



## **Palestinian women face a systematic attack against their right to protection and equality by fundamentalist and conservative forces**

Palestinian women have been subject to a systematic attack against their rights and enjoyment of all citizenship entitlements from December 2019 until now. The attack has included hostile campaigns by fundamentalist and conservative societal forces aiming to undermine the rights of women and to discourage them from continuing to demand protection. These forces desire the end to the commitment to equality as a basis for implementing everything guaranteed by the international human rights system, and in both the Palestinian Declaration of Independence and the Palestinian Basic Law. These attacks have taken many forms, most recently an attack by several clans and religious fundamentalist parties on women in general, and the feminist movement in particular. They seek to challenge the CEDAW convention as a human rights reference for the Palestinian National Authority and the feminist movement. These clans and parties have used religion, customs and traditions as flimsy arguments to challenge the agreement, ignoring the struggles of Palestinian women over more than a century, throughout the history of the Palestinian national liberation movement to end the occupation, and the struggle to strengthen democracy on the basis of respecting and enforcing the civil, political, economic, social and cultural rights embodied in The Palestinian Document for Women's Rights, which was announced in occupied Jerusalem in 1994. The feminist movement has demanded that the Legislative Council and decision-makers adopt the document, and rely on its philosophy when passing legislation regulating relationships between individuals and between individuals and the state, on the basis of citizenship rights and equality. However, the Palestinian political context, dominated by colonialism in all its forms, imposes a diversity of sources for legislation, leading to legal contradictions. Additionally, this legal system, which is also based on the ideology of patriarchy, has prohibited Palestinians' full enjoyment of rights, as individuals and as a people. Particularly noteworthy are the Personal Status Law and the Penal Code dating back over than seventy years. Both laws were manifestations of social engineering, that isolate women in private space and deprive them of their ability to exercise the package of rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women and in the two International Covenants of Economic, Social, Cultural, Political and Civil Rights.

On the other hand, the ongoing attack has had negative repercussions not only on women, but also on the entire national movement, civil society institutions, governmental bodies, and human rights and media institutions among others. More importantly, the attack also caused disruption in the social fabric and civil peace, as it was based on the spread of rumors, incitement, and threats through statements and meetings that called for the cancellation of the CEDAW agreement and withdrawing the accession of the occupied State of Palestine to this agreement. These actions reflect disregard for the negative impact they may have on Palestine's position before the world, and on human rights in Palestinian society, namely for women. However, some of the entities affected by the attack did not take any significant action to address it, apart from issuing statements.

All international agreements and conventions stress the importance of citizenship rights and the fact that women's rights are human rights. At the heart of them is the [International Declaration of Human Rights](#), which guarantees the rights and freedoms of all people and equality in dignity and rights. Although Palestine has signed several international treaties guaranteeing gender equality, including the Convention on Elimination of all Forms of Violence Against Women (CEDAW), these systematic attacks have continued, especially after the feminist movement has gained many achievements. Such



achievements include raising the minimum age of marriage for both genders to 18 years, with exceptions, which became effective as of January 2020. Moreover, in 2018 the feminist movement succeeded to achieve several civic rights for women, including the right to open and manage bank accounts for their children, the authority to transfer children from one school to another, and the right to apply for passports for their children. Additionally, in 2019 human rights and feminist organisations organised many campaigns and advocacy events during the 16 Days Campaign to Combat Gender-Based Violence, focusing on the elimination of violence against women through laws and demanding personal status and family protection laws based on equality. Efforts were also made to pressure the government to publicize CEDAW in the official gazette in order for its implementation, and for Palestinian laws to be amended in accordance, and for a guaranteed quota for women in decision-making bodies with a minimum of 30%.

It is worth noting that these attacks on human rights and feminist organisation began in mid-December 2019 after the circulation of a shadow report submitted to the CEDAW committee in 2018 by a Palestinian feminist organisation, along with Human Rights Watch and Equality Now. This specific report only reflects the views of this organisation and not the entirety of feminist organisations.

Although this report was submitted in 2018, conservative parties and forces have used women as a Trojan horse for their political and economic interests, strengthening the clan system at the expense of progress towards a civil state governed by the rule of law according to democratic values. These forces raised this report at the end of 2019, taking extracts from the report and placing them in contrived inflammatory contexts and presenting misleading interpretations on these fragmented texts. They have also made threats against the feminist movement and other parties such as the judiciary and the media, and disseminated their interpretations of the agreement inconsistent with CEDAW through official media and social media. Here it should be mentioned that the CSO Coalition for the Implementation of CEDAW, which includes 74 women and human rights organizations, presented the views of the feminist movement in their joint shadow report, and called on all institutions to implement CEDAW based on the shared views reflected in this report submitted to the CEDAW committee in 2018 in response to the national report submitted by the State of Palestine. The CEDAW Coalition demanded the following, in accordance with the articles of the Convention regarding health, education, work, political participation, security and peace ... etc.:

- A clear definition of discrimination within the legal system in Palestine
- Publishing CEDAW in the official gazette
- Signing the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Aligning Palestinian laws with CEDAW
- Raising the minimum age of marriage
- Assuring women's right to inheritance
- The abolition of absent divorce

The attacks on the feminist movement continued, and were manifested during a meeting of the tribes of Hebron, who later issued a statement calling for a "complete dismissal" of the CEDAW agreement, and for closing all feminist organisations<sup>1</sup>. This was followed by another gathering in Hebron organised

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<sup>1</sup> <https://www.wattan.tv/ar/news/297824.html>



by a group called “women’s assembly to cancel CEDAW”<sup>2</sup>. Community responses to such attacks have varied: some have supported them on the pretext that CEDAW is in contradiction with customs and traditions. On one hand, these responses have led the way for reactionary and fundamentalist forces to achieve their interests through using religion, and on the other, responses by official bodies and other social and political forces varied from stepping aside and merely observing, to issuing conciliatory statements on social media.

The most difficult of these were official responses which came out late and were very brief, including the prime minister’s position on the agreement, who said, “Our religious and national values rise above everything in line with the Constitutional Court’s decision, the Declaration of Independence, and in ways that respect our honour, the unity of our society, and the rule of law”<sup>3</sup>. Through this statement, the prime minister made reservations to the agreement instead of taking practical measures to abolish laws and cultural structures that emphasize the inferiority of women, and other patriarchal norms and perception, as required in CEDAW. Another statement, on the convention, by the Palestinian Bar Association added extra challenges to the feminist movement, as it reinforced the reactionary discourse and did not adhere to human rights principles, which also indicates ignorance of the terms of the convention and the obligations resulting from it. The statement indicated that “with regard to CEDAW, the Bar Association, with its reservations to it, initially affirms that the head of the Bar Association represents all lawyers and the Association’s Bar [and] expresses its refusal to implementing and publishing the CEDAW agreement in its current form without any reservations, it also affirms the importance of adhering to all decisions by the Constitutional Court regarding the implementation of international agreements and taking into account social and religious values”<sup>4</sup>. Additionally, heads of tribes demanded that the government refrain from its decision of increasing the age of marriage, and this was accompanied with statements and responses from the conservative party of Hizb al-Tahrir; who claimed that the “West and its institutions” along with the Palestinian Authority want to integrate the CEDAW agreement and “its destructive concepts” into the culture of the young generation in Palestine<sup>5</sup>.

Accordingly, and after Palestine had become a non-member observer state in the United Nations and signed many international agreements, the Palestinian Working Women Society for Development demands the Palestinian government to publish the CEDAW agreement in the Official Gazette and align local laws in accordance with the agreement and all treaties that guarantee gender equality. It is worth noting, here, that a decree was issued in 2009 to ratify CEDAW<sup>6</sup>, and it was later signed without reservation in 2014, and Palestine had also joined the Optional Protocol to the Convention. PWWSD also calls for the government and political parties to take all practical measures and steps to ensure the end of all forms of discrimination and violence against women in all aspects of life, which constitutes the essence of CEDAW indicated in [Article 3](#); “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of

<sup>2</sup> :<https://www.facebook.com/QudsN/videos/449614469067964/>

<sup>3</sup> <https://www.maannnews.net/Content.aspx?id=1003722>

<sup>4</sup> <https://www.sahafahn.net/news7133343.html>

<sup>5</sup> <https://www.pal-tahrir.info/press-comments/11698>

<sup>6</sup> :<http://muqtafi.birzeit.edu/pg/getleg.asp?id=15994>



guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”.

With this attack against the principle of equality continuing, it is necessary to formulate an intervention strategy at the public and policy levels and on ground focusing on the implementation of the agreement and the elimination of discrimination encountered by Palestinian women. Additionally, respecting the citizenship rights of women requires strengthening the democratic system, and building a societal human rights front from all sectors, especially the youth. Finally, social, political and media efforts must be intensified by initiating a strong dialogue based on respect and gender equality.

As a form of activism regarding the attack on CEDAW and the feminist movement, the Palestinian Working Women Society for Development has organized [policy dialogues, meetings](#) and academic and legal discussions in collaboration with the CSO Coalition for the Implementation of CEDAW. PWWSD organized a number of educational and grassroots activities for feminist cadres in civil society institutions, community-based organisations and [youth groups](#). Most of the recommendations in these events have unanimously agreed on the importance of formulating a feminist strategy based on lobbying the government to respond to issues raised by the CEDAW committee. Also, publicizing the agreement in the Official Gazette comes at the top of priorities for it to be implementation. In this regard, we note here that the PWWSD welcomes the formation of a committee under the supervision of the Ministry of Women’s Affairs to review the curricula from a gender perspective. PWWSD also calls on democratic parties to put equality on their daily agendas in order to deepen the values of human rights and build a secular civil state that stands at the same distance from all citizens.