

Flygtningenævnets baggrundsmateriale

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COI QUERY

Country of Origin

PALESTINE - GAZA

Main subject

Treatment of women in Gaza Strip

Question(s)

1. [What is the treatment of women, who do not abide with a conservative interpretation of the Sharia norms concerning the dress code, in Gaza Strip?](#)

Date of completion

15 June 2021

Query Code

Q15_2021

Contributing EU+ COI units
(if applicable)

N/A

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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policymakers, and decision making authorities. The answer was finalised on 15 June 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE – Palestine

1. What is the treatment of women, who do not abide with a conservative interpretation of the Sharia norms concerning the dress code, in Gaza?

Information on the treatment of women, who do not abide with a conservative interpretation of the Sharia norms concerning the dress code in Gaza, was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

According to a May 2021 USDOS report, while the Gaza Strip ‘nominally falls under PA jurisdiction’, Hamas is running ‘a *de facto* government in the territory’. The same source states that ‘an interim Basic Law¹ applies in the areas under PA jurisdiction’, which established Islam as the official religion but calls for respect of other beliefs, and ‘provides for freedom of belief, worship, and the performance of religious rites unless they violate public order or morality’. Moreover, the Basic Law states that ‘the principles of Sharia shall be the main sources of legislation’.²

An early report by the Geneva Centre for the Democratic Control of Armed Forces stated that, in 2009, ‘control of the Gaza Strip by Hamas has reportedly contributed to increasing social pressure on women’, while ‘following a particular dress code, primarily wearing the hijab or jilbab (veil or long coat), is perceived to be a protective factor for women and girls’ in Gaza. The same source highlighted that ‘many women and girls who choose not to veil themselves’ were putting themselves in ‘an increasingly vulnerable situation that limits their freedom of movement and, in some cases, threatens their lives’.³ Moreover, the choice of not wearing the hijab or jilbab was, at that time, ‘viewed in some communities as unacceptable’.⁴

In Summer 2009, Hamas launched the ‘fadeela or virtue’ campaign in Gaza Strip, which consisted of posters and leaflets calling on the public to attend prayers and abide by Islamic morals. Amongst other topics concerning social moral code, the campaign focused on what women wear and was counselling that: ‘The right hijab is your way to heaven’.⁵ According to Human Rights Watch and International Crisis Group, in the fall of the same year, there were unofficial orders by Hamas to the principals of all schools to enforce a uniform of jilbab and hijab on all female students, which were implemented in several occasions in the beginning of school year.⁶ However, the education minister denied having given the order.⁷

In 2013, the board of trustees of Al Aqsa University voted to impose a ‘dress code’ on female students, adding the requirement to wear, not only the hijab, but also the jilbab.⁸ The decision was highly contested by the President of the Palestinian Authority (PA), Mahmoud Abbas, and the Minister of Higher Education of PA, Ali Jarbawi.⁹ That same year, 2013, Hamas instilled gender

¹ European Commission for Democracy through Law, Basic Law Of The Palestinian National Authority, 4 March 2009, [url](#)

² USDOS, 2020 Report on International Religious Freedom: Israel —West Bank and Gaza, 12 May 2021, [url](#)

³ DCAF, Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure, 2009, [url](#), p. 21

⁴ DCAF, Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure, 2009, [url](#), p. 24

⁵ Guardian (The), Hamas patrols beaches in Gaza to enforce conservative dress code, 18 October 2009, [url](#)

⁶ HRW, Gaza: Rescind Religious Dress Code for Girls, 4 September 2009, [url](#); International Crisis Group (ICG), Radical Islam in Gaza, 29 March 2011, Middle East Report N°104, [url](#), p. 28

⁷ International Crisis Group (ICG), Radical Islam in Gaza, 29 March 2011, Middle East Report N°104, [url](#), p. 28

⁸ Al Monitor, Does Dress Code Signal ‘Hamasization’ of Gaza?, 30 January 2013, [url](#); RFI, Islamic dress code call riles Gaza students, 12 April 2013, [url](#)

⁹ Gulf News, PLO fury over Gaza university’s female dress codes, 28 January 2013, [url](#); Al Monitor, Does Dress Code Signal ‘Hamasization’ of Gaza?, 30 January 2013, [url](#); RFI, Islamic dress code call riles Gaza students, 12 April 2013, [url](#)

segregation in schools from age nine.¹⁰ According to a 2015 Huffington Post Arabic report, as cited by the Times of Israel, a number of high schools in Gaza punished female students for refusing to wear the Islamic headscarves, despite the fact that the Palestinian education ministry had not issued any official directive banning unveiled students from school.¹¹

The 2020 USDOS report on international religious freedom quotes ‘media outlets’ reporting that ‘the Hamas-affiliated Islamic University of Gaza required hijabs for all females. Gazan civil society leaders said Hamas in recent years had moderated its restrictions on dress and gender segregation in public’.¹² The source also states that ‘Hamas also interfered if there were reports of classes or activities that mixed genders’, but no such interference was noticed by UNRWA in ‘the running of its Gaza schools’.¹³

On 14 February 2021, the Sharia Judicial Council ruled that ‘an unmarried woman may not travel without the permission of her “guardian,” which would usually refer to her father or another older male relative’.¹⁴ The decision was criticised, and on 16 February 2021, it was reported that the ruling would be revised.¹⁵

According to a 17 February 2021 media report, Hamas ‘has taken some limited steps to enforce the territory’s conservative mores, including the imposition of an Islamic dress code on female lawyers and high school students’.¹⁶

According to a March 2021 Freedom House report, ‘Palestinian laws and societal norms, derived in part from Sharia, put women at a disadvantage in matters such as marriage and divorce. Hamas has enforced restrictions on personal attire and behaviour it deems immoral, though enforcement has relaxed in recent years’.¹⁷ The same source highlights that, while ‘Hamas authorities have enforced conservative Sunni Islamic practices’, they have not ‘compelled women to wear hijab in Gaza’s main urban areas to the extent that they did in the early years of Hamas control’.¹⁸

On 25 April 2021, Rawaa Murshed, a female reporter was reportedly ‘attacked by two members of a Hamas military unit [...] for not wearing the hijab in the Juhur al-Deek border area in central Gaza’.¹⁹ Following this incident, the Palestinian Centre for Human Rights (PCHR) issued a statement condemning the assault to journalist Rawaa Murshed and adding that ‘Security Services’ interference in personal freedoms, including the women’s freedom to choose what to wear, constitutes a flagrant violation of personal freedoms and discrimination against women.’ Further, PCHR called ‘upon authorities in Gaza to express a clear stance on its respect for cultural diversity and personal freedoms in the Gaza Strip.’²⁰

¹⁰ AP News, Gender segregation now mandatory in Gaza schools, 2 April 2013, [url](#)

¹¹ Times of Israel (The), Gaza schools expel girls for leaving hair uncovered, 2 September 2015, [url](#)

¹² USDOS, 2020 Report on International Religious Freedom: Israel — West Bank and Gaza, 12 May 2021, [url](#)

¹³ USDOS, 2020 Report on International Religious Freedom: Israel — West Bank and Gaza, 12 May 2021, [url](#)

¹⁴ Times of Israel, Hamas court rules women need guardian’s approval to travel, 15 February 2021, [url](#)

¹⁵ Times of Israel, Hamas to review edict requiring women to get guardian’s approval for travel, 17 February 2021, [url](#); DW, Gaza to revise women’s travel ruling after backlash, 16 February 2021, [url](#)

¹⁶ Times of Israel, Hamas to review edict requiring women to get guardian’s approval for travel, 17 February 2021, [url](#)

¹⁷ Freedom House, Freedom in the World 2021, Gaza Strip, 3 March 2021, [url](#)

¹⁸ Freedom House, Freedom in the World 2021, Gaza Strip, 3 March 2021, [url](#)

¹⁹ Al Monitor, Assault on female reporter for not wearing hijab sparks backlash in Gaza, 11 May 2021, [url](#)

²⁰ PCHR, PCHR Demands Authorities in Gaza to Respect Personal Freedoms and Gender Equality, 29 April 2021, [url](#)

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