

Policy Brief: Gender-based violence (GBV) in the State of Palestine

Sara Spencer
M.A. Candidate, International Policy and Development
Fall 2020



Middlebury Institute *of*
International Studies at Monterey

Executive Summary:

Gender-based violence, abbreviated GBV, is a global public health and human rights threat that most commonly affects women and girls. It is defined by the European Commission as “violence directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately.”¹ GBV is both a health concern, a human rights violation, and a form of discrimination against women and girls. It is characterized by manifestations of physical violence, psychological violence, verbal violence, sexual violence, and socio-economic violence.² These categories consist of practices including, but not limited to: female genital mutilation (FGM), forced and early marriage, online violence, forced abortion and forced sterilization, and verbal harassment.³ GBV not only poses physical and psychological health risks for survivors, but also serves to disempower women and girls, erodes at dignity and wellbeing, and destabilizes family functioning and safety.⁴ On an economic scale, it is estimated that, globally, the cost of violence against women amounts to USD \$1.5 billion annually.⁵

As a result of lockdowns and quarantine measures enacted since the emergence of COVID-19, gender-based violence has risen so sharply that it has been deemed “the shadow pandemic.”⁶ Prior to the pandemic, 243 million women and girls (aged 15-49) across the globe had been subjected to sexual or physical violence by an intimate partner in a one-year timespan.⁷ COVID aside, one in three women globally will experience physical or sexual abuse in her lifetime. Due to increased tensions, limited access to health care and outreach programs, and confinement, cases of GBV are now skyrocketing. According to a DevEx Oped-Ed, “for every three months of lockdown due

¹ What Is Gender Based Violence? European Commission , [ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=Related%20links-,Gender%2Dbased%20violence%20\(GBV\)%20by%20definition,of%20a%20particular%20gender%20disproportionately.](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=Related%20links-,Gender%2Dbased%20violence%20(GBV)%20by%20definition,of%20a%20particular%20gender%20disproportionately.)

² “Types of Gender-Based Violence.” Gender Matters, www.coe.int/en/web/gender-matters/types-of-gender-based-violence.

³ “Types of Gender-Based Violence.” Gender Matters, www.coe.int/en/web/gender-matters/types-of-gender-based-violence.

⁴ “Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

⁵ “Violence against Women and Girls: the Shadow Pandemic.” UN Women, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

⁶ “Violence against Women and Girls: the Shadow Pandemic.” UN Women, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

⁷ “Violence against Women and Girls: the Shadow Pandemic.” UN Women, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

to COVID-19, an estimated 15 million more people will suffer from gender-based violence around the world.”⁸ Moreover, accurate numbers of cases are elusive due to under-reporting—less than 40% of GBV survivors report the crime or seek assistance while less than 10% of survivors report the crime to police.⁹

In the state of Palestine, constant oppression due to the Israeli occupation has exacerbated the sharp increase in GBV observed globally.¹⁰ Additionally, men’s inability to “protect and provide” in a traditionally patriarchal society has led to rising tensions, frustrations and disillusionment, culminating in violent and abusive action towards women and girls.¹¹ In turn, these individuals lack refuge and social services to cope with the abuse and often must suffer in silence. This scenario is illustrated by the recent killing of a pregnant Palestinian woman in October of 2020 by her abusive husband.¹² After attempting to escape to her parents’ home, the woman was taken back to her husband’s residence where she was then assaulted and killed.¹³

Background:

According to a 2011 Violence Survey carried out by the Palestinian Central Bureau for Statistics, on average, 37% of women in Palestine are survivors of GBV, while the percentage increases to 51% in Gaza Strip.¹⁴ This data was collected prior to the global pandemic and is therefore plausibly much lower than 2020 numbers. In 2016, rates of early marriage reached 20.5% for females in Palestine, and in 2018, “50 per cent of Palestinian women and 63 per cent of Palestinian men agreed that a woman should tolerate violence to keep the family together.”¹⁵ These statistics reveal not only the prevalence of, but acceptance of gender-based violence and human rights violations inflicted on women in the occupied territories. Palestinian women and girls are currently finding themselves at the unique and impossible intersection of COVID-19 restrictions, a male-dominant and oppressive society, and brutal Israeli oppression and abuse. This

⁸ Smith, Laura Kyrke. “Opinion: Tackling the Rise of Violence against Women during COVID-19.” Devex, Devex, 19 June 2020, www.devex.com/news/opinion-tackling-the-rise-of-violence-against-women-during-covid-19-97508.

⁹ “Violence against Women and Girls: the Shadow Pandemic.” UN Women, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

¹⁰ “Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

¹¹ “Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

¹² “Suspicious of Gender-Based Violence: Pregnant Woman Killed in Qalqilya.” Palestinian Centre for Human Rights, www.pchrgaza.org/en/?p=15222.

¹³ “Suspicious of Gender-Based Violence: Pregnant Woman Killed in Qalqilya.” Palestinian Centre for Human Rights, www.pchrgaza.org/en/?p=15222.

¹⁴ “Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

¹⁵ “Facts and Figures.” Palestine, palestine.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures.

has culminated in an elevated gap in gender inequality and a suppression of women's rights and dignity.¹⁶

Prior to COVID-19, freedom of movement was already severely restricted due to blockades and curfews imposed by the Israeli occupation, limiting when and where Palestinians can travel within the occupied territories. Furthermore, the threat of violence, armed conflict, and prompt, unjust imprisonment on behalf of the Israeli Defense Force serves to deter travel outside of one's immediate surroundings. According to the United Nations Population Fund (UNFPA), women and girls suffering from active GBV or the threat of GBV have limited access and opportunities to utilize needed services. This is due to the restrictions on movement imposed by the IDF and now as part of COVID-19 prevention, as well as fear of stigma, social exclusion, and, horrendously, "honor-killings" in which the survivor is murdered by family members in retaliation for "disgracing" the family name or prestige.¹⁷ As a result, UNFPA reports that a dismal 0.7% of GBV survivors seek support and assistance in Palestine.¹⁸

Policy Alternatives:

At present, upwards of twenty-four NGOs in the occupied territories have attempted to transition their GBV services to remote platforms, and hotlines as well as legal and social services have been established via telephone. Between the months of March and April 2020, shortly after the onset of pandemic restrictions, The Women Center's for Legal Aid and Counseling reported a 69% increase in GBV consultations throughout the occupied territories.¹⁹ However, according to OCHA, "the current system is fragmented with varying quality and services depending on the geographical area in which they are provided." Additionally, referral networks are inconsistent and unreliable in many cases, leaving individuals unsure of how to access or afford essential services and care.²⁰ This problem is worsened by Palestinian women's unequal access to technology and connectivity.²¹

¹⁶ "Facts and Figures." Palestine, palestine.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures.

¹⁷ "Gender-Based Violence." UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

¹⁸ "Gender-Based Violence." UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

¹⁹ "A Crisis within a Crisis: Fighting Gender-Based Violence (GBV) during COVID-19 - Occupied Palestinian Territory." ReliefWeb, reliefweb.int/report/occupied-palestinian-territory/crisis-within-crisis-fighting-gender-based-violence-gbv-during.

²⁰ "A Crisis within a Crisis: Fighting Gender-Based Violence (GBV) during COVID-19 - Occupied Palestinian Territory." ReliefWeb, reliefweb.int/report/occupied-palestinian-territory/crisis-within-crisis-fighting-gender-based-violence-gbv-during.

²¹ "COVID-19 Risks Creating and Exacerbating Women's Vulnerabilities and Gender Inequalities in Palestine, Warns UN Women - Press Release - Question of Palestine." United Nations, United Nations, www.un.org/unispal/document/covid-19-risks-creating-and-exacerbating-womens-vulnerabilities-and-gender-inequalities-in-palestine-warns-un-women-press-release/.

Currently, UNFPA is actively working to: improve the availability of health and psychosocial services, deploy mobile teams in vulnerable areas in conjunction with local providers, improve standardized and ethical data and evidence collection, and ensure a well-functioning GBV-sub cluster under the Protection Cluster and the Gender Task Force, which are part of the Humanitarian Coordination Structure in the occupied territories.²² These efforts are in conjunction with the Palestinian Authority, which in 2014 “acceded to a number treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and in 2015, signed on to the Convention on the Political Rights of Women and the Rome Statute of the International Criminal Court.”²³

However, there are no laws within the occupied territories that overtly criminalize domestic violence or provide protection to survivors.²⁴ In some instances, laws are counter-productive to combatting GBV as is the case for adopted provisions of the Jordanian Penal Code (1960) that allow for reduced punishments for honor killings.²⁵ Despite a commitment at the intergovernmental level to prevent and persecute gender-based violence, the Palestinian Authority lacks needed legislation and enforcement on the ground.

Policy Recommendations:

In order to eradicate gender-based violence in Palestine and prevent it from occurring in the future, there are several policy prescriptions that stakeholders should consider implementing.

The first area of weakness that must be addressed is in the Palestinian legal system. The lack of any law explicitly condemning gender-based violence is a glaring problem that must be remedied. The creation of an enforceable law that criminalizes GBV is the first step in tackling the issue. This law would need to declare GBV a crime punishable by arrest and jail time and/or a fine in both the West Bank and Gaza Strip, and be enforced by regional and local law enforcement. Moreover, existent laws that act as loopholes for perpetrators of GBV must be eliminated or amended. If the Palestinian Authority pledges at the intergovernmental level to ensure safety and dignity for women

²² “Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

²³ Paths to Justice: Legal Obligations towards Women's Rights in Palestine . Global Policy Review , 20 Aug. 2020, static1.squarespace.com/static/552fe729e4b0c33e91169c8e/t/5f3d2dd744a8906d156a38c7/1597844987769/Global-Policy-Review--Policy-Briefs--palestine-women-rights-justice-access.

²⁴ Paths to Justice: Legal Obligations towards Women's Rights in Palestine . Global Policy Review , 20 Aug. 2020, static1.squarespace.com/static/552fe729e4b0c33e91169c8e/t/5f3d2dd744a8906d156a38c7/1597844987769/Global-Policy-Review--Policy-Briefs--palestine-women-rights-justice-access.

²⁵ Paths to Justice: Legal Obligations towards Women's Rights in Palestine . Global Policy Review , 20 Aug. 2020, static1.squarespace.com/static/552fe729e4b0c33e91169c8e/t/5f3d2dd744a8906d156a38c7/1597844987769/Global-Policy-Review--Policy-Briefs--palestine-women-rights-justice-access.

and girls, its legal system must also reflect this. Thus, the Palestinian Authority is obliged to review its legal system in an effort to eliminate laws serving as loop holes and introduce a law explicitly condemning gender-based violence. The Palestinian legal and law enforcement systems must hold a zero-tolerance policy for gender-based violence at the state, regional, and local levels.

Secondly, it is important that the twenty-four plus humanitarian and development organizations operating in Palestine continue their work to provide support and resources to Palestinian women and girls. However, the abundance of NGOs operating at once has culminated in an inefficient and confusing response system that is difficult for those in need of service to navigate. As such, it would prove beneficial for these organizations to increase collaboration and communications so that each area within the occupied territories is being served adequately and appropriately. Furthermore, increased coordination would eliminate overlap and simplify the referral system. The referral system should be updated to reflect changes in service and ensure that each area within the occupied territories corresponds with a service provider.

In an effort to streamline the referral process further, a robust communications and messaging system must work to alert women and girls of services available to them. This strategy can include flyers printed in each region detailing the name and contact information of local providers; active social media accounts for each provider that list when and where they operate; posters and advertisements hung in public spaces instructing where to access services; public service announcements via radio and television, and a singular state-sponsored website listing all organizations and services per each region in Palestine. All of these outreach mechanisms should also include instructions regarding how to obtain a referral, if required. These efforts would ensure that those who are struggling know exactly how to get a referral for service, and who to contact for immediate assistance.

The group of NGOs working in Palestine should also collaborate with the Palestinian Authority to increase the number of Anti-violence Centers and Shelters available to women and girls in direct and immediate danger. Such shelters provide a place of security and safety away from aggressors and also offer anti-violence services. Increasing the number of Shelters in operation would improve access to safety and prevent femicides from occurring. Tele-health and remote services do serve vital functions in the prevention of gender-based violence, but women and girls must also have safe places of refuge when their lives are at risk. To be most effective, NGOs should team up with government authorities to ensure that all stakeholders are involved in the planning and implementation processes. Additionally, local health care providers should be included in the programming efforts within the Shelters so that women and girls have access to both psychological and physiological services.

Though these prescriptions will prove immensely beneficial in the quest to eradicate GBV in Palestine, they are not substitutes for education on gender equality, a commitment on behalf of the Palestinian Authority to advocate and ensure women's

rights and protection, efforts at the local level to absorb gender equality into Palestinian society, and a commitment at the international level to end the inhumane Israeli occupation in Palestine.

References:

“A Crisis within a Crisis: Fighting Gender-Based Violence (GBV) during COVID-19 - Occupied Palestinian Territory.” ReliefWeb, reliefweb.int/report/occupied-palestinian-territory/crisis-within-crisis-fighting-gender-based-violence-gbv-during.

“COVID-19 Risks Creating and Exacerbating Women's Vulnerabilities and Gender Inequalities in Palestine, Warns UN Women - Press Release - Question of Palestine.” United Nations, United Nations, www.un.org/unispal/document/covid-19-risks-creating-and-exacerbating-womens-vulnerabilities-and-gender-inequalities-in-palestine-warns-un-women-press-release/.

“Facts and Figures.” Palestine, palestine.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures.

“Gender-Based Violence.” UNFPA Palestine, 23 Oct. 2016, palestine.unfpa.org/en/gender-based-violence.

Paths to Justice: Legal Obligations towards Women's Rights in Palestine . Global Policy Review , 20 Aug. 2020, static1.squarespace.com/static/552fe729e4b0c33e91169c8e/t/5f3d2dd744a8906d156a38c7/1597844987769/Global-Policy-Review--Policy-Briefs--palestine-women-rights-justice-access.

Smith, Laura Kyrke. “Opinion: Tackling the Rise of Violence against Women during COVID-19.” Devex, Devex, 19 June 2020, www.devex.com/news/opinion-tackling-the-rise-of-violence-against-women-during-covid-19-97508.

“Suspensions of Gender-Based Violence: Pregnant Woman Killed in Qalqilya.” Palestinian Centre for Human Rights, www.pchrgaza.org/en/?p=15222.

“Types of Gender-Based Violence.” Gender Matters, www.coe.int/en/web/gender-matters/types-of-gender-based-violence.

“Violence against Women and Girls: the Shadow Pandemic.” UN Women, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

What Is Gender Based Violence? European Commission , [ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=Related%20links-,Gender%2Dbased%20violence%20\(GBV\)%20by%20definition,of%20a%20particular%20gender%20disproportionately](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=Related%20links-,Gender%2Dbased%20violence%20(GBV)%20by%20definition,of%20a%20particular%20gender%20disproportionately).