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Evaluation of the partnership for democracy in respect of the Palestinian National Council

Committee Opinion¹

Committee on Equality and Non-Discrimination

Rapporteur: Ms Marit MAIJ, Netherlands, Socialist Group

A. Conclusions of the committee

1. The Committee on Equality and Non-Discrimination welcomes the report of the Committee on Political Affairs and Democracy (rapporteur: Mr Jordi Xuclà). The committee refers to the commitments undertaken by the Palestinian National Council under [Resolution 1830 \(2011\)](#), namely “actively promoting equal opportunities for women and men in political and public life; fighting all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards marriage, divorce, polygamy and inheritance law and, where necessary, initiating a process of legislative revision; fighting all forms of gender-based violence”.
2. The committee regrets that in the field of violence against women, as in the others listed above, the situation has not much evolved during the past two years. Despite the difficult circumstances, the committee calls on the Palestinian National Council to step up efforts to fulfil its voluntary commitments and hopes that by the next assessment, the situation of women in Palestine will have improved.

B. Proposed amendment

Amendment A (to the draft resolution)

In the draft resolution, at the end of paragraph 7.4 add: “and calls on the Palestinian authorities to take resolute action against this scourge, in co-operation with civil society and more specifically women’s organisations. Women’s economic empowerment and their participation in peace talks should also be encouraged;”

C. Explanatory memorandum by Ms Marit Maij, rapporteur for opinion

1. General comments

1. I would first like to congratulate Mr Jordi Xuclà on his detailed progress report on the implementation of the commitments undertaken by the Palestinian National Council in its request for partnership for democracy status with the Assembly.

1. Reference to committee: Bureau decision of 31 January 2014, Reference 4025 of 31 January 2014. Reporting committee: Committee on Political Affairs and Democracy, see [Doc. 14002](#). Opinion approved by the committee on 18 April 2016.



2. I welcome the active participation of the Palestinian Partner for Democracy delegation, especially that of Ms Najat Al-Astal, who is a committed member of the Committee on Equality and Non-Discrimination and also of the Parliamentary Network Women Free from Violence.

3. In 2014, in her explanatory memorandum, my colleague, Ms Gülsün Bilgehan, gave a detailed list of the areas that needed to be improved according to the commitments undertaken by the Palestinian National Council in [Resolution 1830 \(2011\)](#). In the light of the 2014 findings, the objective of this opinion is to find out whether developments have occurred in the past two years. I would like to thank Ms Suheir Azzouni, consultant on gender issues and human rights in Palestine, for having helped to gather information.

2. Actively promoting equal opportunities for women and men in public and political life (commitment undertaken by the Palestinian National Council, paragraph 12.5 of [Resolution 1830 \(2011\)](#))

4. Palestinian women remain under-represented in decision-making bodies at various levels of public life. As there have been no parliamentary elections since 2006, women's representation in parliament has not changed since the 2014 evaluation. The number of portfolios held by women in the government (Women's Affairs, Tourism and National Economy) has not increased either. According to the Palestinian Central Bureau of Statistics (PCBS), in 2014, 15.6% of judges and 25% of journalists were female. Moreover, women ambassadors accounted for only 5.8% and women represented a mere 3.4% in police forces.

5. In July 2015, two women were appointed as marriage registrars in Palestine. While such new appointments for women can be seen as positive developments, women still have a long way to go.

6. Women have a key role to play in Palestinian society. Yet they are still only marginally represented in key decision-making posts. In this connection, the ratification in June 2015 by the Palestinian Government of the national framework for the implementation of United Nations Security Council Resolution 1325 on women, peace and security, aimed at protecting women during armed conflicts, represents a positive development to foster women's participation and leadership in conflict resolution and state-building processes.

3. Fighting all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards marriage, divorce, polygamy and inheritance law and, where necessary, initiating a process of legislative revision (commitment undertaken by the Palestinian National Council, paragraph 12.5 of [Resolution 1830 \(2011\)](#))

7. As stated already in 2014, Palestinian women are discriminated against in matters of personal status, especially when it comes to issues such as marriage, divorce, child custody or their freedom of movement, a situation exacerbated by the fragmentation of the Palestinian legal system where rules applicable to women vary according to whether they live in the West Bank or in Gaza. For instance, the problem of Palestinian women being deprived of their inheritances in the Gaza Strip is widespread and growing, especially among families who own land. In general, Palestinian women struggle to access justice and tend to neither trust the legal system nor believe in its ability to address women's needs or be attentive to women's hardships.²

8. With regards to education, Palestinian girls and young women enjoy the same access to education as their male counterparts and even account for over half of all enrolled pupils. In addition, 9.2% of males aged 15-29 hold a university or higher education diploma compared to 13.1% of females in the same age group.³ However, despite the successful enrolment of women, which generally correlates positively with female work, Palestinian women's labour force participation remains low and does not necessarily translate into women's improved social status. Indeed, about half of women with 13 schooling years and above are unemployed.⁴ In addition, there is wage discrimination between the sexes: in 2014, the average daily wage for females was NIS 80.9 compared to NIS 105.8 for males. According to the International Labour Organisation (ILO), the average daily wage earned by women in the West Bank private sector amounted to only 76% of that earned by their male counterparts.⁵ Resolute measures should be taken to encourage women's access to the employment market and ensure equal pay for equal work, be it in the private sector or in public administration.

2. For further analysis, see Access Denied, Palestinian Women's Access to justice in the West Bank of the occupied Palestinian territory, UN Women, March 2014.

3. Palestinian Central Bureau of Statistics (PCBS), Press release on International Youth Day, August 2014.

4. The unemployment rate for this category stands at 48% – it was on average 39.2% for women against 22.5% for men in 2015, PCBS, Press release on International Women's Day, March 2016.

5. PCBS, Press Release on International Women's Day 2015, 5 March 2015, and ILO, The Situation of Workers of the Occupied Arab Territories, 2014.

4. Fighting all forms of gender-based violence (commitment undertaken by the Palestinian National Council, paragraph 12.5 of Resolution 1830 (2011))

9. The patriarchal system prevailing in Palestinian society exposes women to a continuum of violence in all spheres of life. Forced marriages of teenage Palestinian girls in the Gaza Strip remain frequent. Some 28.6% of women aged 20 to 49 were married before the age of 18.⁶ To date, there are no regulations that deter a parent from forcing his daughter to marry under the legal age. At the same time, since the last evaluation, honour killings have continued to make headlines. In May 2014, a Decree Law amending Article 98 of the Penal Code, which allowed for mitigation in sentencing of perpetrators of “honour” crimes, was issued by President Mahmoud Abbas. However, this decree law left untouched Article 99, which gives broad discretionary power to judges in the application of mitigating factors. Legislative intervention is needed to limit discretion in this regard to avoid a sense of impunity on the part of those responsible.

10. One positive signal coming from government in the fight against violence against women is the ongoing work on the ratification of the Family Protection Act, which aims at increasing the protection of women and children from domestic violence.

11. I seize the opportunity to congratulate the Palestinian National Council which, under the initiative of my colleague Ms Al-Astal, organised in December 2015 a workshop on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ETS No. 210, “Istanbul Convention”) with the participation of members of the Palestinian National Council, the Head of the Independent Commission for Human Rights and representatives of the Ministry of Women’s Affairs and civil society organisations. This event was an opportunity to encourage the government to ratify the convention and call for additional activities related to women and children’s issues. Indeed, the Istanbul Convention could be used as an incentive for improving the Palestinian legal order and practices related to the issue of violence against women.

5. Fighting racism, xenophobia and all forms of discrimination (commitment undertaken by the Palestinian National Council, paragraph 12.14 of Resolution 1830 (2011))

12. I was not informed of any specific advancement with regard to the situation of persons with disabilities since the last evaluation. I once again strongly encourage the Palestinian authorities to use the United Nations Convention on the Rights of Persons with Disabilities as a frame of reference in order to bring their legislation and practice into line with the relevant international standards and counter the generally negative perception of disability in Palestine.

6. Conclusions

13. Improving the status and situation of women in Palestinian society requires a legislation that eradicates all aspects of gender-based discrimination. Awareness raising and advocacy efforts with regard to discriminating laws and practices against women are also key for social and economic improvement. However, implementation remains limited and the situation has not evolved much since the last evaluation.

14. I am well aware that the political and legal situation makes it difficult to achieve rapid progress. I therefore endorse the recommendation by Mr Xuclà to maintain the partnership for democracy with the Palestinian National Council and to make a new assessment of the partnership when appropriate.

6. In the West Bank, the minimum age of marriage is 15 for girls and 16 for boys. In Gaza, the minimum age is 17 for girls and 18 for boys. See Freedom House, Women’s Rights in the Middle East and North Africa 2010, and PCBS, Press release, 8 March 2015.