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SOCIAL AND ECONOMIC SITUATION OF PALESTINIAN WOMEN JANUARY 2011-JUNE 2012

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ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agricultural Organization of the United Nations
GUPW	General Union of Palestinian Women
ILO	International Labour Organization
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PCBS	Palestinian Central Bureau of Statistics
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organization
PWRDC	Palestinian Women's Research and Documentation Centre
TVET	Technical and Vocational Education and Training
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
WCLAC	Women's Centre for Legal Aid and Counseling
WHO	World Health Organization

Executive summary

This report reviews the status of women and girls in Palestine during the period of January 2011-June 2012, focusing on developments in the social, economic and political rights of women. The report highlights positive changes with implications for gender equality, such as the adoption of a cross-sectoral national gender strategy by the Palestinian Authority, the suspension of a number of legal provisions regarding honour killing and the accession of more women to decision-making positions. Despite those encouraging steps, Palestinian women and girls continue to face significant challenges, including low political representation, violence and discrimination and poor participation in the labour market. The social, economic, political and civil rights of women and girls continue to be severely constrained by existing gaps in legislation, dominant traditions, the Israeli occupation and the volatile political situation.

The first chapter describes the political setting of Palestine during the period of January 2011-June 2012 and its impact on the well-being and rights of women and girls. The Israeli occupation continues to place a heavy toll on the lives of men and women, and the ongoing land, sea and air blockade has created a security and humanitarian situation in the Gaza Strip that is adversely affecting women's rights. The separation wall (the Wall) Israel is constructing in the West Bank has introduced major hardships for Palestinian families that have lost their lands and livelihood. Incidences of settlement encroachment, house demolitions and violence perpetrated by Israeli settlers against Palestinian civilians are on the rise, further jeopardizing the security and livelihoods of Palestinian women and girls. Settler violence is contributing to an atmosphere of fear and constraining the ability of women and girls to access services and schools. Despite the crucial role of Palestinian women in peacebuilding and resisting occupation over many generations, they have been largely absent from negotiations and from the current official discourse on statehood and United Nations membership.

The second chapter analyses socioeconomic indicators that capture the lives of women and girls in Palestine. It provides information on the gap in living standards between the West Bank and Gaza and presents the situation of food security and poverty rates in Gaza. The socioeconomic indicators set forth in the chapter demonstrate a mixed picture of women's rights: high educational attainment levels, on the one hand, and stark gender disparities, on the other hand, including high unemployment, low wages and low participation rates in the formal labour market. Marked progress has been made in the field of health care, especially reproductive health. However, particularly in Gaza, women and girls continue to suffer from a number of health challenges, namely exposure to water related diseases, high levels of anaemia and psychosocial and mental health disorders as a result of violence and other effects of the occupation. Furthermore, physical and sexual violence in the private and public spheres negatively impacts the wellbeing of women and girls.

The third chapter examines political representation of women and notes improvement in the number of females holding political office and assuming decision-making positions compared to previous years. Although progress has been made, more effort is needed to bring legislative frameworks, including those regarding violence, into alignment with international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women. The Palestinian Authority continues to be weak in the enforcement of law owing to the suspension of the Palestinian Legislative Council and the political division between the West Bank and the Gaza Strip.

The report concludes with recommendations for decision makers that encompass a broad range of gender sensitive legal and institutional reforms along with economic and social policy provisions that particularly target women and girls.

I. THE POLITICAL SETTING OF THE PALESTINIAN TERRITORIES UNDER ISRAELI OCCUPATION

Palestine comprises the non-continuous areas of the West Bank, including East Jerusalem and the Gaza Strip, and has been under Israeli occupation since 1967. Pursuant to the Oslo Accords between the Palestinian Liberation Organization (PLO) and the Government of Israel, the Palestinian Authority was established in 1994 as the recognized governing authority for Palestine. However, following the Hamas victory in Palestinian Legislative Council (PLC) elections in 2007, the Islamist party has exercised de facto authority over Gaza.

The ongoing Israeli occupation continues to take a heavy toll on the lives, livelihoods and security of Palestinians. Furthermore, despite diplomatic efforts, especially by the Middle East Quartet, negotiations between the PLO and Israel have stalled because Israel has continued to expand settlements in Palestine that are illegal under international law. The overall political and humanitarian situation remains challenging and adversely impacts improvements in women's political, civil, social and economic rights. Moreover, the suspension of PLC and the division between the West Bank and the Gaza Strip have weakened the capacity of the Palestinian Authority to enforce the law. That situation affects all Palestinians, but particularly adds to the insecurity of women and girls who also suffer from gender discrimination.

In accordance with Economic and Social Council Resolution 2003/42 concerning the situation of and assistance to Palestinian women, the Economic and Social Commission for Western Asia (ESCWA) issues periodic reports on the status of women in Palestine.¹ The most recent report covered the period of 2009-2010. The reports are based on an analysis of the most recent data available, including those from the Palestinian Central Bureau of Statistics (PCBS), the World Bank, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other United Nations agencies.

In 2011 and 2012, major political developments between Fatah and Hamas included agreements to form a new unity government and to prepare for presidential and legislative elections. In September 2011, Palestine submitted an historic application for full membership in the United Nations. As of June 2012, the application had not been put to a vote before the United Nations Security Council, and Palestinian officials have indicated their intention to continue pursuing membership either through the Security Council or as a non-member State through the General Assembly.²

In October 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) admitted Palestine as a member, despite the opposition of the United States of America and subsequent financial cuts to UNESCO. The aims of UNESCO are to promote peace, literacy, science, education and gender equality. It is likely that Palestinian membership in the organization will have a positive impact on Palestinian women and girls, and it is expected to bring them into closer contact with the international community. Furthermore, membership in UNESCO has the potential to promote greater involvement of women in the peace process. Palestinian women have played an important role in resistance to occupation and in peacebuilding over many generations, yet they have been largely absent from negotiations on reconciliation agreements. Women have also been excluded from the current movement for statehood and submission process for full membership in the United Nations.³

In April 2011, the Palestinian Authority presented its 2011-2013 National Development Plan as part of their effort towards State-building. The Plan included the objective to "complete a comprehensive review and amendment of all legislation to ensure that women's equal rights are codified in the law of Palestine"

¹ Four reports precede the current one and are available online from <u>http://www.escwa.un.org</u>.

² Office for the Coordination of Humanitarian Affairs (OCHA), 2012a, p. 10.

³ United Nations Development Programme (UNDP), 2011a, p. 1.

and "ensure that all public institutions abide by a policy of and implement plans based on zero tolerance for discrimination and violence perpetrated against women".⁴ Due to the continued political divide, however, and despite reconciliation agreements, the ability of the Palestinian Authority to extend institution-building into Gaza has been hampered by an ongoing fiscal crisis that has threatened its ability to pay salaries and to provide basic services to the population.⁵ Although the economy continued to grow at a relatively fast pace in 2011, the Palestinian Authority remains increasingly dependent upon donor aid to fund its operations, indicating that any reduction in aid leaves it vulnerable to fiscal difficulties. Even with large amounts of aid (almost US\$1.15 billion in 2010), the Palestinian Authority has been forced "to borrow from the local banking sector and accumulate arrears".⁶ The budget crisis "deepened in 2011 due to lower than projected revenues and donor assistance".⁷ The volatile political situation and Israeli-imposed restrictions on the movement of people and goods remain the main impediments to sustainable economic growth and long term fiscal stability.

In 2011, according to OCHA, 121 Palestinians were killed (including 3 women), and 2,110 injured (of whom 148 were women) as a direct result of the Israeli-Palestinian conflict, representing a 30 per cent overall increase compared to 2010 and a 17 per cent increase in the incidence of injury to women. The majority of fatalities took place in Gaza (108) while most injuries took place in the West Bank (1,643). In the first half of 2012, 49 Palestinians (including 1 woman) were killed and 1,823 injured (of whom 53 were women) by Israelis.⁸ In Gaza, intermittent violence by armed Palestinian militants and Israeli forces, and Israeli airstrikes and warning fire by Israeli naval forces continue to seriously impact Palestinian civilians. In the West Bank, attacks by Israeli settlers and violence by Israeli forces against those protesting illegal settlement were the main causes of conflict-related causalities and fatalities.⁹

The detention of Palestinians in Israeli prisons dominated the political agenda during 2011 and 2012. Amnesty International reported that in October and December 2011, Israel released 1,027 Palestinian prisoners (including 41 women)¹⁰ in exchange for the Israeli soldier, Mr. Gilad Shalit, who had been held in captivity by Hamas since 2006. At the end of 2011, Israel held more than 4,200 Palestinian prisoners and allegations of torture and other ill-treatment continued to be reported.¹¹ As of 1 June 2012, six Palestinian women were incarcerated in Israel's detention centres and prisons.¹² During the first half of 2012, nearly 2,500 Palestinian prisoners participated in a hunger strike to protest against the Israeli practice of administrative detention (imprisonment without charge or trial) and appalling detention conditions.¹³ The hunger strikes initiated by political prisoners, especially Mr. Khader Adnan and Ms. Hana Shalabi, garnered local and international media attention (see box 1).

The treatment of Palestinians in Israeli prisons was noted in the 2011 concluding observations of the Committee on the Elimination of Discrimination against Women submitted to Israel. The Committee expressed deep concerns about the harsh treatment of Palestinian female prisoners and the conditions of detention, and reported that approximately 25 per cent of Palestinian female prisoners suffer from treatable

- ⁷ World Bank (2012a), p. 6.
- ⁸ OCHA (2012b), p. 11.
- ⁹ OCHA (2012c) pp. 6-7.
- ¹⁰ The author obtained the data from Addameer Prisoner Support and Human Rights Association.
- ¹¹ Available from <u>http://www.amnesty.org/en/region/israel-occupied-palestinian-territories/report-2012</u>.

¹³ OCHA (2012d).

⁴ Palestinian Authority (2011a), p. 39.

⁵ World Bank (2012a), p. 5.

⁶ World Bank (2012b), p. 4.

¹² Addameer Prisoner Support and Human Rights Association, (2012).

diseases but have limited or no access to health care.¹⁴ Moreover, the detention of Palestinian prisoners outside Palestine obstructs regular family visits. Legal protection for Palestinian prisoners, including women, remains limited.

Box 1. Hana Shalabi: Profile of a hunger striker

"The use of administrative detention against Palestinians by the Israeli military authorities... a practice whereby Palestinians are held without charge on the basis of secret evidence that is not shown to the defendant or to his/her lawyer. Administrative detention orders can be issued for up to a six-month period and can be renewed indefinitely. Ms. Hana Shalabi was released in October 2011 after two years in administrative detention as part of a deal whereby Palestinian prisoners were released in exchange for captured Israeli soldier, Mr. Gilad Shalit. She was rearrested at her home on 16 February 2012 and began an open-ended hunger strike the following day. After a 43-day hunger strike, Ms. Shalabi agreed to a deal that would see her released from prison, but exiled to Gaza for a period of three years. Following Mr. Adnan's and Ms. Shalabi's strikes, thousands of Palestinian prisoners joined in an open-ended hunger strike to protest against inhuman prison conditions and the use of administrative detention. Their strike ended when a deal was struck with the Israeli Prison Authority. Not only did the hunger strikes mobilize the Palestinian community against the use of administrative detention by the Israeli military authorities, Ms. Shalabi's prominent role drew attention and support from across the West Bank, Gaza and internationally, thus illustrating the important role women can play in Palestinian political movements".

Source: WCLAC (2012b), p. 3.

Palestinian women interviewed by the Women's Centre for Legal Aid and Counseling (WCLAC) reported lack of trust in the Israeli complaint mechanisms and that authorities rarely took action or conducted a proper investigation. They recounted "lengthy, humiliating and intimidating investigation procedures, which sometimes require their attendance at a police station located inside an Israeli settlement".¹⁵

In 2011 and 2012, the Gaza Strip continued to suffer from a land, air and sea blockade imposed by Israel following the Hamas takeover in June 2007. Furthermore, to date, the population of Gaza continues to feel the effects of operation Cast Lead, launched in December 2008. The three-week long military offense included naval bombardment, artillery shelling and ground operations that left 1,314 Palestinians dead (110 women and 98 girls)¹⁶ and more than 100,000 people displaced.¹⁷

The blockade left no sector untouched and has caused serious humanitarian consequences for the 1.64 million inhabitants of Gaza,¹⁸ the majority of which are already heavily dependent on humanitarian aid. The movement of people and goods remains seriously restricted. In 2011, OCHA reported that the daily average of travellers out of Gaza was 200, a sharp contrast to the year 2000 when an estimated 26,000 travelled out of Erez Crossing per day.¹⁹ The same report stated that in 2011, less than one truckload of goods per day exited Gaza, less than 3 per cent of the average export quantity before the blockade was imposed. An estimated 178,000 people, nearly 12 per cent of the population, are directly affected by restricted access to farmland near the Gaza border and to fishing areas along the Gaza Strip coast,²⁰ resulting in severe consequences on their livelihoods.

¹⁷ Palestinian Authority (2009), p. 10.

¹⁴ Committee on the Elimination of Discrimination against Women (2011), para. 40.

¹⁵ Women's Centre for Legal Aid and Counselling (WCLAC) (2012a), para. 2.8.

¹⁶ OCHA (2009), p. 12.

¹⁸ Palestinian Central Bureau of Statistics (PCBS) (2012a) p. 1.

¹⁹ OCHA (2012e), p. 2.

²⁰ OCHA (2012c), p. 31.

Restrictions on exports and imports along with frequent fuel shortages in 2011 have stifled the economy and negatively affected the delivery of health and education services and the development of the private sector. The blockade has also severely undermined the well-being and mental health of Palestinians. According to a 2009 survey that was conducted in Gaza in the aftermath of operation Cast Lead, men and women reported an increase in spending of approximately 40-45 per cent on food, water and psychosocial health. "The reported rise in expenditure on psychosocial treatment, given the limited amount of such services (and the fact that they are generally free), . . . suggests that families see this . . . as a basic and most urgent need".²¹ Movement restrictions have also negatively affected patients who are prevented from leaving Gaza to obtain medical treatment. The lack of freedom had devastating effects on the entire population and a disproportionate impact on women who are also denied basic economic, social and human rights guaranteed by international law.

"Despite the June 2010 measures to ease the blockade, international humanitarian organizations continue to face severe challenges in responding to the most urgent humanitarian needs . . . due to the complex approval systems for projects put in place by Israeli authorities".²² To counteract the blockade and to smuggle restricted goods, such as construction materials, fuel and food products, a proliferation of tunnels along Gaza's border with Egypt has been set up. The international organization Oxfam reported that between January and July 2012 a total of 11 Palestinians were killed and 21 others injured while working in the tunnels.²³

A complex permit system and narrowly defined criteria for family unification continue to separate family members with identification cards issued by different territories. Palestinians who are legal residents of Israel are not allowed to have their non-Israeli resident spouse reside with them in Israel.²⁴ Furthermore, individuals wishing to move from Gaza to the West Bank to legally reside with family members must meet very narrow criteria to gain permission.²⁵ The effect of this policy is that Palestinians from Gaza are prohibited from joining their spouses in the West Bank, and parents in this situation are separated from their children. In that way, women would be forced to bear the burden of single parenthood and to raise children in the father's absence. Such separation has a serious negative economic impact on the family, especially on children.

By 2011, as a result of the creation of over 500 Israeli military checkpoints and barriers, the movement of people and goods in the West Bank was severely restricted and some 70 rural communities, with a total population of nearly 200,000, were forced "to use detours . . . between two to five times longer than the direct route to the closest city".²⁶

The Government of Israel also continued to maintain strict control over Area C,²⁷ an area that comprises nearly 60 per cent of the West Bank, and continued to restrict the movement of people and goods between occupied East Jerusalem and the rest of the West Bank. Restrictions on zoning imposed by the Israeli authorities prevent planning and construction. For example, in the Jordan Valley in Area C, Palestinian communities are prevented from developing essential infrastructure and accessing basic services,

²⁶ OCHA (2011a), pp. 2-3.

²¹ United Nations Development Fund for Women (UNIFEM) (2009), p. 37.

²² OCHA (2012e).

²³ Oxfam (2012a).

²⁴ For more information, see Human Rights Watch (2012).

²⁵ Hamoked Center for the Defence of the Individual and Gisha-Legal Center for Freedom of Movement (2012), pp. 2-4.

²⁷ In accordance with the Oslo Agreement, the West Bank is divided into three zones known as Areas A, B, and C. Area A falls under the civil jurisdiction and security control of the Palestinian Authority, whereas Area B falls under Palestinian civil control and Israeli security control. Area C is under full Israeli military and partial civil control and contains Israeli settlements, roads and 'buffer zones'. Israeli planning and administrative regulations consistently undermine the Palestinian presence in Area C.

such as water, electricity, schools and health clinics.²⁸ Such restrictions also limit the capacity of national and international organizations to deliver humanitarian aid to the vulnerable population.

In 2011, Israel made no discernible progress in complying with the 2004 Advisory Opinion of the International Court of Justice, which found that Israel was "under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto"²⁹ (see box 2).

Box 2. The Wall: Facts as of July 2012

- The total length of the Wall (constructed and projected) is approximately 708 km, more than twice the length of the 1949 Armistice ('Green') Line, which separates Israel from the West Bank.
- Approximately 62.1 per cent of the Wall is complete, a further 8.0 per cent is under construction and 29.9 per cent is planned but not yet constructed.
- When completed, some 85 per cent of the route will run inside the West Bank, rather than along the Green Line, isolating some 9.4 per cent of the West Bank, including East Jerusalem.
- Palestinians with West Bank ID cards who are granted special permits can only enter East Jerusalem through 4 of the 14 Wall checkpoints around the city.
- Around 7,500 Palestinians who reside in areas between the Green Line and the Wall (Seam Zone), excluding East Jerusalem, are required to have special permits to continue living in their own homes; another 23,000 will be isolated if the Wall is completed as planned.
- There are about 150 Palestinian communities which have part of their land isolated by the Wall and must obtain 'visitors' permits or perform 'prior coordination' to access that area.
- Access to agricultural land through the Wall is channelled through 80 gates. The majority of those gates only
 open during the six-week olive harvest season and usually only for a limited period.

Source: Adapted from OCHA, (2012f).

During 2011, Israel accelerated settlement construction in the West Bank, as indicated by "an almost 20 per cent increase in new 'building starts' for housing units (excluding East Jerusalem), compared to 2010".³⁰ Data collected by PCBS also indicate that the number of Israeli settlers in the West Bank increased from 523,939 in 2010 to 536,932 in 2011.³¹

In the reporting period, there was widespread destruction of Palestinian property and a surge of settler violence directed against Palestinians. In the first five months of 2012 alone, settlers damaged more than 2,560 Palestinian-owned olive trees.³² On average, the incidence of settler attacks against Palestinians that resulted in injuries and property damage increased by 32 per cent in 2011 compared to 2010 and by more than 144 per cent compared to 2009.³³ In its concluding observations on the fourteenth and sixteenth periodic reports of Israel, the Committee on the Elimination of Racial Discrimination expressed concern

- ²⁹ International Court of Justice (2004), pp. 201-203.
- ³⁰ OCHA (2011b).
- ³¹ PCBS (2012b).
- ³² OCHA (2012d).
- ³³ OCHA (2011c).

²⁸ Oxfam (2012b), p. 12.

"about the impact of settler violence on the right of women and girls to access basic services such as the right to education".³⁴

There was no indication during the reporting period of any improvement in efforts to investigate acts of violence against Palestinians and bring perpetrators to justice. According to WCLAC, victims of settler attacks do not file complaints due to lack of confidence in the Israeli enforcement systems and fear of threats from Israeli police and reprisals from settlers.³⁵

Forced displacement, mainly due to house demolitions, poses a growing threat to Palestinian families. Palestinian residents in East Jerusalem and in Area C, where Israel retains full control over security, planning and zoning, face severe difficulties in obtaining building permits from the relevant Israeli authorities. House demolition orders, settler violence and the lack of a secure civil status for East Jerusalem identity card holders were the main triggers of displacement in 2011 and 2012.³⁶ In 2011, in the West Bank, a total of 622 structures were demolished and as a result almost 1,100 Palestinians were displaced, 80 per cent more than in the previous year. An additional 4,200 people were affected by the demolition of structures related to their livelihoods, including rainwater cisterns, pools and animal shelters.³⁷ With little or no means to rebuild their homes, evicted families have been compelled to seek shelter with extended families, neighbours or friends. Oxfam reported that in the Jordan Valley, "requisitions and expropriations of Palestinian land by the Israeli authorities continue to destroy the livelihoods of Palestinians living in the area and, unless action is taken, there are strong indications that the situation will only get worse".³⁸

According to OCHA, "various Israeli initiatives have been introduced to legalize, under Israeli law, settlements and their outposts. These initiatives contribute to the entrenchment of settlements and the ongoing lack of accountability for settler violence that further adds to the vulnerability of Palestinians".³⁹

Dispossession and displacement have had serious socioeconomic, emotional and psychological impacts on Palestinian families, depriving them of their homes, disrupting livelihoods and often undermining their access to basic services. A study published in 2010 reported that displacement in East Jerusalem often has a disproportionate impact on women who lose their domestic security and bear the brunt of rebuilding their homes.⁴⁰

Only 13 per cent of the municipal area in East Jerusalem currently zoned by the Israeli authorities is permitted for Palestinian construction.⁴¹ The amount of land allotted to Palestinian construction does not begin to meet housing demand. Palestinian Jerusalemites also continue to be vulnerable to having their residency rights revoked by the Israeli Ministry of Interior. "The cumulative effects of annexation, neglect, rights violations, and the completion of the [Wall] have led to an unprecedented deterioration in the conditions of Palestinian East Jerusalemites".⁴² Such conditions have dire consequences for the protection of women's rights.

- ³⁸ Oxfam (2012b), p. 2.
- ³⁹ OCHA (2012a), p. 1.
- ⁴⁰ WCLAC (2010), p. 28.
- ⁴¹ OCHA (2011d).
- ⁴² Alyan, Sela and Pomerantz (2012), p. 2.

³⁴ Committee on the Elimination of Racial Discrimination (2012), para. 28.

³⁵ WCLAC (2009), p. 8.

³⁶ OCHA (2012c), p. 15.

³⁷ OCHA (2012g).

II. DEMOGRAPHIC, SOCIAL AND ECONOMIC TRENDS

Population, social and economic indicators that capture the lives of women and girls suggest that gender gaps continue to persist in the West Bank and Gaza despite a number of positive steps that have been taken to promote gender equality. The impact of the occupation and the factional divide combined with entrenched gender discrimination continue to adversely impact the socioeconomic rights and well-being of women and girls.

A. POPULATION

Available demographic indicators and trends, including household consumption patterns, shed light on the situation of women in the Palestinian society and indicate further challenges that may emerge in the future. The present section provides an overview of the exiting gender gaps in the Palestinian society through the following indicators: (a) size, age structure and distribution of the population; and (b) fertility rates and marriage age.

1. Population size, age structure and distribution

In mid-2012, the total population of Palestine was estimated to have grown to 4.29 million, with 2.65 million in the West Bank and 1.64 million in Gaza.⁴³ At 2.9 per cent, the growth rate of the Palestinian population is one of the highest in the world.⁴⁴ Population growth has considerable implications for the socioeconomic development of the country and for gender equality.

The Palestinian population includes a large number of registered refugees. The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) estimated that, as of 1 January 2012, there were 727,471 refugees in the West Bank and 1,167,572 in Gaza.⁴⁵ The Palestinian population is largely urban (73.8 per cent) and 16.8 per cent reside in rural communities and 9.4 per cent in refugee camps.⁴⁶

Population density is significantly higher in Gaza than in the West Bank, at 4,505 persons/km² and 468 persons/km² respectively in mid-2012.⁴⁷ Gaza already has one of the highest population densities in the world, and the projected increase in population can only compound the shortage of housing and living space, with potentially dire consequences for the quality of life for women. Already, overcrowding in Gaza is having a clear gendered impact, with psychosocial dimensions such as loss of privacy and increased vulnerability to domestic violence.⁴⁸

The breakdown of population by gender reveals that 49 per cent (or 2.11 million) are female, resulting in a sex ratio of 103.2.⁴⁹ The population is young, with 40.4 per cent aged 0-14 years,⁵⁰ and only 4.4 per cent aged 60 and over.⁵¹ Elderly females make up a greater share of the total population than males (5.0 and 3.8

- ⁴⁷ Ibid.
- ⁴⁸ OCHA (2011e), p.16.
- ⁴⁹ PCBS (2012c), p. 1.
- ⁵⁰ PCBS (2012a), p. 1.
- ⁵¹ PCBS (2011b), p. 1.

⁴³ PCBS (2012a), p. 1.

⁴⁴ PCBS (2011a), p. 22.

⁴⁵ United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) (2012).

⁴⁶ PCBS (2012a), p. 1.

per cent respectively), given differences in life expectancy.⁵² Elderly females in the West Bank are more vulnerable to health negligence than elderly men.⁵³

In 2011, the average size of private households was 5.8 persons and, in 2010, 82.1 per cent of all households were nuclear.⁵⁴ In the second quarter of 2012, 10.9 per cent of households were headed by women,⁵⁵ up from 9.3 per cent in 2011 (10.0 per cent in the West Bank and 7.9 per cent in the Gaza).⁵⁶ The size of households headed by females tends to be smaller, with an average size of 3.4 persons compared to 6.1 persons in households headed by males.⁵⁷

2. Fertility rates and age of marriage

The total fertility rate of Palestine has declined in recent years, but it is still well above the average rate of the Arab region (3.1 births per woman).⁵⁸ Between 1997 and 2009, the total fertility rate dropped from 6.0 to 4.1 births per woman and the rate remains considerably higher in Gaza (4.9) than in the West Bank (3.8).⁵⁹ Improvements in reproductive health care and an increase in the use of family planning methods have contributed to the decline in fertility levels. In 2010, PCBS reported that more than half of the married women were using either traditional or modern contraceptive methods.⁶⁰

One of the main reasons for the decline in total fertility rates is the relative decrease in adolescent fertility rates. According to the 1997 census, the adolescent birth rate was 106.8 per 1,000 births.⁶¹ By 2009, however, the average rate had dropped to 51.4.⁶² There is a correlation between the rising marriage age and the decline in the adolescent birth rate. Among Palestinian women, the median age of first marriage was 18 years old in 1997.⁶³ By 2011, the median age had increased to 20 years.⁶⁴ There is also a relationship between marriage age and education level: the more educated a girl is, the more likely she is to marry later. That is confirmed by 2009 data on marriage, which showed that the mean age of marriage for girls who have a preparatory certificate was only 17.4 years whereas for those who have a bachelor degree or higher the mean age is 24.5 years.⁶⁵

B. HEALTH

1. Impact of the political situation on health rights

The continuing political crisis and the ongoing restrictions on the movement of people and goods, including medical personnel and supplies, and the worsening fiscal situation of the Palestinian Authority, are undermining the access of Palestinian women to quality health services.

- ⁶² UNDP data available from <u>http://www.arab-hdr.org/data/indicators/2012-33.aspx</u>.
- ⁶³ PCBS (2011a), p. 24.

⁵² Ibid.

⁵³ PCBS (2011c), p. 19.

⁵⁴ PCBS (2012d), pp. 8 and 13.

⁵⁵ PCBS (2012e), p. 35.

⁵⁶ PCBS (2012a), p. 2

⁵⁷ Ibid.

⁵⁸ Casterline (2011), p. 3. The rate is the median of the 22 members of the League of Arab States.

⁵⁹ PCBS (2012a), p. 1.

⁶⁰ Available from <u>http://www.pcbs.gov.ps/site/718/default.aspx</u>.

⁶¹ United Nations Department of Economic and Social Affairs (2012).

⁶⁴ Available from <u>http://www.pcbs.gov.ps/site/507/site/767/default.aspx</u>.

⁶⁵ PCBS (2011a), p. 24.

In Gaza, health services have seriously deteriorated due to the blockade, compounded by the lingering effects of operation Cast Lead on health infrastructure. It is estimated that 63 per cent of primary health facilities and 50 per cent of hospitals lack basic infrastructure, while 38 per cent of essential drugs are out of stock.⁶⁶ Patients in need of specialized medical treatment outside Gaza may be denied permits to leave. The political rift between the Fateh-dominated Palestinian Authority and Hamas has further exacerbated health problems faced by the population of Gaza by hampering "coordination and the transfer of supplies from the West Bank to Gaza".⁶⁷

Despite June 2010 measures to ease the blockade, "import restrictions have impeded the expansion and upgrading of Gaza's sewage system", with potentially dire consequences on public health. According to a recent OCHA report, "nearly 90 million litres of untreated or partially treated sewage are discharged into the sea every day",⁶⁸ leading to the extreme pollution of the sea and underground aquifer.⁶⁹

As for the West Bank, patients referred to hospitals in East Jerusalem can be denied access to scheduled appointments and emergency care due to the Israeli-imposed permit system. The World Health Organization (WHO) reported in 2011 that "almost one in five patients and their companions applying for health access permits are denied", or did not receive a response in time for their medical consultation or treatment. In addition, ambulances are often prevented from entering East Jerusalem despite the special protection granted to them under international humanitarian law. In 2011, only 5 per cent of 1025 ambulance transfers were permitted to directly enter Jerusalem. For the rest, patients had to be carried between ambulances at the checkpoint.⁷⁰ Moreover, the "inability to build [or] rehabilitate health clinics in Area C significantly impedes provision of basic services. This, along with restricted staff movement and security concerns of health workers contributes to 200,000-250,000 people in the West Bank depending on mobile health services".⁷¹

2. Chronic disease, mental health and disability

The prevalence of mental health disorders has reportedly been increasing due to violence and other effects of the occupation. Exposure to political violence, namely settler-related aggression in the West Bank and Israeli military operations in Gaza, has had an adverse impact on the refugee population. According to WHO, "stress related disorder and mental health problems are increasingly affecting women, children and adolescents".⁷²

Similar to other Arab countries, Palestine has experienced an 'epidemiological transition' from communicable to non-communicable diseases, exacerbated by the lack of freedom of movement. For example, the number of people living with hypertension and diabetes has been increasing.⁷³ Sex-disaggregated data suggest that women are more vulnerable to chronic diseases than men. According to PCBS, 20.1 per cent of women aged 18 and over suffer from at least one chronic disease compared to 16.2 per cent of men in the same age group; and women in the West Bank have the highest rate at 21.5 per cent.⁷⁴ In 2010, the United Nations Population Fund (UNFPA) reported that "breast cancer is the leading cause of

⁶⁹ OCHA (2009), p. 4.

⁶⁶ OCHA (2011f), p. 3.

⁶⁷ Ibid., p. 20.

⁶⁸ OCHA (2012e).

⁷⁰ World Health Organization (WHO) Regional Office for the Eastern Mediterranean (EMRO) (2012).

⁷¹ OCHA (2011f), p. 3.

⁷² WHO (2012a), Annex. para. 7.

⁷³ Ibid., para. 6.

⁷⁴ PCBS (2012f), p. 2.

cancer deaths among women. Nearly two thirds of cases are not detected until the tertiary stage, reflecting a lack of early screening and poor health-seeking behaviour".⁷⁵

There are no significant gender differences in the ratio of people living with disabilities: 2.9 per cent of men and 2.5 per cent of women in Palestine are disabled.⁷⁶ According to the 2011 Palestinian Disability Report, 4.6 per cent of physical disability, 5.2 per cent of learning disability and 7.6 per cent of mental health disability in the West Bank and Gaza resulted from Israeli measures.⁷⁷ Although data are limited on violence against girls and women living with disabilities, research indicates that "when gender-based violence and disability intersect, the vulnerability of the victim is compounded".⁷⁸ Girls and women living with disabilities may be more marginalized than their male counterparts due to social restrictions on their movement and vulnerability to sexual abuse and domestic violence.

3. Reproductive and maternal health

Significant gains have been made in access to maternal and reproductive health care in Palestine. In 2010, only 0.8 per cent of childbirths occurred at home or at unsafe places, compared to 5.2 per cent in 2000; moreover, 99.4 per cent of married women aged 15-49 reported receiving health care (at least 4 visits) from qualified personnel during their last pregnancy.⁷⁹

Pregnancy and childbirth, while safer than before, still remain among the high-risk factors for women of reproductive age in Palestine. Although early marriage is declining throughout the country, it still represents a health risk factor for girls in many communities as adolescent mothers face greater risks of health complications, including anaemia and maternal death. Based on WHO estimates, the maternal mortality rate has been reduced from 90 per 100,000 live births in 1990 to 64 in 2010.⁸⁰ In the absence of a national monitoring system, however, this rate may be underestimated.

Anaemia during pregnancy has the potential to adversely affect mother and child. In spite of the high coverage of health care during pregnancy, the proportion of pregnant women aged 15-49 suffering from anaemia is significant, at 39.1 per cent in Gaza and 15.4 per cent in the West Bank. In the West Bank, anaemia among pregnant women is highest in Jericho governorate, where it has reached 50 per cent.⁸¹

Maternal and reproductive health services, according to UNFPA, "are affected by systemic problems, including: (a) the lack of referrals between various service providers (the Government, UNRWA, non-governmental organizations and the private sector); (b) inadequate quality of care; (c) management issues; and (d) lack of equipment and medical supplies, particularly in Gaza".⁸² In 2010, access to postnatal care remained relatively limited, at only 38.4 per cent.⁸³

According to a study by the Palestinian National Committee of Maternal Mortality, 57 per cent of maternal deaths could have been prevented "if the adopted measures were implemented accurately, quickly and according to the applicable medical protocols, whether at the level of [primary health care], emergency care or in maternity wards".⁸⁴ According to WHO, a review of identified causes of maternal deaths

⁷⁵ United Nations Population Fund (UNFPA) (2010), para. 7.

⁷⁶ PCBS (2012a), p. 4.

⁷⁷ PCBS and Ministry of Social Affairs (2011), pp. 26, 28 and 29.

⁷⁸ UNRWA (2011a), p. 4.

⁷⁹ PCBS (2012a), p. 4.

⁸⁰ WHO (2012b), p. 45.

⁸¹ PCBS (2011a), p. 32.

⁸² UNFPA (2010), para. 6.

⁸³ Available from <u>http://www.pcbs.gov.ps/site/718/default.aspx</u>.

⁸⁴ Palestinian National Committee of Maternal Mortality (Undated), p. 42.

"suggests that many of them could have been prevented by more effective antenatal, childbirth and early postnatal health care".⁸⁵

C. POVERTY

1. Poverty rates

According to PCBS, an estimated 25.7 per cent of the population in the West Bank and Gaza lived below the national poverty line in 2010.⁸⁶ Data from 2011 show that there is a gender gap in poverty rates, and 26.2 per cent of women in Palestine live in poverty, compared to 25.5 per cent of men (see table). Similarly, 13.3 per cent of women live in deep poverty, a higher rate than men (12.4 per cent).

	Poverty rate		Deep poverty		Poverty gap	
	Male	Female	Male	Female	Male	Female
West Bank	17.4	18.3	7.5	8.1	3.7	4.1
Gaza Strip	38.6	39.0	20.2	21.9	9.0	9.6
Palestinian Territory	25.5	26.2	12.4	13.3	5.8	6.2

POVERTY INDICATORS, WEST BANK AND GAZA

Source: Unpublished 2011 data provided by PCBS Department of User Services, October 2012.

In Palestine, the poverty rates are intrinsically linked to the Israeli occupation and the impact of the volatile political and security situation on economic growth rates. Poverty trends clearly reflect that volatility: between 2006 and 2007, for example, the poverty rate rose sharply by 7.0 per cent before rapidly falling by 8.4 per cent between 2007 and 2009. The sharp increase in the poverty rate in Gaza is largely attributable to the contraction in the economy caused by the Israeli economic blockade and the suspension of donor aid pursuant to the Hamas takeover. Since 2008, poverty rates have started to decline due to the aid-fuelled economic recovery.⁸⁷

National indicators hide stark regional inequalities. Between 2006 and 2007 in Gaza, the poverty rate jumped a dramatic 20 per cent reaching nearly 50 per cent, while it remained stable in the West Bank. Despite double-digit economic growth rates in Gaza from 2010 to 2011, the population is still worse off than in the late 1990s, and the gap in living standards between the West Bank and Gaza remains glaringly persistent.⁸⁸ In 2010, the poverty rate in Gaza was double the rate in the West Bank (38.0 per cent and 18.3 per cent).⁸⁹

Palestinian women living in refugee camps are the most vulnerable to poverty. In 2011, the poverty rate in the camps was 35.4 per cent, while rural and urban areas had lower rates of 19.4 per cent and 26.1 per cent respectively.⁹⁰ In Gaza, assessments suggest that "farmers with land in access-restricted areas, fishers, unemployed youth and the chronic poor living under the deep poverty line" are the most affected groups, while in the West Bank, "herders and Bedouin communities in Area C and farmers with land behind the [Wall]" are the most affected.⁹¹ Due to limited control over assets, lack of equitable

- ⁸⁷ World Bank (2011), p. 16.
- ⁸⁸ Ibid., pp. 15-16.
- ⁸⁹ PCBS (2012d), p. 25.
- ⁹⁰ PCBS (2012g).
- ⁹¹ OCHA (2011f), p. 3.

⁸⁵ WHO (2011), para. 3.

⁸⁶ PCBS (2011d), p. 2.

access to employment leading to reduced levels of income, gender discrimination and lack of societal recognition of unpaid work, women in those vulnerable communities are likely to bear the brunt of poverty.

2. Food security

Food insecurity threatens the health and well-being of children, women and men. In recent years, higher food prices and lower wages forced many families to substitute high-quality food with lower-quality cheaper food. According to a 2008 survey, "most households reported consuming less fresh meat, vegetables, and fruits . . . than ever before, and considered many of these foods (especially red meat and fish) a "luxury" that they can no longer afford". The report also noted the high rate of anaemia and other micro-nutrient deficiencies and the long-term health consequences of the lack of protein and vitamins.⁹² The deterioration of water and sanitation infrastructure can also negatively impact food security by increasing vulnerability to water-borne diseases. According to data from OCHA, 44 per cent of Gazans are food-insecure and about 80 per cent are aid recipients.⁹³ The provision of food and cash assistance, largely funded by external aid, has somewhat mitigated the worst effects of high unemployment, poverty and food insecurity. Social protection initiatives in Gaza now account for an estimated "16 per cent of total household consumption and 31 per cent among the poorest households", according to the United Nations.⁹⁴

In the West Bank, gender is correlated with food security according to the 2010 Socio-economic and Food Security Survey; 30 per cent of female-headed households were food insecure, compared with 22 per cent of male-headed households.⁹⁵

Between 2000 and 2010, malnutrition among children under 5 years of age in Palestine rose by 41.3 per cent, with Gaza incurring a substantial increase of 60 per cent. The average rate of chronic malnutrition among children under 5 years of age in the West Bank is 11.3 per cent, with the highest rate (16.9 per cent) in Hebron governorate.⁹⁶ Gender disaggregated data indicate that boys tend to have a slightly higher rate of malnutrition: 11.9 per cent of boys under 5 years of age suffer from moderate to severe stunting, compared to 10 per cent of girls, and 3.5 per cent of boys suffer from moderate to severe wasting, compared to 3.2 per cent of girls.⁹⁷

3. Water and sanitation

The water and sanitation in Gaza is in a critical situation in which "only 5-10 per cent of the portion of the aquifer underlying Gaza is now drinkable, with more than 90 per cent of all 150 municipal wells having salt and nitrate levels above WHO standards and [are] unfit for human consumption".⁹⁸ Salt water intrusion into the aquifer has increased salinity, while the infiltration of raw sewage into groundwater has resulted in bacterial and chemical contamination.⁹⁹ The availability of clean water in the West Bank and Gaza is thus limited with an average consumption of 70 to 90 litres per person per day.¹⁰⁰ More research is required to establish the extent of gender differentiated access to clean water and sanitation.

⁹⁸ World Bank (2009), p. 27.

⁹² World Food Programme (WFP), Food and Agriculture Organization of the United Nations (FAO) and UNRWA (2008), pp. 4 and 9.

⁹³ OCHA (2012e).

⁹⁴ Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO) (2012), p. 15.

⁹⁵ FAO, WFP and PCBS (2011), p. 19.

⁹⁶ PCBS (2011a), p. 28.

⁹⁷ Unpublished data provided by PCBS Department of User Services, October 2012.

⁹⁹ United Nations Environment Programme. (2009), pp. 55-56.

¹⁰⁰ United Nations Children Fund (UNICEF) and Palestinian Hydrology Group (PHG) (2011), p. 31.

In 2010, the Palestinian Hydrology Group reported that, "only 44 per cent of the population is served with wastewater networks, leaving more than 2 million people without proper sanitation facilities".¹⁰¹ As indicated above, the population in Gaza is still experiencing the devastating impact of the Israeli operation Cast Lead, which led to damages of US\$6 million in water and sanitation infrastructure.¹⁰² The population also continues to suffer restricted access to water and sanitation facilities as a result of air strikes by the Israeli military forces.

The health of women and children in particular is being adversely affected by the lack of safe drinking water and sanitation services. There are indications that incidences of sanitation related diseases have been increasing in refugee camps in Gaza: clinics serving refugees have reported an increase in cases of typhoid fever and watery diarrhoea in children under 3 years of age.¹⁰³ The polluted groundwater of the Gaza Strip is a threat to public health and will likely have long-term health implications. One of those health effects is the "blue baby syndrome", caused by nitrate in drinking water.¹⁰⁴ The demolition of water and sanitation infrastructure in both Gaza and Area C in the West Bank has not only increased the risk of disease; it has also negatively affected the livelihoods of rural women (see box 3).

Box 3. Impact of the demolition of the water and sanitation infrastructure

"Amniyr and Susya are Palestinian villages located near an illegal Israeli settlement. Residents of Amniyr and Susya suffered four separate demolitions in 2011. On 22 February the Israeli military demolished seven tents and two water cisterns, including an old Roman structure. On 29 March, three toilets were demolished and four tents confiscated by the Israel authorities. On 5 May, the Israeli military demolished cisterns, which were in the process of being repaired by international volunteers. Finally, on 5 July, the Israeli military confiscated ten water tanks which had been provided by Islamic Relief as an emergency response to ensure the community had access to the minimum amount of water needed for domestic use".

In the words of one resident, "we have a huge problem – first there is no water in the wells we use now because there is less rain. Secondly, the army destroyed our cisterns. Before the army destroyed the cisterns, ten families drank from them and used them for their livestock. Now we must buy the water from far away. It's expensive and we struggle to afford it. Life is very difficult without water".

Source: Emergency Water and Sanitation Hygiene (EWASH) Advocacy Task Force (2011a), p. 3.

Women are disproportionately affected by the increasingly restricted access to water and sanitation. Water shortages, for example, significantly impact women's capacity to carry out domestic tasks. To cope with irregular or low supply of water, women in Gaza are taking such action as "storing water in small containers and bottles in anticipation of shortages; washing by hand instead of using washing machines; reducing the number of times children are bathed; and using jerry cans of water instead of running tap water to wash the dishes".¹⁰⁵

D. EDUCATION

Over the past decade, considerable progress has been made in female literacy. In 2011, PCBS estimated the illiteracy rate of women at 7.4 per cent, compared to 20.3 per cent in 1997. Gender gaps

¹⁰¹ Available from <u>http://www.phg.org/fast_facts.asp</u>.

¹⁰² UNDP (2010), p. 46.

¹⁰³ UNRWA (2010).

¹⁰⁴ UNEP (2009), p. 57.

¹⁰⁵ EWASH Advocacy Task Force (2011b), p. 2.

persist, however, with the illiteracy rate of women more than three times higher than that of men (2.1 per cent).¹⁰⁶ Women in rural communities tend to have the highest rate of illiteracy.

In Palestine, basic education is nearly universal and girls have a slightly higher rate of enrolment than boys at that level. In 2010, 97.6 per cent of boys aged 6-11 and 97.9 per cent of girls in the same age group attended school.¹⁰⁷ There is also a slight gender difference in repetition rates in basic education, with boys having a higher repetition rate and also a slightly higher dropout rate (1 per cent) than girls (0.7 per cent).¹⁰⁸

Differences in favour of girls begin to widen during adolescence: at 15-17 years of age, rates of enrolment were 8 per cent higher for girls than for boys.¹⁰⁹ In 2009/2010, there were 105,964 female university students compared to 79,047 male students.¹¹⁰ Women tend to enrol in universities rather than community colleges. While women made up 57.3 per cent of students enrolled in university, they represented only 40.1 per cent of students enrolled in community colleges in 2009/2010.¹¹¹

While advances in school and university enrolment rates indicate significant progress in promoting the educational rights of girls and women, gender stereotyping in school curricula remains an area of concern. Part of the 2011-2013 teacher development strategy of the Palestinian Ministry of Higher Education has been to "evaluate, promote, enrich and amend the gender philosophy in Palestinian educational curricula".¹¹²

Demonstrable advances at secondary school and university levels have not translated into female advancement in the labour market. That may be partially due to a discrepancy between the demands of the labour market and the skills of female university graduates who tend to be concentrated in fields of study that are consistent with traditional female roles, such as education, health services and social sciences. Distinct gender differences in the fields of study at the tertiary level are still observed: young women are overrepresented in the education sector where the female share of total graduates amounted to 75 per cent and they are underrepresented in fields of study such as engineering, manufacturing and construction where the female share was 30 per cent in 2010.¹¹³ Those averages are in line with global trends which indicate significant gender differences in fields of study at the tertiary level. According to UNESCO, women are more likely than men to graduate in the education sector in 77 of the 84 countries with comparable data.¹¹⁴ In addition, formal educational institutions may not be adequately preparing young women for the needs of a changing labour market. The lack of academic and career guidance exacerbates that problem. According to a 2009 study, 84 per cent of surveyed graduates did not receive any kind of guidance.¹¹⁵

School-to-work transition is thus a key challenge facing young women in Palestine. The majority of them do not have access to guidance prior to tertiary education, and technical and vocational education and training (TVET) does not offer sufficient opportunities for women to access the labour market. According to the International Labour Organization (ILO), only 6 per cent of female graduates of TVET centres find jobs in the following year, compared to one third of male graduates.¹¹⁶ In many of the centres, "the types of

¹⁰⁶ PCBS (2012h).

¹⁰⁷ PCBS (2012d), p. 35.

¹⁰⁸ PCBS (2012i), pp. 41-43.

¹⁰⁹ PCBS (2012d), p. 35.

¹¹⁰ Ibid., p. 31.

¹¹¹ Ibid., p. 32.

¹¹² Palestinian Authority (2011b), p. 8.

¹¹³ Available from <u>http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx?ReportId=3350&IF_Language=eng.</u>

¹¹⁴ UNESCO (2012), p. 82.

¹¹⁵ PWRDC and UNESCO (2009a), p. 9.

¹¹⁶ International Labour Organisation (ILO) (2010), p. 3.

training offered to women in TVET have also been largely limited and restricted to a few "feminine" areas deemed socially acceptable (and already saturated)".¹¹⁷ In general, even in 'conventional' employment such as teaching, having an 'unconventional' specialization such as fine arts and educational media as opposed to Arabic, for example, makes it easier to find employment in Gaza.¹¹⁸

There are few significant disparities in educational outcomes with respect to geographical distribution and rural/urban location.¹¹⁹ In Gaza, however, the blockade and fuel shortage have led to power cuts of up to 12 hours a day, which has severely affected the quality of education (see box 4).

Box 4. Gaza: Impact of electricity shortages on education

Bara'a, a 21-year-old business administration student in Gaza, described how her studies have been affected by frequent power cuts. "My course requires me to do a lot of research on the Internet and this is almost impossible in Gaza because of the frequent power cuts. We either have electricity during the day for a few hours or during the night but not both. If on one day we have electricity during the day then the following day we will have electricity at night ... If I am in class during the day I cannot do my research until I go home in the evening and if there is no electricity that night it means I have lost precious time and there is nothing I can do. The problem got worse with the fuel shortage in recent months, which meant we couldn't use the electric generators to generate electricity. I sometimes wonder why I even bother studying, what use is education under these circumstances? I have no hope for the future; the situation is a disaster with no end in sight. I can hardly say I have a life here in Gaza".

Source: WCLAC (2012c), pp. 53-54.

Moreover, the educational sector in East Jerusalem, which is under Israeli Government control, faces special and significant challenges. There is a chronic shortage of classrooms in East Jerusalem and existing facilities are substandard or unsuitable. At least 4,300 boys and girls do not attend school at all, due to continuous Israeli neglect of the Palestinian educational sector, despite the basic right to free education as guaranteed by the law.¹²⁰ The shortage of classrooms has a disproportionate impact on girls because "it is more difficult for them to move to attend schools far from their homes".¹²¹ Unlike the rest of the West Bank, women in East Jerusalem are underrepresented at the university level. According to data released by PCBS in 2012, there were 13,835 university students in East Jerusalem comprising 8,210 males and 5,625 females.¹²²

E. EMPLOYMENT

Arab countries on the whole have some of the highest unemployment rates in the world. In Palestine, unemployment rates are especially high even by regional standards. Employment indicators highlight stark gender disparities in the labour market. The economic participation of women in Palestine is markedly worse in terms of every labour-market indicator, with significantly low labour-force participation rates, high levels of unemployment and low wages.

Over the past decade, the proportion of women in the labour force has increased, albeit from a very low level of 10.3 per cent in 2001 to 16.6 per cent in 2011.¹²³ Nevertheless, the rate of female labour-force

¹¹⁷ ILO (2010), pp. 3-4.

¹¹⁸ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) (2011), p. 52.

¹¹⁹ Palestinian Authority (2010a), p. 18.

¹²⁰ Association of Civil Rights in Israel (2010), p. 4. Estimates of the number Palestinian children that do not attend school vary from 4,329 (Knesset Education Committee) to 5,300 (Jerusalem Municipality).

¹²¹ Palestinian Authority (2010a), p. 18.

¹²² PCBS (2012j), p. 2.

¹²³ PCBS (2012f), p. 1.

participation remains one fourth of the rate of their male counterparts: by mid-2012, the labour-force participation rate was 69.2 per cent for men and 17.3 per cent for women.¹²⁴ According to World Bank figures, the rate for women "is remarkably low, even when compared to the Middle East and North Africa average of 26 per cent, itself one of the lowest regional averages in the developing world".¹²⁵ Data on labour-force participation may not, however, adequately capture the full scope of women's economic activity, especially if they are active in home-based industries, the informal market or domestic service work.

A 2009 study by the Palestinian Women Research and Documentation Centre (PWRDC) in collaboration with PCBS suggested that "Palestinian women outside the labour force are primarily younger and highly educated", which stands in sharp contrast to the worldwide trend of older and less educated women being outside the labour force. According to the study, young and highly educated women are outside of the labour force because of social restrictions on work outside the home or because the difficulty of finding a job.¹²⁶ Prevailing social norms and attitudes regarding women's employment were revealed in a 2009 study in Gaza, in which more than two thirds of male and female respondents "cited "the husband's or family's permission" as the most crucial factor affecting women's ability to enter the labour force".¹²⁷ There is also strong evidence that employers prefer men over women: according to one employer, "we prefer to hire men as they are family providers".¹²⁸

The recent increase in the labour force participation of women, albeit from a low base, may be a response to widespread male unemployment. In a 2009 study on Palestinian women's economic role, 74 per cent of respondents "indicated that women should only work because there is need for her salary due to the economic situation".¹²⁹ In Gaza, the increase in the number of women that are employed, actively seeking employment or willing to work has been attributed to the impact of the protracted economic crisis on household income. To cope with the loss of income, women are engaging in income-generating activities, accessing charity and food aid, bartering agricultural labour for produce or selling gold and other assets.¹³⁰ A 2011 report by UN-Women on the economic security of women in Gaza indicated that armed violence and economic collapse have made it difficult for men to fulfil their socially ascribed duties as breadwinners, pushing women to take on new responsibilities, though not necessarily with any expansion of their rights¹³¹ (see box 5).

Employed women face stark gender segregation. In 2011, the vast majority of employed Palestinian women worked in the service sector (59.7 per cent) and a large share worked in the agricultural sector (22.2 per cent).¹³² By contrast, employed men were more evenly distributed across the sectors, with 31.1 per cent employed in services, 22.7 per cent in commerce and 16.7 per cent in construction.¹³³ The concentration of women in the service sector is explained, in part, by what are considered socially acceptable career paths for women, such as teachers, social workers and nurses.

While only 5.7 per cent of employed men were classified as "unpaid family members" during the second quarter of 2012, 27.4 per cent of employed women were classified as such.¹³⁴ Women are far more

¹²⁴ PCBS (2012e), p. 5.

¹²⁵ World Bank (2012b), p. 25.

¹²⁶ PWRDC and PCBS (2009), p. 7.

¹²⁷ UNIFEM (2009), p. 23.

¹²⁸ Centre for Development Studies (2010), p. 33.

¹²⁹ PWRDC and UNESCO (2009b), p. 29.

¹³⁰ OCHA (2011f), p. 42-43.

¹³¹ UN-Women (2011), p. 17.

¹³² Available from <u>http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Employed%20Person%20by%20sector.htm.</u>

¹³³ Available from <u>http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Employed%20Person%20by%20sector.htm.</u>

¹³⁴ PCBS (2012e), p. 27.

likely than men to perform unpaid agricultural labour. Some 40 per cent of rural Palestinian women of working age carry out unpaid work, presumably without any control over revenues generated.¹³⁵ Violations of women's economic rights are not limited to the informal sector. In the process of developing the National Strategy to Combat Violence against Women 2011-2019, the Ministry of Women's Affairs held discussion groups, during which women confirmed that they had been "subjected to verbal violence by their direct supervisors, and in some cases sexual harassment" in addition to "economic violence in terms of salary, working hours, health conditions in the workplace, etc".¹³⁶ The Labour Law of 2000 falls short of improving conditions for many employed women because it "excludes large segments of the labor force where most of the workers are women: own-account workers, seasonal workers, unpaid family workers, domestic workers and those involved in unpaid domestic care".¹³⁷

Box 5. Household survival versus economic empowerment: The case of Gaza

"Throughout the study...we have seen many women who, through experience and over time, have evolved a strong sense of themselves as economic actors. This was especially stark for many of the older women in the study who had lived the dominant norm and expectation of being dependent wives. Although family survival was what motivated them to enter new roles, activities and relations, many women remarked on the new sense of confidence they felt in relation to their families and communities in doing so".

"Women working as unpaid family labor tend to express the opposite experience. Contributions such as performing heavy workloads on the family's agricultural holdings and liquidating personal assets, such as gold or inherited land, in order to sustain the family's livelihood have not been experiences of empowerment, but rather of exploitation. Women in these households express a sense of powerlessness, humiliation and a complete lack of voice. Even their supplementary income-generating activities, such as small-scale animal husbandry, do not seem to offer a degree of autonomy or self-worth".

Source: UN-Women (2011), p. 130.

Employment indicators also suggest that women may be facing increasing challenges in the labour force. Most notably, the increase in their labour participation rate has been accompanied by an increase in the rate of jobless women. Between 2001 and 2011, the unemployment rate of women increased from 13.8 to 28.4 per cent. In terms of geographical distribution, Khan Younes in Gaza has one of the highest rates of female unemployment and the greatest economic gender imbalance. In 2011, female unemployment was 49.6 per cent, compared to 28.2 per cent male unemployment.¹³⁸ In the second quarter of 2012, the highest rate of unemployment was found among women with more than 13 years of schooling (42.6 per cent), while the unemployment rate for men with the same level of education was only 15.3 per cent.¹³⁹ Those figures show that educated women face significantly more difficulty than their male counterparts in finding jobs.

Female unemployment rates are high and increasing while the national unemployment rate has been decreasing, indicating a widening gender gap. Between 2008 and 2011, the average unemployment rate in the country declined from 26.6 to 20.9 per cent, with the largest decline in Dier Al-Balah in Gaza, where unemployment dropped from 42.7 to 26.1 per cent.¹⁴⁰ Indeed, compared to the first half of 2010, the first half of 2011 recorded 21 per cent employment growth in Gaza, fuelled by the expansion of the construction, commerce and agriculture sectors, which accounted for over 70 per cent of new jobs.¹⁴¹ High employment in

¹³⁵ FAO (2011), p. 11.

¹³⁶ Palestinian Ministry of Women's Affairs, 2011, p. 16

¹³⁷ World Bank (2010), p. 80.

¹³⁸ Available from <u>http://www.pcbs.gov.ps/site/507/default.aspx</u>.

¹³⁹ PCBS (2012e), p. 18.

¹⁴⁰ Available from <u>http://www.pcbs.gov.ps/site/507/default.aspx</u>

¹⁴¹ UNRWA (2011b), pp. 3-4.

Gaza, however, "reflects, in part, the low base from which it is starting – the average Gazan today remains worse off than s/he was in the late nineties", 142 and despite reconstruction efforts, the state of infrastructure in Gaza is such that massive investments are desperately needed.

Despite improvements over the past decade, gender gaps in wages also persist. The average daily wage of women in 2011 was 84 per cent of the average wage of men.¹⁴³ That, however, represents a considerably higher ratio than in 2000, when the average wage of women was only 69 per cent of the average wage of men.¹⁴⁴ In addition, agriculture, one of the two sectors where women are concentrated, records the lowest average daily wage compared to other sectors for both women and men.¹⁴⁵

F. VIOLENCE AGAINST WOMEN AND GIRLS

In Palestine, violence against women poses a significant challenge to the attainment of their rights. Palestinian women and girls continue to suffer from violence resulting from the Israeli occupation and violence from within their own communities. Although reliable statistics are hard to come by, there are well-documented cases of women and girls being exposed to violence perpetrated by settlers and soldiers, "such as beating, cursing, forcing women to deliver babies at checkpoints, sexual or verbal assault at checkpoints, among others".¹⁴⁶ Within their own communities, Palestinian women and girls are also at risk of all forms of violence, notably sexual harassment, so called 'honour' killing and physical, psychological and verbal abuse.

Many cases of violence against women and girls are undocumented, underreported, and remain unpunished. Criminal legislation in the West Bank and Gaza fails to effectively prohibit violence against women and girls and to appropriately punish perpetrators. Examples of discriminatory legislation include the following: the provision of reduced penalties for those who kill or attack female relatives in the name of 'honour'; the possibility for a rapist who agrees to marry his victims to escape criminal prosecution; and the stipulation that only a male relative may file incest charges on behalf of a minor.¹⁴⁷ Furthermore, the absence of specialized courts competent in dealing with cases of sexual and domestic violence along with the lack of confidentiality prevailing in the existing court system often cause women to keep silent in the face of violence. According to the 2011 Violence Survey, conducted by PCBS, 65.3 per cent of women exposed to violence by their husbands preferred to remain silent. Only 0.7 per cent solicited advice or help from a shelter or a women's centre.¹⁴⁸ In addition, female lawyers, including those who deal with cases of violence against women, are reported to face significant professional challenges including "discrimination in securing paid positions from private law practices and discrimination in the allocation of clients once in employment".¹⁴⁹

Violence against women is fuelled by a patriarchal culture that promotes male power and marginalises women. It is exacerbated by the oppressive policies of the occupation. The linkages between political oppression and domestic violence were illustrated by the results of a 2009 study on the needs of women and men in Gaza. Both women and men reported their perception that the prevalence of domestic violence had increased in the aftermath of operation Cast Lead in 2008. According to that study, "individuals in

¹⁴² World Bank (2012a), p. 4.

¹⁴³ PCBS (2012f), p. 1.

¹⁴⁴ Available from http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/time%20se_e.htm.

¹⁴⁵ PCBS (2012e), p. 31.

¹⁴⁶ Palestinian Ministry of Women's Affairs (2011), p. 9.

¹⁴⁷ Human Rights Watch (2006), p. 4.

¹⁴⁸ PCBS (2011c), p. 17.

¹⁴⁹ UNDP (2009), p. 32.

households displaced during the war also report higher increases in domestic violence against wives ... in relation to those not displaced during the war".¹⁵⁰

Although exact figures are not available, girls and women are vulnerable to different types of violence within the household. In particular, the prevalence of killings under the pretext of 'family honour' is not recognized because such cases may be recorded as 'unidentified circumstances'. A 2010 study on women and security in Palestine revealed that in the public sphere, verbal, physical and sexual harassment are the main sources of insecurity in daily life. Women and girls perceive that the presence of young men restricts their freedom of movement and threatens their physical safety.¹⁵¹

Several local studies have been undertaken to assess the prevalence of violence against women and some of the findings are presented below (box 6). The most up-to-date data source on domestic violence is the 2011 Domestic Violence Survey of PCBS, which revealed that 37 per cent of ever-married women were exposed to psychological, physical or sexual violence by their husbands.¹⁵² The survey suggested striking geographical disparities: in the West Bank the highest rate of domestic violence occured in Jericho governorate (47.3per cent) and the lowest rate in Ramallah governorate (14.2 per cent). Women in Gaza are even more vulnerable to domestic violence, with the highest rate reported in Gaza governorate (58.1 per cent) and the lowest in Rafah (23.1 per cent).¹⁵³

Box 6. Prevalence and forms of violence against Palestinian women

- According to Al-Muntada Coalition, 11 cases of killing under the pretext of 'family honour' were documented in 2009 in the West Bank and Gaza Strip. In 2010, the Independent Commission for Human Rights documented that nine women had been killed under the pretext of 'family honour'.
- In 2009, according to Palestinian police statistics, 1,173 cases of violence within the family were reported, ranging from physical abuse to attempted murder, threats, rape and attempted rape.
- A 2009 study on divorced women by the Centre for Women's Legal Research and Consulting revealed that 88 per cent of divorced women have been exposed to community violence, 71 per cent to domestic violence and 86 per cent to violence in connection with the Israeli occupation.
- According to a 2009 study by the Palestinian Women's Information and Media Centre, 67 per cent of women had been subjected to verbal violence on a regular basis, 71 per cent to psychological violence, 52.4 per cent to physical violence and 14.5 per cent to sexual violence, with 44.7 per cent of the women reporting exposure to several forms of violence.
- A 2008 report from the civil society organization SAWA highlights that women and girls, especially in East Jerusalem, may also be vulnerable to trafficking. In one case, a father sold his two daughters aged 13 and 14 to young men for the price of approximately US\$1619 (1,150 Jordanian dinars).

Source: Palestinian Ministry of Women's Affairs (2011), pp. 14-15.

¹⁵⁰ UNIFEM (2009), pp. 53-54.

¹⁵¹ Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2010), p. 23.

¹⁵² PCBS (2011c), p. 17.

¹⁵³ Ibid., p. 49.

III. POLITICAL PARTICIPATION AND THE RIGHTS OF WOMEN

A. POLITICAL REPRESENTATION

Palestinian law largely conforms to international standards pertaining to women's political participation. The political rights of women to vote and stand for elections are guaranteed by the General Elections Law No. 9 of 2005, which regulates parliamentary and presidential elections, and by the Local Municipality Councils Elections Law No. 10 of 2005. Those legislative measures introduced quota systems and therefore represent significant steps to improve women's political representation. Women are granted 10 to 12 per cent representation in PLC and every list of candidates for local council elections must have at least one woman among every five candidates (for local councils with a maximum number of 13 seats).¹⁵⁴

The quota systems resulted from the continuous lobbying of women's organizations and networks, supported by the Palestinian Authority Minister for Women's Affairs, as an interim affirmative measure to promote women's rights and the best interests of the Palestinian people.¹⁵⁵ As a result, the proportion of seats held by women in local councils increased from an extremely low 2 per cent to 18 per cent between 2000 and 2005, and the proportion of seats held by women in PLC also more than doubled from 5.7 per cent after the 1996 elections to 12.9 per cent in 2006.¹⁵⁶ Women in Gaza have a higher rate of representation in PLC (14.9 per cent) than the West Bank (12.1 per cent).¹⁵⁷ Although many women's rights organizations welcomed the quota system, they have called for a higher quota of at least 20 per cent to improve the representation of women.¹⁵⁸

Despite those positive developments, women remain underrepresented at all levels of governmental decision-making bodies, and political representation of women continues to be negatively influenced by gender discrimination, the Israeli occupation, the factional divide and the ongoing suspension of PLC. Although all major political parties have quotas for women in their governing bodies,¹⁵⁹ the participation of women in the leadership of political parties is extremely limited: women make up only 7.5 per cent of the Palestinian National Council, the highest body of PLO, and in the Central Council, only five out of the 124 members are women.¹⁶⁰ The General Union of Palestinian Women (GUPW) is a member of the Palestinian National Council, the two decision-making bodies of PLO.

Within the current government, 5 of the 23 ministers are women (21.7 per cent).¹⁶¹ Over the course of the past few years, "there has been improved women's representation in technical and senior positions in the different governmental institutions and an increased proportion of female staff in the public sector", as reported by the Palestinian Ministry of Women's Affairs.¹⁶² Women's access to professional and senior-level posts is also improving, albeit from a very low starting point: between 1992 and 2008, the percentage of women ambassadors increased from 2.1 to 5.4 per cent.¹⁶³ In 2011, 11.3 per cent of judges were women, a considerable jump from the 4.5 per cent recorded in 2000. The most notable improvement was in the legal

¹⁵⁴ Economic and Social Commission for Western Asia (ESCWA) (2009), p. 15.

¹⁵⁵ ESCWA (2011), p. 22.

¹⁵⁶ Palestinian Authority (2010a), p. 20.

¹⁵⁷ PCBS reports a slightly higher figure of 13.2 per cent in 2010. PCBS (2012f), p. 2.

¹⁵⁸ UNDP (2011b), p. 34.

¹⁵⁹ Palestinian Authority (2010a), p. 20.

¹⁶⁰ Palestinian Ministry of Women's Affairs and UN-Women (2011), p. 22.

¹⁶¹ Ibid.

¹⁶² Ibid., p. 9.

¹⁶³ Ibid., p. 22.

sector, where in 2010, 35.1 per cent of lawyers in Palestine were women, as compared to 9.4 per cent in 2000.¹⁶⁴

In general, political activism of young women remains more limited than that of their male counterparts. According to a 2009 study by Sharek Youth Forum, a non-governmental organization, only 25 per cent of young women viewed themselves as 'active' or 'somewhat active' in politics compared to 36 per cent of young men.¹⁶⁵ Cultural norms and parental restrictions also continue to prevent young girls and women from participating in youth clubs and local associations, and many young women felt that activities in youth clubs were dominated by young men.¹⁶⁶ The study also stated that "young women in the Gaza Strip were more explicit in noting the impact of broader societal pressure on their parents' decisions".¹⁶⁷

B. INTERNATIONAL INSTRUMENTS AND CONVENTIONS ADDRESSING WOMEN

Israel became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in October 1991. As the occupying power, Israel is the State Party responsible for reporting on the situation of women in Palestine to the CEDAW Committee. Israel, however, has consistently refuted the applicability of the Convention to Palestine. In its 2011 concluding observations on the fourth and fifth periodic reports of Israel on the implementation of CEDAW, the Committee on the Elimination of Discrimination against Women expressed "regrets that the reports did not provide information on the enjoyment by all women, including women living in the Occupied Palestinian Territories, of their rights under the Convention".¹⁶⁸ The Committee also encouraged Israel "to strengthen its dialogue with the Palestinian authorities in respect of the implementation of the provisions of the Convention".¹⁶⁹ No progress on that front has been noted during the period covered under the present report.

As Palestine is not an independent State, it is not eligible to ratify United Nations conventions. In an effort to show strong commitment towards women's rights, President Abbas issued Presidential Decree No. 19 in 2009, confirming its signature of CEDAW. Symbolically, the Convention was signed on the occasion of International Women's Day. Additionally, the Women's Bill of Rights (also referred to as the Charter of Women's Rights or the Palestinian CEDAW Convention) was adopted in 2008.¹⁷⁰

The Palestinian Authority President has also endorsed United Nations Security Council Resolution 1325 (2000), calling for the protection of women in times of conflict. During the period 2011-2012, progress has been made towards consolidating a common Palestinian vision of that resolution and its applicability to the Palestinian context. In 2011, a broad national coalition was formed under the umbrella of GUPW, with the membership of Palestinian women's organizations, civil society organizations, rights-based and legal organizations that support women's rights, along with political, legal and social activists, lobbyists and advocates.¹⁷¹ The national coalition is developing a plan of action to implement the resolution, focusing on holding the occupation accountable and on protecting Palestinian women, particularly those in Israeli prisons, refugees, Jerusalemites, and those affected by the Wall in the West Bank and the blockade in Gaza.¹⁷²

¹⁷² Ibid., pp. 8-10.

¹⁶⁴ Available from <u>http://www.pcbs.gov.ps/site/507/default.aspx</u>.

¹⁶⁵ Sharek Youth Forum (2009), pp. 19-20.

¹⁶⁶ Ibid., pp. 23-24

¹⁶⁷ Ibid., p. 25.

¹⁶⁸ Committee on the Elimination of Discrimination against Women (2011), para. 2.

¹⁶⁹ Ibid., para. 13.

¹⁷⁰ DCAF (2012), p. 125 (the Presidential Decree) and pp. 173-179 (the Women's Bill of Rights).

¹⁷¹ General Union for Palestinian Women (Undated), p. 6.

There are discrepancies between CEDAW commitments and the formulation and enforcement of policies and laws in Palestine. The criminal code and family laws diverge from CEDAW commitments on the marriage age, polygamy, divorce, alimony and the right of women and girls to be protected from violence. The 1960 Jordanian Criminal Code and the 1936 Egyptian Criminal Code are applicable in the West Bank and Gaza respectively, but do not adequately protect women against spousal rape, sexual harassment, verbal abuse or incest. Moreover, they allow judges to reduce the punishment for the murder of a female relative when the crime was committed in the name of family honour.¹⁷³ Article 308 of the 1960 Jordanian Criminal Code allows rapists to escape punishment by marrying their victim.

Personal status laws, including the Jordanian Personal Status Law No. 61 of 1976 applicable in the West Bank, and the Egyptian Law of Family Rights of 1954 applicable in Gaza, also conflict with CEDAW commitments. The Jordanian Personal Status Law stipulates that a female must be 15 years old in order to marry. Article 185 of the same law defines 'year' as the lunar Hijri year, meaning that in Gregorian years the minimum age of marriage for a female is 14 years and six months. The Law of Family Rights requires a female to be 17 years old in order to marry.¹⁷⁴

Current legislative frameworks continue to be an amalgam of different legal systems, including Ottoman and British Mandate laws, Jordanian laws (in the West Bank) and Egyptian laws (in the Gaza Strip). An additional challenge to harmonizing national legislative and judicial frameworks with international human rights standards is related to the limited power of the Palestinian authorities to implement laws across the West Bank and Gaza. "For example, while the PLC has the authority", should it decide to do so, "to enact a domestic violence law, the Palestinian civil police cannot implement its provisions in Areas B and C in the West Bank without Israeli consent".¹⁷⁵ The continued suspension of PLC is also preventing legislative reforms from being put into place. As of 1 February 2012, 27 members of PLC were held in Israeli administrative detention.¹⁷⁶

Despite the continued suspension of PLC, progress was made during 2011 and 2012, with regards to women's rights through Sharia courts. In 2011, three administrative orders were passed by the Chief Justice of the Sharia court to reduce the vulnerability of women. The orders aimed to ensure the following: that women have access to accurate information in inheritance cases, stating that women should be informed of the value of their inheritance directly by a court; that in cases of polygamy, current wives are informed of further marriages; and that in cases of divorce, a wife is informed that she is being divorced at the moment that she is being divorced.¹⁷⁷ Positive developments regarding early marriage were also recorded in 2011 in that Sharia courts began to implement a number of procedures to prevent judges and parents from approving early marriages.¹⁷⁸

C. NATIONAL MACHINERIES FOR WOMEN

The Palestinian Ministry of Women's Affairs was created in 2003 and is the main national machinery for women. In its first years, the focus of the Ministry was largely directed towards the implementation of gender training and equity promotion programmes. More recently, it has increasingly shifted its focus towards policy and legislative work, including advocating for gender-sensitive budgeting and gender mainstreaming. Addressing violence against women is one of the priorities of the Ministry and it was mandated to lead the National Committee to Combat Violence against Women in 2008 through a Council of Ministers decision. The Committee's members include the Ministry of Social Affairs, the Ministry of Justice,

¹⁷³ DCAF and WCLAC (2012a), p. 2. The 1936 Egyptian Criminal Code is also known as the 1936 British Criminal Code.

¹⁷⁴ UNDP (2011b), p. 23.

¹⁷⁵ UNDP (2011b), p. 4.

¹⁷⁶ Available from <u>http://www.addameer.org/etemplate.php?id=441</u>.

¹⁷⁷ WCLAC (2012d), p. 5.

¹⁷⁸ Palestinian Authority (2010b) pp. 75-76.

the Ministry of Interior, the Ministry of Education and Higher Education, the Ministry of Health, the Ministry of Labour, the Ministry of Information, the Ministry of Islamic *Waqf* and Religious Affairs, Dar Al-Fatwa, the Office of the Chief Judge, President's Office Units of Governorates Affairs and civil society organizations.¹⁷⁹

The Palestinian Authority has made advances in mainstreaming gender into ministerial plans. In 2008, the Council of Ministers issued decision No. 08/65/12/CM/SF, which established gender units in all ministries along with their tasks, responsibilities and organizational structure. In 2009, the Council of Ministers issued decision No. 01/05/13/CM/SF on gender mainstreaming in budgeting processes.¹⁸⁰ In 2011, the Ministry of Women's Affairs, with support from UN-Women, developed the 2011-2013 Cross-Sectoral National Gender Strategy.

D. CIVIL SOCIETY ORGANIZATIONS

Civil society in Palestine is vibrant and strong. In 2009, there were over 2,100 civil society organizations registered in Palestine, and according to data from 2006, the primary area of intervention of nearly 9 per cent of those organizations was women's rights and well-being.¹⁸¹

Different types of civil society organizations focus on the promotion of the welfare and rights of women and girls. Some of those organizations have a charitable focus while others work on grassroots empowerment, research, lobbying or advocacy. There are also a number of active women's networks, forums and coalitions in the West Bank and Gaza, including the non-governmental organization Forum for Combating Violence against Women (*Al Muntada*), established in 2000, and GUPW, established in 1965. Those institutions are also members of a number of committees set up by governmental structures, such as the National Committee to Combat Violence against Women.

During 2011 and 2012, civil society organizations, including the GUPW and WCLAC, successfully reactivated the National Committee for the Personal Status Law, a coalition of organizations working to promote gender-equitable legislation, particularly concerning six key issues: marriage age, common wealth, polygamy, divorce, custody and equal legal status (for example as witnesses in marital disputes).¹⁸²

In 2012, WCLAC and the Geneva Centre for the Democratic Control of Armed Forces issued recommendations for the revision of Criminal Procedure Law No. 3 of 2011, which is applicable throughout Palestine. To enhance the protection of women and girls against violence during law enforcement operations, they recommended amending article 6 to allow public prosecution to press charges on behalf of the victim of a crime, even in the absence of a complaint from the victim or her or his relatives. They also recommended amending "article 99 to guarantee that only female staff perform physical examinations on women, amending article 100 to guarantee that women victims of violence have access to female medical staff; and adding articles guaranteeing the confidentiality of trials and investigations dealing with cases of violence against women, with particular attention to minors".¹⁸³

E. ADVANCEMENT IN DEALING WITH VIOLENCE AGAINST WOMEN AND GIRLS

Human rights advocates, civil society organizations and the Ministry of Women's Affairs have been calling for changes to be made to national legislative frameworks in conformity with international human rights treaties and conventions. In 2011, UNDP reported that women's groups and networks had called for

¹⁷⁹ Palestinian Ministry of Women's Affairs (2011), p. 6.

¹⁸⁰ Palestinian Ministry of Women's Affairs and UN-Women (2011), p. 32.

¹⁸¹ European External Action Service (2011), p. 35.

¹⁸² WCLAC (2012e), p. 8.

¹⁸³ DCAF and WCLAC (2012a), p. 3.

changes to the Palestinian criminal code to ensure the protection of women and girls from all forms of violence. Those organizations have long advocated policy and legislative changes including criminalizing marital rape, enacting a specific domestic violence law, ensuring that perpetrators of murder in the name of family honour do not receive a reduced sentence, increasing sentences of individuals convicted of rape and sexual assault and revoking the requirement that a minor under the age of 15 obtain the consent of a guardian to file a complaint.¹⁸⁴

In 2011-2012, demonstrable progress was made in overcoming violence against women. In February 2011, the Palestinian Cabinet endorsed the National Strategy to Combat Violence Against Women (2011-2019), which includes a medium-term plan for 2011-2013. The strategy was prepared by the Ministry of Women's Affairs and the National Committee to Combat Violence against Women, in cooperation with UN-Women. The objective of the strategy is to "promote the principle of the rule of law based on respect for women's rights and improving institutional mechanisms in Palestinian society in order to protect and support abused women and allow them to live in a society free from all forms of discrimination, and based on equality, dignity, and respect for human rights".¹⁸⁵ The strategy called for the amendment of articles 42, 153, 155, 156, 157, 159, 160, 161, 170, 182, 183 and 250 of the 1936 Egyptian Criminal Code, applicable in Gaza, to protect women from violence.¹⁸⁶

Additional progress was made on 15 May 2011, when Presidential Decree No. 7 of 2011 suspended article 340 of the 1960 Jordanian Criminal Code applicable in the West Bank and article 18 of the 1936 Egyptian Criminal Code. Those articles enabled judges to consider mitigating circumstances in murder cases where the victim was a female relative of the perpetrator.¹⁸⁷ While the suspension of those articles represent a significant step towards protecting women and girls from violence, a number of laws continue to allow judges to consider mitigating circumstances, and civil society organizations are advocating that the President also suspend those articles (articles 97-100 of the 1960 Jordanian Penal Code).¹⁸⁸

In early 2012, a civil society coalition on women's rights finalised a draft law on family protection from violence, and presented it to the Ministry of Women's Affairs and Ministry of Social Affairs for review and submission to the Cabinet for approval.¹⁸⁹ Civil society organizations are also advocating that the new unified Criminal Code that the Palestinian Authority is preparing should ensure women's rights and protect them from violence.

As reported in the National Strategy to Combat Violence against Women, there are currently only five institutions in the West Bank and three in Gaza providing counselling and social services to women victims of violence. "These institutions tend to be concentrated in the central West Bank, rather than geographically spread across different areas in both the West Bank and Gaza Strip".¹⁹⁰ Two civil society organizations (Juzoor Foundation for Health and Social Development and WCLAC) are piloting a legal, health and social referral system for women victims of violence in the West Bank. In February 2012, the legal framework for the referral system was submitted to the Ministry of Women's Affairs and Ministry of Social Affairs for adoption.¹⁹¹ The Ministry of Social Affairs is the main body supervising shelter services for women victims

¹⁸⁶ Ibid., p. 43.

191 WCLAC (2012e) p. 6.

¹⁸⁴ UNDP (2011b), pp. 28-29.

¹⁸⁵ Palestinian Ministry of Women's Affairs (2011), p. 39.

¹⁸⁷ DCAF and WCLAC (2012b), p. 5.

¹⁸⁸ DCAF and WCLAC (2012a), p. 2. Article 62 of the 1960 Jordanian Penal Code relating to 'disciplining children' allows Palestinian courts to rule in favor of a father who kills his child based on the notion of 'local customs'. Article 98 of the same Penal Code grants reduced sentences to perpetrators of murder in the name of 'honor' found unable to 'control their anger'.

¹⁸⁹ WCLAC (2012e), p. 5.

¹⁹⁰ Palestinian Ministry of Women's Affairs (2011), pp. 25 and 34.

of violence and is also the primary body responsible for building a national referral and follow-up system for them.¹⁹²

IV. RECOMMENDATIONS

As long as Palestine remains under Israeli occupation, Palestinian women will be deprived of political and human rights. Nevertheless, implementing the following recommendations will lead to advancements in the status of women and girls. The recommendations are based on international standards and conventions, such as the Beijing Declaration and Platform for Action, the United Nations Security Council Resolution 1325 (2000) and CEDAW, and aim to strengthen the social, economic, and political rights of Palestinian women and girls. They outline gender-sensitive socioeconomic policies as well as legislative and judicial reforms that are in line with policy commitments expressed by the Palestinian Authority in the 2011-2013 National Development Plan.

1. Expedite the revision of criminal codes applicable in the West Bank and Gaza to bring them into compliance with CEDAW and international human rights law and ensure that a unified and gender-sensitive criminal code and a new law on family protection is enacted to eliminate and prevent all forms of violence against women and girls. In particular, the following actions are recommended:

- Establish a working group of representatives of PLC, the Council of Ministers and civil society networks to examine all laws affecting women's security and propose amendments and new draft laws, building upon the recommendations of women's rights organizations and legal working groups;
- Amend the criminal code to ensure appropriate punishment for perpetrators of violence against women and girls. Ensure that Articles 97, 98, 99 and 100 of the 1960 Jordanian Criminal Code cannot be used to provide mitigating circumstances for crimes committed in the name of 'honour'. Repeal Article 308 of the 1960 Jordanian Criminal Code and criminalize harassment in the private, public and professional spheres. In line with the National Strategy to Combat Violence against Women, repeal or amend articles in the Egyptian 1936 Criminal Code which undermine women's security by allowing judges to consider mitigating circumstances in cases that involve violence;
- Amend criminal procedures in Palestine, as outlined by WCLAC and the Geneva Centre for the Democratic Control of Armed Forces, particularly articles 6, 99 and 100 of law No. 3 of 2011, to enhance the protection of women and girls during law enforcement operations;
- Adopt and enact a specific domestic violence law which takes into account the unique nature of violence perpetrated within the family, in line with CEDAW, the Convention on the Rights of the Child and other relevant human rights instruments. Set up a national commission to review the draft law for family protection against violence that was prepared by civil society organizations and submitted to the Ministry of Women's Affairs and Ministry of Social Affairs;
- Mobilize local communities in a campaign to influence attitudes and practices on violence against women. Strengthen the efforts of civil society organizations to empower women and girls through piloting and expanding comprehensive referral systems for women at risk of violence, including in marginalized rural communities and in refugee camps. Expand the number and capacity of shelters that provide protection services to female victims of violence.

2. Expedite the legislative reform of the Jordanian Personal Status Law No. 61 of 1976 and the Egyptian Law of Family Rights of 1954. To develop a unified Personal Status Law in line with international standards, especially with regards to marriage age, common wealth, polygamy, divorce, custody and equal legal status, the following actions are recommended:

¹⁹² Palestinian Ministry of Women's Affairs (2011), p. 24.

- Establish a national drafting team, composed of representatives of government structures, GUPW and coalitions of civil society organizations working on gender-equitable legislation, to review and develop the draft personal status law, focusing on raising the minimum age of marriage to 18, revoking the requirement that a woman obtain the consent of a male to marry; granting the testimony of a woman in the Sharia courts equal weight to that of a man, restricting the practice of polygamy in a manner which protects women's rights; ensuring that women have equal rights to men with respect to child custody; expanding the grounds on which women can sue for divorce; and restricting men's absolute right to do so;
- Complement legislative reform processes with national campaigns and public consultations carried out by civil society organizations to influence public opinion on gender-equitable personal status law and garner public support for legislative reforms.

3. In light of the President's endorsement of CEDAW, Council of Ministers decision No. 08/65/12/CM/SF of 2008 on gender units and decision No. 01/05/13/CM/SF of 2009 on gender mainstreaming in budgeting processes, the following actions are recommended:

- Activate gender units in all governmental institutions with the support of UN-Women and other United Nations agencies in the field of gender-based planning, budgeting and implementation. Include capacity-building of gender and planning units, including gender sensitive budgeting, and ensure greater coordination between gender units and other units within their respective ministries through the creation of an active network within and between all ministries;
- Allocate sufficient financial resources to enable the effective realization of the annual operational
 plan for the implementation of the Cross-Sectoral Gender Strategy. Increase funding particularly
 for interventions to protect women's health in order to expand mental health services and
 postnatal care, screen for cervical and breast cancer and develop interventions to address anaemia
 and micronutrient deficiencies in women and children. Improve women's participation in the
 labour force through expanded access to quality TVET programmes for women in rural
 communities and refugee camps. Upgrade academic and career guidance to encourage women to
 enter unconventional and traditionally male-dominated fields in pursuit of new prospects for
 employment;
- Develop a monitoring and evaluation system for gender mainstreaming and budgeting in government institutions. Invite gender experts and representatives of civil society networks and coalitions to participate in the monitoring mechanism, including monitoring of the implementation of the National Strategy to Combat Violence against Women.

4. To increase political representation and participation of women, the following actions are recommended:

- Reform the quota system so that a minimum of 30 per cent of seats in parliament and local councils are allocated to female representatives;
- Undertake in-depth research to identify the cause of women's low participation in core security and justice sectors, such as the judicial system, the security forces and the civilian police. The Ministry of Women's Affairs and gender units should consider the outcome of that research in their formulation of a comprehensive policy response;
- Foster a relationship between political parties, human rights entities and women's organizations to empower young women through community-based programmes and leadership training;
- Formulate procedures and policies in consultation with GUPW to enhance the role of women in the diplomatic arena and in peace and security committees;
- Encourage the development of a national action plan for the implementation of United Nations Security Council Resolution 1325 (2000) on women and peace and security in consultation with national women's coalitions and networks.

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