



Femicide in the Palestinian Society

Report submitted to

*Special Rapporteur on Violence against Women, its Causes and
Consequences*

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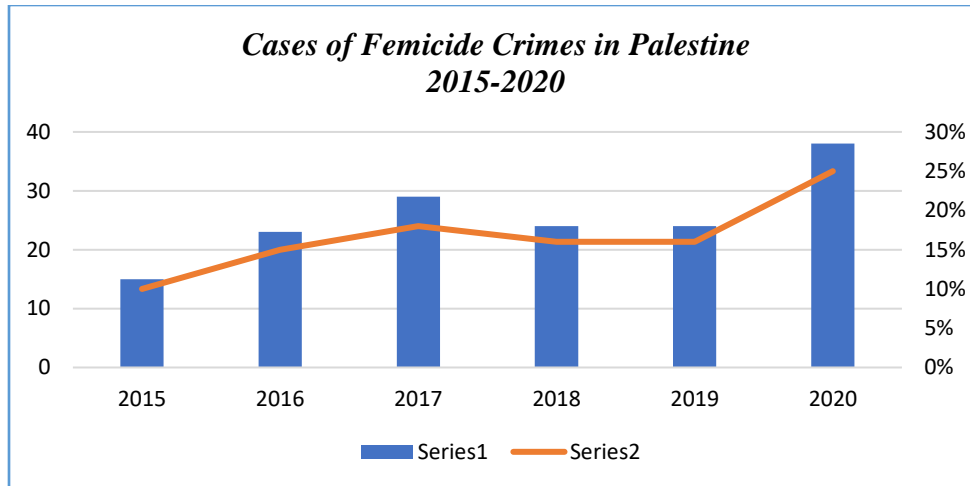
¹ Al Muntada is Palestinian coalition of seventeen women's and human rights organizations combating violence Against Women including the following organizations: Bisan Center for Research & Development, Palestinian Working Women Society for Development, Women's Centre for Legal Aid and Counselling (WCLAC), Women's Affairs Technical Committee (WATC), Palestinian Counseling Center, Family Defense Society, Women's Studies Center, Sawa Organization, Young Women's Christian Association of Palestine (YWCA), Palestinian Family Planning and Protection Association, Rural Women's Development Society, Psycho-Social Counselling Center for Women (PSCCW), Health Work Committees, The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), Stars of Hope Society, QADER for Community Development, Mother's School Society

1. Despite the accession of the State of Palestine to The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) without reservations, there has been limited progress made to reduce the rate of femicide crimes in Palestine due to multiple factors. One of the main factors is the predominance of discriminatory and outdated laws and legislation inherited from previous rules over the occupied Palestinian Territory (oPt) such as the current Penal Laws, Personal Status laws on one hand, and the absence of a Family Protection Bill and a comprehensive protection system for victims of gender-based violence (GBV) and femicide on the other hand. The conflicting legal systems in force negatively impact the lives of all Palestinians especially women and girls victims of GBV and femicide.
2. Secondly, since the accession of Palestine to international human rights treaties and conventions in 2014, Palestine has not yet met its legal obligations under international law to harmonize national legislation with those treaties and conventions including CEDAW. Thirdly, the entrenched discriminatory and gender-biased approaches, patriarchal norms and practices that prevail in the society and even among the pillars of the justice sector, are major obstacles that hinder women from accessing their right to justice.
3. Palestine has developed a unified draft Penal Code in 2011 which is still pending and was not yet passed. The current Penal laws that are in force are the Jordanian Penal Code No. (16) of 1960, and the Palestinian Penal Code No. (74) of 1936 in the Gaza Strip. The Palestinian President issued a set of Presidential Decrees amending and/or suspending some articles and legal texts in penal laws which are relevant to sexual crimes and femicide cases. In some of those amendments the President abolished provisions that allow for mitigating factors to reduce sentences in cases of murder and/or the so-called family “honor killings” committed against women and girls. Despite these amendments, court rulings in cases of femicide and sexual crimes do not reflect the full implementation of those amendments. Judicial rulings are governed by the restricted definition of the law and by the mentality of the judges which lacks gender-sensitivity, and often reflect the traditional social and cultural gender stereotypes within society.²

²State of Palestine’s Obligations to Safeguarding Women’s Right to Life, Women’s Center for Legal Aid and Counselling , Ramallah, West Bank, 2019. See Summary of the Report in English.

4. The 2019 Violence Survey carried out by the Palestinian Central Bureau of Statistics (PCBS), found out that 29 per cent of currently or ever married women in Palestine had experienced some form of violence (such as psychological, physical, sexual, social or economic violence) by their husbands in the past twelve months. The prevalence was significantly higher in Gaza (38 per cent) than in the West Bank (24 per cent). During COVID-19 reported cases of GBV and femicide cases remarkably increased especially during lock-down periods. WCLAC documented 37 cases (18 in West Bank and 19 in the Gaza Strip) compared with 21 cases in 2019. Among the 149 cases of femicide cases documented from 2015-2020, the highest percentage was in 2020 reaching up to 25 per cent of all cases.
5. In an analytical study conducted by WCLAC covering all 76 cases of femicide in three years (2016-2018), WCLAC observed that 41 Per cent were married women, while 42 per cent were single women and 8 per cent were widows. Most of the victims of femicide were young women and girls; 37 per cent were between (18-29 years) while 18 per cent were under 18 years. Of the married women almost half of them had children (64 children and an unborn twins were victims of these murders). In 27 per cent of the cases the perpetrator was the brother/s, an equal percentage of 23 per cent for each, were husbands and fathers, followed by 14 per cent were sons of the victim, and the other four per cent of perpetrators were uncles and step-mothers.³

³ Discrimination and Violence against Women: Fertile Ground for Femicide, WCLAC, Ramallah, West Bank, 2019 (Arabic with summary in English).



6. At the national level the Palestinian Ministry of Women's Affairs established the National Observatory for Violence against Women which officially include (18) NGOs and governmental institutions with the aim of providing data on GBV, to help in formulating policies and developing plans, identifying patterns and causes of GBV and unifying the national efforts towards combating GBV. However, the pace of its functionality is still slow and requires activations to ensure that the national observatory works with higher efficiency in providing necessary official statistics on GBV and femicide cases.

7. The PCBS also conducts periodic national surveys on GBV and provide the data on the rates of GBV in Palestine. These surveys were conducted in 2005, 2011, and 2019. The surveys also aim at providing the national number and comprehensive statistics on patterns and rates of violence, in order to provide official institutions with data to develop policies, administrative and legal measures to combat this phenomena.⁴ Official institutions such as the Family Protection Units of the Palestinian Civilian Police and Prosecution Office also report on cases of GBV and femicide cases on annual basis. Other ministries such as the Women's Affairs and Social Development Ministries issue their annual reports and provide additional data on GBV and femicide.

⁴ Palestinian Central Bureau of Statistics, 2019, Primary outcomes for the Survey of Violence in the Palestinian Society, Ramallah- Palestine

- 8.** WCLAC and other Palestinian NGOs including the National Human Rights Institution (ICHR) monitor and document femicide cases and monitor GBV cases in Palestine. WCLAC has 20 years of expertise in utilizing specific monitoring and documentation mechanisms regarding femicide crimes. WCLAC also publishes periodic analytical reports on femicide with suggestions and recommendations for decision-makers to combat this phenomenon.⁵
- 9.** One of the significant challenges facing all relevant authorities and NGOs regarding the issue of femicide, is to provide a precise definition of the concept of “femicide” to capture all relevant components. Many of the femicide cases are either registered under “suicidal cases” or “deaths for unknown reasons” and are not counted by official judicial entities, especially the Public Prosecution as femicide cases. It has been noticed that the legal considerations overlap with the prevailing culture and stereotypes. Due to differences in definitions, vision and methodologies used, statistics of the different entities (Police, Public Prosecution, ICHR) are not identical, and they generally differ from the same statistics captured by WCLAC. In return, this leads to a disparity in the classification of murder cases; some are classified under "suicide" or "death for unknown reasons", or closed immediately without proper investigation (especially in the Gaza Strip) under the pretext that the perpetrator is “insane or mentally unstable”. No autopsies or further investigations are conducted; often concealing crimes of femicide and GBV, which encourages a culture of impunity, and allow perpetrators to escape deterrent penal measures in such serious crimes.
- 10.** In its 2018 report, WCLAC addressed this issue through analyzing the comparatives of some statistical reports. The Public Prosecution, for example, noted in its report of 2018 that the total number of attempted suicide and commission of suicide cases was (236); indicating that (196) cases were committed by "adults", while (37) cases were committed by children. What is striking in these figures is that the rate of suicide or attempts of suicide indicate much higher rates among females than among males. The percentage of females in the adults category was twice as high

⁵ Women's Center for Legal Aid and Counselling, Discrimination and Violence against Women, The Fertile Soil for Murder, 2020. <https://www.wclac.org/library/179/>

than males with 71 per cent versus 29 per cent. In the case of children, the percentage was even much higher among females than in males reaching to 95 per cent of the cases. These high rates also raise many questions about the motives behind committing suicide or attempts of suicide among females and whether those were really "suicide" cases, or "push to commit suicide" (i.e., family pressures imposed on girls to kill themselves by forcing them to drink poison, hang themselves, throw themselves from the roof of their homes...etc.). In other incidents, the magnified pressures resulting from the economic and social and cultural constraints which women and girls experience leave them without alternatives but to commit suicide⁶. This clearly points out to the stark discrimination between males and females within our society and culture resulting in high rates of suicide and murder among women and girls.

- 11.** The Palestinian government approved the National Referral System for abused women in 2013. It was adopted at the national level; accordingly, shelters were established to accommodate victims/survivors of violence. Currently, there are (4) protection centers (shelters) for women; one in Gaza and three in the West Bank one of which is governmental. Moreover, Family Protection Units have been established within the Police Apparatus in 2008, and another in the Attorney General's Office in 2016.
- 12.** Despite all efforts made to adopt the Family Protection Bill that was drafted 16 years ago, still human rights and woman's organizations have not succeeded in influencing decision-makers and legislators to pass the law. This leaves victims of domestic violence without a comprehensive legal protection system and without criminalization of GBV. Most of the court rulings in GBV and femicide crimes are lenient and encourage a continued culture of impunity.
- 13.** In an independent legal Commentary conducted by WCLAC to review the court rulings (at different court levels) in the case of the murder of Suha al-Deikh by her husband in 2015, the Independent Legal Expert concluded that the case was purely a "murder" and not a "manslaughter" case as was ultimately ruled out by the Cassation Court. The case was

⁶ Women's Center for Legal Aid and Counselling, Discrimination and Violence against Women, Fertile Soil for Murder, 2020. <https://www.wclac.org/library/179/>

returned to the Appeal Court to review its previous decision of “murder to manslaughter” thereby reducing the sentence to 15 years instead of 25 years. Since the crime was committed prior to legal amendments made by Presidential Decrees, the perpetrator benefited from the mitigating measures, and the Appeal Court was able to further reduce the final sentence to seven and a half years using the legal mitigating factors provided by the law. The Commentary also concluded that judges often fall in the mistake of being negatively influenced by existing social, cultural contexts and build their jurisprudence by “legally adapting a crime to social and discriminatory norms rather than to the more progressive interpretations of the law. They also base their jurisprudence on “current social, religious and tribal norms and gender-biased stereotypes at the expense of progressive interpretations of the law and completely avoid any reference to international human rights treaties and conventions to which Palestine has acceded”.⁷

- 14.** In 2020, WCLAC also monitored and reviewed legal proceedings in (22) cases related to GBV crimes (e.g., minor or eloquent abuse, indecent assault, rape, threats and attempted murder) to test the feasibility of women's access to justice in the Palestinian judicial system. The analysis concluded that women were mostly discriminated against in the Palestinian criminal justice system, and that there were several challenges that women victims encountered when they decided to break the silence and judicially pursue their cases in courts. In most of the above cases women were forced to withdraw their cases from courts at early stages of the litigating process due social pressures and loss of confidence in the judicial system as a whole. The entrenched discriminatory and gender-biased approaches, norms, and practices, including the behaviors of the justice affiliated practitioners and community members have prevented women from accessing justice.

⁷ Commentary prepared by the Jordanian Legal Expert Samir al-Jarrah for WCLAC in 2018 , Arabic (summary available in English).

15. Recommendations:

- To legislate and/or approve legislations that guarantee justice and gender equality for women, most importantly the endorsement of the unified Palestinian Penal Code, the Personal Status Law, and the Family Protection Bill, to ensure the prevalence of a comprehensive protection system to victims of GBV.
- To develop and adopt a gender-sensitive definition of femicide at the national level, and take all necessary measure to enhance and further develop the Palestinian National Observatory as the major source of evidence-based data on GBV and femicide to help official-duty-bearers to take measures and develop national policies to combat VAWG.
- To raise awareness, activate ongoing learning processes, and develop the capacities of the judiciary personnel, thus to influence their approaches and attitudes in overcoming the patriarchal stereotypes prevailing in our society, specifically against women and girls victims of GBV. This will contribute to more confidence in the judicial system and access of women to justice.

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