



IN BRIEF

IMPACT OF COVID-19 CRISIS ON THE ACCESS OF WOMEN VICTIMS AND SURVIVORS OF VIOLENCE TO JUSTICE AND SECURITY SERVICES IN PALESTINE

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THE ISSUE: Impact of Covid-19 Crisis on the Access of Women Victims and Survivors of Violence to Justice and Security Services in Palestine

Women's access to justice is a fundamental element of the rule of law, gender justice and good governance, together with the independence, impartiality, integrity and credibility of the judiciary. It is a basic human right and a means of implementation of other human rights. CEDAW General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations (CEDAW GR 30) and General Recommendation No. 33 on Women's Access to Justice (CEDAW GR 33) emphasize that justice delivery must respond to the needs of women to enhance their access to justice, by mainly being justiciable, available, accessible, and provide responsive services, in addition to accountability of justice systems and remedies for victims.

In crisis and emergencies, including pandemics, women's access to justice, protection and security services become even more critical. This is pertinent for different reasons, notably the fact that violence against women (VAW), including sexual and physical violence tends to surge during and in the aftermath of emergencies, particularly as victims and survivors of violence will be most probably locked-up with their abusers with minimal possibility for seeking support or reaching out to the police. This observation has been reinforced by evidence gathered by NGOs worldwide [1]. Indeed, crisis and emergencies have profound and

disproportionate impacts on women and girls, amplifying pre-existing inequalities.

In view of this, women's need for protection, remedy and reparation increases, particularly amongst the furthest left behind groups of women, such as women with disability, elderly women, women in conflict with the law, women in marginalized areas amongst other segments of vulnerable women. In Palestine, the situation is not different, as several civil society organizations (CSOs) have reported an increase in violence. For instance, as per the data shared by SAWA [2], there is an increase in 57 per cent in calls related to violence received by SAWA's help line compared to pre COVID-19 emergency state. The Ministry of Social Development (MoSD) has issued a report on 21 April 2020 on cases of women victims and survivors of violence that have been received by the Ministry during the first quarter of the year, has revealed that a total of 70 cases were received from the beginning of the crisis on 5 March until 10 April 2020, of which 48 per cent were received during the emergency state that has started on 22 March 2020.

In line with this, the findings of the **rapid assessment on COVID- 19 and domestic and family violence services across Palestine** [3] which was administered by UN Women, has demonstrated that 53 per cent of service providers are observing an increase in domestic violence. This finding is supported by the fact that 50 per cent of service providers with a "Helpline Service" are experiencing increase in calls and request for support.



Impact of Covid-19 Crisis on the Access of Women Victims and Survivors of Violence to Justice and Security Services in Palestine

As a result of the preventive and precautionary measures taken by the Palestinian government to contain and flatten the curve of the spread of the virus, which included restrictions on movement, closure or downsizing of the scope of services of institutions amongst other measures, the services provided by the justice and security sectors, including protection services have been heavily impacted. This has negatively affected rates of reporting of violence amongst survivors. For instance, based on the findings of the rapid assessment on COVID-19 and domestic and family violence services across Palestine that was administered by UN Women, while 53 per cent of service providers are observing an increase in domestic violence, only 33 per cent of respondents are witnessing an increase in reporting cases of violence by women at risk [4].

In line with this, despite the fact that some justice and security institutions, such as, the High Judicial Council (HJC), and the Attorney General Office (AGO) have developed emergency plans to respond to emerging needs and realities of the COVID-19 crisis, needs of women victims and survivors of violence are yet to be addressed. The complete lockdown of the Family Courts in the West Bank and Gaza [5] has heavily impacted rights of women, boys and girls, as one of the most disadvantaged groups (e.g., cases of alimony, custody, visitation rights, financial rights of orphans, protection orders and inheritance rights amongst others).

The gradual easement of procedures imposed on Family Courts in Gaza is yet to be monitored [6], to ensure realization of rights of the most disadvantaged groups. At the same time, the measures taken by the HJC and the AGO to prioritize emergency law violation cases, in addition to cases of arrested people and release decisions, have a deteriorating impact on women victims and survivors of violence access to justice. Although the HJC decision to prioritize cases of women in conflict with the law represents an encouraging step, similar measures should be followed to ensure due attention to cases of women victims and survivors of violence.

Moreover, the situation of women inmates at the Correctional Rehabilitation Centres (CRCs) have to be addressed cautiously by responsible authorities, to ensure that their well-being, safety, privacy and protection from contracting the virus are maintained and prioritized. In line with this, the President's decision issued on 5 April 2020, to grant pardons to perpetrators of misdemeanour crimes and violations who have served half of their sentence, has benefitted 125 persons, of which only two were women. Although the decision has

been regulated by criteria that were applied to all inmates, adopting a gender perspective would have taken into consideration the different impact of the decision on women and men, particularly as that some women have children with them at the CRCs. Whereas, in Gaza, there were twenty-two women detained as of 25 March 2020, five were discharged in early release representation session. The number of women who still in detention centre is seventeen, with two children aged 3 months and 1 year, respectively [7].

Acknowledging that coordination between service providers forms a backbone for the referral pathway for victims and survivors of violence, the fact that some services have either been halted or downsized, has had a critical impact on the work of other service providers. For instance, in the West Bank [8], although the Family and Juvenile Protection Unit (FJPU) has continued providing services, limiting the sheltering services of the main shelters to existing cases during the COVID-19 emergency is hindering their work. It is denying the police an effective tool and instead forcing them to resort to conservative solutions typical of the informal justice mechanisms which might increase survivors' vulnerability and risks their safety and wellbeing.

At the same time, the current emergency has negatively affected the capacity of civil society organizations (CSOs) - service providers of essential services to women victims and survivors of violence - to continue providing services. The rapid assessment on the impact of the COVID-19 crisis and domestic and family violence services across Palestine [9], has showed that many services that require gatherings, face-to-face engagement, and field visits have stopped, and new services have been introduced. CSOs have in most cases successfully adapted to virtual methods of service provision, including the provision of psychosocial and legal support, raising awareness, documentation amongst others. Nevertheless, the disruption in the modality of implementation is expected to entail implications on the services, notably with the complications associated with virtual services, particularly as some women might not have access to internet and electricity, amongst other challenges.

Recommendations

In light of the above analysis, and in order to ensure that perpetrators of violence against women are held accountable, and victims' right to protection, remedy and reparation is maintained, UN Women within the *Sawasya II* programme makes the following recommendations:

For the justice and security stakeholders as well as the Ministry of Social Development and CSOs:

- To develop appropriate processes and measures to ensure that women can report Gender Based Violence confidentially and seek suitable services and solutions in a timely manner during and in the aftermath of the COVID-19 emergency. Examples from other countries should be sought. For instance, in Jordan, victims' referral pathway during the COVID-19 has been embedded into the National Referral System, through which special measures have been introduced to promote women victims and survivors of violence access to justice during the emergency state.
- To ensure regular documentation of the gendered impact of COVID-19 on women victims and survivors of violence access to justice, to provide evidence-based analysis and lessons learned. Disaggregated data including sex, age, marital status, place of residence, and other related information should be included.
- To include messaging and information on victims and survivors' rights and available services, including through using emergency numbers and hotlines. The FJPU instalment of a helpline for example, is an encouraging step that should be followed by other institutions within the justice and security sectors.

For the justice and security stakeholders:

- For those which have developed emergency plans, to take into consideration the rights, priorities and concerns of women victims and survivors of violence. Particular focus should be given to the rights of the most disadvantaged groups, including amongst others, women with disability, elderly women and women victims and survivors of sexual assaults.
- To introduce methods that enable the provision of virtual services and virtual coordination between service providers, when possible, to enhance women victims and survivors of violence access to justice. For instance, in Morocco, digital services are being provided by the Ministry of Justice via a website, which includes the possibility to file a complaint via the Office of the Public Prosecution's website (the website of the public prosecution in Morocco : www.pmp.ma).

For the Supreme Judge Department:

- To develop an emergency plan that ensures the continuity

of Family Court services to women and children. Measures adopted by other countries can provide learning examples. For instance, in Jordan, they have adapted to e-platforms, such as the video conference mechanism, to enforce child visitation orders.

For the Ministry of Social Development:

- To continue providing psychosocial support for women in conflict with the law, and women victims and survivors of violence during the emergency state. This can be achieved by introducing ICT support mechanism, such as phone, video conference or others.
- To prepare a multi- sectoral coordination plan to ensure the effective implementation of the Cabinet's decision issued on 28 April 2020 regarding the referral of women victims and survivors of violence during the COVID-19 emergency state.

For the Bar Association:

- To provide legal aid, including early representation, legal advice and court representation for women in conflict with the law and women victims and survivors of violence. For example, for women in conflict with the law, special arrangements can be put in place by the CRCs and the PBA to enable women in conflict the law receiving legal aid during and in the aftermath of the emergency state.

For the international community, including development partners, international non-governmental organizations (INGOS), and UN Agencies:

- To support women and CSOs to continue providing virtual support for women victims and survivors of violence, raising awareness, conducting studies and documentation, and advocating for women's right for a life free from violence.
- To support the justice and security sectors to enable them to provide effective virtual services, that ensure matters of privacy, confidentiality and survivor's dignity.
- To support MoSD to effectively implement the Cabinet's decision issued on 28 April 2020 on the referral of women victim and survivors of violence and their children during the COVID-19 emergency state.
- To strengthen and facilitate the dialogue and coordination between civil society service providers and the security and justice sectors, to enhance collaboration and complementarity in efforts exerted by the justice and security sectors institutions and the civil society service providers.

References

- [1] First, Jennifer. "Protecting women and girls from violence in disasters." Prevention Web, 24 Nov. 2017, <https://www.preventionweb.net/experts/oped/view/56044>
- [2] SAWA, Fact Sheet 4, 17 April 2020.
- [3] UN Women. Rapid Assessment on COVID- 19 and Domestic and Family Violence Services across Palestine, April 2020.
- [4] Ibid.
- [5] Emergency orders for complete closure of Family Court has been issued on 22 March in the West Bank, and on 25 March in Gaza, however, litigation of urgent cases on exceptional basis, including divorce, custody and alimony has been observed recently.
- [6] The Supreme Judge in Gaza has issued a circulation that enables Family Court to provide services for urgent cases, pertaining to custody, alimony, child visitation amongst other types of cases.
- [7] As per the PBA in Gaza, this number is as of 25 April 2020.
- [8] Safe shelter run by the de-facto authority in Gaza has also limited the shelter services to existing cases.
- [9] UN Women. Rapid Assessment on COVID-19 and Domestic and Family Violence Services across Palestine, April 2020.