



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

Distr.
GENERAL

E/CN.4/2005/72/Add.4
9 February 2005*

RUSSIAN
Original: ENGLISH

КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

Шестьдесят первая сессия

Пункт 12 предварительной повестки дня

**ИНТЕГРАЦИЯ ПРАВ ЧЕЛОВЕКА ЖЕНЩИН И ГЕНДЕРНОЙ ПЕРСПЕКТИВЫ:
НАСИЛИЕ В ОТНОШЕНИИ ЖЕНЩИН**

**Доклад Специального докладчика по вопросу о насилии в отношении женщин, его
причинах и последствиях г-жи Якины Эртюрк**

Добавление

Поездка на оккупированную палестинскую территорию**

* Настоящий доклад был представлен с задержкой, поскольку ожидалось замечания по докладу от соответствующего правительства.

** Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад содержится в приложении к настоящему документу и распространяется на английском и арабском языках.

Резюме

В настоящем докладе сообщается о результатах моей поездки 13-18 июня 2004 года на оккупированную палестинскую территорию (ОПТ) с официальной миссией. В нем анализируется влияние конфликта и оккупации на женщин, в частности их последствия с точки зрения насилия в отношении женщин. В докладе определяются ключевые меры и инициативы, необходимые для обеспечения защиты и поощрения прав женщин и для ликвидации насилия в отношении женщин на ОПТ. Как таковой доклад не касается вопроса о насилии в отношении женщин в Израиле.

Нарушения прав человека в форме насилия происходят на всей ОПТ как результат затяжного конфликта и оккупации. Меры по обеспечению безопасности, принимаемые израильскими оккупирующими силами, в сочетании с вызываемой ими ответной реакцией со стороны различных палестинских элементов содействуют формированию комплексной системы насилия, которая пересекается с традиционными патриархальными гендерными отношениями, оказывая травмирующее воздействие на палестинских женщин.

В докладе подчеркивается влияние принимаемых Израилем мер по обеспечению безопасности на соблюдение норм права в области прав человека и гуманитарного права на ОПТ. В условиях такой неблагоприятной обстановки комплексная система насилия, проявляющая себя там, где пересекаются оккупация и патриархат, поработачивает женщин через непрерывное насилие, охватывающее все сферы жизни. Женщины подвергаются насилию в результате прямого или косвенного влияния мер безопасности, а также насилию в семье и общине, которое усиливается под воздействием ситуации в области безопасности.

Для создания обстановки, благоприятствующей борьбе с насилием на ОПТ, важно, чтобы Израиль незамедлительно прекратил нарушать нормы международного права и чтобы было достигнуто устойчивое решение конфликта. Такое решение зависит от эффективной реакции на главную проблему конфликта в этом регионе - проблему выселения палестинцев с их земель.

Я присоединяюсь к призыву палестинских женщин к израильскому обществу, в особенности к израильским женщинам, оказать давление на правительство Израиля с целью прекращения оккупации. Я призываю правительство Израиля и Палестинскую администрацию реализовать план "дорожной карты" в целях создания независимого и

суверенного палестинского государства и достижения устойчивого мира в регионе. В этой связи в соответствии с резолюцией 1325 (2000) Совета Безопасности я подчеркиваю важность всестороннего участия палестинских и израильских женщин в мирном процессе.

Я настоятельно призываю правительство Израиля соблюдать нормы международного права в целях обеспечения прав и защиты палестинского гражданского населения, уделяя особое внимание праву на здоровье и предоставлению беременным женщинам и больным беспрепятственного доступа к медицинским услугам. В этом контексте необходимо предоставить свободу передвижения сотрудникам Организации Объединенных Наций и других гуманитарных учреждений, действующих на ОПТ. Я также настоятельно призываю правительство Израиля включать в его доклады, представляемые договорным органам, в частности КЛДЖ, информацию о выполнении им своих обязательств по поощрению и защите прав женщин на ОПТ.

Я призываю Палестинскую администрацию проводить политику абсолютной нетерпимости в отношении всех форм насилия, включая терроризм; добиваться создания демократического светского государства, защищающего права женщин; ввести единое внутреннее законодательство, криминализирующее сексуальные посягательства, бытовое насилие и преступления против чести; оказать правовую, политическую и финансовую поддержку министерству по делам женщин и увеличить политическое представительство женщин. Я призываю Палестинский законодательный совет (ПЗС) принять законопроект о правах женщин и содействовать принятию всех проектов законов, направленных на обеспечение гендерного равенства.

Я призываю международное сообщество активнее требовать от Израиля отчета о соблюдении норм международного права на ОПТ; способствовать увеличению имеющегося у Палестинской администрации потенциала для выполнения своих обязательств; поддерживать посредством двустороннего и многостороннего финансирования инициативы гражданского общества по улучшению положения женщин; и оказывать поддержку усилиям палестинских и израильских женщин по достижению мира и урегулированию кризиса в регионе. Я настоятельно призываю Совет Безопасности уполномочить международный механизм на ОПТ, обеспечивать соблюдение прав человека и норм международного права и осуществление принятых Советом резолюций, оказывать поддержку этим усилиям и расширить мандат местного отделения Управления Верховного комиссара Организации Объединенных Наций по правам человека (УВКПЧ) на ОПТ, включив в него функцию наблюдения.

Annex

**REPORT SUBMITTED BY THE SPECIAL RAPPOREUR
ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND
CONSEQUENCES, YAKIN ERTÜRK, ON HER MISSION
TO the OCCUPIED PALESTINIAN TERRITORY
(13 TO 18 JUNE 2004)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	5
I. THE CONTEXT: SECURITY, HUMAN RIGHTS AND HUMANITARIAN LAW	5 - 12	5
II. INTEGRATED SYSTEM OF VIOLENCE AGAINST WOMEN	13 - 58	7
A. Violence emanating from Israel's security measures	19 - 46	8
B. Violence within the family and the community	47 - 58	14
III. RESPONSE TO VIOLENCE AGAINST WOMEN	59 - 71	17
A. Legal framework	59 - 60	17
B. Initiatives of the Palestinian Authority	61 - 63	18
C. Initiatives of the civil society	64 - 69	18
D. Initiatives of the United Nations country team	70 - 71	19
IV. CONCLUSIONS AND RECOMMENDATIONS	72 - 78	20
Appendix: List of persons and organizations consulted during the mission		28

Introduction

1. I visited the Occupied Palestinian Territory (OPT) on official mission from 13 to 18 June 2004 to gather first-hand information on how the occupation and conflict impacts on violence against women in the OPT. The visit took place with the cooperation of the Government of Israel and the Palestinian Authority. I would like to thank them both for the cooperation extended to my visit.
2. I am very grateful for the support provided by the United Nations country team for ensuring a substantively and logistically successful visit. In particular, I would like to express my gratitude to Mr. Osman Hassan, the Director of the OHCHR field office in the OPT and his staff for their support, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for facilitating field visits in the Gaza Strip.
3. During the mission, meetings were held in East and West Jerusalem, the West Bank (Ramallah, Jenin and Anin) and the Gaza Strip (Gaza city, including Al-Zaytoun area, and Jabalia refugee camp). I undertook a number of field visits to refugee camps and to villages near the separation wall to interview victims of human rights violations and their families. I also visited the Ramleh Central Prison and interviewed Palestinian female detainees. I had consultations with and received information from representatives of the Government of Israel, the Israeli Defense Forces (IDF), representatives of the Palestinian Authority, and members of the Palestinian Legislative Council (PLC). I also met with representatives of human rights and women's organizations, academics, lawyers, survivors of violence, families of victims and United Nations agencies. (A list of interlocutors is in the appendix.)
4. I would like to express my heartfelt thanks to all the victims of violence and their relatives who agreed to relate their personal experiences, which enabled me to have a deeper understanding of the problems arising for Palestinian women.

I. The Context: security, human rights and humanitarian law

5. The focus of this report is confined to an analysis of the impact of conflict and occupation on Palestinian women in the OPT. It is still commonly assumed that high politics and international relations are gender neutral. The United Nations gender agenda of the past several decades, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1993 Declaration on the Elimination of Violence against Women, the 1994 mandate of the special rapporteur on violence against women, its causes and consequences, and the Beijing Platform for Action, emerged in part in response to such biased perceptions. Gender order is political and high politics are gendered. External factors, such as occupation,

change or distort relations between the sexes. Therefore, it is necessary to assess their gender implications and their impact on violence against women. It is with this realization that I use the mandate entrusted to me to assess the impact of conflict and occupation in the OPT. In order to achieve a holistic approach I also examine how patriarchy - as a universal system of oppression - intersects with occupation in creating a continuum of multiple forms of violence against women in the OPT.ⁱ

6. National security has become a global concern and measures undertaken in this regard, regrettably, have often compromised human rights and humanitarian law. This is a salient feature of the state of affairs in the OPT, accelerating particularly after the second intifada in 2002. Through military orders, Israeli authorities have built and expanded Jewish settlements on Palestinian lands, exploited water and economic resources, controlled crossing points, required work permits and regulated the movement and the intimate lives of the Palestinian people. This situation has provoked resistance in different forms, including violence by militant groups. Thus, an integrated system of violence, intersecting with violence inherent in patriarchal gender relations, has become institutionalized, which cuts across all spheres of women's lives in the OPT.

7. After having visited the region and witnessed the reality of life in the OPT, I am extremely concerned that the measures taken by Israel for security reasons are in fact perpetuating the conflict and provoking further violence. I am further concerned that such measures will exacerbate the hostilities, thus confining both Palestinian and Israeli civilians, to a perpetual state of insecurity. The Palestinian people, however, are bearing by far the brunt of the situation, and this is cultivating seeds of desperation in the OPT.

8. Israel has the right to address security concerns. However, human rights law calls for a balance between legitimate national security concerns and the protection of fundamental freedoms. Therefore, measures must be proportionate to the threat that they are designed to counter and must be non-discriminatory in nature. Under international law certain rights are not subject to suspension under any circumstance, including the right to life; freedom of thought, conscience and religion; freedom from torture and cruel, inhuman or degrading treatment or punishment; and fundamental principles of fair trial and the presumption of innocence.

9. The Human Rights Committee (HRC) in its concluding observations on Israelⁱⁱ reiterated that the provisions of the International Covenant on Civil and Political Rights (ICCPR) do apply to the population of the occupied territories. It specifically stressed that Israel has to "ensure that measures designed to counter acts of terrorism, whether adopted in connection with Security Council resolution 1373 (2001) or in the context of the ongoing armed conflict, are in full conformity with the Covenant". The Committee noted Israel's frequent use of

administrative detention entailing restrictions on access to counsel and to disclosure of reasons for detention. It stated that these features limit the effectiveness of judicial review, thus endangering protection against torture and other inhumane treatment. It also expressed its concern over the use of prolonged incommunicado detention. The Committee deplored the punitive nature of the demolition of homes and called on Israel to cease the practice.

10. Prior to my visit to the OPT, the Security Council on 19 May 2004 adopted resolution 1544, which reiterates the obligation of Israel, as the occupying Power, to scrupulously abide by its legal obligations and responsibilities under the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and the numerous previous resolutions on the Palestinian question. The international community has stated clearly that the concept of military occupation applies to the Palestinian territories, and therefore, Israel is subject to the provisions and rules of the international humanitarian law that regulate the situation of occupation.ⁱⁱⁱ

11. While the representatives of the Government of Israel indicated that security measures are a last resort to protect the Israeli population from terrorist attacks, they also stressed that human rights law and the law of war may at times be incompatible. The Israeli Defense Forces (IDF) legal service said that any action exceeding “military necessity” is investigated and that perpetrators are prosecuted if found guilty. They assured me that they are very sensitive to “collateral damage”. However, they admitted that sometimes mistakes are made due to poor intelligence. They emphasized that all actions are also subjected to review by the Israeli Supreme Court and all residents of the West Bank and Gaza Strip may petition against alleged human rights violations.

12. On 27 May 2004, Adalah, the Palestinian Centre for Human Rights, and the NGO Al-Haq filed a petition and a motion for an injunction to the Israeli Supreme Court against IDF, the Minister of Defence and the Prime Minister. The petitioners asked the Supreme Court to define, for the first time, the legal scope of the term “military necessity” in accordance with international humanitarian law, the Rome Statute of the International Criminal Court and recent decisions of the International Criminal Tribunal for the former Yugoslavia. The petition challenged IDF’s justification of “military necessity” for its policy of house demolitions. At a hearing on the petition on 26 October 2004, the Supreme Court requested additional submission on a specific event within a specific location related to the petition.

II. Integrated system of violence against women

13. Decades of Israeli occupation of the OPT, use of force and stringent security measures combined with the forms of resistance these provoke have contributed to the creation of an atmosphere of legitimized violence as a method of conflict resolution. At the intersection of occupation and patriarchy, women experience a multilayered discrimination and multiple forms of violence.

14. The occupation has pervaded all aspects of life and entailed violations of economic, social and cultural rights as well as civil and political rights. Violence is used by IDF as a tool to sustain the occupation and by the Palestinian militants as a tool to resist it. The strategic use of instruments by Israel such as land confiscation, extrajudicial executions, daily military incursions, arbitrary closures and curfews, demolitions of homes and arbitrary detention among others have all contributed since 1967 to the current mistrust and hostility pervasive throughout the OPT.

15. The situation in Gaza is like an open prison, with Israel totally controlling the movements in and out of the area. In May 2004, Israel launched raids of unprecedented violence and destruction in the south of the Gaza Strip with the aim of finding and destroying tunnels stretching under the border from Egypt through which weapons were allegedly being smuggled into Gaza. They demolished homes, damaged schools and other public buildings, and destroyed infrastructure, much of which reportedly stood several hundred metres away from the border. Palestinian civilians, including women and children, were shot without warning. On the first day of the incursion a 14-year-old girl was killed, followed by many more injuries on the second day as troops opened fire on demonstrators. I was unfortunately unable to visit Rafah, as IDF closed the road on the day I was scheduled to travel there.^{iv}

16. I heard testimonies from female refugees in Jenin who reported that during the two-week military incursion in 2002, IDF sent missiles into the camp, killing and injuring women and children, and demolishing homes. Ambulances were prevented from entering the camp, resulting in death due to lack of medical care. Women were used as human shields to enter houses. Many men were arrested and detained incommunicado for a period of six months. Women and children were disabled and suffer post-traumatic stress as a result.

17. Widows, 67 per cent of whom are aged between 18-30 years, told me that, even as wives of martyrs with an enhanced status, they are never free in a conservative patriarchal community. Therefore, they have forgotten that they are women, and now see themselves only as mothers and providers for their family. Women with husbands explained that the dire economic situation and the pressures of the occupation have made men more violent because they have lost their

ability to provide and protect - two essential elements of manhood in a traditional patriarchal society. As men become stripped of their manhood, women become the shock absorbers of the crises as targets of domestic violence.^v

18. Violence against women manifesting itself within an integrated system of violence emanates from two sources: Israeli security measures; and the family and the community.

A. Violence emanating from Israel's security measures

19. Security measures are directed at the entire Palestinian population; in this regard, women are subjected to violence emanating from these measures in similar ways to other members of the society. However, owing to the diverse ways in which occupation and patriarchy intersect, the direct and indirect impact of security measures tends to have specific and compounded consequences for women. In order to demonstrate this, I focus on four measures employed by the Israeli authorities: restrictions on freedom of movement; house demolitions; detention; and injuries and loss of lives.

1. Restrictions on the freedom of movement

20. The policy of restrictions on the movement of Palestinian civilians consists of a number of practices that include differential residency and identification (ID) status, military checkpoints,^{vi} the wall, and arbitrarily imposed closures and curfews. Israel's enforcement of closure has been specifically designed to be unpredictable, thus destroying coherence and leaving the population confused and fearing the worst.

21. Aside from the physical obstructions, an ID system regulates the movement of people within the OPT and from one side of the wall to another. In the occupied territories, people hold one of three different ID statuses corresponding to their place of residence: West Bank, Jerusalem or Gaza. To further illustrate the complexity of the system, a West Bank permit holder requires a permit to pass through any of the numerous military checkpoints along the "Green Line" into Israel and Jerusalem. If over the age of 16, the same person would need an additional permit to travel from one Palestinian town to another within the West Bank and yet another to enter the industrial zone where he or she works. Palestinians with a Jerusalem ID have the right to move in and out of Jerusalem and throughout most of the OPT, a right often disrupted by border and civil police. The complex and restrictive nature of these practices also poses difficulties for marriage and family unification.^{vii}

22. According to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/58/311), in Jerusalem tens of thousands of Palestinian families live in the city without residence permits since they fled and returned after the 1967 war. The absence of a residence permit deprives them of health and social services and prevents children from attending Israeli public schools.^{viii}

23. Concerns have been raised with regard to pregnant women in the OPT not being able to access appropriate health care and hospitals safely due to restrictions on movement. This is now further exacerbated by the construction of the wall.^{ix} I received reports of denied or delayed access that resulted in women giving birth at the checkpoint, causing complications and loss of life in some cases. For example, Rula Ashtiya, who on 28 August 2003 was reportedly denied passage by Israeli soldiers at Beit Furik checkpoint, gave birth on the road. Her baby died shortly afterwards and only then was she allowed through the checkpoint to the hospital in Nablus. Similarly, Lamees Tayseer Ibrahim Qassem gave birth to premature twins on 22 December 2003. She was kept at the checkpoint for an hour and a half in the middle of the night. When the ambulance on the other side was finally allowed through the checkpoint, her condition had already deteriorated and both newborn girls died shortly after birth.

24. According to one report,^x during the two years of the intifada the number of stillborn births in the West Bank increased by 500 per cent, the number of babies born at home doubled and there were at least 39 cases of births at army roadblocks. Restrictions on movement have also increased the number of home deliveries. According to UNICEF figures of 8 March 2004, the number of home deliveries increased from 8.2 to 14 per cent since 2002. During the same period, the number of women attending post-natal care decreased from 95.6 to 82.4 per cent. Also since 2002, 52 pregnant women gave birth at military checkpoints. Between September 2000 and December 2002, 19 women and 29 newborn infants died at military checkpoints. In addition, 37.9 per cent of women reported that access to health services became difficult. This was due, according to 44.3 per cent of these women, to the Israeli siege and for another 27.9 per cent to the lack of money to pay for health services.

25. The transgression of the freedom of movement and risks of settler attacks on the roads, as well as dehumanizing treatment at military checkpoints, compel families to marry their daughters at an early age rather than send them to school. This situation cuts women off from their social networks at a young age, since women typically move to live in their husband's town after marriage. Consequently, immobility deprives women of the support and services of formal and informal networks and institutions.

2. House demolitions

26. According to UNRWA, Israel's military campaign of house demolitions between September 2000 and 30 April 2003 rendered 12,737 Palestinians homeless. More recent figures place homelessness well above 20,000 with around 6,000 homes totally demolished. It is reported that IDF units with the support of tanks, helicopters and armoured personnel carriers conduct the demolitions late at night with little or no warning. As a result of their increased use of explosives collateral damage has increased.

27. During the period January-April 2004, IDF demolished 250 residential units for "security reasons", according to the Palestinian Independent Commission for Citizens Rights. Thirteen houses were demolished on the pretext that a family member participated in, helped carry out or planned operations against Israeli targets. Additionally, 13 houses were demolished in West Bank cities and villages (including East Jerusalem) on the pretext that the owners did not have building permits. UNRWA estimates that, during raids on Rafah in May 2004, the homes of around 3,800 people were totally demolished or damaged beyond repair: "From 18 to 24 May (2004) a total of 167 buildings in the Tel Sultan, Brazil and Salam quarters of Rafah were destroyed or rendered uninhabitable. These buildings housed 379 families or 2,066 individuals. In total, in 6 days, 277 buildings, housing 641 families or 3,451 individuals have been demolished in Rafah. Since the start of the intifada 1,476 buildings have been demolished in Rafah, affecting 14,666 people."^{xi}

28. The manner in which the house demolitions have been implemented renders entire families homeless and destitute and inflicts great suffering on the civilian population who, in the process, encounter loss of life, arrests and harassment. The force used and the failure to provide warning maximizes the emotional and physical trauma of the demolition. The Special Rapporteur on adequate housing emphasized on several occasions the disproportionate effects of house demolitions on women, children and the elderly.

29. Women are particularly burdened in having to adjust to new conditions when their homes are destroyed. The Centre on Housing Rights and Evictions noted that: "Women suffer immensely from forced eviction. Domestic violence is higher in the precarious and often stressful situation of inadequate housing, especially before and during a forced eviction."^{xii} In addition to domestic violence, house demolitions compound women's responsibilities as they must sustain life in the domestic sphere. Whether or not women work outside the house they devote a significant amount of their time and energy to work in the home. While men and children may spend more time outside the house, the home is the only refuge for Palestinian women. Once the home is destroyed, women are not only left without a place of belonging, they

must often carry the burden of rebuilding the home and coping with the inconveniences of moving in with relatives.

30. I visited the site of a demolished house in the Al-Zaytoun area of Gaza city and spoke to members of the Ashour family. They told me that the demolition took place during an Israeli military incursion on 11 to 13 May 2004. The demolished building consisted of four floors and housed approximately 30 people. Soldiers forcibly entered the building, took the men and boys, then allegedly tied and beat them. The soldiers returned at midnight and ordered the inhabitants out of their homes with little time to collect any belongings. The building was then demolished, also crushing the taxi that provided the family with its livelihood. The men were later released, but the family was never provided any explanation as to why their home was destroyed. At the time of my visit, the family had not yet filed a complaint against IDF but intended to do so.

31. Representatives of the Government of Israel told me that there are two distinct types of house demolitions: those that occur during the course of military operations and those carried out for a specific military purpose, e.g. demolition of houses as a deterrent for potential suicide bombers. The authorities indicated that each individual whose house has been designated for demolition has the right to petition to the High Court of Justice and that there have been a significant number of cases in which the court revoked the order for house demolitions due to petitions. Furthermore, I was assured that private land seizures were compensated. However, Palestinian lawyers claimed that there was no effective recourse for victims of such violations as complaints heard by the Israeli Supreme Court were often ruled invalid.^{xiii}

32. The United Nations country team also informed me that it has filed numerous compensation claims with the Israeli Supreme Court for the destruction of United Nations property. In 2002 and 2003, UNRWA submitted claims to the Israeli Ministry of Foreign Affairs requesting that the Government pay an amount totalling US\$ 778,743 for damage to UNRWA property in the West Bank and the Gaza Strip between September 2000 and December 2002. As of the end of 2003, UNRWA had received no response from Israeli authorities regarding these claims. The agency intended to submit in due course additional claims for the damages incurred in the period from 1 January to 30 June 2003.^{xiv}

3. Detention

33. According to data from the Mandela Institute, the number of Palestinian detainees in Israeli prisons and detention centres had reached 6,599 by the end of March 2004, including 578 administrative detainees, 302 children, and 85 women.^{xv}

34. The NGO Defence for Children International (DCI)^{xvi} reports that since the start of the intifada the Israeli military has detained 2,500 children of whom 403 remain in detention, of whom 116 have been sentenced. Many were picked up in mass arrest campaigns in 2002, held incommunicado without access to a lawyer or a social worker and denied contact with family. Some were eventually released without charge while others have been held for longer periods, transferred from police stations to interrogation centres and prisons within Israel where they await trial. The majority of the Palestinian detainees under the age of 18 are held in Telmond Central Prison along with Israeli juvenile criminal detainees, while some remain in a variety of other detention centres.

35. A report from human rights organization Addameer^{xvii} reveals that the number of Palestinian women political detainees has increased since September 2000. As of 14 September 2004, 91 Palestinian women are currently held in Israeli prison, of whom 9 are minors: 86 women out of the 91 are security prisoners and 5 are held on criminal charges; 4 prisoners are administrative detainees; 90 of the prisoners are held by the Israeli prison service and 1 woman by Israeli security authorities.^{xviii}

36. I requested to visit the Telmond Central Prison (Hasharoon), where female Palestinian security detainees were reportedly being held.^{xix} The Israeli authorities informed me that there were no female detainees at that location and that I could instead visit the women's section of Ramleh Central Prison (Nevi Tertze) located inside Israel, provided that I agreed to interview female detainees in the presence of an Israeli prison guard. I received reports that the female detainees had been moved from Ramleh Central Prison to Telmond Central Prison in January 2004 and again transferred back to Ramleh following my request to visit Telmond Prison. The reasons behind moving the prisoners between the two locations remain unclear.

37. At the time of my visit to the women's section of Ramleh prison, the status of female Palestinian security prisoners was as follows: 2 newly arrived, 2 administrative detainees, 2 juveniles on remand, 25 on remand and 19 sentenced prisoners. Some of the women had given birth during their detention, and in such cases the newborn are allowed to remain with the mothers until two years of age. While the general conditions in the prison seemed satisfactory, I was concerned to learn that pregnant detainees are reportedly shackled whilst in labour during transit to the hospital. After giving birth, the mother is again shackled by one leg to the bed. The use of these restraints violates international standards and may constitute cruel practices.

38. A 2001 United Nations Fund for Women (UNIFEM) study^{xx} revealed that Palestinian women may be arrested at their homes, in the middle of the night, by a group of armed soldiers or at a checkpoint on their way to or from school/work and detained indefinitely without charge

or trial.^{xxi} According to the study, detainees are held in solitary confinement, forced to give birth in prison cells, tortured, verbally and sexually abused and threatened. Former female detainees, whom I met, confirmed these reports and referred to the Russian Compound police detention centre in West Jerusalem, where they were held in solitary confinement and tortured during interrogation.^{xxii}

39. Women are also subjected to beatings and humiliation during the arrest or detention of their family members. Entire families may be arrested when IDF fails to find a suspected “terrorist”. Palestinian women are reportedly detained in order to put pressure on relatives who may be wanted by Israel or already under interrogation.^{xxiii} Women are then held incommunicado or in administrative detention in Israeli military prisons for indefinite periods of time, serving as “bait” to control the actions of suspects. This practice denies the detainee the right to access to counsel, fair trial and even to know the alleged offence of which they are accused.

40. According to DCI research, the majority of girl detainees have been held for allegedly committing serious security offences, such as attempting to kill Israeli settlers or military personnel. During the second intifada, Palestinian women began training to become suicide bombers. From January 2002 to January 2004, seven Palestinian women conducted suicide bombings and approximately four more were arrested before they could carry out planned attacks. During my visit, two girls, aged 14 and 15 were arrested at night under suspicion of planning a suicide bombing (*Haaretz*, Israeli daily newspaper, 17 June 2004). The heightened security measures resulting from such suicide bombing has made women prime suspects at checkpoints, where they may be subject to body searches and detained under administrative order. DCI research shows that many of the girls thus detained were not involved in terrorist acts.

41. In a conservative culture where families and communities keep girls under close scrutiny, a community may regard the modesty and innocence of a girl who has been detained as having been violated because of her absence from public view. Such stigmatization can have lifelong repercussions. For example, my interview with Feda, a female minor from the old city of Hebron who was detained for two years for allegedly attempting to kill an Israeli mother and daughter settler, revealed how a woman’s victimization can become compounded. Feda became an outcast in her own society as she is perceived to have been sexually compromised during her two years of detention. Although her family remains supportive, she continues to face difficulties reintegrating into the community.

42. I did not receive any testimonies of rape during detention. Cases of sexual violence may go unreported owing to the taboo and stigma attached to being “impure”. Israeli authorities assured me that any form of sexual abuse by Israeli security forces or prison personnel would not be tolerated.

4. Loss of life and injuries

43. Military incursions, targeted killings and excessive use of force against demonstrators have resulted in a high rate of civilian casualties, including women and children. According to United Nations figures, between 21 May and 23 June 2004, 39 Palestinians and 2 Israelis were killed, and 309 Palestinians and 32 Israelis wounded. That brings the total number of casualties since the start of the current crisis in September 2000 to 3,437 Palestinians and 942 Israelis killed, with 33,776 Palestinians and 6,008 Israelis wounded.^{xxiv} The majority of these casualties have been civilians.

44. A study by the Women’s Centre for Legal Aid and Counselling (WCLAC) and the Women’s Studies Centre (WSC)^{xxv} shows that in the majority of cases women and children were killed or injured due to dangers on their way to work or school; lack of medical care as a result of access being denied at checkpoints; collateral death or injury during targeted operations; and IDF shelling in or near their homes during curfews or closures of villages, refugee camps and towns. The following are some examples of girl child victims in Khan Younis refugee camp: in March 2003, 12-year-old Hoda Darwish was sitting at her desk when a bullet fired from an Israeli observation post on the outskirts of the camp hit her, leaving her blind.^{xxvi} On 7 September 2004, 10-year-old Raghda Adnan Al-Assar was struck in the head while in class at an UNRWA elementary girls’ school and died on 22 September 2004. On 28 October 2004, 9-year-old Rania Iyad Aram died after being shot while on her way to school.^{xxvii}

45. On 9 November 2000, two Palestinian women were among the first victims of Israel’s policy to implement targeted assassinations of alleged Palestinian terrorists. According to the 2003 annual report of the Palestinian Centre for Human Rights, between 29 September 2000 and 31 December 2003 Israel carried out a total of 160 assassination operations, killing 327 Palestinians (13.7 per cent of the total number of Palestinians killed in the same period), among them 14 non-targeted women. Hundreds of men, women and children bystanders have also been wounded in these operations.^{xxviii} According to DCI,^{xxix} at least 584 Palestinian children, 67 of whom were girls, have died and thousands have been injured since September 2000. Twenty-four of the girls perished during Israeli air and ground attacks on their homes and 13 died from random fire while conducting everyday activities. Another source^{xxx} shows that of the estimated 3,207 Palestinians killed since 2000, 590 were children

and 230 women, 255 were victims of targeted killings, and 40,000 were wounded in the same time period. According to Palestinian Red Crescent Society data, from September 2000 to September 2004 a total of 27,879 Palestinians were injured and 3,332 killed, of which 132 were women and 74 girls.

46. Women on both sides, who experience the killing and injury of their loved ones, find themselves suddenly transformed into heads of households, primary-care takers and providers. Palestinian women in particular must endure this with few resources and support on which to rely. The psychological trauma of bereavement and the additional burdens placed on women are further dimensions of the gendered impact of crisis situations, so often overlooked in analysis.

B. Violence within the family and the community

47. Inequality in general and gender inequality in particular are more pronounced under conflict and crisis situations. Sustenance of group boundaries, family honour and the maintenance of everyday life fall on the shoulder of women, for whom this often means conformity to traditional norms of patriarchy. This is the point where two systems of subordination - occupation and patriarchy - converge in the OPT: women in confronting the former submit to the latter. Thus, women find themselves amidst increasing inequality sustained through multiple forms of direct and indirect violence inside and outside their home. In order to demonstrate this, I will focus on how violence against women is justified and sustained under the conditions of occupation as women become the markers of the boundaries of patriarchy under the siege and shock absorbers of livelihoods in crisis.

1. Women at the centre of conflict

48. The death, imprisonment or unemployment of many adult male members of the community, which affects all areas of the OPT, have increased poverty and social tensions that contribute to increased domestic violence. "Violence in the environment exacerbates the instance of abuse at home; whereas, children's and parents' exposure to political violence is the strong predictor of violence in the family."^{xxx} During the earlier periods of the Palestinian struggle, women were able to circumvent some of the traditional restrictions imposed on them to become more involved in the struggle of their people. This is well reflected in the often-quoted phrase "land before honour". However, the increased transgression of their land has left honour as the only viable ground for the preservation of societal identity - to the detriment of women.

49. Parallel to this, the use of land, water, food, the demolition of homes and the destruction of the general economy as a weapon against the occupied population have resulted in a deterioration of the living conditions in the OPT. Sixty per cent of the Palestinian population reportedly lives under the poverty line, while the majority of the population is unemployed and large numbers of people are homeless. Unemployment systematically renders men unable to provide for their families, forcing women to take up work outside the home. At the same time, however, their freedom of movement has been curtailed due to the increased protectiveness of families in order to avoid risks and harassment at checkpoints. This contradictory situation undermines women's ability to contribute to family sustenance and to attend school, particularly at the university level.

50. There is a consensus among analysts that the deepening of the conflict in the OPT and the expansion of the tools of occupation has weakened the negotiating power of Palestinian women to challenge the patriarchal gender contract which has, in part, become a defence mechanism to keep the society intact. For the most part, conformity to traditional norms of honour and the observance of group boundaries has provided women, particularly in refugee camps and rural areas, a safeguard against the hostile face of the occupation. In a sense, as well articulated by Nahla Abdo, Palestinian women "are placed in a double jeopardy, having to face both the patriarchal-national 'self' and the foreign oppressive 'other'".^{xxxii}

2. Legitimizing violence against women as a weapon of patriarchy

51. Under occupation, "the Palestinian women's concern in the West Bank and Gaza Strip was concentrated on the national struggle within political structures reflecting the same paternal system within the household; men are at the top of the organizational hierarchy in the political factions and parties, and women at the bottom of the hierarchy ... The Wall of Patriarchy".^{xxxiii} This has not only posed additional barriers to women's freedoms but also reinforced the legitimacy of the use and perpetuation of violence against them.

52. The intensification and expansion of the security measures pose a direct attack on Palestinian male image and identity. Men, who in most cases have become unemployed due to the closures, are humiliated and dehumanized in public during military incursions and at checkpoints. Their ability to provide for and protect their home and family is seriously undermined, creating a sense of "inadequacy". According to Rubenberg (2001), "with the enactment of masculinity challenged daily by an occupation that deprives men of the sources of their gender identity - land and the ability to support and defend their families - women's status as markers of family honour and respectability has been enhanced".^{xxxiv} The failure to perform in accordance with the requirements of traditional patriarchal society is said to result in increased frustration on the men's part, which often leads to violence in the home. Rubenberg goes on to

say, “A culture of shame and control, ranging from gossip to honour killings, and the subsequent and corresponding internal constraints, serves to keep women isolated and vitally aware of the consequences of the minutest aspect of their behaviour.” In this way, women find themselves as multiple victims of the crisis in the OPT as they bear the restrictions imposed by a traditional patriarchal society combined with the physical and emotional effects of the political and socio-economic situation. “Forced into silent suffering, many women are trapped into a world of solitary despair. Feelings of loneliness, loss, isolation and helplessness become overwhelming.”^{xxxv}

53. During my visit to Jabaliya refugee camp, I met a woman who decided to take her life as a last resort after many years of living as a refugee and being routinely subjected to domestic violence. After the attempted suicide, the woman became an outcast in her home and community. Her situation has since worsened because she not only continues to endure the violence and hardship of her living conditions, but now must also live with the shame of having attempted suicide.

54. Women are expected to cope with the consequences of the occupation and provide stability to their family and community under the worst of circumstances. In situations of unjustified loss of life the elevated concept of the “martyr” in Palestinian society has become survival and coping mechanism for women. According to Shamas,^{xxxvi} “Under the concept of ‘martyrdom’, Palestinian society and culture demand that women suppress their grief when their children or husbands are killed, for they are believed to have died a ‘noble’, ‘worthy’ and indeed ‘holy’ death. Thus, women are often denied the right to cry openly, and are even urged to ‘ululate’ in celebration, which many of them do while in a state of shock, hysteria or total breakdown.” This masking of grief further obfuscates the psychological impacts of violence on women and creates yet another dimension to their suffering.

55. All of these factors have resulted in the overall acceptance of domestic violence as legitimate by the individuals as well as the society at large. This is revealed by the following results from a public opinion poll conducted in 2002:^{xxxvii}

- 53.7 per cent agree that it is inappropriate for the police to interfere when a man assaults his wife, for this is considered a family affair;
- 55.5 per cent agree that a wife assaulted by her husband should not talk about it to anybody but to her parents;
- 86 per cent believe to varying degrees that political, economical and social conditions have increased violence against women;
- 52.5 per cent believe that customs and traditions comprise a stumbling block to the advancement of women.

The same poll also indicates that the Palestinian Authority is seen as failing to protect and promote women's rights.

3. In the name of "honour"

56. Women in the OPT are killed or threatened with death for tarnishing family honour. These crimes are a manifestation of "culturally" inherited values that impose upon women socially expected behaviours derived from prevailing patriarchal norms and standards. Women's transgression of these norms is said to violate the "honour" of men and the family, which legitimizes violence against women within the social context as a disciplinary measure to maintain or restore family honour. Women accused of promiscuity may be imprisoned in their homes, subjected to verbal and physical violence, married to their violator or even murdered in the name of honour.

57. Nadia Shalhoub-Kevorkian, a prominent researcher on honour crimes in Palestinian society, draws attention to the societal dimensions of honour crimes, whereby the family acts under pressures from society in fear of being socially ousted.^{xxxviii} Available information also indicates that some of the women who have been threatened or killed for allegedly dishonouring their family were victims of rape or sexual assault by an intimate associate within the domestic sphere. The murder of women, or "femicide", in such situations is used to cover up shameful crimes committed by male members of the family.

58. Although data regarding honour killings is patchy, according to the Women's Affairs Technical Committee^{xxxix} 33 women were killed in the name of honour in 2002, the majority of whom were under the age of 18. The Committee is concerned that the destruction of the Palestinian security sector and the gaps in the law protecting women exacerbate impunity for these crimes. "Throughout the occupied territories, the resolution of such cases is subject to overlapping, and often competing authorities."^{xl} The lack of national sovereignty and a history of occupation have undermined the ability of the Palestinian Authority to legislate and implement measures to deal with such societal atrocities. Tribal and militant centres of power thus fill this vacuum, often working to resolve cases through reconciliation and mediation while at the same time concealing the crime in an effort to prevent the spread of scandal.

III. Responses to Violence against Women

A. Legal framework

59. Despite the inability of the Palestinian Authority to sign and ratify international human rights instruments, it has unilaterally committed itself to abiding by international law. Article 10 of the Palestinian Draft Basic Law states that “human rights and the fundamental freedoms must be respected and protected and the PA will work without delay to become party to international instruments for the protection of human rights”.

60. The Palestinian people are subject to an amalgamation of laws inherited from different historical periods: Ottoman Empire, British Mandate, Jordanian and Egyptian laws and Israeli military orders. This multiplicity of laws has led to the lack of consistent and uniform Palestinian legal references. Furthermore, patriarchal biases prevailing in the legal provisions and criminal justice system prevent women from accessing justice and escaping violence. The following are areas of immediate concern to my mandate:

(a) The Personal Status laws that regulate women’s rights and roles within the family in the OPT are not unified. While Muslim women in the West Bank are subject to Jordanian law, those in Gaza are subject to Egyptian law. As for Christian Palestinians, laws established by their respective churches govern each denomination. Furthermore, these laws contain discriminatory provisions. For example, the Jordanian Personal Status Code of 1976, which grants a battered woman the right to file for a divorce on the grounds of “conflict and disaccord” resulting from harm inflicted by the husband, requires that the wife show scars of physical abuse in order to proceed with the divorce. Moreover, social pressures, the practical applications of the law, and the lack of financial resources to pay for lawyers and court fees limit women’s access to the legal system. All of the Personal Status laws endorse discrimination between the sexes. For example, marriageable age in the West Bank for boys is 16 years of age and for girls 15 years of age. In the Gaza Strip, the implementation of the “family law” is left to the judge’s discretion, falling within the age range of 9 to 17 years for girls and 12 to 18 years for boys, based on the “maturity” level of the individual;

(b) The Jordanian Penal Code No. 16 of 1960 includes a mitigating circumstances clause, whereby the perpetrator of an honour crime may be immune from punishment if it is shown that the victim committed an adulterous act. With regard to incest, article 286 of the Jordanian Penal Code stipulates that, “Incestuous actions shall only be pursued upon the complaint of a male relative or an in-law, up to the fourth-degree kinship.” Therefore, neither the victim nor a female relative can file a complaint. The absence of official policies and procedures further aggravates the difficulties in creating effective preventive and therapeutic

programmes or effective working strategies to combat incest. In cases of rape, the law provides the judge with major discretionary authority to estimate the gravity of crimes and to impose the appropriate sentence. This may have negative consequences, as gender-based discrimination comes into play in judges' determinations, particularly in sentencing. Furthermore, article 308 of the Jordanian Penal Code lowers the sentence against the perpetrator if a "legal and correct marriage contract is forged" between him and the victim. Therefore, the perpetrator may, in effect, escape punishment by marrying the victim.

B. Initiatives of the Palestinian Authority

61. The Palestinian Authority, as a result of the Oslo accords of 1993 and the transfer of limited sovereignty to the Palestinian leadership, entered into a new phase of self-governance. Following the 1996 elections, the Authority was required to take steps towards building a society founded on democracy, rule of law and respect for human rights. Although the PA provides services in areas of education and health, Israel has undermined its authority, particularly in the area of security. The PLC has difficulties meeting because of travel restrictions that prevent members living in Gaza and members living in the West Bank from reaching each other. They resorted to videoconferencing to circumvent these obstacles, but such measures have proven unsatisfactory, leaving gaps in governmental communication.

62. The Special Rapporteur welcomes the PA's establishment of the Ministry of Women's Affairs in November 2003 and is pleased to note that it is addressing violence against women as a cross-cutting issue in all of their programmes. They are working with the Ministry of the Interior to train police on women's rights and to create police stations that facilitate women's access. The ministry has the potential to improve the situation of women and the Special Rapporteur hopes it will receive the resources and support it requires to be an effective institution for the promotion and protection of women's rights in the OPT.

63. The Ministry for Social Affairs also contributes to the promotion of women's human rights by providing vocational training and seed money to women. It financially supports 48,000 hardship cases of which 60 per cent are female-headed households. There is one women's shelter supported by the ministry in Nablus, which provides counselling and vocational training.

C. Initiatives of the civil society

64. Civil society in the OPT, particularly women's organizations, are resilient and, despite the military incursions, demolitions, and restrictions on freedom of movement, life prevails in the OPT. The women's movement, active since 1948, is professional and well organized. After the occupation of the West Bank and Gaza Strip in 1967, with new waves of refugees, Palestinian

women took on a more prominent political, economic and social role. In 1987 during the first intifada, women achieved a significant presence in public life. Consequently, a qualitative change took place in the women's movement that helped diversify their activities and broadened their gender identity. These developments coincided with and became reinforced by the overall global momentum of the 1990s for democracy, peace, gender equality, empowerment and human rights.

65. The 1993 Oslo accords shifted the force of the intifada from the grass roots to the higher level leadership that led to the creation of the Palestinian Authority. Since then women's groups have expressed concerns about the Authority's shortcomings regarding gender issues. These groups hoped to involve women in public life to overcome traditional roles and practices as well as the constraints relegating women's rights to secondary status on the political agenda. Consequently, women organized their own Women's Technical Committees to increase women's involvement in the peace process and other areas. These initiatives opened a debate on women's participation in political parties that reached President Arafat's desk in 1995 in the form of a proposal to create a Woman's Council. The proposal was not approved; instead, women's committees were formed within the ministries.^{xli}

66. Women have advocated penal code reform and equal rights in the constitution, and have succeeded to a certain extent. However, since the second intifada, there has been a noticeable regression in terms of women's rights and fundamental freedoms. The Israeli occupation has had immobilizing impacts on activities of NGOs and other sectors. This has resulted in a re-evaluation of priorities and strategic goals within Palestinian civil society. One human rights defender told me that, "Every plan for improvement is being demolished. We are building sandcastles, whatever we build is destroyed by the next wave of security measures implemented by the IDF."

67. Women's groups have called for quotas for women candidates in the elections, 30 per cent for local council elections (September 2004) and 20 per cent for the legislative council. NGOs conduct community educational workshops in accordance with international standards on women's rights and monitor the criminal justice system's response to victims of violence. Adalah persists in its legal advocacy work, filing petitions to the Supreme Court of Justice of Israel. NGOs and lawyers also work with female Palestinian former and current detainees to provide psychosocial support, legal assistance and vocational training to help them reintegrate into their communities and resume their lives.

68. Community-based organizations operate at the grass-roots level to overcome the challenges of occupation and to provide support for each other. I visited a community-based women's centre in Anin that offered an oasis of hope. The women, with support from the

Palestinian Agricultural Relief Committees (PARC), organized, received vocational training and learned about their rights. Their activities are coordinated by the Rural Women's Development Society (RWDS) under the PARC coalition umbrella. Anin is a small mountain village in the north of the West Bank with a population of 3,500. The majority of the population used to work in Israel before the construction of the wall and have suffered due to the confiscation of their lands because of IDF measures to protect a nearby Israeli settlement.

69. The efforts of the Palestinian and Israeli women's peace groups are also noteworthy. A constructive dialogue between them started in the late 1980s to develop common strategies for resolving the ongoing conflict, having identified the Israeli occupation as the source of suffering for both sides. Although these initiatives suffered with the heightened conflict following the Al Aqsa intifada, the process provided Palestinian and Israeli women an invaluable peace advocacy experience through which they continue to link their efforts to foster a just peace for the two peoples.^{xlii}

D. Initiatives of the United Nations country team

70. The United Nations operation in the OPT provides assistance to Palestinian women through economic activities, humanitarian assistance, education and training, health, technical cooperation on women's rights and advocacy.^{xliii} UNRWA provides education for Palestinian girls and boys in schools throughout the OPT. The Office of the High Commissioner for Human Rights is currently engaged in technical cooperation activities with the PA and NGOs. However, as a response to the critical human rights situation in the OPT, additional human rights protection is required to meet the real needs and demands of the people.

71. The United Nations faces numerous obstacles in carrying out its mandate in the OPT. Israel's imposed restrictions on freedom of movement, for one, prevent United Nations personnel from delivering life-saving humanitarian assistance. Israeli military fire into UNRWA schools and other buildings have disrupted services and led to civilian deaths. I was informed by UNRWA that it builds donor-funded homes and schools only for IDF to demolish the structures or confiscate the school buildings for military purposes and detention centres.^{xliv} Despite such constraints, the United Nations is doing its utmost to provide critical services in the OPT.

IV. Conclusions and Recommendations

72. I cannot emphasize enough the grave and volatile nature of the situation in the Occupied Palestinian Territories. Israel has effectively contained the Palestinian population in a heavily controlled environment. The degree and extent of oppression associated with patriarchy deepens with aggravation and intensification of the oppression

of occupation. This is particularly visible in the Gaza Strip, which is denied any possibility for enjoyment of rights, fundamental freedoms and liberty.

73. The multilayered impact of displacement and the integrated system of violence created by the conflict and occupation continue to take a heavy toll on lives of Palestinian women as security measures and military necessity increasingly take on a character of collective punishment. The consequences of this situation are compounded and in some cases far more severe for women. Women not only bear the combined burdens of occupation and patriarchy but due to the former their capacity to transform the unequal gender structures of the latter is curtailed. The priorities imposed by the national struggle have for decades belittled women's struggle to eliminate violence against women as a weapon of patriarchy.

74. Palestinian women live in a permanent state of insecurity, tension and fear. The grave and systematic violations of human rights perpetrated by Israel in the OPT demand urgent action to prevent further violations. The ongoing impunity for human rights violations is unacceptable. The international community has spoken clearly and issued numerous General Assembly and Security Council resolutions on necessary actions to move towards a just settlement of the conflict. The United Nations has created special procedures to monitor and report on the human rights situation; however, it has failed to ensure compliance with its resolutions.

75. Human rights organizations^{xlv} have called on the international community to take immediate and concrete action to stop Israel's ongoing violations of international human rights and humanitarian law in Rafah and elsewhere in the OPT. They acknowledge that international bodies and leaders have clearly condemned the situation, most recently through the passage of a Security Council resolution on Rafah. As they rightfully point out, however, the world has not been sufficiently active in promoting Israel's immediate cessation of and accountability for its illegal practices in the Gaza Strip. Such inaction is an abdication of responsibility to uphold international and humanitarian law. As a Palestinian woman activist says, "Peace will only be achieved when there is freedom, equality and justice."^{xlvi} It is essential that Israel immediately cease all violations of international law and a sustainable resolution of the conflict be reached. Such a resolution rests on an effective response to the core of the conflict in the region - the dispossession of the Palestinian people from their land.

76. I would like to recall and support the following call from Palestinian women: "Security for Israelis will not be achieved by shelling residential areas, destroying homes, killing innocent civilians, tightening closures, harshening economic realities,

subjecting 3.5 million Palestinians to siege and curfew, humiliating Palestinians at checkpoints and assassinating activists. Nor will security for Palestinians be achieved by killing Israeli civilians. But there will be no end to these great losses until the concept of security is revised to serve Palestinians as well as Israelis ... We call upon Israeli society, and Israeli women in particular, to pressure their Government to end the occupation, and to join our quest to work together to build a new concept of security ... We are actively working for, and anticipating a day when a just peace will prevail and both sides may enjoy its many fruitful results.”^{xlvi} This call is urgent not only for the peaceful coexistence of Palestinians and Israelis but for the peace and security of the entire region.

77. The Special Rapporteur on the human rights situation in the Occupied Palestinian Territories has consistently maintained that Israel’s human rights obligations apply in the occupied territories. I fully support the conclusions and recommendations contained in his reports and call for their implementation.

78. In addition, I would like to make the following recommendations:

- The Government of Israel and the Palestinian Authority must:
 - Move ahead with the implementation of the Quartet’s road map^{xlvi} in order to end the occupation of Palestinian territories and to establish a viable independent and sovereign Palestinian State, while ensuring peace and security for the Israelis. Any solution to the conflict and occupation must be multilateral in accordance with the road map;
 - Facilitate the full involvement of Palestinian and Israeli women and women’s groups in the peace process in accordance with Security Council resolution 1325 (2000), and ensure that women’s needs and interests are included in all negotiations. Women’s representation at the negotiating table is crucial as the sine qua non of gender equality and inclusion;
- The Government of Israel must:
 - End the occupation and until then ensure the rights and protection of Palestinian civilians;
 - Observe international human rights and humanitarian law in undertaking security measures; compensate the Palestinian people for damages, including for loss of property; ease the humanitarian and economic plight of the Palestinian people, including increasing the freedom of movement for people and goods both within and from the West Bank and Gaza and by abandoning practices that fragment families;

- Cease the use of administrative detention and allow detainees access to lawyers and doctors from the outset of their detention;
 - Ban closure and demolition of detainees' homes;
 - Observe the right to health, as stipulated in the Universal Declaration of Human Rights, particularly by ensuring that the wounded and the sick, as well as the infirm and expectant mothers have easy and immediate access to medical care and are the object of protection and respect;
 - Ensure the security and the freedom of movement of international and national United Nations staff, in accordance with the Convention on the Privileges and Immunities of the United Nations, and specific agreements between UNRWA and Israel, and other humanitarian agencies operating in the OPT to facilitate access for the provision of humanitarian assistance, including for Red Crescent ambulances;
 - Include information on compliance with obligations in the OPT in reports submitted to treaty bodies, in particular to the Committee on the Elimination of Discrimination against Women, on protection and promotion of women's rights;
 - Acknowledge and collaborate with the Special Rapporteur on the human rights situation in the Occupied Palestinian Territories as well as other special procedures mandates of the Human Rights Commission;
- The Palestinian Authority must:
- Work towards the creation of a democratic, secular State, which promotes and protects women's rights;
 - Adopt a policy of zero tolerance towards all forms of violence, including terrorism;
 - Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence;
 - Undertake legislative reform in line with international standards, particularly of the Personal Status Codes, to have a common Palestinian family law for both West Bank and Gaza that is based on participatory and democratic relations within the family. Similarly, revise the Penal Code to criminalize domestic violence, honour crimes and sexual assaults on women;

- **Adopt the Bill of Rights for Women, and measures to ensure its effective implementation and consider the other numerous draft bills submitted to improve the protection of women's rights;**
 - **Provide the necessary legal, political and financial support to the Ministry of Women's Affairs;**
 - **Work towards a system of positive discrimination as a means of eliminating structural discrimination against women and to increase female representation in the Palestinian Authority, Palestinian Legislative Council and local government bodies, municipalities and village councils, including the introduction of a quota system as demanded by the women's organizations for local and national elections;**
 - **Undertake measures to achieve equality between women and men and end violence against women, including by awareness-raising campaigns, curriculum change, training in gender sensitivity to all relevant actors and mental health and trauma counselling as well as shelters for women who are victims of violence or those who are at risk of violence;**
- **The international community must:**
- **Authorize, by way of a Security Council decision, an international mechanism in the Occupied Palestinian Territories to ensure the observance of international human rights and humanitarian law and the protection of civilians, and work with both Israel and the Palestinian Authority to implement existing resolutions;**
 - **Enhance the capacity of the Authority to enable it to act in accordance with its obligations to promote and protect the Palestinian people and fulfil its responsibilities towards the achievement of a sustainable peace in the area;**
 - **Support, through bilateral and multilateral funding, initiatives of women's non-governmental organizations, research institutes and academia in the OPT to improve women's status, end violence against women and promote the overall betterment of Palestinian society;**
 - **Support the peace efforts of Palestinian and Israeli women and facilitate their participation at all phases of the conflict resolution/peace-building process;**
 - **Expand the mandate of the OHCHR field office in the OPT to include a monitoring of human rights violations in addition to its current technical cooperation role.**

Appendix

List of persons and organizations consulted during the mission

Israeli officials

Mr. Daniel Meron, Director of International Organizations and Human Rights Department at the Ministry of Foreign Affairs and colleagues

Legal Adviser, Israeli Defense Forces (IDF)

Coordinators of the Territories, MFA

Prison authorities, Ramleh Central Prison

Israeli civil society

Mr. Meridor (former Minister of Justice)

Prof. Raday (former member of the Committee on the Elimination of Discrimination against Women)

Arab Association for Human Rights

B'tselem, the Israeli information centre for human rights in the Occupied Territories

Palestinian officials

President Arafat

Dr. Nabil Shaath, Minister of Foreign Affairs

Intisar Al-Wazir, Minister of Social Affairs

Ms. Zahira Kamal, Minister of Woman Affairs

PLC members (Ms. Rawia Shawwa and Ms. Jamileh Saydam)

Palestinian civil society

Dr. Hanan Ashrawi

Mr. Younis Khatib, Palestinian Red Crescent Societies

Mr. Tayseer Tamemy, Chief Justice of religious courts

Jerusalem Centre for Women

Women's Affairs Technical Committee

Project Coordinator, Women's Centre for Legal Aid

Director, Women's Studies Centre

General Union of Palestinian Women

Director of Institute of Women's Studies, Birzeit University

PCC

PARC

Mandela Institute

Addameer Prisoners' and Human Rights Association

DCI

Women against Violence

United Nations country team

Mr. Osman Hassan, Director, OHCHR/OPT

Ms. Karen Koning Abu Zayd, Deputy Commissioner General, UNRWA

Dr. Ayoub Alem, Chief, Field Health Programme

Mr. Kamal Abu-Qamar, Deputy Field Relief and Social Services Programme and Women's Officer

Representatives from UNDP, UNFPA, UNIFEM, WHO, UNICEF, UNESCO, OCHA

Notes

ⁱ Women and children in Israel have also suffered from acts of violence. According to information received, 1,015 Israelis were killed since 2000, of whom 315 were women and 112 were under the age of 18 (information received from Itzhak Leranou, Permanent Representative of Israel to the United Nations in Geneva, in a letter dated 27 September 2004).

ⁱⁱ CCPR/CO/78/ISR of 21 August 2003.

ⁱⁱⁱ See <http://www.un.org/Depts/dpa/qpal/> and www.unhchr.org for a list of recent United Nations documents, reports and resolutions on the situation in the OPT.

^{iv} On 1 October 2004 IDF started another incursion in the north of Gaza, which came in the wake of the continued firing of home-made rockets by Palestinian militants towards Israel, and the killing of three soldiers in Morag settlement on 23 September and one settler in Neve Dekalim on 24 September (OCHA, 1 October 2004). According to a Defense for Children International press release issued on 6 October 2004, about 75 Palestinians were killed, 23 of which were children, bringing the total number of child fatalities to 133 since the beginning of 2004.

^v This is not to suggest that domestic violence will wither away when occupation ends. It is rather meant to demonstrate how violence against women is compounded when two systems of oppression intersect.

^{vi} Around 140 permanent checkpoints operate in the West Bank and 30 others in the Gaza Strip, isolating each of the 300 or so enclaves into which OPT has been divided, supplemented by various forms of roadblocks moved daily.

^{vii} A law issued by Israel in 2003 barring the unification of families in which Israeli citizens are married to non-Israeli Palestinians has further complicated the matter, as it is effective retroactively.

^{viii} In addition, Israeli military order No. 510, amendment No. 84 of August 2002, empowers the military Commander of the West Bank to "assign residence" to Palestinians allegedly threatening security. This order has been used twice (September 2002 and May 2003) to transfer

Palestinian civilians from the West Bank to Gaza Strip for a period of two years of assigned residence.

^{ix} The wall is highly controversial, which is reflected in the terminology used to describe it. The Israeli authorities call it “security fence”, the Palestinians “apartheid wall” and still others “barrier”. In urban areas, where I encountered the wall, it is constructed of 8-metre high concrete slabs with concrete watchtowers, which according to Israeli authorities, comprises only 4 per cent of the total. Whatever may be the preferred terminology or composition, the impact is the same: destruction of property and isolation of people from their communities, families and sources of livelihood. In some areas, Palestinians will have to apply for a permit to travel to schools, medical clinics, etc. located across the wall within the OPT. In view of the patriarchal protectiveness over women, the manner in which the wall limits women’s access to

family members, education, services, networks, employment, and NGO activities is obvious. On 9 July 2004, the International Court of Justice ruled that the wall is illegal and should be removed. The Israeli High Court of Justice issued a ruling that the construction of the wall would not unduly impinge on Palestinian rights and the building has continued.

^x Hadas Ziv et al., “A legacy of injustice: A critique of Israeli approaches to the right to health of Palestinians in the Occupied Territories”, Physicians for Human Rights-Israel, October 2002.

^{xi} UNRWA demolition assessment of Operation Rainbow, 26 May 2004; see www.un.org/unrwa/news/releases/pr-2004/hqg16-04.pdf.

^{xii} Report submitted at the fifty-ninth session of the Commission on Human Rights (CHR) in March 2003.

^{xiii} On 28 December 2004 I was provided by the Israeli authorities with a book containing judgements of the Israeli Supreme Court. It was, however, too late to reflect in this report the information it contained.

^{xiv} Report of the Commissioner-General of UNRWA presented to the fifty-eighth session of the General Assembly (A/58/13).

^{xv} Palestinian Independent Commission for Citizen’s Rights report Israeli Violations Palestinian Citizens’ Rights (1 January-30 April 2004) (9), published May 2004 (www.piccr.org).

^{xvi} Report presented during mission.

^{xvii} Addameer, “Prisoner support and human rights association, report on Palestinian women political prisoners on Women’s Day”, 8 March 2004 (www.addameer.org).

^{xviii} Ambassador Leranou’s letter, 27 September 2004.

^{xix} Telmond prison is part of the Israeli Interior Security Ministry.

^{xx} See: www.womenwarpeace.org/opt.

^{xxi} Military order 1500 (April 2002) provides for the arrest of a person for a period that may exceed 18 days without allowing him/her to meet with his/her lawyers or submit a memorandum against his/her arrest (*Al Haq*, 28 April 2003).

^{xxii} A *Newsweek* (28 June 2004, pp. 30-31) article reported on a secret interrogation unit known as 1391, where Arabs are allegedly held in seclusion and tortured. Visits by the Red Cross were said to be barred. I did not receive any information to suggest that women might be held in such a unit.

^{xxiii} Addameer, Annual report 2004 (<http://www.addameer.org/2004/annual04.html>).

^{xxiv} Briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs, to the Security Council on agenda item “The situation in the Middle East, including the Palestinian question” on 23 June 2004 (S/PV.4995). According to the Palestinian Independent Commission for Citizen’s Rights report “Israeli violations of Palestinian citizens’ rights” (<http://www.piccr.org>), in the period January-April 2004, the occupation forces killed 212 Palestinians, including 35 children and 30-targeted assassinations. Twenty of these casualties were killed while resisting occupation forces, 17 during armed clashes near settlements, 4 in armed clashes inside Palestinian cities in the West Bank and Gaza Strip, 5 while attempting to plant explosives near settlements, and the rest were killed as a result of excessive use of force. An additional 10 Palestinians were killed while carrying out bombing operations against Israeli targets, and 12 others under ambiguous circumstances.

^{xxv} A report on the situation of women’s human rights during the “Al-Aqsa Intifada”, by the Women’s Centre for Legal Aid and Counselling and the Women’s Studies Centre, 16 February 2001.

^{xxvi} See: www.un.org/unrwa/news/releases/pr-2004/hqg34-04.pdf.

^{xxvii} OCHA Weekly Briefing Notes, 27 October-2 November 2004.

^{xxviii} See: www.womenwarpeace.org/opt.

^{xxix} Report presented during mission.

^{xxx} PLC, report on Israeli violations against women’s rights in Palestine, June 2004 (www.pal-plc.org).

^{xxx} Written input from Housing and Land Rights Network, Habitat International Coalition, Egypt, 5 June 2004.

^{xxxii} In Nahla Abdo and Ronit Lentin (eds.), *Women and the Politics of Military Confrontation*. New York, Berghahn Books, p. 152.

^{xxxiii} Kreisheh, Amal. "The Realities Embedded in the Lives of Palestinian Women: The Perspectives of Domestic and Israeli Occupational Violence", submitted to Violence against Women Conference, Oslo, April 2004: 6 and 7.

^{xxxiv} Cheryl Rubenberg, *Palestinian Women: Patriarchy and Resistance in the West Bank*. Boulder, 2001, Lynne Rienner Publishers.

^{xxxv} Vivian Khamis 2000. *Political Violence and the Palestinian Family: Implications for Mental Health and Wellbeing*. Oxford: The Halworth Maltreatment and Trauma Press: 54.

^{xxxvi} Maha Abu-Dayyeh Shamas. "The Second Palestinian Intifada: Social and Psychological Implications for Palestinian Women Resulting from the Israeli Escalation of Violence". Women's Centre for Legal Aid and Counselling (2001), Jerusalem, August, p. 5.

^{xxxvii} "Violence against women in Palestine: A public opinion poll", the Palestinian Working Women Society for Development, in cooperation with the Palestinian Centre for Public Opinion in Beit Sahour, September 2002. Sample of 1,133 Palestinian adults aged 18 years and older, from Gaza Strip and the West Bank, including East Jerusalem.

^{xxxviii} "Case Study: Mapping the Landscape of Femicide in the West Bank and Gaza". In *With an End in Sight, Strategies from the UNIFEM Trust Fund to Eliminate Violence against Women*, 2000.

^{xxxix} Women's Affairs Technical Committee report, "Palestinian women: New situations new roles", 2004.

^{xl} UNIFEM, *ibid.*, p. 98.

^{xli} See *Highlights in the struggle of Palestinian Women, the Independence Intifada, The First Year*, a publication of the Palestinian Working Women's Society for Development, January 2002 (in particular pp. 10-13), and the report given during mission, "Effects of occupation on the Palestinian women", by the Jerusalem Centre for Women (2004).

^{xlii} Palestinian and Israeli women, united in their joint effort to bring about a just, comprehensive and lasting peace between their two peoples, work together within the framework of the Jerusalem Link for the realization of their common vision of peace (<http://www.j-c-w.org>).

^{xliii} For further information see the Secretary-General's report on the situation and assistance to Palestinian women, presented to the Commission on the Status of Women, 2004 (E/CN.6/2004/4).

^{xliv} According to a Palestinian Legislative Council report provided during the mission, 43 schools have been turned into military bases.

^{xl} Joint statement by Adalah, Al-Haq, Al-Mezan, Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), the Palestinian Centre for Human Rights (PCHR), and the World Organisation against Torture (OMCT), "No State is above the law", 22 May 2004.

^{xlvi} Rima Nasir Tarazi in a conversation among Palestinian and Israeli women activists facilitated by Zehra Arat, September 2003.

^{xlvii} "An open letter to the Israeli public: A Palestinian women's perspective on the security problem", Jerusalem Centre for Women (1/10/2002, <http://www.j-c-w.org>).

^{xlviii} A performance-based "road map" to a permanent two-State solution to the Israeli-Palestinian conflict; see S/2003/529 of 7 May 2003.