

**AL-HAQ SUBMISSION TO THE
COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
REGARDING ISRAEL'S SIXTH PERIODIC REPORT**

68th SESSION

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Introduction

1. Al-Haq hereby presents its submission to the Committee on the Elimination of Discrimination against Women (hereinafter the Committee) at its 68th session with regard to its evaluation of the sixth periodic report of the State of Israel and its compliance with the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW or the Convention).
2. As acknowledged by the Committee in its concluding observations on the fifth periodic report of Israel, the provisions of CEDAW are applicable to the benefit of the Palestinian people in the Occupied Palestinian Territory (OPT), which comprises the West Bank, including East Jerusalem, and the Gaza Strip. Al-Haq's findings indicate that Israel, the Occupying Power in the OPT, violates numerous human rights established in the Convention, in particular Articles 2, 3, 9, 11, 14, and 16. This has resulted in depriving Palestinian women and girls of their dignity and their economic, social, cultural, civil, and political rights, among other fundamental freedoms.
3. In addition to deprivation of their right to life, freedom of movement, liberty and security, Israel continues to force a range of discriminatory laws, policies, and practices that feed into Israel's broader annexation strategy and intent to diminish the presence of the Palestinian population, including women, in the OPT particularly in occupied East Jerusalem and Area C of the West Bank.¹ Such laws and practices include: discriminatory citizenship and residency laws, restrictions on family unification, administrative home demolitions, in addition to the escalation of collective punishment measures such as punitive residency revocations and punitive home demolitions.²
4. These laws, policies, and measures employed against Palestinian women, and the occupied population as a whole, constitute serious violations of international human rights and humanitarian law and may amount to international crimes. They also violate

¹ Al-Haq, "Living Under Israeli Policies of Colonization in Jerusalem" (04 February 2017): <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1099-living-under-israeli-policies-of-colonization-in-jerusalem> See also Adalah's Database for Discriminatory Laws in Israel: <https://www.adalah.org/en/law/index>.

² *Ibid.*



specific provisions of CEDAW, including Article 3, as they deny Palestinian women full development and advancement and their right to enjoy fundamental freedoms. Articles 2, 9, 11, 14, and 16, which address women’s rights to family life and relations, nationality rights, the right to participate in public and political life, and the rights of rural women to an adequate standard of living, are further violated.³

5. The facts presented in this report are representative samples of the ongoing Israeli human rights violations practiced against Palestinian women as part of the general occupied population in the OPT. Notably, the prolonged closure of the Gaza Strip has resulted in severe restrictions on women’s access to healthcare, including sexual and reproductive health, and adequate living conditions for themselves and their families, including shelter, water, electricity, and sanitation. The limitations of this report should not be understood to indicate that Israel complies with articles of the Covenant that are not mentioned here. For example, Al-Haq has widely documented cases of arbitrary arrests, killings, restrictions on freedom of movement, and physical and verbal assaults against Palestinian women and girls in the West Bank and the Gaza Strip, which have been covered by partner civil society organisations in their submissions on Israel’s sixth periodic report. In this submission, Al-Haq sheds light on several systematic Israeli policies particularly relevant to marginalised women and girls in the occupied West Bank, notably, in Area C and East Jerusalem.

Violations Relevant to Articles 2, 3, 9, and 16: Family Unification and Citizenship Laws

6. In June 2017, Israel’s parliament, the Knesset, renewed for the 14th time the discriminatory Nationality and Entry into Israel Law,⁴ which prohibits Palestinians married to Israeli citizens from acquiring citizenship or residency status. This poses serious limitations on Palestinians in the OPT who are married to, or choose to marry, Israeli citizens or permanent residents of East Jerusalem.⁵ The law applies exclusively to citizens of the occupied West Bank and the Gaza Strip, as well as other countries that Israel deems as a security threat.⁶

³ *Convention on the Elimination of All Forms of Discrimination against Women* (adopted 18 December 1979, entered into force 03 September 1981) 1249 UNTS 13 (CEDAW).

⁴ Hamoked: Center for the Defence of the Individual, “HaMoked to the HCJ: the Citizenship and Entry into Israel Law has been extended automatically again, without any change or effort to limit the scope of harm to the Palestinian population living in the country for years; the Law’s broad repercussions must be reviewed anew” (15 June 2017): <http://www.hamoked.org/Document.aspx?dID=Updates1889>.

⁵ Al-Haq, “The Jerusalem Trap: The Looming Threat by Israel’s Annexationist Policies in Occupied East Jerusalem” (2010): <http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap>.

⁶ Ma’an News Agency, “Israel’s renewal of law restricting family unification condemned as ‘apartheid’” (13 June 2017): <https://www.maannews.com/Content.aspx?id=777618>.



7. The application of the law must be viewed in the context of Israel’s discriminatory and unlawful zoning of the OPT into different administrative regimes, where individuals have differing rights of movement depending on the area where they are from. For example, Israel confers different status under the Nationality and Entry into Israel Law to Palestinians from Gaza, the West Bank, and East Jerusalem. Under the law, Palestinians from the West Bank or Gaza shall not be granted a residency status in East Jerusalem.⁷ The underlying objective of the law is to promote the unlawful transfer of Palestinians out of Jerusalem and this is further supported by the provision of Article 11(a) of the Settlement in a Country Outside of Israel Regulation (No. 2) (1985). The latter provides for a number of strict and limiting ‘centre of life’⁸ requirements, which East Jerusalemites must continuously and onerously prove.
8. By enforcing and constantly renewing such discriminatory laws and policies, Israel engages in practices in clear violation of Article 2 of the Convention, which prohibits States from engaging in acts that discriminate against women, and obligates them to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”⁹
9. To reside together in East Jerusalem, married couples with mixed residency and citizenship status are required to undergo a complex and lengthy unification process to obtain a residency permit, which in many cases has been impossible to obtain.¹⁰ Permits may be acquired following the completion of an exhaustive and often invasive process. These permits must be regularly renewed and are subject to revocations should the permit holder be categorized as a security threat, based on broad and vague standards, or should the person be subject to Israel’s illegal practice of residency revocation.¹¹

⁷ During the period when the Law is in force [...] the Minister of Interior shall not grant citizenship to a resident of the region or to a citizen or resident of a state listed in the schedule [...] and he shall not grant him a license to reside in Israel in accordance with the Entry into Israel Law, and the region commander shall not grant a resident of the region a permit to stay in Israel in accordance with security legislation in the region. Nationality and Entry into Israel Law (Temporary Order), 5763-2003.

⁸ Al-Haq, “The Jerusalem Trap: The Looming Threat by Israel’s Annexationist Policies in Occupied East Jerusalem” (2010): <http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap>.

⁹ Article 2 of the Convention: Policy Measures.

¹⁰ *Ibid.*

¹¹ Al-Haq, “Illegal collective punishment measures against women and children: The case of Nadia Abu Jamal and her family” (01 February 2017): <http://www.alhaq.org/documentation/weekly-focuses/1100-illegal-collective-punishment-measures-against-women-and-children-the-case-of-nadia-abu-jamal-and-her-family>; an Al-Haq video interview with Nadia is available at: <http://www.alhaq.org/documentation/weekly-focuses/1100-illegal-collective-punishment-measures-against-women-and-children-the-case-of-nadia-abu-jamal-and-her-family>; Nir Hasson, “Israel Seeking to Strip Residency of 12 Relatives of Jerusalem Truck Attack Assailant” (Haaretz, 10 January 2017):



10. As affirmed by the Committee's concluding observations for the State of Israel presented at its 48th session, the Nationality and Entry into Israel Law particularly hinders the right to family life of Palestinian women who are citizens of Israel and Palestinian women in the OPT.¹² By renewing such discriminatory laws, the State of Israel continues to engage and reinforce policies and practices that discriminate against women, and fails, once again, to achieve compliance with its obligations under the Convention.
11. In addition, the Nationality and Entry into Israel Law effectively breaks up families and denies them the right to enjoy family life by prohibiting individuals from the West Bank and the Gaza Strip from joining their spouses and children living in Israel or occupied East Jerusalem. Due to its adverse and magnified implications on the lives of Palestinian women, who are key actors in maintaining the social and economic security and well-being of their families and communities, the law itself as well as the bureaucratic hurdles emanating from it, are in direct contravention with provisions set forth by CEDAW, which prohibits interference with the right to family life.¹³
12. Article 9 of the Convention obligates States Parties to "grant women equal rights with men to acquire, change or retain their nationality."¹⁴ The article further affirms that States Parties "shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband." Israel's Nationality and Entry into Israel Law forces both Palestinian women citizens of Israel and residents of occupied East Jerusalem who choose to marry a man from the OPT to change their place of residency from Israel or East Jerusalem to the West Bank or the Gaza Strip if they wish to jointly live with their chosen spouse and their children.¹⁵ If the woman is a resident of East Jerusalem and chooses to reside in the OPT in order to live with her spouse and children, she risks losing her residency status in East Jerusalem without any guarantee of acquiring residency status in the OPT. In the absence of any other nationality, East Jerusalemite Palestinians who lose their residency effectively lose access to the rights associated with it. The revocation of women's residency rights in

<http://www.haaretz.com/israel-news/.premium-1.764202>; see also, Appeal 1398/17, *Qunbar et al. v. Minister of Interior and Population and Immigration Authority*, 2 February 2017.

¹² Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Israel, UN Doc CEDAW/C/ISR/CO/5, 04 February 2011, paras. 24-25.

¹³ Article 16 of the Convention: Marriage and Family Life.

¹⁴ Article 9 of the Convention: Nationality.

¹⁵ Adalah, "The Nationality and Entry Into Israel Law": <https://www.adalah.org/en/content/view/7371>



East Jerusalem not only exacerbates their vulnerabilities as stateless persons¹⁶ but also puts the women at risk of severe economic losses and deprivation from social security benefits.

13. Discriminatory laws associated with family unification and residency status are in clear contravention with Article 16 of the Convention,¹⁷ which obligates States Parties to “take all appropriate measures to eliminate discrimination against women in all matter relating to marriage and family relations.” Among the main causes of residency revocations in East Jerusalem is Israel’s enforcement of discriminatory measures such as the ‘centre of life’ policy, which requires residents to continuously prove that East Jerusalem is the centre of their life in order to retain their residency rights.¹⁸ This especially affects the right to family life of couples with mixed residency or mixed citizenship status. In particular, Article 16(1)(b) affirms that States Parties shall ensure the right “to choose a spouse and to enter into marriage”. The coercive living conditions that Palestinian women must face if they choose a life partner of a different place of residence or residency status effectively eliminate the element of choice and jeopardize their right to freely choose a spouse and enter into marriage. Accordingly, having to choose between joint family life and residency rights violates Palestinian women’s rights, particularly those affirmed in Articles 3, 9, and 16 of the Convention.

Violations Relevant to Articles 2, 11, and 16: Collective Punishment through Punitive Home Demolitions, Forcible Transfer, and Residency Revocations

14. Israel’s collective punishment measures against the occupied Palestinian people, such as punitive home demolitions, residency revocations, and arrests of family members of those who have allegedly committed attacks against Israelis, have implications that jeopardize women’s right to enjoy a range of human rights and fundamental freedoms. Palestinian women also face economic collective punishment measures where Israel has retaliated and closed entire industries, which have had a detrimental impact on women and children in terms of deprivation of livelihoods and economic and social rights.¹⁹ All forms of collective punishment are unlawful under international humanitarian law and

¹⁶ HaMoked, “In the Kafkaesque world of the Ministry of Interior: an Israeli resident must prove his paternity despite countless proof, while his two young children are left stateless and without rights” (08 February 2017): <http://www.hamoked.org/Document.aspx?dID=Updates1843>.

¹⁷ Article 16 of the Convention: Marriage and Family life

¹⁸ See Infographic on Residency Revocation: Israel’s Forcible Transfer of Palestinians from Jerusalem (2017): <http://www.alhaq.org/publications/papers/VP-ResidencyRevocation-FINAL-20170612.pdf>.

¹⁹ Human rights Watch, “Israel: Quarry Shutdown Harms Palestinians” (21 April 2016): <https://www.hrw.org/news/2016/04/21/israel-quarry-shutdown-harms-palestinians>.



may amount to a war crime and a crime against humanity.²⁰ They also violate fundamental principles of international human rights law, including under CEDAW, as they have serious implications on the lives of women and family members of alleged attackers.

15. In the past 17 years, Al-Haq and other civil society organisations have documented countless cases of punitive measures taken against Palestinian women and their families who have not committed any crimes themselves. Such measures disrupt women’s rights to family life and relations, to an adequate standard of living, and to social security, including access to essential services.²¹ Between June 2014 and June 2017 alone, Al-Haq documented the demolition and sealing of 52 Palestinian houses by Israeli occupying authorities in the West Bank. This caused the forcible displacement of 203 Palestinians.²² Such measures disrupt family life and violate rights to enjoyment of human rights and fundamental freedoms. The number of home demolitions has continued to rise, rendering hundreds of people, most of whom are women and children, homeless and without access to social and healthcare services.²³

16. Forced displacement is one of the gravest features of the occupation and Israel’s increased punitive policies. Women are amongst those first and worst impacted by displacement as they suffer the additional social and economic consequences of their

²⁰ Article 147, Fourth Geneva Convention (1949); Articles 7(1)(d) and 8(2)(a)(vii) of the Rome Statute of the International Criminal Court. Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly are prohibited as a war crime under the Rome Statute of the International Criminal Court. Israel’s unlawful demolition practices raise the individual criminal responsibility of the perpetrators, whose acts fall within the purview of the International Criminal Court. Article 8(2)(a)(iv), Rome Statute of the International Criminal Court.

²¹ Al-Haq, “Collective Punishment in Awarta” (2011): <http://www.alhaq.org/publications/publications-index/item/collective-punishment-in-awarta>; Al-Haq, “Collective Punishment in Deir Abu Mash’al” (15 July 2017): <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/1125-collective-punishment-in-deir-abu-mashal>; Al-Haq, “Qabatiya Subject to Closure & Collective Punishment by IOF” (11 February 2016): <http://www.alhaq.org/documentation/weekly-focuses/1019-qabatiya-subject-to-closure-a-collective-punishment-by-iof>; Al-Haq, “Field Report: Collective Punishment in Jabal Al-Mukabir” (25 January 2017): <http://www.alhaq.org/documentation/weekly-focuses/1097-field-report-collective-punishment-in-jabal-al-mukabir>; Al-Haq, “Illegal collective punishment measures against women and children: The case of Nadia Abu Jamal and her family” (01 February 2017) : <http://www.alhaq.org/documentation/weekly-focuses/1100-illegal-collective-punishment-measures-against-women-and-children-the-case-of-nadia-abu-jamal-and-her-family>.

²² Information on file with Al-Haq.

²³ The Palestinian Initiative for the Promotion of Global Dialogue and Democracy MIFTAH, “House Demolitions in the West Bank” (01 July 2017): http://www.miftah.org/Doc/Factsheets/Miftah/English/Fact_Sheet_House_Demolitions_V2_Working_1July2017.pdf.



families' dispersal and home loss.²⁴ The case of N.A., a mother of three whose husband was killed in an alleged attack, is an example.²⁵ According to Al-Haq documentation, N.A. and her children have been subject to a series of collective punishment measures. These have included N.A.'s arbitrary arrest, the revocation of her residency permit, the demolition of the family's home, and the punitive revocation of health insurance and other benefits for N.A.'s three children²⁶. The Israeli National Health Insurance Institute reinstated social security rights as of 4 December 2016. The children have had access to health care since, although they are currently not receiving their entitlements.

17. Israeli measures against the N.A.'s family violate several norms of international human rights law, as well as several provisions of the Convention. This includes the failure by the State of Israel to comply with its obligations under Article 2(f) of the Convention to abolish practices and laws that discriminate against women. Such punitive practices also constitute a grave violation of the rights to family life under Article 16 of the Convention, and the right to social security stipulated under Article 11 of the Convention.

Violations Relevant to Article 14: Administrative Demolitions, Restrictions on Building, and Forcible Transfer

18. In recent years, there has been a significant escalation in the number of civilian properties belonging to Palestinians in the West Bank, including East Jerusalem, that have been destroyed or confiscated. This comes as a result of Israel's discriminatory planning and zoning regime in Area C of the West Bank and in East Jerusalem, which contributes to a coercive environment that leads to the forcible transfer of Palestinians residing in these areas, with the aim of permanent annexation of occupied territory.²⁷
19. A series of policies and practices implemented in East Jerusalem and Area C deprive Palestinian residents therein of genuine choice of residence, thus rendering large numbers of Palestinians at high risk of direct and indirect forcible transfer. Such practices include, but are not limited to administrative home demolitions, seizure of service infrastructure, and restrictions on building permits.²⁸ Israeli policies have

²⁴ United Nations Guiding Principles on Internal Displacement, Principle 19(2).

²⁵ Al-Haq, "Illegal collective punishment measures against women and children: The case of Nadia Abu Jamal and her family" (01 February 2017): <http://www.alhaq.org/documentation/weekly-focuses/1100-illegal-collective-punishment-measures-against-women-and-children-the-case-of-nadia-abu-jamal-and-her-family>.

²⁶ *Ibid*

²⁷ BADIL, "Coercive Environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory" (2017): <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>.

²⁸ *Ibid*.



devastating impacts on the lives of women whose families are subject to administrative measures that render them homeless and without access to resources, infrastructure, and services essential for maintaining the right to an adequate standard of living.²⁹

20. Women also suffer from the gendered impacts of the Israeli threat to Palestinian food security due to Israel's control over natural resources in the OPT, since women, particularly rural and Bedouin Palestinian women, play key roles in the economic survival of their families and in maintaining the pillars of a food-secure community, as recognised under Article 14 of the Convention. This is evidently seen in the Jordan Valley, a resource-rich region located in Area C of the West Bank, where the impact of Israel's restrictive planning and zoning regime on women is particularly felt.³⁰
21. In recent years, Al-Haq has closely monitored the dire situation in the Jordan Valley where Israel continues to appropriate large areas of territory and controls access to water and land resources, upon which the livelihoods of rural and herding communities are dependent.³¹ Without obtaining permits from the Israeli Civil Administration, which are virtually impossible to obtain, Palestinians living in the region are prohibited from building the most basic of structures, including residential structures and other infrastructure essential for basic services, including education, health services, and water networks. Consequently, Palestinians are often forced to either relocate or build without a permit, and face the risk of demolition of their property. Considering none of the Palestinian communities in Area C have a planning scheme issued by the Israeli Civil Administration, they are often at risk of repeated demolitions and multiple counts of displacement, to which women and girls are particularly vulnerable.
22. In the village of al-Hadidiya, located north of the Jordan Valley, women have reported alarming details with regard to the effects of recurring demolitions, restricted access to essential services and denials of the right to build permanent structures, all of which constitute serious violations of women's rights guaranteed under the Convention, particularly under Article 14.³² Physical access to the village is severely obstructed due to restrictions on road constructions, which have hindered women's access to adequate healthcare services and facilities. As such, it has restricted access to mobile clinics which constitute an essential healthcare service for community members, particularly women and children.

²⁹ *Universal Declaration of Human Rights*, adopted 10 December 1948, Article 25(1).

³⁰ Al-Haq, "The Silent Annexation of the Jordan Valley: Joint Written Statement – Human Rights Council 17th Session" (16 May 2011): http://www.alhaq.org/images/stories/statment_2.pdf.

³¹ *Ibid.*

³² Article 14 of the Convention: Rural Women.



23. Some of the most devastating demolitions by Israeli Occupation Forces described by women of al-Hadidiya took place on 26 November 2011. The demolitions were carried out during extremely cold weather conditions and without prior notice. Community members were prohibited from removing any of their personal belongings such as clothing, food, electronics, and furniture prior to the demolition. Families were left without shelter or source of food. Any attempts by women to shelter their children from the cold weather, including the use of plastic sheets as sleeping pads, were immediately disrupted by Israeli Occupation Forces. The destruction of property was not limited to the demolition of residential structures, but also included the destruction of their Taboun oven, which constituted their main source of food. In addition, solar panels that constituted the main source of power supply were also demolished.
24. Notwithstanding, during demolition operations, maintaining a sanitary and hygienic environment is extremely difficult. A woman from the village recalls creating maxi pads out of destroyed sleeping mattresses while others have revealed that women and girls would refrain from bathing and/or changing clothes during demolition operations, sometimes for days, due to the lack of access to private space, which poses serious threats to sanitation as part of the right to enjoy adequate living conditions, under Article 14(2)(h) of the Convention.
25. Due to the dire implications that emanate from Israel's home demolitions and restrictions on building, Israel is engaging in practices that are in grave violation of Article 14 of the Convention, which stipulates that "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure ... that they participate in and benefit from rural development". Article 14 further affirms that States Parties shall ensure to such women the right "to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications".

Conclusions and Recommendations

26. Since the 2011 concluding observations published by the Committee, Israel has failed to adopt the Committee's recommendations and continues to violate a number of rights found in the Convention. This report highlighted a number of those violations, which directly affect women and that Israel executes within its wider policy of annexation and appropriation as well as its collective punishment policies.
27. Pursuant to the information provided in this report, Al-Haq urges the Committee members to highlight the following recommendations to Israel:



- i. The State Party should take all necessary measures to achieve compliance with all its obligations under the Convention, and accordingly fulfil its legal obligations towards the protection of civilians, particularly women, in the OPT;
- ii. The State Party should repeal the discriminatory Nationality and Entry into Israel Law, which restricts family unification for mixed residency Palestinian families;
- iii. The State Party should suspend all collective punishment and punitive measures, including those with particular adverse impacts on the rights of women to family life and relations and to an adequate standard of living;
- iv. The State Party should suspend all administrative measures that contribute to coercive environments for the Palestinian population, including women, which deprive them of choice and place them at high risk of forcible transfer;
- v. The State Party should suspend the discriminatory planning and zoning regime in Area C and East Jerusalem, which results in restrictions on building and demolitions of structures that hinder rural women's right to adequate living conditions, including access to housing, sanitation, electricity and water supply, transport and communications.