury on September, 12, 2011.
- Hesketh, K. et al. (2011). *The Inequality Report: The Palestinian Arab Minority in Israel*. Adalah: Haifa, Israel.
- Husain Nasr, K. et al. (2012). "Application of UN Resolution 1325 in the occupied Palestinian territories" in Revista Múltiples, nº 15. Just Governance Group: Ottawa, Canada.

Husain Nasr, K. (2012). «*Resolution 1325: A step on the way To Enhance Political Participation of Palestinian Women*». MIFTAH: Ramallah, OPT.

Horowitz, A. (2011). From the article “*Palestinian women are disproportionately impacted by the Israeli occupation*” for Mondoweiss. Mondoweiss: Chicago, USA.

Khatib, M. (2012). *Health of Arab Women in Israel - Policy Paper*. The Galilee Society: Shefa-Amr, Israel.

Leland, C. (2013). “*Calling for More Hanin Zoabis: Why Israeli Arab Political Parties Should Prioritize Recruiting and Promoting Women*” article for the 2013 Brief Issue of the Kennedy School Review. Kennedy School Review: Cambridge, MA, USA.

Öhman, L. et al. (2012). *Inequalities facing Women living in Area C of the occupied Palestinian territories’ West Bank*. The Kvinna till Kvinna Foundation: Johanneshov, Sweden.

PCBS (2012). *Levels of Living and Poverty in the Palestinian Territory, 2011*. PCBS: Ramallah, Palestine.

PCBS (2013). *Press release at the occasion of the International Women’s Day 2013*. PCBS: Ramallah, OPT.

PCHR (2009). *Through Women’s Eyes, Report on the Gender Specific Impact and Consequences of Operation Cast Lead*. PCHR : Gaza Strip, OPT.

PCHR (2010). *Two years after Operation Cast Lead: Gaza Remains Sealed-Off from outside World, Impunity for War Crimes Prevails*. PCHR’s website.

PCHR (2013). PCHR Annual Report 2012. PCHR: Gaza city, oPt.

Physicians for Human Rights (2011). *Arab-Palestinian Citizens of Israel: Discrimination in Access to Health. Lower Health Indicators*. Physicians for Human Rights: New York, USA.

UN OCHA (2012). *East Jerusalem: Key Humanitarian Concerns*. OCHA: OPT.

UN OCHA (2012). *Five Years Of Blockade: The Humanitarian Situation in the Gaza Strip*. OCHA; OPT.

UN OCHA (2012). *The Humanitarian Impact of Israeli Settlement Policies*. OCHA: OPT.

UN OCHA (2012). *West Bank Movement and Access Update*. OCHA: OPT.

UN OCHA (2013). *Area C of the West Bank: Key Humanitarian Concerns*. OCHA: OPT.

WCLAC (2009). *Alternative Report for Consideration Regarding Israel’s Third Periodic Report to the United Nations Human Rights Committee - International Covenant on Civil and Political Rights (1966) (ICCPR)*. WCLAC: Ramallah, OPT.

WCLAC et al. (2011). *Alternative Report for Consideration Regarding Israel’s Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination Against Women 17 January – 4 February 2011 Convention on the Elimination of Discrimination Against Women (CEDAW)*. WCLAC: Ramallah, OPT.

WCLAC-DCAF5 (2012). *Palestinian Women and Penal Law, Policy Brief*. WCLAC-DCAF: Ramallah – Geneva, OPT – Switzerland.

Right to Health

The Universal Declaration of Human Rights (1948),

Working Group on the Status of Palestinian women citizens of Israel, (2010). *The Status of Palestinian Women Citizens of Israel. Submitted to the Committee on the Elimination of Discrimination against Women*.

Links to the Conclusions of the Ministerial Conferences and the EMHRN position papers:

<http://www.euromedrights.org/files/gender-wg/Ministerial-Conclusions-on-Strengthening-the-role-of-Women-in-Society.pdf>

<http://www.euromedrights.org/files/gender-wg/EMHRN-POSITION-ON-THE-5-YEARS-PLAN.pdf>

http://www.euromedrights.org/files/gender-wg/Ufm_Conclusions_Strengthening_the_role_of_Women_12_Nov__en_188308105.pdf

<http://www.euromedrights.org/eng/2010/01/26/conclusions-of-the-2nd-euro-med-ministerial-meeting-on-strengthening-the-role-of-women-in-society-emhrns-position/>

<http://ufmsecretariat.org/wp-content/uploads/2013/09/34-13-REV4-Draft-Ministerial-Conclusions-Women.pdf>

<http://www.euromedrights.org/eng/2013/06/06/memorandum-in-view-of-the-third-ministerial-meeting-of-the-union-for-the-mediterranean/>



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PALESTINIAN WOMEN'S RIGHTS IN EU-ISRAEL AND EU-PA RELATIONS 2014

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