



General Assembly

Distr.: General
8 June 2021

English only

Human Rights Council

Forty-seventh session

21 June–9 July 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2021]

* Issued as received, in the language(s) of submission only.



Violence Against Women in Palestinian Society

United Nations Watch is concerned about the prevalence of violence against women in the territories under Palestinian Authority (PA) and Hamas control and the perpetuation of a false narrative that somehow blames Israel.

Violence against women in the West Bank and Gaza Strip is widespread. The PA has even broadcast TV programs encouraging wife-beating.¹ The 2016 report of the Special Rapporteur on violence against women noted that Palestinian women “suffer under a system of violence emanating from the tradition and culture, with embedded patriarchal social norms and multiple outdated legal frameworks,”² and expressed specific concern about honor killings, domestic violence and sexual violence.³

In its 2018 concluding observations on the State of Palestine, the UN Committee which monitors the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) expressed concern about “the high prevalence of gender-based violence against women, in particular so-called ‘honor killings’ and domestic and sexual violence, which remain socially accepted and underreported due to the stigma suffered by victims.”⁴ Notably, while the PA acceded to CEDAW in 2014, at least two Palestinian government entities—the Supreme Fatwa Council and the Supreme Commission of Tribal Affairs—oppose compliance with CEDAW.⁵

The issue of honor killings made headlines in 2019 when Israa Ghayeb, a 21-year-old woman, was pushed out of a window and then beaten to death in the hospital by family members who were incensed by a photo she had shared on Instagram of herself with a man.⁶ Palestinian women’s rights groups documented 11 killings of women in the first four months of 2020 alone,⁷ at least 18 killings in the first nine months of 2019 and 23 killings in 2018.⁸ However, because there are no reliable statistics on gendered violence due to underreporting, the numbers are likely higher.⁹ COVID-19 lockdowns have exacerbated the problem.¹⁰

¹ Asher Weber, Palestinian TV: If you have to beat your wife, follow Quranic instructions, JERUSALEM POST (April 6, 2017), <https://www.jpost.com/arab-israeli-conflict/palestinian-tv-if-you-have-to-beat-your-wife-follow-quranic-instructions-486344>.

² Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine, UN Doc. A/HRC/35/30/Add.2, ¶ 23 (June 2017).

³ Id. at ¶ 25

⁴ Concluding observations on the initial report of the State of Palestine, CEDAW, UN Doc. CEDAW/C/PSE/CO/1 (July 25, 2018), ¶ 26

⁵ Mitchell G. Bard, Myths and Facts: Women’s Rights are Protected by the Palestinian Authority, JEWISH VIRTUAL LIBRARY (last visited May 18, 2021), <https://www.jewishvirtuallibrary.org/myths-facts-online-exclusives#304>

⁶ Kersten Knipp and Dina Elbasnaly, Palestinian ‘honor killing’ sparks outrage, calls for women’s protection, DEUTSCHE WELLE (Sep. 2, 2019), <https://www.dw.com/en/palestinian-honor-killing-sparks-outrage-calls-for-womens-protection/a-50265088>

⁷ Farah Najjar, Domestic abuse against Palestinian women soars, AL JAZEERA (April 20, 2020), <https://www.aljazeera.com/news/2020/04/domestic-abuse-palestinian-women-soars-200420175924348.html>.

⁸ Ali Sawafta, Palestinian women demand legal protection after suspected ‘honor killing,’ REUTERS (Sep. 4, 2019), <https://www.reuters.com/article/us-palestinians-women-killings/palestinian-women-demand-legal-protection-after-suspected-honor-killing-idUSKCN1VP2AW>; Rothna Begum, The Deadly Toll for Palestinian Women, HRW (Sep. 19, 2019), <https://www.hrw.org/news/2019/09/19/deadly-toll-palestinian-women>.

⁹ Maja Sojref, No to femicide in Palestine! INTERNATIONAL POLITICS AND SOCIETY (Nov. 6, 2019), <https://www.ips-journal.eu/regions/middle-east/article/show/no-to-femicide-in-palestine-3844/>.

¹⁰ COVID-19 risks creating and exacerbating women’s vulnerabilities and gender inequalities in Palestine, warns UN Women, UN WOMEN (May 6, 2020), <https://palestine.unwomen.org/en/news-and-events/stories/2019/3/rapid-gender-analysis>.

A survey by the Palestinian Bureau of Statistics from 2019 found that nearly 30% of Palestinian women reported at least one incident of psychological, physical, sexual, social or economic violence by their husbands in the preceding year.¹¹ Another study found that the rates of physical intimate partner violence among Palestinian women in the past year was 24%.¹² Statistics published by UN Women indicate that 50% of Palestinian women and 63% of Palestinian men agree that women should tolerate violence to keep the family together.¹³

Moreover, Palestinian law does not sufficiently protect Palestinian women. Article 99 of the Palestinian Authority Penal Code—inherited from Jordan—has protected the perpetrators of honor crimes, allowing charges to be dropped or sentences to be reduced.¹⁴

In a 2014 study on Palestinian honor killings published by the Office of the High Commissioner for Human Rights, Palestinian judge Ahmad Al Ashqar wrote:

[L]egislation in place contributes, to a large extent, to building a social awareness that killing under the pretext of honor is acceptable. Legal justifications and legal processes known as pardoning excuses...contribute to that, as the majority of perpetrators benefit from these excuses based on Article 99 of the Penal Code of 1960.¹⁵

In 2011, Palestinian President Mahmoud Abbas amended some of the penal laws to deter honor killings. However, these amendments did not affect Articles 99 or 100 of the Jordanian Penal Code—the laws used to mitigate penalties for murder and to deny women access to justice.¹⁶ Thus, the impact of these amendments as a deterrent for honor killings was limited.¹⁷

In March 2018, Article 99 was finally amended to prohibit its use for reducing sentences. However, the deterrent impact of this remains unclear as a number of honor killings were documented since then.¹⁸

Likewise, Palestinian law fails to protect women from domestic violence generally. A report by the Gender Index of the OECD Development Centre explained that in Palestinian society, extended family tend to intervene to resolve issues of domestic violence which often works in favor of the perpetrators, and victims of sexual violence are stigmatized.¹⁹ In March 2018, Article 308 of the Penal Code which allowed a convicted rapist to avoid imprisonment by marrying the victim was amended. However, this was just a first step

¹¹ Almost one in three Palestinian women reported violence by their husbands in 2018-2019, OCHA OPT (Dec. 18, 2019), <https://www.ochaopt.org/content/almost-one-three-palestinian-women-reported-violence-their-husbands-2018-2019>.

¹² Elghossain, T., Bott, S., Akik, C. et al. Prevalence of intimate partner violence against women in the Arab world: a systematic review, *BMC INT HEALTH HUM RIGHTS* 19, 29 (2019), <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-019-0215-5>

¹³ Facts and Figures: Ending Violence against Women, UN WOMEN PALESTINE (last visited Jan. 27, 2021), <https://palestine.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

¹⁴ Dov Lieber, As so-called ‘honor killers’ get away with murder, Palestinians say law, judges outdated, *TIMES OF ISRAEL* (May 18, 2017), <https://www.timesofisrael.com/as-so-called-honor-killers-get-away-with-murder-palestinians-say-law-judges-outdated/>.

¹⁵ Judge Ahmad Al Asqar, Murder of Women in Palestine Under the Pretext of Honor: Legislation and Jurisprudence Analytical Study, OHCHR (April 2014), at p. 4, https://www.ohchr.org/Documents/Issues/Women/WRGS/Executive_summary_study_called_honour_killings_Palestine.pdf.

¹⁶ State of Palestine: Gender Justice & The Law, UNDP (2018), at p. 18; see also As so-called ‘honor killers’ get away with murder, Palestinians say law, judges outdated, *supra* note 14.

¹⁷ Murder of Women in Palestine Under the Pretext of Honor: Legislation and Jurisprudence Analytical Study, *supra* note 15.

¹⁸ Palestine: ‘Marry-Your-Rapist’ Law Repealed, HRW (May 10, 2018), <https://www.hrw.org/news/2018/05/10/palestine-marry-your-rapist-law-repealed>

¹⁹ West Bank and Gaza Strip, OECD DEVELOPMENT CENTRE (2019), <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/PS.pdf>

which did not solve the problem. Families still try to force women to marry their alleged rapists because of laws preventing registration of children born out of wedlock.²⁰

While the Palestinian Ministry of Women's Affairs announced it would introduce a new family protection law before the end of 2019,²¹ as of September 2020, the law had yet to be adopted.²²

The situation of Palestinian women is similar to that of other women across the Middle East whose lives are not affected by "occupation." For example, UN Women states that at least "37% of Arab women have experienced some form of violence in their lifetime."²³ Amnesty International MENA director Heba Morayef recently said: "Across MENA, many women and girls' lives continue to be blighted by the daily reality of violence in the home or in the street."²⁴ She added that honor killings continue in Iraq, the Islamic Republic of Iran, Jordan, Kuwait and State of Palestine. Similarly, Plan International recently reported that "Gender-based violence is the most common rights violation experienced by women and girls in the [MENA] region."²⁵

Nevertheless, UN officials and reports, including this Special Rapporteur's 2016 report, insist on perpetuating a false narrative that seeks to blame Israel for Palestinian gender-based violence. Indeed, the Special Rapporteur's 2016 report made a point to "highlight the clear linkage between the prolonged occupation and violence against women," but provided no data to support that conclusion.²⁶ As noted, the data shows the opposite.

United Nations Watch urges all UN officials and bodies, including this Special Rapporteur, to reject the false narrative that blames Israel for Palestinian violence against women, to demand PA and Hamas compliance with CEDAW, and to demand legal accountability from the Palestinian justice system for violence against women.

²⁰ Palestine: 'Marry-Your-Rapist' Law Repealed, *supra* note 18.

²¹ George Sadek, West Bank: Palestinian Authority Announces Planned Changes to Penal Code in Response to Case of Honor Killing, LIBRARY OF CONGRESS (Nov. 13, 2019), <https://www.loc.gov/law/foreign-news/article/west-bank-palestinian-authority-announces-planned-changes-to-penal-code-in-response-to-case-of-honor-killing/>.

²² Government and Partners Discuss Women's Rights in Palestine, UN WOMEN (Sep. 27, 2020), <https://palestine.unwomen.org/en/news-and-events/stories/2020/09/press-release-government-and-partners-discuss-women-rights-in-palestine>.

²³ Facts and Figures: Ending Violence against Women and Girls, UN WOMEN ARAB STATES (last visited May 18, 2021), <https://arabstates.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

²⁴ MENA: Gender-based violence continues to devastate lives of women across region, AMNESTY INTERNATIONAL March 8, 2021), <https://www.amnesty.org/en/latest/news/2021/03/mena-gender-based-violence-continues-to-devastate-lives-of-women-across-region/>.

²⁵ The Protection of Young Women and Girls in the Middle East and Northern Africa, PLAN INTERNATIONAL (Dec. 10, 2020), <https://plan-international.org/publications/protection-young-women-girls-middle-east-and-northern-africa>.

²⁶ A/HRC/35/30/Add.2, ¶ 11, *supra* note 2; Egyptian U.N. Chair Refuses to Thank UN Watch Director for Speech, UN WATCH (June 12, 2017), <https://unwatch.org/egyptian-u-n-chair-refuses-thank-un-watch-director-speech/>.