



# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General  
4 November 2022

Original: English  
Arabic, English, French, and  
Spanish only

## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the second periodic report of the State of Palestine\*

#### General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations ([CEDAW/C/PSE/CO/1](#), paras. 19 (c), 27 (a), 29 (c), 37 (d) and (e) and 39 (b)),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention, so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

2. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, as well as ways to apply the mechanisms in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies implemented to ensure that gender equality and the empowerment of women are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law, as well as information on measures taken to ensure the equal and meaningful participation of women in these processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

\* Adopted by the pre-sessional working group on 2 November 2022.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the initial report of the State party ([CEDAW/C/PSE/CO/1](#)).



**General context: occupation of Palestinian territory and implementation of obligations under the Convention**

3. The Committee is deeply concerned about the context of the ongoing Israeli occupation of the territory of the State party, the expansion of settlements and the continued blockade of the Gaza Strip, which are illegal under international law. This context poses severe challenges for the State party in fully implementing its obligations under the Convention and leads to grave violations of the rights of Palestinian women and girls and the denial of access to humanitarian aid, in particular for women and girls living in the Gaza Strip and East Jerusalem.<sup>2</sup> The Committee recalls the obligations of Israel, as the occupying Power, under international humanitarian law and international human rights law. It recognizes that the above-mentioned challenges limit the State party's effective control of its jurisdiction over its own territory and its capacity to effectively implement the Convention. However, the Committee reminds the State party that the Convention is applicable in its entire territory and that the State party should take all possible measures to implement it in all parts of the territory. In this context and in the light of the previous concluding observations (para. 9), please specify the measures taken by the State party to:

(a) Prevent any exposure of women and girls to violations of their rights under the Convention during hostilities, including by issuing clear instructions to security forces under the State party's command to abide by human rights norms, and ensure the prompt and independent investigation of all allegations of human rights violations by security forces under its control;

(b) Facilitate the access to effective remedies and to gender-responsive reparation and truth by victims, including women and girls, in response to violations of international humanitarian law and international human rights law, in particular allegations of international crimes due to actions by the security forces under the State party's control and by non-State armed groups operating in the State party;

(c) Address high poverty and unemployment rates, as well as the limited access to affordable and safe drinking water, electricity and health services, including mental health services, experienced by women and girls in the West Bank and, in particular, the Gaza Strip, which lead to an increase in malnutrition-related conditions among women and girls, including pregnant women and breastfeeding mothers, among other consequences;

(d) Ensure access to humanitarian aid, including for female-headed households;

(e) Protect students and teachers, including women and girls, from the negative impact that the armed conflict has on education, and ensure that non-State armed groups operating in the State party respect international humanitarian law and international human rights law and respect schools as protected objects.

**Implementation and visibility of the Convention**

4. Please provide information on the steps taken to:

(a) Give sufficient visibility to the Convention, the communications and inquiry procedures provided for under the Optional Protocol and the Committee's general recommendations, and create awareness and broad support for the Convention among all segments of society, taking into account the best practices of countries with similar cultural backgrounds;

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<sup>2</sup> See Security Council resolution [2334 \(2016\)](#) and other relevant Council resolutions, including resolutions [1850 \(2008\)](#), [1515 \(2003\)](#), [1397 \(2002\)](#), [478 \(1980\)](#), [476 \(1980\)](#), [465 \(1980\)](#), [452 \(1979\)](#), [446 \(1979\)](#), [338 \(1973\)](#) and [242 \(1967\)](#).

(b) Ensure that women in the State party are aware of their rights under the Convention and related remedies;

(c) Include in national legislation, or decree on a provisional and exceptional basis, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres.

### **Legal status of the Convention and national legislation**

5. With reference to the previous concluding observations (paras. 13 and 15), please explain:

(a) Whether the Convention and the Optional Protocol have been published in the Official Gazette in order to make them applicable in the State party;

(b) The steps taken to fully incorporate the provisions of the Convention and of the Optional Protocol into national law and to ensure their implementation, including in the context of the interpretation by the Supreme Constitutional Court, in its decision No. 5 (2017) of 12 March 2018, that international treaties acceded to by the State party take precedence over national law only insofar as they are consistent with the religious and cultural identity of the Palestinian people;

(c) The measures taken to reunify the legal systems in the Gaza Strip and the West Bank to ensure that all women and girls in the State party are afforded equal protection under the law, in line with the Convention;

(d) The status of reviewing archaic laws, including those enacted during the Ottoman period, and personal status laws, including the Egyptian Family Rights Law of 1954 and the Jordanian Personal Status Law of 1976, which are applicable in the Gaza Strip and West Bank, respectively, to ensure their compliance with the Convention, and the measures taken to ensure that the review includes a thorough gender impact analysis to identify all customary and religious laws that are in conflict with the Convention.

### **Access to justice**

6. Referring to the previous concluding observations (para. 17), please specify whether women, including disadvantaged groups of women, have access to affordable or, if necessary, free legal aid services, and indicate whether a legal aid fund exists, which financial resources are allocated to it and whether they are sufficient to ensure that economically disadvantaged women have access to legal aid services. In addition, please provide information on the efforts made to increase knowledge and acceptance of the equal rights of women among professionals in the judiciary and security sectors.

### **National machinery for the advancement of women**

7. Please indicate:

(a) The steps that have been taken to implement the cross-sectoral national strategy to promote gender equality and equity (2017–2022), its impact on gender equality, and the efforts made to adopt a new strategy;

(b) The human, technical and financial resources allocated to the Ministry of Women's Affairs, the national committee on gender-responsive budgets, the committee to follow up on the implementation of the Sustainable Development Goals and the Central Bureau of Statistics, as well as the activities undertaken by these institutions and their impact on the empowerment of women and girls in the State

party, including older women, women with disabilities and women and girls affected by conflict;

(c) How international technical advice and support has been used to benefit gender equality and to strengthen the national machinery for the advancement of women.

#### **National human rights institution**

8. Please specify the timeline to adopt the draft law formalizing the establishment of the Independent Commission for Human Rights and the human, technical and financial resources that it receives.

#### **Non-governmental organizations and women human rights defenders**

9. Please describe the legislation in place that is applicable to non-governmental organizations, including organizations defending women's rights, and explain the mechanisms in place to:

(a) Ensure the protection of women human rights defenders and civil society representatives from the use of disproportionate force, from arbitrary arrests, detentions or threats thereof and from other forms of pressure and intimidation, including in the context of the state of emergency following the onset of the COVID-19 pandemic;

(b) Investigate, in a prompt, impartial, thorough, effective, credible and transparent manner, any cases of hate speech against women human rights defenders or other violations committed against them;

(c) Promote civic space and ensure the freedom of expression and assembly of women human rights defenders;

(d) Ensure that perpetrators are held accountable for any violent acts committed against women human rights defenders.

#### **Temporary special measures**

10. Recalling its previous concluding observations (para. 23), please update the Committee on policies and awareness-raising campaigns for the development, implementation and monitoring of temporary special measures to achieve substantive equality between women and men, in particular with reference to the participation of women in political life and public decision-making, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

#### **Stereotypes**

11. Please inform the Committee about the efforts made to:

(a) Analyse and eliminate, through awareness-raising and educational campaigns targeting religious and community leaders and through liaison with other States parties in the region with similar cultural backgrounds, the stereotypes that underpin deeply entrenched patriarchal attitudes and reinforce the subordination of women in society;

(b) Review educational textbooks, integrate women's rights into the curriculum of training for teachers, medical professionals, lawyers, police officers and members of the judiciary and the media, raise awareness of women's rights among religious leaders and promote proper knowledge of the Convention.

### **Harmful practices**

12. With reference to the previous concluding observations (para. 25), please report on the mechanisms in place to eliminate harmful practices as a root cause of gender-based violence against women, such as child and forced marriage and forced remarriage. Please also explain the steps taken to monitor and review the impact of such mechanisms on the elimination of harmful practices and to address their root causes.

### **Gender-based violence against women**

13. Please explain:

(a) The status of any legislative projects to draft a family protection law to ensure that women and girls are protected from gender-based violence, including domestic violence, and to provide for the issuance of protection orders;

(b) The resources allocated to the National Committee to Combat Violence against Women, the Family Protection Unit of the Palestinian Civil Police, and the Women's Centre for Legal Aid and Counselling;

(c) The status and activities of the national observatory to study violence against women and of the national observatory on women's access to justice;

(d) The number and outcome of cases prosecuted by the Special Prosecutor's Office to combat gender-based violence against women and girls;

(e) The mechanisms in place to prevent gender-related violence, including femicide, so-called "honour killings", domestic and sexual violence and intimate partner violence and to conduct surveys on gender-based violence against women, as well as to ensure that perpetrators of such violence are prosecuted and adequately punished, that penalties for crimes involving such violence are commensurate with the gravity of the offences and that any laws that could reduce the penalty, in particular for so-called "honour crimes", such as articles 99 and 100 of the Jordanian Penal Code (1960), applicable in the West Bank, and article 18 of the Penal Code (1936), applicable in the Gaza Strip, are repealed or amended;

(f) The measures taken to facilitate the filing of complaints in cases of gender-based violence committed against women and girls, including by eliminating any procedural obstacles and the limitation that, according to article 334 (2) of the Penal Code (1960), which is applicable in the West Bank, only victims themselves may submit a claim, if no injury lasting longer than 10 days resulted from the act of violence;

(g) The number of alleged cases of ill-treatment and torture committed against women and girls by Palestinian security forces, including in cases of alleged collaboration with Israeli intelligence or security forces;

(h) The efforts made to ensure access to justice for women and girls who are victims of sexual violence, in the context of their recourse to customary mechanisms, and allegations that women and girls who are victims of gender-based violence are placed in administrative detention under the pretext of protecting them and that women and girls are placed under arbitrary arrest or in detention on discriminatory charges of sexual offences, such as adultery and "moral misconduct";

(i) The steps taken to ensure the availability of a dedicated Government-funded hotline, available 24 hours a day, seven days a week, for victims of domestic and sexual violence, and the status of the National Referral System for Battered Women;

(j) The services provided to women and girls who are victims of gender-based violence, including domestic violence, the specific number of family protection units in the Gaza Strip, and whether girls who are victims of violence are being placed in the same facilities together with girls who are in conflict with the law.

### **Trafficking and exploitation of prostitution**

14. Referring to the previous concluding observations (para. 29), please describe the mechanisms in place to collect and disseminate data on trafficking in persons, disaggregated by sex and age, to address the root causes of trafficking in women and girls, and to increase bilateral, regional and international cooperation to prevent all forms of trafficking. Please also explain the steps taken to adopt legislation that criminalizes the sexual exploitation of women and girls and child pornography.

### **Participation in political and public life**

15. In the light of the previous concluding observations (paras. 30 and 31), please provide updated information on:

(a) The representation of women in political life at all levels and the mechanisms in place to monitor compliance with the quotas enshrined in article 4 of Law No. 9 of 2005 on elections, article 5 of the Decree Law on General Elections (2007) and article 17 of Law No. 10 of 2005 on local elections;

(b) The steps taken to raise awareness among politicians, community and religious leaders, the media and the general public on the importance of the participation of women in political life and decision-making;

(c) The capacity-building programmes implemented for women candidates and the incentives provided for political parties to nominate equal numbers of women and men to stand for election;

(d) The participation of women in public administration, the judiciary and diplomacy.

### **Women and peace and security**

16. In the light of the previous concluding observations (para. 19), please provide information on:

(a) The human, technical and financial resources allocated to implement the second national action plan on women and peace and security (2020–2024), including the resources allocated to the higher national committee for the implementation of Security Council resolution 1325 (2000), the activities undertaken under the second national action plan, and data collection on women and peace and security;

(b) The concrete measures taken by the State party to ensure the participation of women in international peace processes, in national reconciliation processes and in conflict prevention, peacebuilding and post-conflict reconstruction efforts.

### **Nationality**

17. With reference to its previous concluding observations (para. 33), please inform the Committee of the measures taken to adopt a comprehensive law to provide clarity on nationality and reduce the risk of statelessness for women and their children, in the context of several laws applying to the nationality of women and girls in the State party, taking into account the experience of neighbouring countries in this regard.

## Education

18. Recalling its previous concluding observations (para. 35), please provide updated information on:

- (a) Any steps taken to prolong or update the 2017–2022 strategic plan of the Ministry of Education, with a focus on enhancing the educational opportunities for girls;
- (b) The number and percentage of girls who drop out of school, including because of child marriage, and the preventive measures taken with regard to school dropout numbers among girls and to facilitate their reintegration;
- (c) The number and percentage of women and girls enrolled in non-traditional fields of study, such as artificial intelligence, and the measures taken to increase their enrolment, including the provision of tuition waivers and career counselling;
- (d) The measures in place to prevent the use of corporal punishment against children, including girls, and other forms of violence, including sexual violence, being committed against girls in the school environment.

## Employment

19. In the light of the previous concluding observations (paras. 36 and 37), please describe:

- (a) The measures taken to support women in gaining access to formal employment;
- (b) The mechanisms in place to fully enforce existing laws and regulations on gender equality in employment, including the principle of equal pay for work of equal value, and to promote the integration of unemployed women into the formal economy;
- (c) The efforts made to repeal any legal restrictions on the employment of women in any sector of the labour market;
- (d) The measures taken to guarantee a minimum of 14 weeks of paid maternity leave, to ensure compliance with such a guarantee by the private sector and to promote equal sharing of family responsibilities between women and men;
- (e) The steps taken to extend social protection to women working in family enterprises in the agricultural sector and to amend article 3 of the Labour Act No. 7 of 2000 to extend the application of the Act to domestic workers and to the informal sector, in which women are concentrated;
- (f) The timeline to adopt national legislation to prohibit sexual harassment in the workplace and to punish perpetrators;
- (g) The system in place to collect statistical data on the number of women with disabilities who have been employed since the implementation of the quota pursuant to which 5 per cent of posts in government and non-governmental organizations are reserved for persons with disabilities.

## Health

20. Referring to the previous concluding observations (paras. 38 and 39), please provide statistical data on the number of women and girls who have been detained and prosecuted for procuring an abortion. Please also explain the measures taken to:

- (a) Amend article 8 of Public Health Act No. 20 of 2004, articles 321 to 324 of the Penal Code (1960), applicable in the West Bank, and articles 175 to 177 of the Penal Code (1936), applicable in the Gaza Strip, to legalize abortion in cases of rape, incest, risk to the physical or mental health of the pregnant woman and severe fetal

impairment, to ensure that abortion is decriminalized in all other cases and provide access to medically safe modern methods of abortion;

(b) Tackle the issue of child pregnancy and ensure that women and girls throughout the State party have access to adequate sexual and reproductive health education and services, including modern contraceptive methods;

(c) Ensure access of women and girls, including those with disabilities, to quality health services, including safe childbirth and emergency health services, in particular in areas affected by restrictions of movement from the Gaza Strip to the West Bank, as well as within the West Bank, and those due to the Israeli blockade of the Gaza Strip.

### **Economic and social benefits**

21. In the light of the previous concluding observations (para. 41), please indicate the measures taken to:

(a) Revise Social Security Law No. 19 of 2016 to take into consideration the situation of women, including how their remuneration is affected by their concentration in part-time employment and by the gender pay gap;

(b) Increase access for women to loans and other forms of finance, improve financial literacy among women and promote their access to income-generating activities and entrepreneurship.

### **Rural women**

22. Please describe the steps taken to:

(a) Increase land ownership by rural women in the State party, including by adopting equal inheritance laws;

(b) Ensure the equal and meaningful participation of rural women in decision-making, such as decision-making on agricultural policies and land use, and their access to development programmes and the disaster risk reduction and insurance fund;

(c) Continue services and humanitarian assistance to Bedouin women and girls;

(d) Protect Bedouin women and girls from stigmatization and violence.

### **Disadvantaged groups of women**

23. Please explain:

(a) The support and services provided to refugee and internally displaced women and girls;

(b) The living conditions of women and girls in detention in the West Bank and the Gaza Strip, in particular pregnant women and women with children;

(c) The measures taken to protect women and adolescent girls with disabilities from discrimination, abuse and violence.

### **Marriage and family relations**

24. Referring to its previous concluding observations (para. 47), please provide updated information on:

(a) The status of the legislative review by the legislative harmonization committee and by the gender legislative committee, and other efforts made to review all personal status laws with a view to repealing or amending all provisions that

discriminate against women and girls, in particular those relating to marriage, divorce, marital property and inheritance;

(b) Efforts to repeal article 2 (2) of Decree Law No. 21 (2019), which allows for exceptions to the legal minimum age of marriage of 18 years;

(c) Efforts to ensure that the rules of evidence in family matters do not discriminate against women;

(d) Efforts to ensure that child custody is decided on the basis of the principle of the best interests of the child and not automatically allocated to the father, and that women are not denied custody of their children upon remarriage;

(e) Efforts to ensure that the rights of women who have custody of their children are equal to the rights of men who are in the same position;

(f) Efforts to ensure that women have the same rights as men to freely choose a spouse, to enter into marriage only with women's free and full consent, and that they have the same rights and responsibilities as men upon the dissolution of a marriage;

(g) Efforts to adopt a law that provides for an alternative legal regime to govern civil marriage in the State party;

(h) Efforts to abolish practices of male guardianship and of wives having to obtain permission from their husbands to work and study outside the home;

(i) Efforts to prohibit polygamy.

#### **Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2018. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.