

Leaving No One Behind

The Imperative of Inclusive Development in Palestine

Report by the General Union of Palestinian Women (GUPW), the Non-Governmental Women Coalition for the Implementation of CEDAW in the Occupied State of Palestine, with support from the International Women's Rights Action Watch Asia Pacific (IWRAP AP). Compiled by Luna Saadeh.

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Contents

| | |
|---|----|
| Executive Summary | 3 |
| Context Analysis: Development in an Occupied State | 4 |
| Israeli Occupation | 5 |
| Politics of International Aid | 6 |
| Impact of Neoliberal Economic Policies | 7 |
| Right to Health | 8 |
| Introduction | 8 |
| Safe and Legal Abortion | 9 |
| Reproductive Health and Rights as a Social Responsibility | 10 |
| Comprehensive Sexuality Education | 10 |
| Access to Quality Health Services | 11 |
| Analysis of Human Rights Obligations and Corresponding SDGs | 12 |
| Right to a Life Free of Violence and Discrimination | 14 |
| Introduction | 14 |
| Women and Girls with Disabilities | 15 |
| Lack of Coherence in the Legal System | 15 |
| National Measures Towards Ending All Forms of Violence and Discrimination Against Women | 17 |
| Analysis of Human Rights Obligations and Corresponding SDGs | 21 |
| Right to Water | 23 |
| Introduction | 23 |
| Access to Water Resources and Impact on Palestinian Women | 24 |
| Access to Clean Water (Gaza Strip) | 26 |
| Analysis of Human Rights Obligations and Corresponding SDGs | 27 |

Executive Summary

The State of Palestine will be presenting its first Voluntary National Review (VNR) for the 2030 Agenda for Sustainable Development at the United Nations High-level Political Forum (HLPF) in July 2018. In 2014 the State of Palestine acceded several core human rights treaties including Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The inaugural state report to CEDAW will be considered by the CEDAW committee in the same month.

The Sustainable Development Goals (SDGs) and their predecessor, the Millennium Development Goals (MDGs), have been criticised for failing to centre existing international commitments, notably international human rights norms and standards, which are fundamental to achieving progress with sustainable development targets and indicators. The grounding of development priorities in human rights is a legal, political and moral imperative and is the only way to achieve the transformational rhetoric of the 2030 Agenda of “leaving no one behind” by reaching the most vulnerable and marginalised.

Human rights are integral to achieving the universally acceptable standards of living and wellbeing, and conditions of economic growth and development echoed in national and international obligations. This report by the Non-Governmental Women Coalition for the Implementation of CEDAW in the Occupied State of Palestine and the International Women’s Rights Action Watch Asia Pacific (IWRAW AP) aims to ensure that human rights are at the centre of the implementation of the SDGs and that gender equality cuts across the entire agenda, and interrogates what development in a state of occupation looks like.

Achieving the SDGs while maintaining the interrelated nature of the agenda requires action on all levels. In the light of continued Israeli occupation of Palestine and its repressive policies that destroy the potential for sustainable development, the infrastructure, and the economic, social and cultural systems, it is the responsibility of states, international civil society and the United Nations to hold the occupying state accountable to international conventions, including international humanitarian law and human rights law - the Covenants on Civil and Political Rights and Economic, Social and Cultural Rights - and protect the rights of the Palestinian people.

The interventions in Palestine tend to be humanitarian rather than developmental in nature due to the ongoing Israeli violations, particularly in Area C, East Jerusalem, and the Gaza Strip. Reports from UN bodies such as the United Nations Population Fund (UNFPA), the Commission on the Status of Women (CSW), and others indicate that humanitarian projects and programs encompass the highest budget allocations. Consequently, in light of the continued Israeli occupation, achieving the SDGs is confronted with obstacles. Marginalized groups become further marginalized and vulnerable to violence, especially women and girls of all ages.

Three main priorities pertaining to women’s human rights were identified by Palestinian feminist and women’s rights organizations that worked on this report. These are the right to a life free of violence and discrimination, the right to health and the right to water including clean water. Women are subject to multiple forms of violence as a result of the violence inflicted by the Israeli occupation, and violence resulting from the prevailing patriarchal culture. The report also touches upon the gender gap and the lack of coherence in the numerous laws applied in Palestine. Such laws fail to protect women from violence practiced by the Israeli occupation. The

report highlights the question of achieving development when it comes to water resources and the added impact on women and girls. It argues that the occupation's control over water resources in the 1967 territories is an additional burden on women and girls, as they are the primary caregivers in the family.

With regard to the right to health, the report refers to the health situation of women in Palestine in terms of the quality and availability of health services as well as women's access to them in all regions. The report highlights the political hindrances that limit the enjoyment of access to health services by all women in all stages of their lives as well as the challenges of reproductive health being limited to maternal health in the vision, mission and interventions of the Palestinian Ministry of Health.

This report offers an analysis of human rights obligations and corresponding SDGs, targets and indicators in relation to these thematic areas. This analysis not only illustrates the need for gender to be crosscutting across the entire agenda it also identifies the gaps in the global indicator framework that need to be bridged through national indicators if the implementation of the SDGs is to be centered on existing human rights obligations. The analysis also shows that the social, economic and environmental pillars of the 2030 Agenda cannot be considered in isolation and that the integration of human rights obligations and standards to the implementation of the agenda is the best way to ensure that the pillars are interconnected.

The report concludes that the achievement of the 2030 Agenda of Sustainable Development require an end to the Israeli occupation and Palestinian sovereignty over land and resources. Under the perpetuated control of the Israeli occupation, the realization of "leaving no one behind" is more challenging. The orientation of action in Palestine towards humanitarian rather than developmental along with donor agendas that contribute towards this indicate a defect in the approach to implement and achieve the SDGs.

Context Analysis: Development in an Occupied State

In 2015, 193 states adopted the 2030 Agenda for Sustainable Development, including Palestine, and national implementation commenced in January 2016 under the slogan of "Leaving no one behind: the imperative of inclusive development". The State of Palestine has taken initial measures such as forming a national team of representatives of the government, civil society organizations, and the private sector. Furthermore, small working groups specialized in various goals were formed according to their intersections with relevant ministries. The Palestinian Central Bureau of Statistics selected indicators that are relevant to the Palestinian reality: 125 indicators out of the 244 globally emerging indicators. Given the specificity of the Palestinian situation, a complementary batch of 150 additional indicators were adopted.¹

Achieving sustainable development in the Palestinian reality is a fundamental challenge in the light of the persisting Israeli occupation and its repressive policies that violate Palestinian human rights. In view of the framework of the goals and the global indicators of the 2030 Agenda, states parties' commitment on working towards ending the Israeli occupation, implementing resolutions of international legitimacy on the establishment of the Palestinian State with Jerusalem as its capital, honoring the Palestinian right of return

¹ A statement by the Palestinian Central Bureau of Statistics on announcement of work 2030 Development Agenda

according to resolution 194, as well as contributing to empowering the Palestinian society and its governmental and non-governmental institutions to implement the 2030 Agenda, are evident.

In this section, Palestinian feminist and women's rights organizations have identified some issues that form the context in which sustainable development is discussed in Palestine; structural and deepening inequalities due to the Israeli occupation, the politics of international aid, and the impact of neoliberal economic policies.

Israeli Occupation

The Israeli Occupying Power has not complied with its commitments, or with the agreements signed with the Palestine Liberation Organization (PLO). Neither has it abided by the rules of international law. Instead, it continues to practice its systematic colonialist settlement policies including ethnic cleansing and apartheid and collective punishments such as: requisition and theft of land, water and resources, home demolitions and forced displacement to expand colonialist settlements, apartheid wall and military checkpoints, infliction of violence and terrorism by settlers on innocent Palestinians including women and civilians, while enjoying absolute impunity by the Israeli occupying forces, attacks on Christian and Muslim holy sites. This is in addition to extrajudicial killings, withholding the bodies, the continuing illegal blockade of and military aggression against the Gaza Strip, that has resulted in the death of thousands of victims of both sexes, most of whom were infants, not to mention displacement of over half a million Palestinian and thousands of injuries that turned into permanent disabilities. There is also extensive destruction of buildings, private and public property, infrastructure, agricultural lands, as well as industrial and commercial projects. This aggression, that has reached its ugliest manifestation in 2008, 2012 and 2014, along with the crackdown on peaceful protests in the strip and the resulting increase in casualties, all represent hindrances to achieving sustainable development.

This has been confirmed by the 2015 UN report stating that Gaza Strip "Could Become Uninhabitable by 2020" as a result of Israeli military operations and a nearly decade-long blockade that has crippled its economy and infrastructure. The report went on to add that "In 2014, the economy of the Occupied Palestinian Territory witnessed the first recession since 2006 and the second consecutive decline in gross domestic product (GDP) per capita. During the first four months of 2015, Israel once again withheld Palestinian clearance revenue, which represents 75 per cent of total revenue. The ensuing liquidity crisis slowed economic activities and will weigh down GDP growth in 2015. The Gaza Strip endured the third conflict with full-scale military operation in six years, coming on top of eight years of economic blockade."² Thus, moving even slightly closer towards achieving the SDGs is difficult under such conditions.

Especially in the West Bank, the achievement of goals such as ending poverty, achieving health and wellbeing, education for all, employment, clean water, safe environment, etc. are all virtually unachievable given the imposed policy of isolation between districts by erecting checkpoints and the apartheid wall.

Area C constitutes around 61% of the West Bank and was considered under the Oslo Accord in 1995 to be under Israeli control during a transitional period that was set to conclude in 1997. However, Area C which is richly endowed with natural resources, remains until the present day under full Israeli control. The Israeli Occupation has imposed impediments through military decisions that prohibit Palestinians from enhancing the

² Trade and Development Board. September 2015. Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory. Sixty- second session.

infrastructure in Area C or any economic or urban expansion. Moreover, the number of Israeli settlers has quadrupled since the Oslo Accord to exceed the number of Palestinians in Area C which diminishes Palestinian control of and access to resources.

The geographical division imposed on Palestinians in 1967 territories has impacted the rights of refugees who were forcibly displaced in the wake of the 1948 Palestinian exodus and the 1967 defeat. Statistical data show that, by the end of 2016, Palestinian refugees living in Palestine make up 42% of Palestinians residing in Palestine. Furthermore, the number of refugees registered in the United Nations Relief and Works Agency (UNRWA) as of January 2015 is 5.59 million refugees. 29% of Palestinian refugees live in 58 camps; 10 camps in Jordan, 9 camps in Syria, 12 camps in London, 19 camps in the West Bank, and 8 camps in Gaza.

These estimations are only the minimum numbers of Palestinian refugees, given that it does not include unregistered refugees displaced between after 1949 until 1967 war “according to the identification of the UNRWA” neither does it include Palestinians that left or were displaced forcibly in 1967 against the backdrop of the war, who were not in fact refugees. Camps rely on aid from UNRWA for the provision of basic rights such as health and education and recent cutbacks of UNRWA financial services in education, health and the provision of food parcels negatively impact the rights of refugees.

Politics of International Aid

Funding plays a crucial role in addressing issues and priorities including on women’s human rights. The Palestinian government and civil society organizations are primarily dependent on foreign aid. In 2017, UNDP's Programme of Assistance to the Palestinian People (PAPP) delivered over 110 USD in development assistance to Palestine and based on OECD Development Assistance Committee (DAC) data, it shows that 31% of fund is allocated to Humanitarian Aid and 38% to Infrastructure and social service, 3% to Health and 6% to education. If the flow of funding stops, many programs and projects will stop. Funding is conditional to the political stances of the PLO and the Palestinian National Authority (PNA). For an instance, through more than one political stance on the Palestinian side, US aid to the Palestinian people was suspended because it conflicted with the US administration’s policy, taking into consideration that the fund from the US is considered one of the top ten donors to Palestine based on OECD data. This has led to the halt of numerous institutional programs that received aid from USAID and in turn led to the layoff of many employees.

A study by Shir Hever on “How Much International Aid to Palestinians Ends Up in the Israeli Economy?” analyzes the situation as follows. “Diversion and subversion of aid provided by donors to help the Palestinian people withstand hardships and difficulties of occupation from its course, more specifically in the wake of the large-scale attacks such as the attacks launched three times throughout the past six years. It was appalling but not entirely shocking, as Israel has sought to place the economic burden of its long occupation of Palestine on the international community”³. The report goes on to state that the international community’s failure to compel Israel to comply with international charters, and ending occupation, as well as its role in linking funding to the

³ How Much International Aid to Palestinians Ends Up in the Israeli Economy?
http://www.aidwatch.ps/sites/default/files/resource-field_media/InternationalAidToPalestiniansFeedsTheIsraeliEconomy.pdf

steadfastness of the Palestinian people living under the occupation, is considered inaction of the international community⁴.

On the national level and the role of the Palestinian state in achieving the SDGs, the neoliberal economic system prevailing in Palestine has increased the burden on Palestinian people, on women in particular. The imbalance between the political regime and the socioeconomic reality has contributed to increasing poverty in Palestine. The complete economic dependency of Palestine to Israel is exhibited in the adoption of Paris Agreement by the State of Palestine in light of a deteriorating political-economic reality. It is not possible to speak of national policies that aim to establish an independent Palestinian economy in the absence of a fully sovereign Palestinian state.

Impact of Neoliberal Economic Policies

The Palestinian economy tends to follow the neoliberal model, adopt open door policies with exposure to the global and Israeli market, and deluge the Palestinian market with Israeli products. It encourages capital owners to invest in the service sector rather than the productive sector. This weakens the Palestinian economy and denies the local product the chance to compete in the market and gain the trust of customers. The Palestinian investment Law no. (1) of 1998 calls for meeting the needs of economic development in the framework of disciplines and standards of investment in Palestine. The current economic system is that of free-market for all investors, with capitals and profits as safeguards and so on, as stated in Article (10).

This system has adversely affected women, as mentioned in the CEDAW shadow report by the Non-Governmental Women Coalition for the Implementation of CEDAW in the Occupied State of Palestine. The law did not take into account women's participation and the process or their entering the labour market, thus marginalizing their role and their participation in the labour and investment market. The shadow report listed numerous impediments that women face in starting their own projects including lack of justice in access to sources and resources, lack of financial resource, regular income, or property that can be accepted as a loan guarantee, for example land ownership. In 2015, up to 65% of women who wish to start their projects failed to do so due to: (1) destruction of the Palestinian infrastructure, and the agricultural and industrial sectors by Israel which has contributed to reduce women's employability. (2) Continued Israeli checkpoints and blockages that limits the ability of women to work far from their local communities. (3) Lack of proper vocational training. (4) Lack of funding for such projects. (5) Neoliberal economic policies adopted by the Palestinian Authority that do not provide protection for the local market in the face of unfair competition with Israeli products, thus exhausting the production capacity of the Palestinian economy. (6) Private sector complaint of the length of maternity leave (10 weeks) and preferring to employ unmarried women or even dismiss married women from their work.⁵

The SDGs and sustainable development cannot be separated from human rights. They are interlinked and intersecting and state legal obligation to uphold human rights under the international human rights framework,

⁴ How Much International Aid to Palestinians Ends Up in the Israeli Economy?
http://www.aidwatch.ps/sites/default/files/resource-field_media/InternationalAidToPalestiniansFeedsTheIsraeliEconomy.pdf

⁵Non-Governmental Women Coalition for the Implementation of CEDAW in the Occupied State of Palestine. Shadow Report. 2017

including under CEDAW and the United Nations Security Council Resolution 1325 (S/RES/1325) on women, peace, and security, is essential to ensure that the implementation of the SDGs keep human rights at its core. Achieving sustainable development is achieving human rights without discrimination on the basis of sex, gender, beliefs, race, ethnicity and other identities.

Right to Health

Primary Goal

SDG 3: Ensure healthy lives and promote well-being for all at all ages

Crosscutting Goals

SDG 5: Achieve gender equality and empower all women and girls

SDG 1: End poverty in all its forms everywhere

SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

SDG 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

Introduction

In the West Bank, namely in Area C, local communities face severe challenges in accessing primary health care services. While humanitarian partners provide relief through mobile clinics, many clinics face delays and hindrances in reaching people in need of such health services.

In the Gaza Strip, the health sector has been severely affected as a result of the perpetual blockade. Power shortage has exacerbated the situation, as hospitals are forced to partially or completely close down due to shortage of fuel. Hospitals in Gaza Strip also suffer severe shortage of essential medicine and basic consumables. The inability to provide medicine and fuel and facilitate freedom of movement between the strip and the outside world places patients at high risk of medical complications deteriorating health. Moreover, restrictions placed on movement of the patients and the medical personnel continues to impede vulnerable communities' access to essential life-saving health services. On the other hand, reduction of the budget for health and educational sectors by UNRWA in the West Bank and Gaza Strip adversely affect the fundamental rights of individuals, namely the rights of members of the most marginalized groups such as women and girls as well as individuals with disabilities and older persons.

Further, the power crisis affects drinking water and the sewage system in Gaza. There are currently over one million individuals at risk of water-borne diseases⁶. People injured in mass protests has led to aggravation of the already precarious health situation in Gaza Strip. This will impact women, especially pregnant women, older

⁶ <http://www.who.int/emergencies/response-plans/2018/occupied-palestinian-territory/en/>

women, women with chronic diseases, and survivors of gender-based violence. Health is a culturally acceptable entry point to examine, treat, and refer such cases.⁷

Local statistics on health indicators in Palestine from 2014 reveal that the overall fertility rate in Palestine has reached 4.1 children per women. Over half of the married women (57.2%) between the ages of 15 and 49 in Palestine use contraception. Contraceptives are more widely used by married women of this age group living in rural areas (59.9%) rather than their counterparts in urban areas (56.6%) and camps (57.6%).⁸ According to the Palestinian Multiple Indicator Cluster Survey, there is an existing gap in family planning, as around 11% of women have an unmet need for family planning.

90.7% of women between the ages of 15 and 49 have received post-natal health care in medical institutions, at home after giving birth, or during a visit to a health center within two days after giving birth. Data also shows that 93.9% of newborns have received health checks in medical institutions, at home after birth, or have received healthcare within two days after birth.

Data reveals that in 2011, the number of persons with disabilities had reached 113,000 persons, or 2.7% of the total population, 75,000 of whom live in the West Bank, or 2.9% of the population of the West Bank. While 38,000 live in the Gaza Strip, or 2.4% of the population of Gaza Strip. The percentage of disability among males has reached 2.9% against 2.5% among females.

This section addresses three issues related to right to health. These issues, which were identified as priorities, are: Right to Safe Abortion, Reproductive Health and Rights as a Social Responsibility, Comprehensive Sexuality Education, and Access to Quality Health Services.

Safe and Legal Abortion

The Palestinian Public Health Code criminalizes abortion. Article (8) stipulates that “it is forbidden to abort any pregnant woman by any means, unless there was an urgent reason to save her life and under the condition of having two specialized physicians as witnesses, one of them a gynecologist and the following should be available: a written approval from the pregnant woman. The medical institution where the abortion took place should keep a record of the pregnant woman’s name, the date when the operation took place, the operation’s type, and justifications. This data should be kept in addition to the testimony of the two doctors and the written approval for the period of ten years at least.”⁹

Abortion is a thorny issue that is kept silent by religion as well culture of Palestinian society. The Jordanian Penal Code of 1966 applied in the West Bank and the Egyptian Penal Code applied in the Gaza Strip criminalize abortion by imposing punishment on women and the physician performing the procedure at the same time. Palestinian legislation has led women, especially those who are pregnant as a result of being raped, engaging in relations out of wedlock, or for any other social reason, to resort to unsafe abortions in private clinics or at home using primitive methods. National statistics on the subject are unavailable, and therefore it is not possible

⁷ UNFPA June, 2018. Gender-based violence in Gaza Strip Situation analysis – 20 March 2018 – GBV Sub-Cluster Palestine

⁸ Palestinian Central Bureau of Statistics releases a press statement on the occasion of the International Health day (7/4/2016)

⁹ Public Health Code No. 20 of 2004 <http://www.hdip.org/public%20health%20law%20English.pdf>

to monitor the proportion of women who resort to unsafe abortion, the mortality rate of women, or proportion of women who suffer from health conditions and complications as a result of unsafe abortion.

In many cases of pregnancy out of wedlock, or pregnancy resulting from rape, women resort to disposing their newborn at birth in the street or in dumpsters as in the numerous cases reported in newspapers. Therefore, not only does unsafe abortion affects women's health, it also affects that of newborns. Local statistics, reports, and studies lack any knowledge on the issue.

As for the national strategy, there has been no reference to safe abortion as a legally criminalized practice. Moreover, there are no awareness programs on abortion because of its status as a socially and culturally unacceptable issue.

Reproductive Health and Rights as a Social Responsibility

Reproductive health issues in Palestine are confined to reproduction and maternity; it is not inclusive of the health of the individual at all stages of life and is divorced from its comprehensive definition that includes mental health. The shadow report issued by the National Feminist Coalition in Palestine shows that such perception of reproductive health is incomplete. It stems from the conventional gender roles assigned to women, upon which the Ministry of Health bases its decision making. It focuses on childbirth while neglecting other medical needs of women. Consequently, the process of distribution along with the quality of services provided as per the needs of all individuals of society is affected¹⁰. Such reality has led to addressing reproductive health not as an inclusive social responsibility, but rather as an issue of marriage and reproduction, and therefore deeming it relevant to the reproductive role that is the responsibility of only women.

Inclusive service is an important concept that the Ministry of Health should integrate into the process of planning and implementation, including in the implementation of the SDGs. The ministry must take into account that reproductive health is for all women of all ages; adolescence, age of reproduction, menopause, or old age. Reproductive health is an issue related to all sexes and is not just to women.

Adolescence is a critical time for girls, in the Palestinian society in particular, as a huge proportion of them are forced to carry, along with the burden of adolescence, the burden of marriage and childbearing. 37% of married women in Palestine were married under the age of 18, while 5% were married under the age of 15. The Palestinian Personal Status Law allows child marriage, and the Penal Code does not criminalize child marriage. Such a situation is at odds with Palestinian Child Law, which defines childhood until the age of 18. It is also at odds with CEDAW which Palestine has signed and ratified without reservations.

The insufficiency of regular and periodical age and gender-based national statistics on the health sector negatively impacts measuring progress towards achieving development goals.

Comprehensive Sexuality Education

Sexuality Education is a socially constrained issue. In school curricula, sex education material is qualitatively and quantitatively insufficient and is included under health education. Most of the time the topic is either avoided by teachers, discussed superficially, or completely neglected. On the level of community awareness, this topic is rarely discussed, and hardly any institutions choose to touch upon it. This is due to the local culture's refusal to

¹⁰ NGO Coalition Shadow Report to CEDAW

deal with it. Many feminist organizations that try to address this are met with rejection from society for tackling issues of sex education.

Access to Quality Health Services

Access to and quality of health services differs according to the geographic location, and the socioeconomic status. As a result of the political situation imposed by the Israeli occupation and the policy of apartheid between Areas of the West Bank and Jerusalem, and between the West Bank and the Gaza Strip. This is in addition to the complete isolation of the Gaza Strip from the outside world. Services vary in terms of quality and availability. Good quality health services are mostly found in the main cities including Ramallah, Nablus, and Al-Khalil, while only poor quality services that are restricted to basic health services can be found in marginalized areas that are remote from the center, such as Area C.

According to the CEDAW shadow report presented by national and feminist organizations, there is an imbalance in the provision of services between public and private sectors. This leads to women not being able to afford good quality services in Gaza Strip. How much health services are covered by insurance and if women have the financial capacity to access services that are not covered by health insurance are important questions to ask given the most impoverished women are usually not included in the health insurance system due to their inability to pay the fees.

There are also questions about justice in distribution of services geographically, especially in the marginalized areas and Area C under the Israeli occupation and about the comprehensiveness of services provided and if they are culturally appropriate for women.¹¹ Women and girls with disabilities suffer from multiplied violence and denial of right to health and access to services. The health of women with disabilities has not been included in national strategic health plans, nor has there been a part in reference to them in national sexual and reproductive health protocols.

Female Palestinian prisoners in Israeli jails are facing flagrant violations of the right to health, education, and self-determination. The occupying authorities deny female of basic health services, specialized health services, medicine and there is an absence of reproductive health and mental health services. All these violate human rights and the international humanitarian law and must be addressed if the SDGs targets and indicators related to health are to be achieved.

Access to health services and maintenance of its quality is increasingly challenging during the war. Since the siege imposed on Gaza Strip that has lasted since 2006 until now, as a result of the successive wars and, and recently, massacres committed against citizens of the Gaza Strip in peaceful marches, there has been a shortage of medical materials and medical capabilities, in addition to the inability of hospitals to receive the big numbers of the injured. This has negatively affected women in terms of overall reproductive health.

In a report on socioeconomic rights in Gaza Strip in 2018, the medical situation suffered the following setbacks:

- The Ministry of Social Development (50%) cut back its services provided to women in Beit Al-Aman for the care of abused women and girls while the number of cases has increased from 96 in 2016 to 181 cases in 2017.

¹¹ NGO Coalition Shadow Report to CEDAW

Children in vocational training centers of the Ministry, and in the Spring Foundation for children in conflict with the law were also affected by the cutbacks.

- The levels of social protection have eroded, and the number of children in conflict with the law has risen to 429 in 2017, an increase of 41% compared to 2016. Challenges in obtaining sufficient food have increased. There was also a decrease in marriages, by 10.8% compared to 2016.

- The percentage of female heads of households has risen by 9.5% in the Gaza Strip.

- The housing crisis has exacerbated. Gaza Strip is in need of 102,000 new housing units in addition to the reconstruction of 24,000 housing units. 36.2% of the families live in dwellings less than 120 square meters. The percentage of families living in dwellings of one or two rooms at most is 53.6% of the total population.¹²

Analysis of Human Rights Obligations and Corresponding SDGs

| Issue or Thematic Area | Human Rights Obligations | Corresponding SDGs, Targets and Indicators | Analysis and Recommendations |
|------------------------|--|---|--|
| RIGHT TO HEALTH | <p>CEDAW</p> <p>Article 12</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well</p> | <p>GOAL 3</p> <p>Ensure healthy lives and promote well-being for all at all ages</p> <p>TARGET 3.1</p> <p>By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births</p> <p>INDICATORS</p> <p>3.1.1 Maternal mortality ratio</p> <p>3.1.2 Proportion of births attended by skilled health personnel</p> <p>TARGET 3.2</p> <p>By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births</p> <p>INDICATORS</p> <p>3.2.1 Under-5 mortality rate</p> <p>3.2.2 Neonatal mortality rate</p> <p>TARGET 3.7</p> <p>By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes</p> <p>INDICATORS</p> <p>3.7.1 Proportion of women of reproductive age (aged 15–49 years) who have their need for family planning satisfied with modern methods</p> <p>3.7.2 Adolescent birth rate (aged 10–14 years; aged 15–19</p> | <p>This comparison shows that the right to health as articulated in the human rights framework is broader in scope and addresses structural issues that result in the violation or limitations of the right. For an example, the CEDAW General Recommendation No. 24 on Women and Health urges states to consider various factors that affect women's right to health and access to health services such as education that includes a proper understanding of maternity as a social function, provision of specific educational information to women and girls to help ensure the well-being of families, including information and advice on family planning, special protection from harmful types of work</p> |

¹² Mezan Center for Human Rights – Reports and Studies: Reality of Social, economic, and cultural rights in Gaza 2018 <http://www.mezan.org/post/25218>

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| | <p>as adequate nutrition during pregnancy and lactation.</p> <p>General Recommendation No. 24 on Women and Health</p> <p>ICESCR</p> <p>Article 12 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.</p> <p>GENEVA CONVENTION</p> <p>Article 14 Hospital and safety zones and localities</p> | <p>years) per 1,000 women in that age group</p> <p>TARGET 3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all</p> <p>INDICATORS 3.8.1 Coverage of essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn and child health, infectious diseases, non-communicable diseases and service capacity and access, among the general and the most disadvantaged population) 3.8.2 Proportion of population with large household expenditures on health as a share of total household expenditure or income</p> <p>GOAL 5 Achieve gender equality and empower all women and girls</p> <p>TARGET 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences</p> <p>INDICATORS 5.6.1 Proportion of women aged 15–49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care 5.6.2 Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education</p> <p>GOAL 1 End poverty in all its forms everywhere</p> <p>TARGET 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance</p> <p>INDICATORS 1.4.1 Proportion of population living in households with access to basic services</p> <p>GOAL 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p> <p>TARGET 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality,</p> | <p>during pregnancy and with the provision of paid maternity leave, and adequate living conditions, particularly housing, sanitation, electricity and water supply, transport and communications, all of which are critical for the prevention of disease and the promotion of good health care.</p> <p>Therefore, when a state implements the 2030 Agenda and reports on progress made in the implementation of the SDGs, it is imperative that the related human rights obligations are not left out. While SDG 3 addresses issues around health, other goals such as gender equality, ending poverty, and education are important in order to ensure that proper conditions are in place to enable women and girls to attain the highest level of health and wellbeing.</p> <p>Based on the information provided above, some of the context-specific issues faced by Palestine require the development of national level indicators that address them as well as financing that goes beyond development in a humanitarian context (Goal 17 on the means of implementation). State obligation under the human rights framework requires that the development of national level indicators is based on human rights principles, and as</p> |
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| | Article 15 Neutralized zones Article 16 Wounded and sick: Article 17 II. Evacuation Article 18 III. Protection of hospitals Article 19 IV. Discontinuance of protection of hospitals Article 20 Hospital staff Article 21 VI. Land and sea transport | promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development INDICATORS 4.7.1 Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in (a) national education policies; (b) curricula; (c) teacher education; and (d) student assessment GOAL 17 Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development | much as possible strive to integrate human rights standards. |
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Right to a Life Free of Violence and Discrimination

Primary Goal

SDG 5: Achieve gender equality and empower all women and girls

Crosscutting Goals

SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable

SDG 16: Promote peaceful and inclusive societies for sustainable development

SDG 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

Introduction

Gender-based violence is a key issue in Palestine. Despite the lack of updated statistics from the Palestinian Central Bureau of Statistics on gender-based violence in Palestine, a survey on Violence issued by the Palestinian Central Bureau of Statistics (PCBS) in 2011 indicates that 58.6% of married women (48.8% in the West Bank and 76.4% in Gaza Strip) were subject to at least one act of psychological abuse during 2011. The same statistics indicated that 23.5% of women who had been married were subject to at least one act of physical abuse by their husbands, and this includes 17.4% of women in the West Bank and 34.8% in the Gaza Strip. 11.8% of the women had been sexually assaulted by their husbands at least once and 54.8% of married women had been subject to some form of social abuse by their husbands during that period. Statistics from the same survey indicate that in general, 51% of women in Palestine face multi-dimensional violence and discrimination. All local studies and surveys from 2005 and 2011 indicate that the offender is a family member of the first degree (father, brother, husband).

Many local reports and studies on the gender-based violence including the report of the Special Rapporteur on Violence Against Women during her visit to Palestine in 2005 and 2017, indicate that there are several factors contributing to gender-based violence, most important of which are:

1. the Occupation and its impact on social, economic and political relations. The decades-long interrelation between Israeli occupation and patriarchal culture in Palestinian society has contributed to a spike in the levels of gender-based violence and discrimination.
2. The patriarchal traditions, norms, and values prevailing in the Palestinian society
3. Poverty and unemployment
4. Weak legal protection, and the tribal rule of law that adopts patriarchal culture in resolving issues of violence against women, especially domestic violence
5. The influence of media in establishing and promoting the conventional stereotypical concept reproductive role and confining it to women, and
6. Difference in laws applied based on political sovereignty.

Women and Girls with Disabilities

Women and girls with disabilities suffer from composite violence by parents, society and the occupation. The issues of violence suffered by persons with disabilities were not given the priority or the due concern by the State of Palestine, and therefore were not reflected in the national policies and national developmental and humanitarian plans. Provision of care to girls and women with disabilities as victims of gender-based violence is primarily the responsibility of the parents, as they are usually the primary caregivers. Providing care to women and girls with disabilities who are subject to or survivors of violence becomes more difficult in times war, as is the case in the Gaza Strip. A study on the status and rights of girls and women displaced during and after the aggression indicates that the suffering of women and girls with disabilities peaked on the first day of their escape from their homes. Women and girls suffered greatly due to their immobility and need for assistance during such difficult times, under shelling and fear.¹³

Lack of Coherence in the Legal System

Difference in laws applied based on political sovereignty is one of contributing factors to the multiplicity and contradictions in Palestinian legislation and failure adopt a legislative system to be applied to all Palestinian women (in East Jerusalem, West Bank and Gaza Strip). The pluralistic and contradicting status of the Palestinian legislative situation, as a result of the political situation, has contributed to the division of Palestinian society and negatively affected women and girls in different legal contexts compared to men. Palestinian women suffer from the contradictory legal system in Palestine and the majority because of the prevailing political situation. This contradiction led to the fragmentation of Palestinian women and girls in multiple legal and administrative contexts. This has adversely impacted the protection of their rights and has asserted men's control over women

¹³ Culture and Free Thought Association: anti-GBV taskforce (October 2014) status and rights of displaced women and girls during the attack on Gaza Strip, P. 32

in judicial proceedings issued by courts of Gaza Strip or Jerusalem, as they are not binding in the State of Palestine. This particularly affects the rights of women, especially in matters of personal status.¹⁴

Israeli Occupation and Political Instability

Gender-based violence is addressed in the international human rights framework including by CEDAW, was one of the key indicators of the MDGs and is now included in the 2030 Agenda. The development process requires political stability and social, economic, legal and cultural systems that contribute to the fight against gender-based violence.

Palestinian women's vulnerability to violence continues to increase because of the violence against them by Israeli occupation whether directly, or indirectly as a result of the impact of various forms of violence inflicted on their family members by the occupation.¹⁵ In studies by UNRWA on the impact of war on gender-based violence in Palestine, it has been noted that gender-based violence and emergencies are correlated and do not come from nowhere; in the wake of emergencies, violence against women would increase. As the main causes of gender-based violence are rooted in gender inequality discrimination, the risk of gender-based violence is exacerbated when protection systems and structures fall down during emergencies, consequently increasing risks.¹⁶

The rates of gender-based violence vary according to the prevailing economic and political situation. In the Gaza Strip, it is considered a key issue to be addressed in terms of protection and security. The protracted humanitarian crisis in the Occupied Palestinian Territory, and its impact on Gaza Strip in particular because of the blockade, has exacerbated gender-based violence in all its forms, including sexual violence, domestic violence and child marriage. According to 2017 data from the Protection Group (GBV sub-cluster), more than 40% of survivors of gender-based violence were subject to physical violence, 25% to physical abuse and 18% to resource deprivation.

Based on reports from women's organizations operating in East Jerusalem on gender-based violence, one of the main challenges faced by survivors of gender-based violence is the lack of awareness among women in Jerusalem of institutions in East Jerusalem and the services they provide. Although there are a number of Palestinian institutions working in the field of combating gender-based violence in occupied East Jerusalem, they are also limited and suffer from a lack of human and financial resources due to Israeli restrictions imposed on them as a public policy of Judaizing Jerusalem. Despite the presence of Israeli governmental institutions that provides services for survivors of gender-based violence, women and girls are afraid of resorting to Israeli institutions because of stigma at community level in addition to their fear that the institutions would use their confidential information against them for political purposes.

¹⁴ NGO Coalition Shadow Report to CEDAW

¹⁵ Documented testimonies: Women's Center for Legal Aid and Counseling www.wclac.org

¹⁶ UNRWA (October 2017): Gender bulletin 84. Monthly updates of gender issues in the region

In this context, the institutions reported that the majority of women and girls interviewed for research indicated that they preferred self-reliance, silence and forbearance, or turning to family members for support or a tribal solution. In cases of threats to life, their last option is to resort to Israeli police despite the national rejection.

National Measures Towards Ending All Forms of Violence and Discrimination Against Women

National measures, whether laws, policies, services or interventions aimed at combating gender-based violence, are still limited and vary between the humanitarian framework and the developmental framework in the West Bank and Gaza Strip. Most of the national developmental interventions against gender-based violence were implemented in Area A of the West Bank. These interventions include raising awareness on gender-based violence, provision of social and legal counseling programs, reviewing legal amendments and legal drafts against violence against women, raising awareness, and training programs on women's rights and human rights. Women's rights organizations work on identifying the core laws that have a strong impact on women's rights in Palestine. They work on amendments in domestic legislation. From the perspective of women's rights, three laws are considered to be decisive on the rights of women's lives as they define social relations and roles within the family and society.

A limited framework of gender equality exists in some of the laws that have arisen under the PNA. However, women's enjoyment of these laws continues to be hindered due to:

- 1) Application of some old local legal frameworks that enshrine the rule of patriarchal norms and traditions in society
- 2) Draft amendments by the government and discussions of the laws are referred to the House of Fatwa for approval so as not to conflict with the Sharia and here the realization of laws on women's rights becomes problematic
- 3) Lack of amendment in the procedural laws, which hinders the implementation process from a gender perspective, and
- 4) Attitude of judges and judicial personnel who still view women from a traditional paternal and patriarchal perspective.

Dispersion of efforts in legal reform to integrate women's rights

The lack of work by the Palestinian Authority to bring about a framework of comprehensive and interrelated vision contributed to the dispersion of efforts exerted in amendments, in addition to the contradiction between the legal articles in the law itself or with other laws. On the other hand, the amendments that have been made are not an integrated vision of women's rights but dependent on a specific event that requires interference from the Authority in making the amendment because of pressure from women's and international institutions. For example, the State of Palestine has made an amendment in the Penal Code to Article 99 in West bank and Article 18 in Gaza, which indicate reduction in penalty in femicide cases if the personal right of the family victim is dropped. In this case the killer will be criminalized for a maximum of six months and will be charged if the

family insists on dropping the charge. The amendment is to consider the honor killing a criminal act with no exceptions.

An amendment was also made to Article 308 concerning the dropping of the charge in the case of the marriage of the rapist to the victim. These amendments did not address the expansion of the concept of violence against women. There are still important issues not addressed in the law, such as the criminalization of early marriage, harassment, marital rape and others. In the Personal Status law, there are stark examples of discrimination against women and girls: polygamy, child marriage, and other key issues are at odds with the essence of equality and the same applies to custody, joint wealth, and the age of marriage.

The State of Palestine pointed out in its report to the CEDAW Committee that under Article 5 it has taken legal measures to eliminate all forms of discrimination against women. These are all draft laws that have not been approved: "the disabling of the Legislative Council contributed to the delay of adoption of the amended Penal Code and the Act of Family Protection against Violence among other Laws". But such justification loses significance specifically when considering Article 43 of the main law which "authorizes the President of the Palestinian Authority to issue decrees that have the force law in cases necessity that are not to be delayed in the absence of PLC". The President used his powers contained in this article and has, since the division in 2007 until mid-2016, issued 707 decrees and decisions by law. Most of these have no relation to women's rights, and few remain at the level of informal equality. This confirms that the issues of women and girls do not fall within the priorities and obligations of the State of Palestine and must be addressed when considering progress and plans in implementing the SDGs including indicator 5.1.1 on whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.

Integration of gender into development plans

The State of Palestine has taken some measures to integrate gender into development plans, most notably at the planning level. This includes the establishment of gender units in various government institutions, which aim to integrate gender into the public plans of governmental institutions and control the gender-responsive budget. However, the representation of women and their presence in the general plans of the various ministries have not been worked on nor has a budget been allocated to them. Gender mainstreaming has been dealt with superficially and isolated into plans of the Gender Unit rather than being established as a major sector the public system. The situation is further exacerbated due to the weak integration and representation of women and girls with disabilities and the elderly in the national agenda. While they are considered the most marginalized and underrepresented groups in the agendas and priorities of the gender units in the various ministries, the efforts to include them are merely formal practices that are not seriously reflected in the relevant plans, practices or programs.¹⁷

Despite the limited achievements made,¹⁸ these units did not achieve the vision and objective for which they were established. The decision-makers considered these units as employment units without a job description for its employees of both sexes. The units were not given the necessary authority in the decision-making process as

¹⁷ Qader Organization- Bethlehem www.qader.org

¹⁸ NGO Coalition Shadow Report to CEDAW

stipulated in the decision of the Council of Ministers to establish them. On the other hand, the establishment of gender units has contributed to the increase of discrimination against women, since all issues relating to women are a special matter for gender units, which has led to the promotion of discrimination against women and their exclusion from the general vision of the State institution as a whole.

Role of tribal bodies

The State of Palestine has reinforced clan control by adopting the tribal affairs department¹⁹ as a recognized body in the structures of government institutions, especially the office of the President and the governorates. This reflected negatively on women as it led to strengthening of patriarchal control and discrimination against women due to the upholding of tribal rule over the rule of law in family issues. This is especially true when it comes to issues of domestic violence, which are considered the core of tribal rule and is based on ignoring matters and dealing them in a special framework in which it is taboo to discuss family issues.

Women's organizations have worked to highlight the importance of identifying the role of tribes, preventing them from intervening in issues of violence against women and have demanded rule of law. The issue was raised in the shadow report submitted to the CEDAW Committee, but the clans are rooted in the dominant patriarchal culture of society contributed to the difficulty of achieving neutralization of the role of the tribes in violence against women cases.

On the other hand, in the humanitarian context, institutions fighting against gender-based violence,²⁰ particularly in the Gaza Strip, have pointed out the inadequate humanitarian support services responding to the needs of displaced women and girls in shelters in the Gaza Strip. Moreover, shelters lack privacy which poses problems to their safety, dignity, health, and personal hygiene. There are also no effective mechanisms for protection in shelters such as locks, doors, proper lighting and other safety requirements. Women living with host families and in shelters in the Gaza Strip since the war of 2014 have endured patterns of cohabitation with them due to the circumstances of war and displacement, which has made them vulnerable to psychological pressure, anxiety and fear.

Women and girls have been subject to various forms of violence, both in shelters, varying in degree and often faced with silence²¹, and in areas where there is a shortage of services and national interventions that contribute to reducing violence and providing protection to women because they are under the security and administrative control of the Israeli occupation. Despite such a situation, the State of Palestine has not taken the necessary national measures to provide the protection needed and services within the political framework imposed. The territories have been marginalized by the occupation and the State of Palestine, and women have become victims of composite violence.

¹⁹ Shadow report

²⁰ Culture and Free Thought Association: anti-GBV taskforce (October 2014) status and rights of displaced women and girls during the attack on Gaza Strip, P. 32

²¹ Ibid

United Nations Security Council Resolution 1325 on Women, Peace and Security

The UNSCR 1325 National Action Plan (NAP) strategy lead by the Ministry of Women's Affairs was developed to increase the protection of Palestinian women and enable them to participate effectively at all levels of decision-making nationally and internationally. The strategic goals assigned to achieve the main goal are

- (a) increasing the participation of women in peacekeeping and conflict resolutions
- (b) integrating the perspectives of women into peace agreements
- (c) addressing the impact of conflict on women, and
- (d) protecting them from sexual violation while criminalising it.

To realise these goals, the NAP encourages the allocation of resources, monitoring of budgets and mobilisation of local, regional and international support, as well as a strong monitoring and evaluation framework. When comparing the strategic plan with its implementation level in terms of the measures taken by the Palestinian Authority to achieve these goals, it becomes apparent that the financial and human resources are not available to achieve them and therefore remain on paper. The financial resources for projects depend on external funding and not on the budget of the PA. Therefore, the availability of resources to achieve the plan depends on the interest of donors. Limited funding, in addition to the short-term planning by the donor, does not contribute to the achievement of the goal.

Another indicator of the lack of commitment of the State of Palestine towards achieving these strategic goals is the final election of the National Council. The State of Palestine has not committed itself to raising the representation of women in the decision-making process, whether in negotiations or peacemaking. In the process of candidacy and elections in the national Council did not comply with the decision signed by all political parties represented in the National Council to raise the proportion of women in decision-making at least 30%, as the proportion of women in the Council did not exceed 13% and the proportion of women in the Executive Committee was one woman (6.6%) and the same percentage in the Central Council. The exclusion of women from important positions in peace negotiations and internal reconciliation is evidence of the stereotypical vision of the role of women and the contradiction with the State's endorsement of UNSCR 1325, which calls for the empowerment of women in the peace process. This inaction also contradicts CEDAW, which calls for all necessary measures to end discrimination and exclusion of women in all aspects of life either in private or public sphere and affects corresponding SDGs targets and indicators.

Analysis of Human Rights Obligations and Corresponding SDGs

| Issue or Thematic Area | Human Rights Obligations | Corresponding SDGs, Targets and Indicators | Analysis and Recommendations |
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| <p>ENDING ALL FORMS OF VIOLENCE AND DISCRIMINATION AGAINST WOMEN</p> | <p>CEDAW</p> <p>General Recommendation No. 35 on Violence against women</p> <p>General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations</p> <p>UNSCR 1325, 1881 and 1889</p> | <p>GOAL 5 Achieve gender equality and empower all women and girls</p> <p>TARGET 5.1 End all forms of discrimination against all women and girls everywhere</p> <p>INDICATORS 5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex</p> <p>TARGET 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation</p> <p>INDICATORS 5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age</p> <p>5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence</p> <p>TARGET 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation</p> <p>INDICATORS 5.3.1 Proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18</p> <p>TARGET 5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life</p> <p>INDICATORS 5.5.1 Proportion of seats held by women in (a) national parliaments and (b) local governments</p> <p>TARGET 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels</p> <p>INDICATORS 5.c.1 Proportion of countries with systems to track and make public allocations for gender equality and women’s empowerment</p> | <p>As the State of Palestine implements the commitments under the 2030 Agenda to end all forms of discrimination against women and girls and eliminate all forms of violence against women and girls, it is clear that SDG 5 alone is unable to address the unique situation of women and girls in Palestine whose experience of violence and avenues of access to justice are adversely influenced by the Israeli occupation of Palestine. SDG 5 by itself is also insufficient to bring in the human rights obligations relating to eliminating gender-based violence including CEDAW General Recommendations on women in conflict prevention, conflict and post-conflict situations, and relevant resolutions by the UN Security Council, among others. SDG 5 must be considered hand in hand with relevant targets and indicators in SDG 16 on peaceful societies and SDG 11 on sustainable cities and human settlements. It is imperative that the implementation and reporting of the</p> |
| | | <p>GOAL 16 Promote peaceful and inclusive societies for sustainable development</p> | |

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| | <p>TARGET 16.1 Significantly reduce all forms of violence and related death rates everywhere</p> <p>INDICATORS 16.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age 16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause 16.1.3 Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months 16.1.4 Proportion of population that feel safe walking alone around the area they live</p> <p>TARGET 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children</p> <p>INDICATORS 16.2.1 Proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month 16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation 16.2.3 Proportion of young women and men aged 18–29 years who experienced sexual violence by age 18</p> <p>TARGET 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all</p> <p>INDICATORS 16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms</p> <p>TARGET 16.b Promote and enforce non-discriminatory laws and policies for sustainable development</p> <p>INDICATORS 16.b.1 Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law</p> <p>GOAL 11 Make cities and human settlements inclusive, safe, resilient and sustainable</p> <p>TARGET 11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities</p> <p>INDICATORS 11.7.2 Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months</p> <p>GOAL 4</p> | <p>2030 Agenda addresses actions of the Occupying State including through SDG 16.3 that calls to promote the rule of law at the national and international levels and ensure equal access to justice for all.</p> <p>Information shared above shows that while SDG indicator 5.1.1 on ensuring that legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex remains relevant for Palestine, the lack of coherence in the national legislative system(s) must be addressed through national indicators that are context-specific.</p> |
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| | | <p>Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p> <p>TARGET 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development</p> <p>INDICATORS 4.7.1 Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in (a) national education policies; (b) curricula; (c) teacher education; and (d) student assessment</p> <p>GOAL 17 Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development</p> | |
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Right to Water

Primary Goal

SDG 6: Ensure availability and sustainable management of water and sanitation for all

Crosscutting Goals

SDG 1: End poverty in all its forms everywhere

SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable

SDG 16: Promote peaceful and inclusive societies for sustainable development

SDG 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

Introduction

Access to and control over water is a key issue. The Occupying State has fought for the full control of the water resources in Palestine since 1967 up to now. Since the beginning of the Israeli occupation, Palestinians have not had full control over their natural resources, including water. The state of occupation has maintained control of water resources through a series of laws and military orders, the provisions of the Oslo Agreement and the confiscation of land. By integrating the water resources of the occupied Palestinian territory into the Israeli regime, whether through the apartheid wall erected on important artesian sites or through Israeli settlements on Palestinian land, Israel has diverted water resources to its Israeli citizens and settlers at the expense of the Palestinians.

This discriminatory distribution deprives most Palestinians of their basic livelihood needs and creates harsh conditions for society as a whole. According to the 2017 Population, Housing and Establishments Census, the average per capita consumption of water in Palestine in 2016 was about 83 liters per day. This rate ranges

between 82.3 liters/day in the West Bank and 84 liters/day in the Gaza Strip. More than 97% of the water in the Gaza Strip does not meet the drinking water standards stipulated by the World Health Organization (WHO), which are less than the minimum recommended by the organization (100 liters / person / day). According to the Census, 62.4% of Palestinians in Palestine use safe drinking water, as defined by sustainable development indicators. In the West Bank 95.1% and 11.4% in the Gaza Strip.²²

Regarding the legal and political aspects, the Palestinian position on the issue of water is based on water sharing. Following the signing of the Oslo Accord, according to the International Watercourses Law, as stipulated in the relevant UN Convention of 1997, the State of Palestine is entitled to a fair and reasonable share of freshwater resources including the waters of the four main basins and the Jordan River. The equitable allocation of water rights is a key element of future political stability in the region as a whole. Finally, in accordance international law, Israel must pay compensation for the unlawful use of former and current resources of Palestinian Water. However, the Occupying State continues to deprive Palestinian people from enjoying these sources by issuing numerous military orders and racist practices.²³ Some of these include:

- Restricting the drilling of wells for new water (especially in the western basin of Palestine).
- Restrict water pumping from existing wells and preventing Palestinians from increasing their depth.
- Depriving the Palestinians of their water rights in the Jordan River.
- Restricting access of Palestinians to areas where freshwater springs are available.
- Reducing the ability to use surface water such as collecting flood waters from major valleys.
- Reduction of capacity to develop freshwater and wastewater infrastructure.

Since signing the transitional phase of the Oslo agreement in 1995, per capita availability of fresh water to occupied Palestine has decreased. It is worth noting that per capita water consumption in Israel on average is more than four times that of Palestine.²⁴

This political reality imposes additional restrictions and burdens on Palestinian women as they are socially responsible, primarily for their reproductive role and their responsibility to maintain their families and meet their various needs, including water consumption and rationalization. “Due to systemic discrimination, unequal power relations and patriarchal systems, there is a gendered dimension to the exploitation of natural resources with women shouldering a disproportionate share of the impact”²⁵.

Access to Water Resources and Impact on Palestinian Women

Access to resources is not limited to dealing with women as consumers, as is the case in the Palestinian reality, but extends to decision-making factors on the use of resources and how to reach them. Based on the strategic plan for the water and sanitation sector, the Palestinian Water Authority's approach is to involve women in the

²² Palestinian Central Bureau of Statistics – press statement on World Environment Day (2018)
http://www.pcbs.gov.ps/pcbs_2012/PressAr.aspx

²³ <https://www.nad.ps/ar/media-room/media-brief/%D9%85%D9%84%D8%AE%D8%B5-%D9%84%D9%84%D9%85%D9%88%D8%A7%D9%82%D9%81-%D8%A7%D9%84%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86%D9%8A%D8%A9>

²⁴ Ibid

²⁵ Women’s Human Rights and Natural Resources. Briefing Paper by IWRAW Asia Pacific (2017)

planning and budgeting and work towards gender mainstreaming, but this is still unorganized and ineffective. The strategic plan for the water sector shows weak representation of women in the environmental sector, as well as their low participation in decision-making in local communities, which highlights the importance of working on a strategy that activates their role and seeks to achieve national goals in integrated and efficient water resources management.

The national strategy for water and environment aims to achieve “sustainable solid waste management that ensures optimal use of resources and environmental protection”.²⁶ The representation of women does not exceed 8% on average in institutions relating to water and sanitation service providers, and about 32% in relevant ministries official institutions. Women are rarely represented in professional and specialized positions and in leadership positions. In service providers, women occupy an average of only 11% of senior management positions in the second tier, while no leadership positions are in the first grade. In contrast, women occupied only 4% of senior management positions of the second degree in the relevant official Palestinian bodies, and about 20% of the third administrative degree. Although women constitute about 30% of the staff of these bodies, it is often in secretarial or administrative functions.²⁷

The reasons for women's underrepresentation are due to reasons related to the stereotypical role of women and to different structural causes of water authority and partner institutions. The societal negative perception of women's work and the concepts associated with the traditional division of labor between the sexes indicate the weakness of the presence of female professionals and engineers in the field, as well as the low presence of women professionals in the field work and their lack of office work.²⁸ It was also reflected in the discriminatory practices in employment and career advancement, which are clearly indicated by the statistics showing the weakening of women in the sector as a whole and in leadership positions in particular in this sector.²⁹

With regard to the other aspect of access to water, it is the local community and access to services provided by the Water Authority and partners, which is responsible for providing safe drinking water and sanitation services, that are the most affected by water scarcity and political obstacles to access to water resources. Water, sanitation and hygiene facilities are linked to the responsibilities of Palestinian women in the West Bank, Gaza and East Jerusalem, as they are responsible within the family to meet the basic needs of the family members.³⁰

In Area C of the West Bank, according to United Nation Office for Coordination of Humanitarian Affairs (OCHA) data, only 5.1% of Palestinian applications between 2010 and 2014 were approved for building permits.³¹ This policy increases the burden on women to access and provide water resources. Women are responsible for transporting water from the wells, although most of the wells are close to houses, others are far from home for

²⁶ National Strategy on gender and environment (2013)

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid

³⁰ Tool set: Gender, sewage system, hygiene in West Bank, Gaza Strip, and Est Jerusalem P. 28

<file:///C:/Users/Luna%20Saadeh/Downloads/gender%20toolkit.pdf>

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<https://www.nad.ps/ar/%D9%85%D9%88%D9%82%D9%81%D9%86%D8%A7/%D8%A7%D9%84%D9%85%D9%8A%D8%A7%D9%8>

up to 3 km. In these cases, women usually ride donkeys to the wells or walk.³² In some nomadic communities, water is brought by women using a donkey-drawn wagon.³³ On the other hand, most of the wells that are dug by Palestinian citizens and with the assistance of financial institutions are demolished or polluted by the settlers who surround Area C. Most of the villages and communities were surrounded by Israeli settlements, which is contrary to international humanitarian law.

In East Jerusalem, where services are provided by the Israeli occupation, homes are connected to a water network. In general, water is available. However, the price of water is very high (average cost of NIS 300-400 per month for a family of 6). If the family is unable to pay the bill, the bills accumulate as debts and result in a court order for the seizure of family property. Regarding the surrounding areas in Jerusalem, which are within the Jerusalem governorate, some of them have been isolated from the services of the Municipality of Jerusalem because of the separation wall, resulting in difficulties in accessing water, sanitation and hygiene services. On the other hand, some areas that are within the boundaries of the Jerusalem Governorate but are part of the Oslo division are considered to be Area C. They are devoid of any administrative follow-up either by the occupation or the State of Palestine. Thus, it is estimated that 36% of East Jerusalem residents have illegal sanitation, and one-third of the population lacks access to sanitation.³⁴

Access to Clean Water (Gaza Strip)

Groundwater in the Gaza Strip suffers from a severe crisis due to the massive pumping of water from the adjacent large wells and the excessive water pumping by Palestinians living in the Gaza Strip as a result of the unfairness of the occupation authorities when it comes to securing adequate quantities of water. More complicated is the pollution caused by the above-mentioned components, with the Gaza Strip unable to treat waste and wastewater as well as the flow of seawater into the aquifer. Therefore, most of the residents of the Gaza Strip lack access to safe drinking water.

97% of the water is not suitable for drinking. Water pollution causes the spread of about 60% of the diseases in the sector. According to reports from the United Nations Environment Program (UNEP), only 5% of drinking water wells in the Gaza Strip are eligible for clean and safe drinking water. Given the extent of the current deterioration of the coastal aquifer, it is expected that by 2020 this layer will be permanently decomposed.

The problem of pollution in the Gaza Strip has been exacerbated, with sea water pollution (73%) of the total beaches of the Gaza Strip. The number of cases of diarrhea among children under the age of three (80%), an indicator of water pollution and lack of validity. About 97% of the groundwater in the Gaza Strip has become unfit for drinking.³⁵ Moreover, the extraction and pollution of coastal aquifers is over-discharging, leading to a

³² Tool set: Gender, sewage system, hygiene in West Bank, Gaza Strip, and Est Jerusalem P. 28
<file:///C:/Users/Luna%20Saadeh/Downloads/gender%20toolkit.pdf>

³³ Ibid

³⁴ Ibid

³⁵ Al Mezan Center for Human Rights. Reports and studies. The status of economic, social and cultural rights in Gaza Strip 2018 at: <http://www.mezan.org/post/25218>

gradual deterioration in water quality in the Gaza Strip: more than 96% of water is considered unsuitable for human consumption.³⁶

During the war on the Gaza Strip in 2014 and up to the date of preparing this report, the water and sanitation lines and infrastructure are subjected to continuous shelling, creating a major water crisis. Women bear the brunt of this, with new and arduous tasks performed to provide safe and clean drinking water for their families and themselves. The crisis of lack of clean and portable water in shelters has been addressed by providing water in drums, but it is often insufficient, unavailable or unclean, making mothers reluctant to use it for their children.³⁷

Analysis of Human Rights Obligations and Corresponding SDGs

| Issue or Thematic Area | Human Rights Obligations | Corresponding SDGs, Targets and Indicators | Analysis and Recommendations |
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| <p>ACCESS TO WATER RESOURCES AND RIGHT TO CLEAN WATER</p> | <p>CEDAW</p> <p>Article 14 (2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>General Recommendation 34 on the rights of rural women</p> <p>General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations</p> <p>Geneva Convention Relative to The Protection of Civilian Persons in Time of War</p> <p>Article 53</p> | <p>GOAL 6 Ensure availability and sustainable management of water and sanitation for all</p> <p>TARGET 6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all</p> <p>INDICATORS 6.1.1 Proportion of population using safely managed drinking water services</p> <p>TARGET 6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations</p> <p>INDICATORS 6.2.1 Proportion of population using (a) safely managed sanitation services and (b) a hand-washing facility with soap and water</p> <p>TARGET 6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally</p> <p>INDICATORS</p> | <p>The International Court of Justice (ICJ) has previously stated that the occupying power retains its responsibility to fulfil its obligations under human rights law in the Occupied Palestinian Territories. In its advisory opinion on the legal consequences of the construction of the wall in the occupied Palestinian territory, the ICJ has clearly stated that Israel's obligations in the occupied Palestinian territory extend to the International Covenant on Social and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the</p> |

³⁶ Tool set: Gender, sewage system, hygiene in West Bank, Gaza Strip, and East Jerusalem P. 28
<file:///C:/Users/Luna%20Saadeh/Downloads/gender%20toolkit.pdf>

³⁷ Culture and Free Thought Association: anti-GBV taskforce (October 2014) status and rights of displaced women and girls during the attack on Gaza Strip, P. 32

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| | <p>Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations</p> <p>Hague Convention</p> <p>Article 43 The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.</p> <p>OHCHR General Comment No. 15 (2002) The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.</p> <p>The International Water Law</p> <p>The International Water Law defines the water rights of riparian parties, which include the applicable standards stipulated in the Helsinki Rules, on the uses of international river waters of 1966 and UN Watercourses Convention of 1997. The International Water Law calls for the allocation of "fair and reasonable" amounts of water among the parties or parties that have the right to claim joint water resources. The right to water is an individual human right.</p> <p>OHCHR General Comment No. 15</p> | <p>6.3.1 Proportion of wastewater safely treated 6.3.2 Proportion of bodies of water with good ambient water quality</p> <p>TARGET 6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate</p> <p>INDICATORS 6.5.1 Degree of integrated water resources management implementation (0–100) 6.5.2 Proportion of transboundary basin area with an operational arrangement for water cooperation</p> <p>GOAL 1 End poverty in all its forms everywhere</p> <p>TARGET 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance</p> <p>INDICATORS 1.4.1 Proportion of population living in households with access to basic services</p> <p>Goal 11 Make cities and human settlements inclusive, safe, resilient and sustainable</p> <p>TARGET 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums</p> <p>INDICATORS 11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing</p> <p>GOAL 16 Promote peaceful and inclusive societies for sustainable development</p> <p>TARGET 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels</p> <p>INDICATORS 16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary)</p> | <p>Child.</p> <p>The CEDAW committee in General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations has stated that "the obligations of States parties also apply extraterritorially to persons within their effective control, even if not situated within the territory, and that States parties are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory (para 8)."</p> <p>Israel has systematically failed to meet its obligations in this regard. Israel's policies and practices violate the Palestinian right to non-discrimination, employment, housing, property, health and a healthy environment. Ending the occupation is a precondition for any success in achieving sustainable development.</p> <p>As illustrated by the information shared above, women and girls bear a disproportionate impact of the water crisis being faced by Palestine and the global SDGs indicators under</p> |
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| | <p>(2002) on the right to water introduction states that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights".</p> | <p>compared to national distributions 16.7.2 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group</p> <p>GOAL 17 Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development</p> | <p>SDG 6 on water do not track and reflect this reality. Development of national level indicators must take cognizance of this gap.</p> |
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