



Now *is* the Time: Research on Gender Justice, Conflict and Fragility in the Middle East and North Africa

Country synthesis note: Occupied Palestinian Territory

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Background

This country synthesis note accompanies the research report "Gender Justice, Conflict and Fragility in MENA" that was commissioned by Oxfam Great Britain to International Alert to examine the impact of fragility and conflict on gender justice and women's rights in the Middle East and North Africa (MENA).

There has been a strong tradition of women's self-organisation in Palestine dating back to the time of the British mandate (1922–1948). Women's groups – such as the Arab Women Society in Nablus, Arab Women's Union in Jerusalem and Arab Women's Association of Palestine – first formed across the Palestinian territory in the 1920s. These groups had divergent objectives and participated in a wide range of activities including charitable giving, educational work, and both violent and non-violent direct political action against the British mandate.¹ Some contemporary women's rights organisations (WROs) have their origins in these groups, while others were formed in response to the negative gendered impacts of the ongoing Israeli–Palestinian conflict.

Despite the long history of women's self-organisation, Palestinian society still remains deeply patriarchal and is strongly marked by traditional gender roles. In times of conflict, however, these gender roles have been forced to be more flexible, driving Palestinian women to take on the tasks that were the traditional preserve of men. In just one example, women often became the main family breadwinner during the First Intifada (1987–1993) when many Palestinian men were either detained or engaged in fighting the Israeli occupation.

Continued Israeli occupation has effectively divided the Occupied Palestinian Territory (OPT) into three parts: East Jerusalem, the West Bank and the Gaza Strip. In June 2007, Israel imposed a land, sea and air blockade on

¹ E. Fleischmann, 'The nation and 'its' new women: The Palestinian women's movement, 1920–1948, Berkeley: University of California Press, 2003

the Gaza Strip,² following the 2006 Hamas–Fatah conflict that resulted in Fatah’s expulsion from the Gaza Strip and the establishment of the de facto Hamas government. Since then, Hamas and other armed groups in Gaza and Israel have been engaged in ongoing hostilities of varying intensity that have led to the deaths of approximately 100 Israelis and thousands of Palestinian women, men and children, and caused a lasting humanitarian crisis.³ The 2008, 2012 and 2014 Gaza Conflicts resulted in the death of over 2,400 civilians – 1,151 men, 428 women and 894 children.⁴ The hostilities and blockade have severely restricted freedom of movement and trade, and have resulted in high levels of poverty and unemployment. This has, in turn, had a significant gendered impact on women who have often been forced to financially provide for their family due to male spouses and relatives being either wounded, killed or arrested, while still maintaining their domestic and familial responsibilities.

Across the West Bank and East Jerusalem, Israel constructed a 440-mile wall, the route of which was determined to be in violation of international law by the International Court of Justice in 2004 as it could ‘prejudge the future frontier between Israel and Palestine’ and ‘would be tantamount to de facto annexation’.⁵ The wall, in combination with 98 Israeli fixed checkpoints in the West Bank, has severely restricted the Palestinian population’s freedom of movement and negatively impacted the area’s economy. The occupation has affected women living in the West Bank and East Jerusalem, who repeatedly

² For a detailed look at the humanitarian impact of the blockade see: OCHA, The Gaza Strip: Humanitarian Impact of the Blockade, July 2015, http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2015_english.pdf

³ M. Williams, “Singapore or Darfur”: The escalating ferocity of the Gaza Wars, Amnesty International, 2 August 2016, <http://www.amnesty.org.il/en/the-escalating-ferocity-of-the-gaza-wars/>

⁴ The civilian casualty numbers were reported by the United Nations (UN) Human Rights Council (HRC) and B’Tselem. The HRC gathered this information from investigations conducted by different Palestinian NGOs and Gazan and Israeli Ministries. B’Tselem conducted fieldwork and corroborated the information with other sources. 2008 Gaza Conflict Report: United Nations, Human Rights Council, Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict, A/HRC/12/48 (25 September 2009), available from <http://www.undocs.org/A/HRC/12/48>; 2012 Gaza Conflict Report: B’Tselem, Human Rights Violations during Operation Pillar of Defense, May 2013, http://www.btselem.org/download/201305_pillar_of_defense_operation_eng.pdf; 2014 Gaza Conflict Report: United Nations, Human Rights Council, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1***, A/HRC/29/CRP.4 (24 June 2015), available from <http://www.undocs.org/A/HRC/29/CRP.4>

⁵ Legal consequences of the construction of a wall in the Occupied Palestinian Territory, Press Release 2004/28, International Court of Justice, 9 July 2004, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&rp1=3&rp2=4&rp3=6>

face sexual harassment and intimidation at checkpoints by Israeli soldiers and are therefore often unable or not permitted to travel for work, school and healthcare needs.⁶ The illegal building of Israeli settlements in the West Bank, including East Jerusalem, and Israel's continual perpetration of human rights violations against Palestinian women, men and children, including home demolitions and the forced eviction of Palestinian families, punitive arrests, unfair trials, and ill-treatment and torture of detainees,⁷ have fuelled the persistent conflict in the area.

Methods and challenges

This case study is based on interviews conducted with eight WROs in the West Bank and East Jerusalem and five WROs in the Gaza Strip. In addition, interviews were carried out with one academic in East Jerusalem and an international non-governmental organisation (INGO) headquartered in the West Bank. In addition, a focus group discussion, involving 15 women aged 18–40 who reside in the Gaza Strip, was also conducted. Although some of research was conducted in East Jerusalem, the findings relate to the situations in the Gaza Strip and the West Bank.

The primary challenge was reaching faith-based WROs, which were often both suspicious about speaking to representatives of non-Palestinian organisations and expressed scepticism over the motives and benefits of the research. This inability to collaborate with faith-based WROs is reflective of the research findings that there is a large division in the civil society landscape between secular and faith-based organisations.

Findings

1. Who is filling the gaps left by the Israeli and Palestine governments? What positions, discourses and actions do these

⁶ UN Women – Palestine, In the absence of justice: Embodiment and the politics of militarized dismemberment in occupied East Jerusalem, Jerusalem: UN Women – Palestine, 2016, http://www2.unwomen.org/-/media/field%20office%20palestine/attachments/publications/2016/in%20the%20absence%20of%20justice_report.pdf?vs=509

⁷ United Nations, General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/71/554 (19 October 2016), available from <http://www.undocs.org/A/71/554>

actors and the Palestinian Authority adopt towards gender justice and women's rights? In what ways have the positions, discourses and actions of these actors changed over time?

In the West Bank, the predominant governing actor is the Palestinian Authority (PA), controlled by a coalition led by the Fatah political party. Most WROs consider the PA to have a generally progressive discourse on women's rights, especially in comparison to the de facto Hamas government in the Gaza Strip and other areas of the Middle East. However, there is a **large degree of scepticism among WROs about whether the PA's progressive gender discourse is a genuine commitment towards gender justice or is merely used to enhance its reputation among international donors**. The PA has created a number of institutions – including the Ministry of Women's Affairs (MoWA), Police Family Protection Units and 35 gender units across its ministerial and security apparatus – purportedly with the capacity to effect change towards gender justice at the national level. However, **all the WROs interviewed felt that these institutions do not have the requisite political capital or support to implement effective changes**. This is evidenced by the fact that the MoWA has failed to convince the president of the PA to enact a number of draft laws prepared by WROs that would repeal much of the West Bank's discriminatory legislation. This effort is admittedly hindered by the fact that the Palestinian legal system is based on a mix of outdated British, Jordanian and Egyptian law and that four different legal systems (Israeli, Jordanian, Egyptian and Palestinian) apply to Palestinians depending on their geographic location.⁸

The situation is markedly different in the Gaza Strip. **All of the secular WROs interviewed felt that there had been a swift degradation in the status of women's rights since Hamas took control in 2007**. Hamas's attitude towards women's rights is heavily influenced by its conservative Islamic norms and, accordingly, WROs stated that practices such as early marriage, polygamy, marital rape and honour killings are openly accepted.

⁸ R. Al-Botmeh, A review of Palestinian legislation from a women's rights perspective, United Nations Development Programme (UNDP), 2012, http://www.ps.undp.org/content/papp/en/home/library/democratic_governance/areview-of-palestinian-legislation-from-the-women-s-rights-persp.html

Hamas has also used morality police and 'anti-corruption' units to publically monitor women to ensure they comply with its religious edicts.⁹

Although both the PA and Hamas are in direct violation of the Convention for the Elimination of All Forms of Discrimination Against Women,¹⁰ **most WROs interviewed felt that there is a significant difference between the West Bank and Gaza Strip in terms of legal protection for women's rights.** However, the academic interviewed cautioned that this picture can be too simplistic and that Hamas does provide certain rights to women through its faith-based laws, including inheritance and divorce rights, which are not recognised as legitimate by secular WROs.

2. What are the consequences of the above on the ability of civil society organisations (CSOs) and WROs to drive a gender justice agenda? That is, how is the women's rights and gender justice agenda being prioritised by state actors and/or other governance actors, compared to [national] security agendas and other competing agendas (e.g. humanitarian response imperatives, donor pledges and priorities), and the need to contend with ongoing economic crises?

WROs in the West Bank have tried to actively work with the PA in order to improve the situation of women's rights. Many WROs have initiated joint programmes with various ministries and have also been instrumental in setting up specialised state institutions, such as the gender units and Family Protection Units. Despite this collaboration, however, **most WROs do not consider gender justice to be a priority of the PA, with the liberation struggle and the economy taking far greater precedence.** Indeed, some WROs said that PA officials had directly told them that all gender issues will be solved when the Israeli occupation is over; there seems to be little consideration among the PA that the nationalism movement can be harmful to gender equality and that improving the status of women might be beneficial for the independence movement. A recent obstacle to WROs

⁹ Human Rights Watch, 'In Gaza, Prisoners Twice Over', 27 June 2010. <http://www.hrw.org/news/2010/06/27/gaza-prisoners-twice-over>

¹⁰ Convention for the Elimination of All Forms of Discrimination Against Women, UN Women, <http://www.un.org/womenwatch/daw/cedaw/>, accessed 21 April 2017

having influence over the PA is the fact that the Palestinian Legislative Council has been paralysed since 2007 and that all legislative power has been subsequently consolidated within the presidency of the PA. As a consequence, the opportunities to lobby and advocate for women's rights issues have been dramatically reduced. In contrast, **WROs in the Gaza Strip stated that they do not try to engage with the Hamas government, fearing that it would lead to stricter control of their organisations.** Similarly, most WROs felt that gender justice is not a priority of the Hamas government and that many of the key gender equality and women's rights issues are completely contradictory to Hamas's ideological beliefs.

3. What are the strategies developed by national and regional WROs and CSOs to counter this reduction in space and push the women's rights agenda forward? What are they striving for and what are the commonalities? What gendered role and influence, if any, do women's Islamic or other faith-based civil society actors exert, and do such groups complement or compete with non-religious WROs and CSOs in advocating for women's rights and participation? Have any CSOs or WROs operating in regions that are controlled by non-state actors found it easier to push forward their agenda in comparison to those operating exclusively in government-controlled areas?

Due to both the PA's inertia and a lack of trust among the populace in the PA, WROs have found other strategies to push forward their gender justice agendas. Most prominently, **WROs provide many community-level services designed to directly benefit women and girls.** Examples of this include counselling and therapy hotlines, economic empowerment workshops and microfinancing for female-run businesses. Moreover, **some WROs have attempted to use the strong influence of religious leaders to change individuals' beliefs and the local community's attitude to women;** WROs have led training and consultations with imams on issues including honour killings, female genital mutilation and gender-based violence (GBV). In spite of this acceptance by some religious leaders, WROs in the West Bank have received death threats from the local community for advocating on behalf of women. WROs in the Gaza Strip have also adopted a community-

level strategy, as many of their activities have been curtailed by the Hamas government. Moreover, **WROs in both areas stated that there is a clear division between faith-based and secular WROs, and that there is little cooperation between the two groups due to their divergent aims.** There is also a limited amount of collaboration among secular WROs on specific issues such as the United Nations Security Council (UNSC) resolution 1325 (e.g. the Palestinian National Coalition for Implementing UNSC resolution 1325) and GBV (e.g. the Al-Muntada Forum to Combat Violence Against Women), and in general the WRO landscape is dominated by competition and secrecy. This situation has been exacerbated by the declining amount of funds available from the international community.

4. What role do international development actors (donors, INGOs) have to play in countering the negative effects of conflict and fragility on the realisation of women and girls' rights? What can be done at the national, regional and international level? How does the role and scope that international development actors could play differ, depending on the area in which they are trying to operate (state/non-state governed areas)? How can INGOs support WROs/CSOs and gender-sensitive programming, while mitigating for political, security and reputational risks to national partners and to beneficiaries?

WROs in both the West Bank and Gaza Strip expressed that the international community (donors and INGOs) exert a generally positive influence on the situation of women's rights in the OPT. However, **the overwhelming consensus among WROs was that the international community needs to increase its pressure on Israel to stop the occupation and blockade.** This would significantly improve the lives of women who are far more negatively affected by its consequences than men. It would also substantially improve the capacity of WROs that are currently limited in their movements and operational reach by Israeli restrictions. Numerous WROs have been banned from conducting activities in certain areas since the building of the wall and national WROs with branches in both the West Bank and Gaza Strip are forced to meet their colleagues abroad due to restrictions on freedom of movement. In addition, **many WROs believe that their continued donor**

funding is linked to the level of criticism they direct against Israel. Some WROs allege that donors have withdrawn funding as a consequence of them publishing reports exposing Israeli violations against Palestinian women. The majority of WROs feel that some donors are too scared to fund WROs that critique Israel directly and that some prefer to fund those organisations that ignore the pivotal role that the occupation and blockade has played in repressing women in the OPT. Similarly, WROs called on the international community to fund programmes in East Jerusalem, an area that has been abandoned by INGOs, as they are afraid of upsetting Israel by funding activities in its contested territory.

A further critique of the international community is that many **donors impose their own agendas and priorities on WROs**, and that when WROs have suggested programmatic changes, they have been given a 'take it or leave it' ultimatum. This has led to many programmes being ineffective and not responsive to the actual needs of women in the community. WROs called on the international community to treat them as an equal partner and to include them in all aspects of the grant-making process.

A final suggestion **is for the international community to provide core rather than project funding to WROs.** WROs noted that the shift to project funding over the past 10 years has threatened the survival of many WROs as they cannot acquire the funds to cover core staff (a number of WROs admitted that they have taken on projects they are unsuitable for or uninterested in just to cover their core funding needs). This shift to project funding has coincided with a similar trend among the international community to fund short-term humanitarian relief projects rather than development projects. This change threatens the progress on women's rights that has occurred as a result of the long-term development projects implemented by WROs in this region.

