



**Human Rights Watch Submission to the Committee on the Elimination of
Discrimination against Women (CEDAW) in Advance of Adoption of List of Issues
on Israel, 88 (PSWG) Pre-Sessional Working Group**

September 2023

This memorandum, submitted to the CEDAW Committee in advance of adopting its list of issues on Israel in compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), addresses articles 2, 3, 7, 9, 11, 12, 14, 15 and 16 of the Convention.

This document does not review every issue relevant to the abovementioned topics. Rather, it underscores several concerns that figured most prominently in Human Rights Watch's research, and in particular those that significantly influence the degree to which Palestinian women are able to exercise other rights, such as the right to family life, education, work, health care, and to participate in all aspects of cultural life, among others.

Much of the submission focuses on the repression that Palestinian women face in light of Israeli authorities' repression of Palestinians more generally. In April 2021, Human Rights Watch concluded in a 213-page report that Israeli authorities are committing the crimes against humanity of apartheid and persecution against millions of Palestinians.¹ Human Rights Watch reached this determination based on a finding of an overarching Israeli government policy to maintain the domination by Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territory (OPT), as well as grave abuses committed against Palestinians living in the OPT, including East Jerusalem. Major Israeli,² Palestinian,³ and other international human rights groups have also found that Israeli authorities are committing apartheid against Palestinians,⁴ as has the UN

¹ Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

² B'Tselem, *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid*, January 12, 2021, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid (accessed September 19, 2023).

³ Al-Haq, *Global Response to Israeli apartheid: A call to the UNGA from Palestinian and international Civil Society Organizations*, September 22, 2020, <https://www.alhaq.org/advocacy/17305.html> (accessed September 19, 2023).

⁴ "Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity," Amnesty International press release, February 1, 2022, <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/> (accessed September 19, 2023); International Commission of Jurists, "UN: ICJ denounces Israel's system of apartheid against Palestinians," March 25, 2022, <https://www.icj.org/un-icj-denounces-israels-system-of-apartheid-against-palestinians/#.YkwTyu0Q4pk.twitter> (accessed September 19, 2023).

Special Rapporteur for the Occupied Palestinian Territory and other UN experts,⁵ as well as the Harvard Law School International Human Rights Clinic,⁶ among others. Many of the grave human rights abuses carried out by Israeli authorities as part of their crimes of apartheid and persecution against Palestinians significantly impact women and girls, including sweeping restrictions on the movement of people and goods, as this submission lays out.

The Convention applies not only to conduct inside the state of Israel, but also to Israel's conduct towards Palestinians in the OPT, alongside international humanitarian law governing occupation. While Israel maintains that its human rights obligations do not extend to the OPT, UN treaty bodies have repeatedly found that states are bound to respect the human rights treaties they have ratified outside their state borders, including to occupied territory. By virtue of the significant control that Israel exercises over the lives and welfare of Palestinians in Gaza, Israeli authorities are obliged under the law of occupation and international human rights law, to ensure the welfare of the population there.

Personal Status Laws (articles 15, 16)

Israel provides the religious courts of its recognized religious communities—Jewish, Christian, Islamic, and Druze confessions—the exclusive jurisdiction over the act of marriage and divorce.⁷ In doing so, it allows for various forms of discrimination against women depending on their religion and denomination.

Both religious and civil family courts can issue rulings on other personal status matters including spousal maintenance.⁸ The 1959 Family Law amendment provides that a person is obligated to support his spouse according to the personal status law that applies to him.⁹ All such religious personal status laws provide that a woman loses her right to spousal maintenance from her husband when she is found by a court to be legally recalcitrant (disobedient), for instance, if she leaves the marital home and refuses to cohabit with her husband without a reason that the religious courts consider legitimate.¹⁰ For those who are not from one of the recognized religious communities, or

⁵ UN Human Rights Council, Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, A/HRC/49/87, March 21, 2022, <https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-49-87-advance-unedited-version/> (accessed September 19, 2023); "Israel's housing policies in occupied Palestinian territory amount to racial segregation - UN experts," Office of the High Commissioner for Human Rights press release, April 27, 2022, <https://www.ohchr.org/en/press-releases/2022/04/israels-housing-policies-occupied-palestinian-territory-amount-racial> (accessed September 19, 2023).

⁶ Human Rights Clinic at Harvard University, "Addameer and the International Human Rights Clinic at Harvard Law School Send Joint Submission to the UN Independent Commission of Inquiry on the Occupied Palestinian Territory and Israel," March 2, 2022, <https://hrp.law.harvard.edu/press-releases/addameer-and-the-international-human-rights-clinic-at-harvard-law-school-send-joint-submission-to-the-un-independent-commission-of-inquiry-on-the-occupied-palestinian-territory-and-israel/> (accessed September 19, 2023).

⁷ Kayan Feminist Organization, "Submission by Kayan Feminist Organization to the Human Rights Committee, 134 Session Israel's fifth periodic review under the International Covenant on Civil and Political Rights – ICCPR," January 25, 2022, <https://www.kayanfeminist.org/publications/submission-kayan-feminist-organization-human-rights-committee-%E2%80%93-134-session> (accessed September 19, 2023).

⁸ Shira Nuhamovich, "Family Law: The Neglected Backyard of the Israeli Legislature," Friedrich Ebert Stiftung study, December 2018, <https://library.fes.de/pdf-files/iez/14960.pdf> (accessed September 19, 2023).

⁹ The Family Amendment (Maintenance) Law, 1959, section. 2, <https://bit.ly/412TlBl> (accessed September 19, 2023).

¹⁰ Ibid.; Anat Levi, "Spousal Support—Jewish Law," Decker, Pex, Ofir & Co Law Firm, January 30, 2020, <https://lawoffice.org.il/en/spousal-support/> (accessed September 19, 2023); Pascale Fournier, Pascal McDougall, and

where no personal status law applies to them, the 1959 Family Law amendment still requires that they provide spousal maintenance during marriage but does not set out provisions regarding obedience.¹¹

In the upcoming adoption of list of issues on the state of Israel, Human Rights Watch urges the Committee to question the Israeli authorities on:

- Are the Israeli authorities taking any measures to allow for a civil option to marriage, divorce and matters relating to spousal maintenance?

Gender Segregation and Exclusion (articles 2, 7, and 15)

Women continue to fight against discriminatory restrictions including gender segregation and exclusion in certain neighborhoods, particularly in ultra-Orthodox Jewish areas. Such rules have disproportionately impacted women who in some cases have also faced violence by members of the public if they breach such rules.¹² Women have filed and won several lawsuits in Israel against gender exclusion or segregation in public spaces that disproportionately impact them.¹³ A 2000 law prohibits discrimination including on the basis of sex in the provision of products, services, and entry into entertainment and public places.¹⁴ In March 2014, the authorities issued Government Resolution 1526 which calls on ministries to eradicate practices that exclude women in the public domain; while this led to some improvements, some practices continued.¹⁵ Many of these gains however could be at risk as in November 2022 and January 2023, Israeli media outlets reported that orthodox Jewish parties in the governing coalition were pushing for legislation that would permit gender segregation at publicly funded events or public spaces, which in practice can adversely impact women as they may face further restrictions than men, even exclusion.¹⁶

Merissa Lichtsztral, "Secular Rights and Religious Wrongs? Family Law, Religion and Women in Israel," 18 Wm. & Mary J. Women & L. 333 (2012), <https://scholarship.law.wm.edu/wmjowl/vol18/iss2/5> (accessed September 19, 2023) and Abou-Ramadan, Moussa "Islamic Legal Reform: Shari'a Court of Appeals and Maintenance for Muslim Wives in Israel," 2006, Hawwa, 4(1), 29-75, <https://doi.org/10.1163/156920806777504599> (accessed September 19, 2023).

¹¹ The Family Amendment (Maintenance) Law, 1959, section. 2(b).

¹² Israel Religious Action Centre, "Excluded for God's Sake: Gender Segregation and the Exclusion of Women in the Public Sphere in Israel: Fourth Annual Report 2013-2014," 2015, <https://bit.ly/3MKPfbk> (accessed September 19, 2023); "Hundreds of women inspired by 'Handmaid's Tale' protest across Israel," *Jerusalem Post*, February 23, 2023, <https://www.jpost.com/israel-news/politics-and-diplomacy/article-732812> (accessed September 19, 2023); Judah Ari Gross, "Politicians fume as ultra-Orthodox neighborhood grocery found setting men-only hours," *Times of Israel*, December 20, 2022, <https://www.timesofisrael.com/politicians-fume-as-shop-in-ultra-orthodox-neighborhood-found-setting-men-only-times/> (accessed September 19, 2023); Dina Kraft, "In Israel, Orthodox women are fighting to be heard ... and seen," *The Christian Science Monitor*, January 2, 2020, <https://www.csmonitor.com/World/Middle-East/2020/0102/In-Israel-Orthodox-women-are-fighting-to-be-heard-and-seen> (accessed September 19, 2023); Harriet Sherwood, "Israeli women stand up to gender segregation with musical protest," *The Guardian*, December 9, 2011, <https://www.theguardian.com/world/2011/dec/09/israelis-gender-segregation-musical-protest> (accessed September 19, 2023).

¹³ See "Israel," in Human Rights Watch, *Trapped: How Male Guardianship Policies Restrict Women's Travel and Mobility in the Middle East and North Africa*, July 18, 2023, <https://www.hrw.org/report/2023/07/18/trapped/how-male-guardianship-policies-restrict-womens-travel-and-mobility-middle>.

¹⁴ Law Prohibiting Discrimination in Products, Services and Entry to Entertainment Places and Public Places, 2000, <https://bit.ly/43mKPOT> (accessed September 19, 2023).

¹⁵ Israel Religious Action Centre, "Excluded for God's Sake: Gender Segregation and the Exclusion of Women in the Public Sphere in Israel: Fourth Annual Report 2013-2014," <https://bit.ly/3MKPfbk>.

¹⁶ Judah Ari Gross, "Orthodox parties demand legalization of gender-segregated public events," *Times of Israel*, November 20, 2022 <https://www.timesofisrael.com/orthodox-parties-demand-legalization-of-gender-segregated-public-events/> (accessed September 19, 2023); "Outrage over UTJ bill to gender-segregate bathing at national park springs,"

In February 2021, the Construction and Housing Ministry issued a guide advising planners of new neighborhoods for the ultra-Orthodox community to include “modesty considerations” when designing public spaces such as ensuring spaces “where public supervision can be found,” and limiting places such as cafes where people of the opposite sex could mingle.¹⁷ In practice, this impacts women disproportionately as women’s conduct is subject to heightened scrutiny by the community, disapproval of mingling between members of the opposite sex can impact women’s rights including to work and study, and women may end up excluded from public spaces.

In the upcoming adoption of list of issues on the state of Israel, Human Rights Watch urges the Committee to question the Israeli authorities on:

- What measures are the Israeli authorities taking to adequately eradicate practices that exclude women from the public domain?
- Are the Israeli authorities considering legislation that could allow for gender segregation and exclusion, which disproportionately impact women?

Israel’s Closure of Gaza Restrict Women’s Rights to Employment, Education and Health (Articles 3, 12, and 14)

Israeli authorities sharply restrict the movement of Palestinians, including women, in the OPT. For more than 16 years, since 2007, Israeli authorities have blocked most of Gaza’s population from traveling through the Erez Crossing, the only passenger crossing from Gaza into Israel through which Palestinians can travel to the West Bank and travel abroad via Jordan.¹⁸ In the West Bank, the Israeli authorities require Palestinians to have difficult-to-obtain permits to enter large parts of the territory, and have erected hundreds of checkpoints and other closure obstacles and a separation barrier largely built on Palestinian land that fragments communities.¹⁹ These barriers acutely harm women, including their access to study, work, and healthcare such as for women in Gaza who have breast cancer.

In Gaza, the Israeli army has since 2007 limited travel through the Erez crossing except in what it deems “exceptional humanitarian circumstances,” mainly encompassing those needing vital medical treatment outside Gaza and their companions, although the authorities also make exceptions for hundreds of businesspeople and laborers and some others. Israel has restricted movement even for those seeking to travel under these narrow exemptions, affecting their rights to health and life, among others, as Human

Times of Israel, January 24, 2023, <https://www.timesofisrael.com/outrage-over-utj-bill-to-gender-segregate-bathing-at-national-park-springs/> (accessed September 19, 2023); Gila Stopler, “The Israeli Government’s War on Women,” *Evolve*, January 3, 2023, <https://evolve.reconstructingjudaism.org/israelwaronwomen/> (accessed September 19, 2023)

¹⁷ Or Kashti, “Israel Tells Planners to Maintain Strict Gender Separation in ultra-Orthodox Areas,” *Haaretz*, February 4, 2021, <https://www.haaretz.com/israel-news/.premium-israel-says-modesty-is-a-factor-in-planning-ultra-orthodox-areas-1.9509738> (accessed September 19, 2023).

¹⁸ “Gaza: Israel’s ‘Open-Air Prison’ at 15,” Human Rights Watch news release, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>.

¹⁹ Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

Rights Watch and other groups have documented.²⁰ Restrictive Egyptian policies at its Rafah crossing with Gaza have exacerbated the closure's harm to human rights.

Most Gaza residents do not fit within the narrow exemptions to travel through Erez, even if it is to reach the West Bank. Between January 2015 and December 2019, before the onset of Covid-19 restrictions, an average of about 373 Palestinians left Gaza via Erez each day, less than 1.5 percent of the daily average of 26,000 in September 2000, before the closure, according to the Israeli rights group Gisha. Israeli authorities tightened the closure further during the Covid-19 pandemic – between March 2020 and December 2021, an average of about 143 Palestinians left Gaza via Erez each day, according to Gisha. During 2022 and the first half of 2023, an average of 1,273 Palestinians in Gaza exited via Erez daily, according to Gisha.²¹ The monthly average marks an increase as compared to recent years, largely driven by permits issued for Palestinians in Gaza to work in construction and agriculture, but remains a small fraction of the daily average from September 2000.

As part of the closure, Israeli authorities have instituted a formal “policy of separation” between Gaza and the West Bank, despite international consensus that these two parts of the Occupied Palestinian Territory form a “single territorial unit.”²² Israel accepted that principle in the 1995 Oslo Accords, signed with the Palestine Liberation Organization. Israeli authorities block most travel between Gaza and the West Bank, outside of exceptional cases, even when the travel takes place via the circuitous route through Egypt and Jordan rather than through Israeli territory.

Israeli authorities have denied or delayed access to potentially life-saving cancer and other treatment for women who live in Gaza and who cannot access the care they need locally, with potentially lethal consequences.²³ Breast cancer is among the most common cancer diagnoses for patients applying for permits to exit Gaza for chemotherapy and/or radiotherapy.²⁴ Women with breast cancer need to leave Gaza to access radiotherapy and chemotherapy at West Bank hospitals or abroad. However, the procedure to get Israeli permission to access these care centers is characterized by frequent, arbitrary rejections and excessive delay.²⁵ The World Health Organization reported that 839 Palestinians in Gaza died between 2008 and 2021 while awaiting for a response to their permit requests.²⁶ One study found that limitations to patient access to health due to

²⁰ Israel: Record-Low in Gaza Medical, Human Rights Watch, 2018, <https://www.hrw.org/news/2018/02/13/israel-record-low-gaza-medical-permits>; Monthly report on health access, WHO, 2023 <http://www.emro.who.int/opt/information-resources/monthly-report-on-health-access.html> (accessed September 19, 2023); Gisha, “Following legal battle: Israel reinstates visits to sick relatives,” July 31, 2021, <https://gisha.org/en/following-legal-battle-israel-reinstates-visits-to-sick-relatives/> (accessed September 19, 2023).

²¹ On file with Human Rights Watch.

²² Gisha, “What is ‘the separation policy’,” June 2012, <https://www.gisha.org/UserFiles/File/publications/Bidul/bidul-infosheet-ENG.pdf> (accessed September 19, 2023).

²³ “Israel: Record-Low in Gaza Medical Permits,” Human Rights Watch, 2018, <https://www.hrw.org/news/2018/02/13/israel-record-low-gaza-medical-permits>.

²⁴ Benjamin Bouquet et al., “Comparative survival of cancer patients requiring Israeli permits to exit the Gaza Strip for health care: A retrospective cohort study from 2008 to 2017,” *PLoS ONE* 16 (2001), accessed September 19, 2023, doi: 10.1371/journal.pone.0251058.

²⁵ Medical Aid for Palestinians, “How restrictions on Gaza are a matter of life and death for breast cancer patients,” October 20, 2021, <https://www.map.org.uk/news/archive/post/1302-how-restrictions-on-gaza-are-a-matter-of-life-and-death-for-breast-cancer-patients> (accessed September 19, 2023).

²⁶ “15 Years of Blockade and Health in Gaza,” WHO, July 2022, <https://www.emro.who.int/opt/news/15-years-of-blockade-and-health-in-gaza.html> (accessed September 19, 2023).

unsuccessful applications for permits to exit the Gaza Strip between 2015 and 2017 had a significant impact on mortality for cancer patients applying for chemotherapy and/or radiotherapy.²⁷

Israel's movement restrictions have prevented professionals, artists, athletes, students, and others in Gaza, both male and female, from pursuing opportunities within Palestine and abroad restricting their rights to work and an education.²⁸ In particular, Israeli authorities regularly block Palestinians from Gaza from going to the West Bank or abroad to pursue vital opportunities for their advancement not available in Gaza.²⁹ Most women in Gaza work in small businesses or in the public or non-profit sectors and therefore do not meet Israel's minimum requirements for businesspeople to exceptionally receive a permit, as Gisha has documented.³⁰ As a result, fewer women than men are able to obtain permits to leave Gaza that Israel reserves for people engaged in trade.³¹ Working women in Gaza face obstacles when they wish to access training programs or promote their businesses in the West Bank or abroad,³² which stymies the development of small businesses and impedes networking.³³

Israeli authorities have also for more than 16 years sweepingly restricted the entry and exit of goods to Gaza, which has curbed access to basic services like electricity, as Human Rights Watch has documented.³⁴ Chronic power outages often lasting for more than half the day, in part stemming from the Israeli closure, encumber many aspects of everyday life, from heating and cooling and sewage treatment to health care and business. They affect the right of women (as well as men) to enjoy adequate living conditions, in particular for people with disabilities who rely on light to communicate using sign language or equipment powered by electricity, such as elevators or electric wheelchairs, to move.³⁵ They wreak havoc on home life, making everyday tasks like keeping food fresh, doing laundry and cleaning a struggle, with particularly pronounced consequences for women on whom these tasks often fall.³⁶

Israel's closure policy, exacerbated by Egyptian restrictions, has devastated the economy in Gaza. About 80 percent of Gaza's 2.1 million residents rely on humanitarian aid, according to the United Nations.³⁷ Unemployment in Gaza stood at 45.3% in Gaza—

²⁷ Benjamin Bouquet et al., "Comparative survival of cancer patients requiring Israeli permits to exit the Gaza Strip for health care."

²⁸ "Gaza: Israel's Open Air Prison at 15," Human Rights Watch new release, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>.

²⁹ Ibid.

³⁰ Gisha, "Discrimination by default: A gender Analysis of Israel's criteria from travel through the Erez crossing," December 2020, https://gisha.org/UserFiles/File/publications/Discrimination_by_Default_EN.pdf (accessed September 19, 2023).

³¹ Ibid.

³² "Gaza: Israel's Open Air Prison at 15," Human Rights Watch new release.

³³ Gisha, "Date VS. Date Paste," May 21, 2020, <https://gisha.org/en/dates-vs-date-paste/> (accessed September 19, 2023).

³⁴ "Palestine: Submission to the UN Committee on the Rights of Persons with Disabilities," Human Rights Watch, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>.

³⁵ Gaza: Israeli Restrictions Harm People with disabilities, Human Rights Watch, December 3, 2020, <https://www.hrw.org/news/2020/12/03/gaza-israeli-restrictions-harm-people-disabilities>.

³⁶ Abier Almasri, "In Gaza, we get four hours of electricity a day — if we're lucky," *Los Angeles Times*, August 20, 2017, <http://www.latimes.com/opinion/op-ed/la-oe-almasri-no-electricity-in-gaza-20170820-story.html> (accessed September 18, 2023).

³⁷ "Fifteen years of the blockade of the Gaza Strip," UNICEF, July 3, 2022, <https://www.unicef.org/mena/press-releases/fifteen-years-blockade-gaza-strip> (accessed September 18, 2023).

67.4 percent for females—according to the Palestinian Central Bureau of Statistics (PCBS) 2022 annual labor force survey report.³⁸

In the upcoming adoption of list of issues on the state of Israel, Human Rights Watch urges the Committee to question the Israeli authorities, as the occupying power, regarding the steps it has taken to implement articles 3, 12 and 14, including:

- 1- Why do Israeli authorities significantly restrict travel for Palestinians out of Gaza, including to the West Bank? Does the government maintain a policy of separating Gaza and the West Bank? If this policy is motivated by security considerations, please explain how the government balances this consideration against the right of Palestinian women to freedom of movement.
- 2- What steps the Israeli authorities have taken to ensure that Palestinian women in Gaza can access professional and educational opportunities, as well as necessary medical treatment in the West Bank?

Discriminatory Citizenship Entry into Israel law References with Family life, Constraints Professional Development for Women (articles 3, 9,11,16).

Israeli authorities have for more than two decades barred with few exceptions the granting of long-term legal status to Palestinians from the West Bank and Gaza who marry Israeli citizens or residents. They largely have done so under the Citizenship and Entry into Israel Law (Temporary Order), passed by the Knesset in 2003, upheld by the Supreme Court and renewed every subsequent year until July 2021, when it expired; the then Interior Minister, however, instructed authorities to continue to act as if the law was in place and a similar law was passed against in March 2022 and renewed in March 2023.³⁹

This policy denies Israeli citizens and residents, both Jewish and Palestinian, who marry Palestinian residents of the West Bank and Gaza the right enjoyed by other Israelis to live with their loved ones in the place of their choosing and be protected from arbitrary or unlawful interference in the family. This denial is based on the spouse's identity, as a Palestinian from the West Bank or Gaza, rather than on an individualized assessment of security risk. If an Israeli marries a foreign spouse who is Jewish, the spouse can obtain citizenship automatically. Other foreigners can receive immediate status and normally become eligible for citizenship after living in Israel for several years.⁴⁰ Such a restriction

³⁸ State of Palestine Palestinian Central Bureau of Statistics, "Palestinian Labour Force Survey Annual Report: 2022," <https://www.pcbs.gov.ps/Downloads/book2658.pdf> (accessed September 11, 2023), p. 30.

³⁹ The Citizenship and Entry into Israel Law (Temporary Order), 5782-2022, Adalah, https://www.adalah.org/uploads/uploads/The_Citizenship_and_Entry_into_Israel_Law_Eng_150322.pdf (accessed September 19, 2023); "Israel and Palestine: Events of 2021," Human Rights Watch, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>; "Knesset extends law banning Palestinian family unification for another year," *Times of Israel*, March 6, 2023, <https://www.timesofisrael.com/knesset-extends-law-banning-palestinian-family-unification-for-another-year/> (accessed September 18, 2023).

⁴⁰ "Israel: Don't Outlaw Family Life," Human Rights Watch news release, July 27, 2003, <https://www.hrw.org/news/2003/07/27/israel-dont-outlaw-family-life>.

does not exist for spouses of virtually any other nationality.⁴¹ Palestinian men over 35 and women over 25 from the West Bank and Gaza married to Israeli citizens or residents can apply for temporary, renewable visitor permits, but authorities have denied many of those applications.⁴²

In addition, where some spouses are able to receive temporary residency under the law, such temporary residents are dependent on their spouse for renewal of their legal status. The Women's Center for Legal Aid and Counselling in a 2022 report found that this can force Palestinian women to either remain trapped in abusive marriages fearing they can lose their residency and custody of their children if they seek divorce or report abuse, or face sanction they fear when they do.⁴³

The law disproportionately harms Palestinians citizens of Israel, as well as Palestinians from East Jerusalem, who maintain permanent residency in Israel. The law forces a difficult choice for the thousands of couples who marry despite these restrictions. They must either live separately or have the Israeli citizen or resident spouse move to the West Bank, despite Israeli military orders prohibiting Israelis from living in Area A. Moreover, moving to the OPT has led Palestinian Jerusalemites to lose their residency status and jeopardizes the eligibility of both Israeli citizens and residents to exercise rights related to residency or citizenship such as the right to receive social security benefits. This difficult choice has splintered thousands of families. The Haifa-based legal center, Adalah, filed a petition in the Israeli Supreme Court against the law's re-enactment, calling it "one of the most racist and discriminatory laws in the world."⁴⁴

In addition, Israeli authorities have since 2000 largely refused to process family reunification applications or requests for address changes by Palestinians in the West Bank and Gaza, outside of processing about 35,000 family unification applications in the late 2000s and several thousand applications in late 2021 and early 2022 as gestures to the Palestinian Authority.⁴⁵ The freeze effectively bars Palestinians from acquiring legal status for spouses or relatives not already registered.⁴⁶

In a cultural context in which women are expected to play a primary role in raising children, requiring them to live separately from their husband or to move away from extended family, a main source of child support, can force them to forego opportunities to work or participate in public life in order to focus on caring for children. In so doing,

⁴¹ In 2007, the law of the law was expanded to also apply to spouses from Lebanon, Syria, Iraq, and Iran. Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

⁴² Jonathan Lis, "Israeli Legislator Invokes Nation-state Law in Bid to Block Palestinian Family Unification," *Haaretz*, June 2, 2020, <https://www.haaretz.com/israel-news/.premium-israeli-legislator-invokes-nation-state-law-in-bid-to-block-palestinian-family-unifi-1.8890451> (accessed September 19, 2023); "Knesset Expected to Renew the Citizenship Law Despite Dissolution of the Knesset," Mossawa Center press release, <http://www.mossawa.org/eng/?mod=articles&ID=800> (accessed September 19, 2023).

⁴³ Women's Centre for Legal Aid and Counselling, *Family Rights for Women in Jerusalem Under Discriminatory Israeli Policies*, 2022, <https://www.wclac.org/files/library/23/05/wruzeruqny1foj4ilpq5aq.pdf> (accessed September 19, 2023).

⁴⁴ Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

⁴⁵ "Israel continues to harm the right of Palestinians to family life," *HaMoked*; Joseph Krauss, "Israel Gives Legal Status to 4K in Gesture to Palestinians," *Associated Press*, October 19, 2021, <https://apnews.com/article/immigration-jerusalem-israel-west-bank-gaza-strip-f706709318e802fc23c2c3ab6d7b8270> (accessed September 19, 2023).

⁴⁶ Human Rights Watch, "Forget About Him, He's Not Here," *Israel's Control of Palestinian Residency in the West Bank and Gaza* (New York: Human Rights Watch: 2012) <https://www.hrw.org/sites/default/files/reports/iopt0212webwcover.pdf>.

these restrictions constrain the development and advancement of a segment of the Palestinian female population.

In the upcoming adoption of list of issues on the state of Israel, Human Rights Watch urges the Committee to question the Israeli authorities, as the occupying power, regarding the steps it has taken to implement articles 3, 11, 9 and 16, including:

- 1- Why does Israeli law bar with few exceptions the granting of Israeli citizenship or long-term legal status to Palestinians from the West Bank and Gaza who marry Israeli citizens and residents?
- 2- Why have Israeli authorities largely refused to process family reunification applications since 2000?

Building Restrictions, Forced Eviction and Home Demolitions Adversely Impacting Women's Human Rights (CEDAW articles 3 and 14)

Israel's continued restrictions on building, particularly in the 60 percent of the West Bank under exclusive Israeli control (Area C), East Jerusalem, and in unrecognized Palestinians Bedouin villages inside Israel, together with the resulting forced evictions and home demolitions, hinders women's human rights including their right to enjoy adequate living conditions, particularly in relation to housing.

Between January 1, 2018 and September 17, 2023, Israeli authorities demolished 4,522 Palestinian homes and other structures in the occupied West Bank, including East Jerusalem, displacing 5,738 people, according to OCHA.⁴⁷

Most structures were demolished for lacking building permits, which authorities make nearly impossible for Palestinians to obtain in Area C of the West Bank and in East Jerusalem.⁴⁸ In Area C, for example, authorities approved less than 1.5 percent of applications by Palestinians to build between 2016 and 2018—21 in total—a figure 100 times smaller than the number of demolition orders it issued in the same period, according to official data.⁴⁹ For the 20-year period between 2000 and 2019, Israeli authorities approved only 245 building permits for Palestinians in Area C, less than 4 percent of the number of applications submitted. These discriminatory measures effectively force Palestinians to leave their homes or to build at the risk of having their “unauthorized” structures bulldozed.

Israeli authorities have also punitively demolished the homes of families of Palestinians suspected of attacking Israelis, even though international humanitarian law prohibits

⁴⁷ OCHA, “Breakdown of Data on Demolition and Displacement in the West Bank,” <https://app.powerbi.com/view?r=eyJrIjoiaMmJkZGRhYWQtdODk0MS00MWJkLWI2NTktMDg1NGJIMGNiY2Y3IiwidCI6IjBmOWUzNWRLTU0NGYtNGY2MC1iZGNjLTViYTQxNmU2ZGM3MCIsImMiOj9> (accessed September 18, 2023).

⁴⁸ Human Rights Watch, A Threshold Crossed, April 27, 2021.

⁴⁹ Hagar Shezaf, “Israel Rejects Over 98 Percent of Palestinian Building Permit Requests in West Bank's Area C,” *Haaretz*, January 21, 2020, <https://bit.ly/2XX5TC4> (accessed September 19, 2023).

such collective punishment.⁵⁰ International humanitarian law prohibits an occupying power from destroying property unless “absolutely necessary” for “military operations.”⁵¹

In the Negev region of Israel, Israeli authorities have refused to legally recognize 35 Palestinian Bedouin communities, making it impossible for their 90,000 or so residents to reside lawfully in the communities they have lived in for decades. Instead, authorities have sought to concentrate Bedouin communities in larger recognized townships in order, as expressed in governmental plans and statements by officials, to maximize the land available for Jewish communities. Israeli law considers all buildings in unrecognized villages to be illegal, and authorities have refused to connect most to the national electricity or water grids or to provide even basic infrastructure such as paved roads or sewage systems. The communities do not appear on official maps, most have no educational facilities, and residents live under constant threat of having their homes demolished.⁵² There have been more than 10,000 demolitions of Bedouin homes in the Negev between 2013 and 2019, according to government data.⁵³ They have razed one unrecognized village that challenged the expropriation of its lands, al-Araqib, more than 200 times.⁵⁴

Demolitions upend family life, acutely affecting the lives of Palestinian women (as well as men). Human Rights Watch has interviewed dozens of women over the years, who have described the emotional impact of seeing their home demolished and the lasting practical consequences, including a struggle to feed their families, keep their meager belongings clean, and take care of children.⁵⁵

More generally, these policies undermine educational and economic opportunities within these communities. Schools have been among the structures demolished by Israeli authorities for lacking a building permit; Israeli military authorities demolished or confiscated Palestinian school buildings or property in the West Bank at least 16 times from 2010 to April 2018, with 12 incidents since 2016.⁵⁶ A UN 2016 country analysis found that over a third of Palestinian communities in Area C did not have primary schools, and 10,000 children attended school in tents, shacks, or other structures

⁵⁰ B’Tselem, “House Demolitions: Demolition of houses as punishment,”

<https://statistics.btselem.org/en/demolitions/demolition-as-punishment?tab=overview&demoScopeSensor=%22false%22> (accessed September 19, 2023).

⁵¹ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 54.

⁵² Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

⁵³ Negev Coexistence Forum for Civil Equality, “On (In)Equality and Demolition of Homes and Structures in Arab Bedouin Communities in the Negev/Naqab,” July 2020, <https://www.dukium.org/wp-content/uploads/2020/07/HDR-2020-Data-on-2019-Eng-3.pdf> (accessed September 19, 2023), p. 14; Almog Ben Zikri, “Bedouin Home Demolitions in Israel Double in 2017,” *Haaretz*, March 28, 2018, <https://www.haaretz.com/israel-news/bedouin-home-demolitions-in-israel-double-in-2017-1.5939858> (accessed September 19, 2023); NCF, *The Regional Council for the Unrecognized Villages in the Negev (RCUV) and Alhuquq Center, “The Arab Bedouin indigenous people of the Negev/Naqab – A Short Background,”* <https://bit.ly/2YAjsYy> (accessed September 19, 2023).

⁵⁴ “Israel Demolishes Palestinian Village for the 204th Time,” *Middle East Monitor*, July 19, 2022, <https://www.middleeastmonitor.com/20220719-israel-demolishes-palestinian-village-for-the-204th-time/> (accessed September 19, 2023).

⁵⁵ See, e.g., Human Rights Watch, *Off the Map: Land and Housing Rights Violations in Israel’s Unrecognized Bedouin Villages*, March 2008, <https://www.hrw.org/reports/2008/iotp0308/>; Human Rights Watch, *Separate and Unequal*, December 2010, <https://www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied>.

⁵⁶ Human Rights Watch, “Israel: Army Demolishing West Bank Schools,” April 25, 2018, <https://www.hrw.org/news/2018/04/25/israel-army-demolishing-west-bank-schools>.

without heating or air-conditioning.⁵⁷ About 1,700 children had to walk five or more kilometers to school due to road closures, lack of passable roads or transportation, or other problems, according to 2015 UN estimates.⁵⁸ The long distances and fear of harassment by settlers or the military lead some parents to take their children out of school, with a disproportionate impact on girls, making it more difficult for them to find meaningful employment later in life. Among many other harmful effects, this structural barrier constrains efforts to achieve gender parity and inhibits the full development and advancement of women in these communities.

In the upcoming adoption of list of issues on the state of Israel, Human Rights Watch urges the Committee to question the Israeli authorities, as the occupying power, regarding the steps it has taken to implement articles 3, and 14, including:

- 1- Why have Israeli authorities made virtually impossible for Palestinians to obtain building permits in Area C of the West Bank, East Jerusalem and the Negev region of Israel?

⁵⁷ United Nations Country Team, Occupied Palestinian Territory, Common Country Analysis 2016, "Leave No One Behind: A Perspective on Vulnerability and Structural Disadvantage in Palestine," 2016, https://unsco.unmissions.org/sites/default/files/cca_report_en.pdf (accessed September 19, 2023).

⁵⁸ Ibid.