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NGO Follow-Up Report on the Replies of the State of Palestine to the List of Issues in Relation to its Initial Report the State of Palestine Submitted to the Committee on Civil and Political Rights In accordance with Article (40) of the UN International Covenant on Civil and Political Rights

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The Women's Centre for Legal Aid and Counselling (WCLAC) has a special consultative status with the UN ECOSOC) has developed this report jointly with The Civil Commission for the Independence of Judiciary (Istiqlal) and AL-Muntada.¹

¹Palestinian Non-Governmental Organizations Forum to Combat Violence Against Women (Al Muntada); Bisan Center for Research & Development, Palestinian Working Women Society for Development, Women's Centre for Legal Aid and Counselling (WCLAC), , Palestinian Counseling Center, Family Defense Society, Women's Studies Center, Young Women's Christian Association of Palestine (YWCA), Palestinian Family Planning and Protection Association, Rural Women's Development Society, Psycho-Social Counselling Center for Women (PSCCW), Health Work Committees, The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), Stars of Hope Society, QADER for Community Development, Mother's School Society.

Introduction:

This follow-up report examines recent developments and highlights certain provisions from the State of Palestine's Replies to the list of issues in relation to its initial report submitted to the Committee on Civil and Political Rights, with a specific focus on gender perspectives. It provides updates on several key areas, including equality and non-discrimination, the State's obligations, and due diligence towards the International Covenant on Civil and Political Rights (ICCPR), particularly concerning violence against women (VAW) and gender-based violence (GBV). Additionally, it addresses the National Referral System, sexual and reproductive health, abortion rights, the right to life, sexual harassment in the workplace and public sphere, access to justice, independence of the judiciary, rights to freedom of expression, and media freedoms in the public sphere, smear campaigns against human rights organizations and defenders, the digital space, and women's participation in political and public life.

Equality and non-discrimination: (Articles 2, 20, 26)

Definition of Discrimination and the Legislative Framework: Family Protection Bill

- Gender discrimination continues to persist, and there is a lack of laws, legislation, or policies in place to address it. The regression in Palestinian legislation becomes apparent when examining the implementation of the provisions of the International Covenant on Civil and Political Rights, particularly regarding the definition of "discrimination" outlined in Article (1) of the previous draft of the Family Protection Bill (FPB). This article however, was subsequently removed from a later draft. Additionally, Article 44 of the FPB, which addressed penalties for discrimination, was also removed despite significant criticism from human rights and feminist organizations. The Palestinian Non-Governmental Organizations Forum to Combat Violence against Women (Al Muntada) officially expressed their concerns in a letter to the Council of Ministers, calling for a reconsideration of the abolition of Article 44 related to criminalizing discrimination against women. This Article is of importance as it highlights the need for a comprehensive legislation to combat discrimination and amendments to existing laws to ensure the establishment of a comprehensive and effective safeguarding system against all forms of discrimination as recommended by the CEDAW Committee after the review of the initial State Party's Report.
- According to the State of Palestine's responses to the list of issues regarding equality and non-discrimination, the focus has been on the State's Party's strategic plans and policies to ensure equality within governmental institutions. However, the challenge lies in the actual implementation of these plans, as gender inequality persists, particularly in accessing decision-making positions equally with men. Merely establishing gender units within ministries does not guarantee promoting gender equality due to the limited role of these units in policy making. Further it is evident that gender discrimination persists in Palestinian society due to the absence of laws, policies and procedures to eliminate gender-based discrimination. This is evident in the Penal Codes and the Personal Status Laws currently in force, both of which contain numerous articles and provisions that openly discriminate between men and women in judicial rulings.

- Despite the Committee's acknowledgment in concluding observation No. 11 of the urgent need for national legislation that includes a comprehensive definition of discrimination against women, including discrimination based on disability, and the imposition of appropriate penalties, no such legislation exists in Palestine. Moreover, there are no legislative texts that criminalize discrimination or prescribe sanctions for it, even though the denial of reasonable accommodation falls within the realm of disability discrimination.
- The Palestinian Cabinet issued Decision No. 9 regarding the System of Protec shelters for Women Victims of Violence," was published in the Official Gazette on December 25, 2011. This System exhibits discrimination based on both gender and disability. Article 29 of the System, for example, completely excludes women and girls with intellectual, psychological, and physical disabilities who are survivors/victims of violence from accessing the protection provided by these shelters. Although recent amendments have been proposed to abolish Article 29 from the protection shelters' system, a decision has not been taken yet.. This System demonstrates a lack of sensitivity towards the rights of women with disabilities to access protection services. The protection shelters in the West Bank and Gaza Strip are not adequately inclusive for women with disabilities, as they lack accessibility measures for women with physical disability and provisions for sign language for women with hearing impairments. Furthermore, there is insufficient attention and financial support for the protection shelters, particularly in the Gaza Strip. Adequate financial support must be allocated for implementing this System in the West Bank and Gaza Strip to ensure accessibility, inclusion, and provision of services for women with disabilities

Recommendations:

- The State of Palestine should adopt comprehensive national legislation to prohibit gender discrimination, including a comprehensive definition of gender-based discrimination based that aligns with international conventions and treaties to which the State Party acceded.
- The State Party should fulfil its legal obligations under Article 2 of the ICCPR by taking concrete measures at all levels to combat discriminatory attitudes and prejudices against women and girls based on their sex and violence against women.
- The Palestinian Government should promote gender equality by adopting gender-sensitive budgets.
- The State of Palestine is urged to provide information on the progress made in implementing the rights of abused women/survivors under the Convention in the Protection Centres for Abused Women Regulation of 2011. It should also amend and implement the regulation to ensure sensitivity towards gender and disability, provision of quality services for women and girls with disabilities, and promote accessibility and inclusiveness.

Violence against women and domestic violence: State's Due Diligence (Articles 2, 3, 6, 7, 26)

- According to the State Party's reply regarding the lack of reporting on gender-based violence and informing the victims of their rights and their access to justice, we hereby record our observations on the competencies of the limited specialization of the Family Protection Prosecution to protection from domestic violence only. The main role of the

Family Protection Prosecution is to investigate and plead in all domestic violence cases against women, children, the elderly, and persons with disabilities. It, however, does not intervene in cases of violence against women in the public space; except in cases of suicide and digital blackmailing. This constitutes a significant constraint against women to access justice due to the absence of relevant laws, procedures and financial and human resources.

- The Penal Codes that are in force in the West Bank and the Gaza Strip are outdated and clearly discriminate against women. The Penal Codes do not criminalize marital rape. This contradicts the right of women to personal and bodily freedom. According to the Jordanian Penal Code No. 16 of 1960, which is in effect in the West Bank, Article 292, paragraph1, stipulates that: "Whoever is subjected to coercion to a woman who is not married and not by her husband shall be punished with temporary hard labour for at least five years," thereby legitimizing marital rape and not imposing any penalty on it.

Recommendations:

- Request the State Party to expedite the enactment of the Family Protection Bill, which includes a comprehensive definition of violence against women and girls, including sexual, psychological, and economic violence.
- Expedite the review and approval of the draft Palestinian Penal Code and all national legislations in line with the provisions of international conventions and specifically the ICCPR.
- Urge the State Party to take preventive measures to combat VAWG by designing programs that meet the needs and priorities of victims of gender-based violence with specific responsibilities and accountability to line ministries.

The National Referral System for Women Victims of Violence

- In 2022, the State of Palestine reviewed, amended, and re-ratified the Palestinian "National Referral System for Women Victims of Violence," which was initially adopted by the State Party in 2013. The amended System was published in the Official Gazette in March 2023. The amended National Referral System is to establish comprehensive and binding rules for all service providers. The System also aims to ensure the protection of women victims of GBV, as well as their reintegration into society. The new System also defines the rights and duties of relevant agencies and classifies and allocates roles among service providers.
- However, it should be noted that the National Referral System marginalized and excluded the role of Civil Society Organizations (CSOs) as providers of various services to women, including social, legal, health, and economic-related services. The System mentioned "Civil Society Organizations" in Chapter One but was constrained by the general provisions outlined in Article (1), "Definitions," specifically under the definition of "Secondary Partners." This limitation neutralized and hindered the role of CSOs to provide services to women victims of GBV through their cooperation with governmental organizations. It disregarded the significant achievements made by CSOs over the years in terms of systems, procedures, and laws to combat violence against women, including the development, preparation, and achievements of the

National Referral System which was initiated by the Women's Center for Legal Aid and Counselling (WCLAC) and "Juzour" Organization.

- The amended National Referral System of 2023 alarmingly involves the military judiciary among the service providers, particularly in Article (36) titled "Dealing with Beneficiaries in the Military Prosecution." This article outlines the mechanisms and procedures that the Military Prosecution must follow in cases of violence and in assessing the risk to the lives of women victims of violence. However, considering their specialization in the military sector, we believe that their role should be limited to referring cases, providing judicial follow-up on perpetrators, and submitting reports on the progress and outcomes of their involvement. It is unclear to what extent the Military Prosecution's involvement in domestic violence, especially the military court is in line with their specialization. **Therefore, we request the State of Palestine to clarify the rationale behind including the Military Prosecution in the referral system and elaborate on the impact and added value of this inclusion.**
- There is a lack of full commitment to the principles and protocols of the National Referral System for victims of gender-based violence (GBV), even among relevant service providers. Certain categories of individuals, such as women with disabilities (WWD), women involved in prostitution, women with mental health and drug addicts, are excluded from accessing shelters and specialized protection services. As a result, they face difficulties in finding adequate protection and support when experiencing violence or life-threatening situations.
- WCLAC has observed a decrease in the number of women and girls that are referred to WCLAC's Emergency Shelter in Jericho/West Bank since the beginning of 2023. Similar declines have also been noted in the figures of women and girls hosted at the other two shelters led by the Ministry of Social Development (MOSD), and the semi-governmental shelter. The decrease in cases of women referred to the protection shelters does not reflect the existing need due to the increase in cases of GBV and is disproportionate to the actual cases that service providers NGOs receive on a daily basis. **We therefore, request clarifications from the State of Palestine, particularly the MOSD, regarding the reasons behind this decline in the number of cases of women victims of violence being referred to protection shelters.** The informal explanation given to WCLAC was that due to the stigmatization of women and girls victims of domestic violence referred to shelters, orders were given to service providers from the MOSD to handle cases with limited referral to protection shelters. If so, we wish to emphasize that the right to life and the protection of victims/survivors should be given priority over other considerations.
- Existing protection shelters still do not provide services to women with disabilities (WWD) who are victims of violence. The Protection Shelters System issued by the MOSD in 2011 excludes these women, as it does not require the shelters to be accessible to all battered women, regardless of their disability status. Article 29 of the National Referral System also discriminates against women with certain types of disabilities, despite the fact that these disabilities make them more vulnerable to GBV and in need of protection.

Sexual and Reproductive Health: Abortion (Articles 6-8)

- Women's access to safe abortion is severely restricted by laws and legislation in Palestine. Abortion is criminalized, and it is only permitted in cases of severe physical risk to the mother's life or in situations involving life-threatening congenital anomalies. However, there are no measures in place to protect women who seek abortions. Instead, there are clear legal provisions that criminalize women who undergo abortions, even in cases of rape or incest. The Jordanian Penal Code of 1960, which is applicable in the West Bank stipulates in, Articles 321-322-324, criminalize and impose punishment for anyone who performs or assists in abortion, with particular emphasis on doctors and nurses. This criminalization extends to women and girls who are victims of incest or rape and may resort to unsafe means of abortion, putting their lives at risk.
- Although the State's report mentioned limited cases in which abortion can be performed, it remains criminalized in situations such as pregnancies resulting from sexual assault, incest, or pregnancies outside of marriage. There are no measures or policies in place to provide safe abortion services to women. Consequently, accessing safe abortion services under medical supervision is extremely challenging. Many women avoid seeking an abortion due to fear of dangerous complications and concerns for their lives, especially in cases of pregnancies outside of marriage. As a result, women often resort to unsafe methods of abortion at home, without medical supervision, which poses a significant risk to their lives and increases the number of deaths due to complications from unsafe abortions.

Recommendations:

- We recommend that the Committee requests detailed information from the State of Palestine regarding the legal and policy framework for sexual and reproductive health. We request the State Party to take necessary measures to abolish all legal provisions related to the criminalization of abortion and to address the problem of abortion within the existing legislation while identifying the services provided in the field of reproductive health.
- We strongly urge the State of Palestine to take concrete measures to guarantee women's right to safe abortion, ensuring the protection of their lives from the serious complications of unsafe abortions.

Right to Life and Domestic Violence (Article 6)

- The State's reply mentioned the formation of a National Committee and the adoption of a specific strategy to reduce suicide attempts and enhance mental and social health services. The exemption of treatment fees for cases of attempted suicide and the awareness campaigns organized by the State were also highlighted. However, these measures are still insufficient in addressing the concerning indicators related to the suicides of women and girls. There has been an increase in the number of women killed in the West Bank and Gaza Strip in recent years and were registered as suicide cases. From 2021 to 2022, WCLAC documented 57 cases of femicide, with 35% of them classified as suicides. Overall, between 2007 and the end of 2022, nearly a third (34%) of the femicide cases documented by WCLAC were classified as suicides (97 cases out of a total of 289).
- Feminist organizations provide a broader definition of femicide, which includes cases of suicide. Women and girls victims of GBV sometimes resort to suicide when they

face desperate situations with limited hope for a better life, particularly in the absence of an institutionalized national protection system.

- Additionally, women are often forced to commit suicide by their families (such as fathers or brothers) to evade punishment for the crime of murder, especially given the slight amendments to Articles number 98 and 99 of the Jordanian Penal Code of 1960 still in force through a Presidential Decree in 2018. These amendments deleted the lenient sentence that used to be given to men who kill their female relatives under the so-called "honor" or in cases of murder of women and children. Analysis of femicide cases that WCLAC has documented reveals that, after these legal amendments, perpetrators compel women and girls to take their own lives to avoid prosecution or punishment for murder.
- Through the documentation of femicide cases WCLAC noticed a significant difference between official statistics and those documented by human rights and feminist organizations. The total number of official figures on femicide cases is lower than those documented by women and human rights organizations. Furthermore, while official statistics on femicide cases are considerably lower than those released by women and human rights organizations, the official statistics on suicidal cases and suicide attempts are much higher. **Accordingly, we strongly urge the State Party to adopt all necessary measures to ensure the effective protection of women. This includes the State fulfilling its responsibilities in actively promoting and facilitating changes to traditional, societal, and cultural practices that perpetuate the notion of femicide as acceptable or legitimate.**

Recommendation:

- Urge the State Party to expedite the enactment of the Family Protection Bill and the review and approval of the draft Palestinian Penal Code.
- We demand that the State takes decisive action by implementing a comprehensive set of procedures, decisions, and measures to effectively address and combat the alarming phenomenon of femicide. These actions must involve not only official institutions but also relevant civil society organizations, taking into consideration the cultural and social context of Palestine.
- These measures must reflect a gender-sensitive approach to truly address the underlying causes and consequences of femicide.

Sexual Harassment in the Workplace and public sphere

- It is concerning that there is limited official or unofficial information available regarding the size, prevalence, and locations of sexual harassment incidents, as well as their social, psychological, and economic impact on women in Palestine. The existing Penal Codes in Palestine fall short of adequately addressing sexual harassment, as it lacks a comprehensive legal definition for this crime. The current legal framework often associates sexual harassment with defamation, slander, or refers to it as fondling, which does not fully capture the gravity and distinct nature of this offense. It is crucial to establish a specific legal framework that defines the elements of sexual harassment and imposes appropriate penalties, ensuring that perpetrators cannot evade legal consequences. This requires the enactment of comprehensive and preventive legislation that serves as a strong deterrent against sexual harassment.

- Reports of women experiencing sexual harassment by Palestinian security forces, including those in civilian clothing, during peaceful protests in Ramallah on June 26, 2021, are deeply concerning. The fact that women are subjected to sexual harassment during peaceful gatherings or while in detention indicates a misuse of power by law enforcement officials. Such acts of targeting women and girls reinforce patriarchal norms, perpetuate violence, and pose a threat to civil peace. Moreover, these incidents contribute to negative cultural perceptions regarding the presence and active participation of women in the public sphere, leading to harmful stereotyping and limiting their roles and opportunities. It is crucial to address and prevent sexual harassment within security forces and promote a culture of respect, gender equality, and zero tolerance for such misconduct.

Torture and other forms of cruel, inhuman, or degrading treatment or punishment (Article 7)

- As established by the Bangkok Rules, women in conflict with the law, as a vulnerable group, have specific needs and requirements necessary to be realized in the rules and regulations of the Correction and Rehabilitation Centres, which worldwide were primarily designed for male offenders. Under such a legal framework, the UN recognized the need for gender-sensitive protection measures, as offenses committed by women are usually “a direct and indirect outcome of discrimination and deprivation of rights” including GBV. It also recognizes that women in general commit minor crimes, which we call for the establishment of alternatives to imprisonment.

- There have been no documented cases of torture of persons with disabilities in practice, and any information to the contrary that the State party is obligated to provide is being disregarded. However, Palestinian legislation does not provide a definition of torture according to the definition in Article 1 of the Convention against Torture, to which Palestine has acceded. No provision criminalizes torture in its entirety as defined in the Convention, contrary to what was indicated in the State of Palestine's report.

- Women and girls should not be imprisoned without a detention order, and if they are legally detained, their dignity and safety should be maintained. WCLAC views this to be the responsibility of the State Party, and for officials in charge to be held accountable and prosecuted if such incidents occur.

Recommendations:

- Call on the establishment of a gender-sensitive monitoring system with participatory observations inside the civil court system and the Attorney's office. Legal systems including judges, prosecutors, and lawyers should receive gender-sensitive training in order to enable them to efficiently use the monitoring tools.

- The State Party has an obligation to ensure regular monitoring and inspection of the conditions and operation of prisons and Rehabilitation Centers by the executive and judiciary, and by intergovernmental organizations such as the ICHR and human rights civil society organizations. These inspections should be gender-sensitive, transparent, and independent

- Preventive gender-sensitive protection measures need to be adopted for women detainees in line with United Nations rules on the treatment of female prisoners and non-custodial measures for female offenders (Bangkok Rules) to protect women's right to physical integrity and to reduce violations.

- The specific needs and requirements of women in conflict with the law, as recognized by the Bangkok Rules, should be incorporated into the rules and regulations of Correction and Rehabilitation Centres, which have historically been designed for male offenders. Women in conflict with the law, being a vulnerable group, require gender-sensitive protection measures. It is important to acknowledge that offenses committed by women often stem from discrimination and deprivation of rights, including gender-based violence (GBV). The establishment of alternatives to imprisonment for women who commit minor crimes should be prioritized.
- While there have been no documented cases of torture of persons with disabilities in practice, it is essential for Palestinian legislation to include a definition of torture that aligns with the definition provided in Article 1 of the Convention against Torture, to which Palestine has acceded. Currently, there is no provision that fully criminalizes torture as defined in the Convention, contrary to the State of Palestine's report.
- It is imperative to ensure that women and girls are not imprisoned without a valid detention order. If they are legally detained, their dignity and safety must be maintained. The responsibility for upholding these principles lies with the State Party, and officials in charge should be held accountable and face appropriate sanctions if incidents of mistreatment occur.

Rights to Freedom of Expression and Media Freedoms in the Public Sphere (Articles 19,20,21)

- WCLAC and a number of Civil society organizations and different media and human rights associations followed, with great concern, the Council of Ministers' move to ratify a bill to regulate the right of accessing information in a confidential manner, without engaging civil society and human rights organizations in the review of its provisions. This draft law contradicts the previously agreed-upon principles of the right to access information, which included the establishment of an independent commission to monitor the government's commitment to citizens' right to access public information. However, the current draft assigns monitoring and follow-up authorities to an "Information Department" under the Council of Ministers' Secretary-General, which compromises the independence and transparency of the process. The proposed bill also includes "exceptions" to reject requests for accessing information, which goes against international standards and the principle of disclosing public information.
- On May 2023, WCLAC and several civil society organizations (CSOs) signed a joint statement warning against approving that law in its current wording because it inherently violates the right to obtain information. Such bills should rather prevent the withholding of information and the spread of false and misleading news that threatens civil peace, along with promoting the freedom of opinion and expression and freedom of the press/media by enabling the latter to access the real sources of information and deal with them professionally. CSOs are urging the government to hold consultations and community dialogues regarding the formulation of the draft law.
- Women activists, human rights defenders, and journalists in Palestine face physical and verbal violence when participating in peaceful protests and demonstrations against government policies. During peaceful protests following the extra-judicial killing of Palestinian activist Nizar Banat in 2021, security personnel targeted women activists and female journalists, attacking them and attempting to confiscate their mobile

phones and cameras. Women protesters reported harassment by Palestinian security forces, some of whom were dressed in civilian clothing. These acts violate the right to privacy, discourage women from participating in activism, and reinforce patriarchal norms. The Palestinian government and its security apparatuses should be held accountable for these violations of freedom of speech, expression, privacy, and freedom of the media. The confiscation and hacking of phones, as well as the dissemination of personal information, put women's lives at risk and perpetuate negative social and cultural practices. Such actions not only discourage women's active participation in the public sphere but also contribute to the stereotyping of women into traditional roles in society.

Recommendations:

- The government should revise the draft law on access to information to ensure its alignment with international standards and include provisions related to the establishment of an independent monitoring body.
- Civil society organizations and relevant stakeholders should be actively engaged in consultations regarding the formulation and review of the draft law to ensure inclusivity and transparency.
- The Palestinian government must hold security personnel accountable for their actions and ensure that women activists, human rights defenders, and journalists are protected during peaceful protests and demonstrations.
- Measures should be taken to challenge existing patriarchal norms and practices that reinforce gender-based violence and discrimination and to promote women's active participation in the public sphere without fear of violence or reprisal.
- Urge the Committee to hold the State Party accountable for the 'complex violence' practiced against women demonstrators and the absence of protection in order to introduce responsibility, reparation, and the guarantee of non-recurrence. This is especially important because these practices reinforce a negative cultural perception of the roles of women and girls and their exclusion from the public sphere

Smear Campaigns against Human Rights Organizations and Human Rights Defenders

- Palestinian women and feminist organizations have been targeted by structured smear campaigns orchestrated by political parties claiming to preserve social values and religious discourse. These campaigns aim to discredit the reputation of feminist organizations within Palestinian society. The opposition to the adoption of the Family Protection Bill and the harmonization of national legislation with CEDAW has intensified over the past two years. Traditional tribal leaders and conservative groups have demonized the law and defamed national feminists advocating for its enactment. The Palestinian government has failed to counter this opposition effectively, neglecting its obligation to enforce international conventions it has acceded to and protect women human rights defenders and feminist activists. As a result, women have been left to confront these campaigns alone, jeopardizing their safety and rights
- Throughout 2022, a counter-social media campaign against the Family Protection Law has continued, escalating hate speech against feminist organizations, including WCLAC. Individual women human rights defenders, such as WCLAC's General Director Randa Siniora, have also been targeted through defamation aimed at

discrediting their activism. In response, organizations like AL Muntada, Al Haq, and the Independent Commission for Human Rights have sought protection and legal measures against the groups leading these campaigns.

- The Women's Studies Center (WSC), a non-governmental feminist organization, has also faced attacks. WSC works to promote progressive feminist discourse, social justice, gender equality, and human rights in accordance with international laws and conventions. They have developed programs in partnership with the Palestinian Ministry of Education to combat child marriage and raise awareness about the impact of early marriage on girls. These programs are based on studies conducted by WSC and aim to provide training for social counsellors in schools. However, WSC has been subjected to a campaign of incitement, accusing them of discouraging early marriage and promoting immoral ideas. Protests have been organized against WSC, and the Ministry of Education has halted all their programs, indicating complicity by the Palestinian Authority. In response to these attacks, WSC has filed a complaint with the Cybercrime Prosecution and the Public Prosecutor, seeking accountability for the false accusations and actions taken against them.

Recommendations:

- The State party should take a firm stance to counter smear campaigns and protect women human rights defenders and feminist organizations.
- Request the State Party to adhere to international conventions and treaties to which it has acceded through the adoption of the Family Protection Bill and the harmonization of national legislation with CEDAW. The Ministry of Education should reinstate awareness-raising programs in public schools and facilitate conducted women and human rights organizations.

Digital/Cyber Violence against women

- Digital rights are a relatively new concept within the context of the Israeli occupation, where the occupying power has powerful surveillance capabilities and controls the telecommunication infrastructure. Palestinian women and girls face multiple layers of violence and oppression, as they endure violence and humiliation from the Israeli occupation practices, along with domestic violence, gender-based violence, and discrimination within their own communities due to patriarchal social norms. This structural oppression also extends to digital rights in the digital space.
- Gender-based violence has seen a significant increase in the Palestinian digital space in recent years. This rise can be attributed to Israeli colonial policies and violence, which fuel patriarchal power dynamics and perpetuate the cycle of domestic violence against Palestinian women. The social and political tensions within Palestinian society, as well as the increased use of online platforms and the isolation resulting from movement restrictions during the COVID-19 pandemic, have further exacerbated the situation.
- In the Palestinian context, social media platforms serve as important means of expression in the absence of a unified public space due to the complex political situation and multiple authorities. Social media platforms are considered one of the easiest and fastest ways to disseminate information.

- According to the latest statistics published by UN Women, 54.2% of women in Palestine experienced digital violence in 2021. The majority of these violations were concentrated on social media platforms, accounting for approximately 70% of all reported violations. This means that more than half of Palestinian women faced digital violence and gender-based violations. Israel's persistent attempts to repress and prosecute human rights defenders, activists, and civil society organizations online and offline constitute clear violations of the Universal Declaration of Human Rights.
- Gender-based discrimination that leads to offline violence often takes on a larger scale and impact in the digital space. It is challenging to separate the consequences of actions initiated online from the offline realities. Acts of online gender-based violence, such as defamation, can have severe physical consequences based on the social and cultural context. This may lead to sexual abuse, psychological trauma, and economic implications such as loss of employment, blackmail, and intimidation.
- Over the past two years, Palestinian women and feminist organizations have been targeted by structured and planned smear campaigns in the digital sphere by various political parties claiming to preserve social values and religious discourse. Individual women human rights defenders, women activists, and representatives of feminist organizations have also been subjected to defamation.
- The recent statistics of PCSB indicate a significant number of women in Palestine who have been exposed to cyber violence through social media networks and telecommunication. Around 10% of currently or ever-married women in Palestine have experienced some form of digital violence through social media networks, while 8% have faced violence through telecommunication such as threatening, blackmailing, or harassment via calls or messages. Similarly, approximately 12% of unmarried women in Palestine have encountered cyber violence through social media, and 8% have experienced violence through telecommunication.
- These statistics highlight the urgent need to address and combat cyber and digital violence against women in Palestine. Measures should be taken to create safe and secure digital spaces where women can freely express themselves without fear of harassment, threats, or abuse. **This requires public raising awareness about the impacts of cyber violence, and implementing policies and laws to protect women's rights and hold perpetrators accountable by the State of Palestine.**
- **Furthermore, support services and resources should be considered by the State to assist women who have been victims of cyber violence, including social counselling, legal aid, and helplines. Empowering women with digital literacy skills and promoting positive online behaviour can also contribute to creating a safer digital environment.**

The judiciary and Access to justice (Article 14)

- The judiciary system in Palestine faces significant challenges, including a shortage of the number of judges and courthouses, particularly in rural areas. This leads to a backlog of cases awaiting resolution. To address this issue, it is important to draft and develop new legislation that expedites the referral of pending cases to the community police before initiating litigation procedures in the judiciary.
- Amendments to the Law of the Judicial Authority in 2020, specifically through Presidential Decree No. 40 of 2020 which amends the Judiciary Authority Law No. 1 of 2002 have raised significant concerns among civil society and human rights

organizations. These amendments grant the executive authority extensive powers to exert control over the judiciary in various ways. . Amendment made by this Presidential Decree demonstrates a disregard for constitutional principles such as the rule of law, separation of powers, and judicial independence, which strictly prohibit any authority from interfering in judicial affairs. The issuance of such decrees is not only unconstitutional but also contains provisions that further consolidate executive control over the judiciary, thus violating the fundamental principles of the separation of powers.

- Justice sector reform required comprehensive collaboration among relevant stakeholders namely, Ministry of Justice, Office of the Public Prosecution, The Police, health service providers the Bar Association, Ministry of Interior, Ministry of Women's Affairs, law faculties, civil society organizations (including women's institutions), and religious leaders.
- The State should consult with the Judicial Council on any draft law related to the judicial authority, as outlined in Article 100 of the Palestinian Basic Law.
- Addressing the issue of impunity within the judiciary system and its subordination to the executive authority is essential to combat discrimination. Measures such as exempting the Head of the Supreme Judicial Council and the Attorney General from inspection while granting them the power of appointment and dismissal perpetuate the subordination of the judiciary.
- The State of Palestine's reply in the official report reiterates that there is no discrimination based on disability in access to justice, especially for disabled women and girls, disregards the lack of overall design, accessibility, and privacy in the judiciary, public prosecution, and police buildings and facilities. It also overlooks the systematic discrimination faced by persons with disabilities within Palestinian justice institutions. The absence of facilitative arrangements and training programs on the rights of persons with disabilities at the Palestinian Judicial Institute further exacerbates the issue of discrimination

Recommendations:

To ensure the protection of women's rights and enhance access to justice, the following measures shall be considered by the State to contribute to the development of a more equitable and just legal system that upholds women's rights and provides effective access to justice.

- Review and amend discriminatory laws, policies, and practices that hinder the realization of women's rights. Identify gaps between international standards and national legislation and develop a legal framework that respects women's human rights, incorporating international human rights principles and conventions.
- Support the appointment of trained female judges and court administrators at all levels of the court system. Provide them with necessary training on gender issues and sensitivity to increase women's trust in the justice system, provide a different experience than male counterparts, and serve as role models for other women
- Establish and expand legal aid programs for women involved in criminal cases, as well as in Sharia and inheritance cases.
- Adopt a law to introduce a free legal aid program; especially to women victims of GBV. Establish effective collaboration systems with the Bar Association and national institutions to utilize legal clinics in law schools, enabling better handling of gender-based violence cases.

- Facilitate access to legal and judicial data and foster trust in the legal system and ensure transparency.
- Enhance responsiveness within Palestinian family units within the police, and the public prosecution office to women's complaints. Overcome obstacles that hinder women's access to justice and ensure a gender-sensitive approach within the judiciary for women victims of gender-based violence

Participation of Women in Political and Public life (Article 25)

Political and Election Violence

- The years 2021 and 2022 witnessed a significant decline in freedoms, gender disparities in elections (legislative, presidential, and the National Council) and decision-making positions. This also included discriminatory practices within the electoral process, political and election violence against women candidates, lack of monitoring of electoral campaign funding, and restrictions on civil democratic movements are concerning and require attention and concreted actions by the State of Palestine.
- The percentage of women elected and appointed in the 2021-2022 local elections was 21%, compared to 79% among men. Also, the participation of women in decision-making positions is still limited compared to men's participation, as data for 2021 showed that women constitute about 23% of the members of the Central Council, 19% of the members of the Palestinian National Council, and 12% of members of the Council of Ministers are women. Moreover, only one woman holds the position of Governor out of 15 Governors, and 1% of the heads of local councils in Palestine are women. As for the Board of Directors of the Chambers of Commerce, Industry and Agriculture, the percentage of men reached 99%, compared to only 1% of women, and about 19% of judges are women.
- Women face discriminatory practices within the electoral process from the dominant powers where in many cases, women are not given a role within the electoral campaign and they are selected by the political parties that form the lists just for the sake of legalizing the lists in accordance with the quota system. Women do not participate in the negotiations to form the lists. Women members in the local government bodies face a systematic tendency to exclude them; sometimes by assigning the sessions at late hours when women in conservative localities cannot attend. The law is silent in front of these practices where there is no article within the law, which obligates the local governance bodies to convey their sessions during the daylight. Likewise, the Ministry in Local Governance does not monitor the performance of the local government bodies to ensure that women's rights are taken into consideration.
- Political and election violence due to repeated incitement, hate speech, attacks, and pressure on candidates, especially women candidates, in general, and in local council elections, on women's lists and lists headed by women was observed.
- No monitoring is imposed on funding the electoral campaigns and so, those who fund the campaign control the performance of the local authority later on. The campaigns are funded sometimes by political parties that are based on patriarchal structures which exclude women. In other cases, tribal powers and family business owners fund the electoral campaign and those control the structure of the list and decide the future of the locality indirectly

Recommendations:

The state of Palestine should consider the following recommendations and measures towards achieving gender equality, promoting women's rights, and ensuring the participation of all Palestinian women in decision-making processes, political and public life

- Ensure the timely and fair conduct of general elections, including legislative, presidential, and National Council elections, as stipulated in the law on periodic elections. Uphold the rights of women to participate in the electoral process and remove any barriers or suppression of efforts demanding elections.
- Implement measures to increase the participation of women in elections, both as candidates and voters. Encourage political parties to include women in electoral campaigns and decision-making processes while ensuring their meaningful participation and representation.
- Enforce and strengthen legal provisions that promote gender equality in elections, such as quotas for women's representation in political bodies.
- Take concrete steps to prevent political and election violence, particularly against women candidates. Establish effective mechanisms to investigate and hold accountable those responsible for incitement, hate speech, and attacks against women candidates. In addition to the implementation of a specific code of conduct that protects women's rights and ensures their visibility during electoral campaigns.
- Introduce transparency and monitoring mechanisms for funding electoral campaigns to prevent any influence and control over the performance of local authorities. Ensure that funding sources are diverse, and independent, and do not perpetuate patriarchal structures or exclude women's participation.