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## Unpacking Gender in Coercive Environments: The Case of the Jordan Valley



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The report *Unpacking Gender in Coercive Environments: The Case of the Jordan Valley*, is a side report to *Settling Area C: The Jordan Valley Exposed*. The report critically examines the gendered dimensions of Israel's human rights abuses in the Jordan Valley, creating coercive environments to force population transfer.

Cover photo: Al-Haq 2017©

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## Introduction

Since 1967, Israel has systematically facilitated the unlawful appropriation of land in the Jordan Valley, located in Area C of the occupied West Bank, for the purposes of exploiting its natural resources and establishing Israeli settlements in the Occupied Palestinian Territory (OPT). In doing so, Israel has adopted a wide range of laws, policies, and practices designed to create unliveable conditions or coercive environments for Palestinians, in an attempt to push them out of their lands and force them to relocate elsewhere. Israeli measures to displace and transfer Palestinians from the Jordan Valley have included the creation of a discriminatory planning and zoning regime, the unlawful destruction of property through ‘administrative’ demolitions of homes, animal sheds, and other structures, and the imposition of restrictions on access to natural resources, primarily land and water. Such measures have meant devastating living conditions for Palestinian communities as a whole, while they have also involved demonstrable gendered impacts, disproportionately affecting the well-being and livelihoods of Palestinian women and girls in the Jordan Valley. The daily consequences of Israel’s measures on the human rights of Palestinians in the Jordan Valley are analysed in detail in Al-Haq’s report *Settling Area C: The Jordan Valley Exposed*.<sup>1</sup>

This side report examines the extent of Israel’s discriminatory measures on the lives of Palestinian women and their families and provides an analysis of the means through which Israeli practices intensify the vulnerabilities of Palestinian women and girls in the Jordan Valley. The frequency, intensity, and wide geographical spread of the attacks on Palestinian communities, including women and girls, throughout the Jordan Valley required a separate focus on the research findings to adequately provide a critical gendered lens on Israel’s human rights violations and the coercive environments created. In this vein, the report assesses the human rights violations that Palestinian communities face in the Jordan Valley area within the scope of Israel’s obligations, as Occupying Power, briefly under international humanitarian law and more in-depth under international human rights law applicable in the OPT. The case studies examined in this report were collected during field visits conducted by Al-Haq in 2017, which sought to assess the impact of Israeli-imposed measures and restrictions on the lives of Palestinian women and their families residing in vulnerable communities in the Jordan Valley. More specifically, the report adopts a gendered analysis of the rights of Palestinian women and girls to adequate housing, to adequate food, and to water and sanitation, as components of the right to an adequate standard of living, in addition to their rights to education and to the enjoyment of the highest attainable standard of physical and mental health in the

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<sup>1</sup> Al-Haq, *Settling Area C: The Jordan Valley Exposed*, 2018.

## Jordan Valley area.<sup>2</sup>

Bound by their multi-faceted productive, reproductive, and community-managing roles, including the maintenance of shelter and the provision of resources, women in the Jordan Valley are more vulnerable to the impacts of Israel's unlawful measures in the region, which have had direct adverse impacts on their standard of living and on the various roles and responsibilities they undertake, including childbearing, domestic tasks, and subsistence food production. By enforcing discriminatory policies that enhance women's vulnerabilities, Israel, the Occupying Power and primary duty-bearer in the Jordan Valley,<sup>3</sup> is committing serious violations of international law. As such, Israel is failing to meet its obligations under provisions of international humanitarian law,<sup>4</sup> and international human rights law, including under the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>5</sup> the International Covenant on Civil and Political Rights (ICCPR),<sup>6</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>7</sup> the Convention on the Rights of the Child (CRC),<sup>8</sup> and further human rights treaties

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<sup>2</sup> Article 12, *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR). Articles 11, 12, and 13, *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR). The United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) has argued that the right to water is essential to the right to health and an adequate standard of living. See UN CESCR, General Comment No. 15: The Right to Water (Articles 11 and 12 of the Covenant), adopted 20 January 2003, UN Doc E/C.12/2002/11.

<sup>3</sup> Israel has obligations to administer the OPT by virtue of the fact of military presence and substitution of governing authority, under provisions of international humanitarian law, including: Articles 42 and 43, *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land* (adopted 18 October 1907 at The Hague, entered into force 26 January 1910), hereinafter 'Hague Regulations'; and Article 64, *Geneva Convention relative to the Protection of Civilian Persons in Time of War* (adopted 12 August 1949 at Geneva, entered into force 21 October 1950) 75 UNTS 287, hereinafter 'Fourth Geneva Convention'. In addition, the Oslo Accords divided the administration of the West Bank into Areas A, B, and C, with Israel in full civil, administrative, and security control over Area C.

<sup>4</sup> This includes Israel's obligations under the Fourth Geneva Convention, which Israel ratified on 6 July 1951, and which entered into effect on 6 January 1952. It further includes Israel's obligations under the Hague Regulations, which are constitutive of customary international humanitarian law.

<sup>5</sup> Israel ratified the ICESCR on 3 October 1991.

<sup>6</sup> Israel ratified the ICCPR on 3 October 1991.

<sup>7</sup> *Convention on the Elimination of All Forms of Discrimination against Women* (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW). Israel ratified CEDAW on 3 October 1991.

<sup>8</sup> *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC). Israel ratified the CRC on 3 October 1991.

applicable in the OPT.<sup>9</sup>

## 1. The Constant Threat of Demolitions: The Case of Al-Hadidiya

Living under the constant threat of ‘administrative’ home demolitions and displacement has demonstrable gendered impacts on Palestinian women and their livelihoods. Throughout 2015 and 2016 alone, Al-Haq documented the demolition of 240 structures and the displacement of 647 Jordan Valley residents, including 303 children. Demolished structures included houses, tents, animal sheds, stores, and poultry farms.



Animal shed in Al-Hadidiya – Al-Haq© 2017

Testimonies collected by Al-Haq from women residing in the Jordan Valley reflect the devastating consequences of home demolitions on Palestinian women and girls, including on their rights to family life<sup>10</sup> and to an adequate standard of living.<sup>11</sup> Forty per cent of the Palestinian population residing in the Jordan Valley are herders and semi-nomadic Bedouin communities,<sup>12</sup> who live in basic forms of shelter, including tents. As a result of Israel’s discriminatory planning and zoning regime, which systematically denies Palestinian communities building permits, Palestinian women and their families are forced to live with little to no privacy,<sup>13</sup> in overcrowded, unsanitary, and uninhabitable environments, which do not meet the minimum

<sup>9</sup> This includes the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (CAT), ratified by Israel on 3 October 1991.

<sup>10</sup> Article 23, ICCPR. Article 10, ICESCR.

<sup>11</sup> Article 11(1), ICESCR.

<sup>12</sup> Al-Haq, *Settling Area C: The Jordan Valley Exposed*, 2018, p. 39.

<sup>13</sup> The right to privacy is enshrined in Article 17(1) of the ICCPR.

conditions as to constitute adequate housing.<sup>14</sup> This severely impacts the livelihoods of women and children and their access to basic services and facilities, including water and sanitation, healthcare, and education. Al-Hadidiya is a Palestinian Bedouin community located in the northern Jordan Valley, east of Toubas city, on land seized by Israel and declared as a 'closed military area'. The village is surrounded by the illegal Israeli settlements of Ro'i and Beqa'ot from the west, and Hemdat settlement from the east.



Residential tents in Al-Hadidiya – Al-Haq© 2017

It is home to approximately 112 residents,<sup>15</sup> who earn their main source of livelihood through herding and farming activities. The village is not connected to water or electricity networks, and residents are required to purchase water tankers to guarantee basic water supply needed to meet their minimum water needs. The average per capita water consumption in Al-Hadidiya is estimated at 20 litres per day, a mere fifth of the 100 litre per capita consumption recommended by the World Health Organization (WHO).<sup>16</sup>

<sup>14</sup> Article 11(1), ICESCR. OHCHR and UN Habitat, *The Right to Adequate Housing*, Fact Sheet No. 21/Rev.1, 2009, available at: [http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf).

<sup>15</sup> Figures on file with Al-Haq.

<sup>16</sup> UNDP, *In Focus: Bedouins in the occupied Palestinian territory*, September 2013, p. 9, available at: <http://www.undp.ps/en/newsroom/publications/pdf/other/Bedouins%20in%20the%20occupied%20Palestinian%20territory.pdf>. B'Tselem, *The village of al-Hadidiya*, 12 January 2014, available at: [https://m.btselem.org/jordan\\_valley/al\\_hadidiyeh](https://m.btselem.org/jordan_valley/al_hadidiyeh).

### 1.1. Unlawful Destruction of Property

In interviews conducted by Al-Haq's researchers, women in Al-Hadidiya described how the threat of demolitions and their implications cause them severe mental and emotional distress and impact every aspect of their daily lives. Given the traditional responsibility placed upon women, as primary caregivers, to sustain the safety and stability of the household, the threat of demolitions, evictions, and displacement means that women are forced to live in a constant state of fear and instability. Women's association to the home, both emotionally, and as a physical structure providing them and their families with a shelter, exacerbates their mental and physical health and well-being. This is in addition to the psychological trauma that results from the timing of and manner by which the Israeli Occupying Forces (IOF) carry out such demolitions, which in some instances take place under severe weather conditions and without prior warning. Occupants are given little to no time to evacuate the structure targeted for demolition and in most cases, residents are prohibited from gathering their belongings, including basic items such as shoes, jackets, and personal hygiene products. When asked about the warning signs that a demolition will be carried out, a woman from Al-Hadidiya told Al-Haq:

*There are none. We would be sitting as we are sitting right now, and the first sign would be the sounds of [Israeli] military vehicles approaching.*

The most severe demolition operation in Al-Hadidiya, as described by the community's women, took place on 26 November 2015. This was the fourth demolition operation to which the community had been subjected since 2011.<sup>17</sup> That day, Al-Haq documented the demolition of two tents and three animal sheds. The demolitions took place under severely cold weather conditions, worsening the situation for the community's residents, particularly its women and children. In describing the day of the demolition operation, women pointed out that Israeli soldiers were noticeably more violent than previous demolitions. In speculating why this was the case, one of the women told Al-Haq:

*They were fed up with us this time... they wanted this operation to be exceptionally difficult on us to force us to leave... they demolished our homes many times before and we did not leave... they wanted us to leave this time.*

Another woman described the violence to which she and her pregnant daughter were subjected by the IOF that day:

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<sup>17</sup> Between 2011 and 2015, Al-Haq documented four demolition operations in Al-Hadidiya, during which 11 structures were demolished and 74 individuals were displaced, including 18 children.

*They [the Israeli soldiers] were very violent that time. They brought female soldiers with them to attack us [women]. I was pushed down by a female soldier and fell to the ground. My daughter, who was six months' pregnant at the time, came to defend me, and she [the woman soldier] cocked the gun at us and pushed my daughter to the ground too... she started bleeding, and it took the ambulance close to an hour to get to her.*

The IOF adopted a series of highly restrictive measures against Al-Hadidiya in the aftermath of the November 2015 demolition operation, according to the community's residents, mainly for refusing to leave the area. During the 16 days that followed the demolition, Israeli soldiers repeatedly raided the area to detect the residents' movement and to ensure that any attempts to rebuild or reset the structures were obstructed. Another woman resident of Al-Hadidiya clarified:

*They [the Israeli soldiers] showed up every hour or so and would knock down or confiscate anything we had retrieved from underneath the demolished tents.*

Women explained to Al-Haq how all clothing items that they were able to retrieve from under the rubble were soaking wet from the rain and that any attempt to hang them up on clothes lines to dry were immediately disrupted by Israeli soldiers who continued to monitor the area. The soldiers would pull the clothes lines to the ground. Attempts to retrieve any furniture or belongings, including mattresses and bed sheets, were also immediately disrupted. One woman recalled her attempt to lay down plastic sheets to shield the children from the wet ground, when Israeli soldiers raided the area and confiscated the sheets without providing any justification. In relation to the same incident, another woman stated:

*It was raining a lot... the ground was very wet and muddy and all of our clothes were soaking wet for days... we could not even dry them... almost every child got sick after this demolition... and who has to take care of them? We [the women] do... I did not know what to do... between taking care of sick children, trying to keep them warm, and trying to secure food for everyone... it was very difficult.*

## 1.2. Demolitions and the Right to Adequate Food and to Water and Sanitation



Outdoor restroom facility in Al-Hadidiya – Al-Haq© 2017

The inadequate living conditions resulting from demolitions also impact the ability to secure and produce adequate food at the household level, which falls within women's domestic responsibilities in most Bedouin and herding communities in the Jordan Valley. In these communities, women are designated the responsibility to secure food and water, thus carrying the burden of compensating for food shortages, notably following a demolition. This is reflected in the case of Al-Hadidiya, where household-level food production has been obstructed by the recurring demolitions. Women interviewed by Al-Haq referred to one demolition incident that was carried out in June 2013, when they attempted to salvage basic food items prior to the demolition. One woman recalled:

*I tried to grab a bag of flour before they [the Israeli soldiers] demolished the tent... they did not allow me to take it and threatened to demolish the tent while I was in it... when they left, all food bags, including flour, salt, sugar, and yeast were ripped and thrown on the ground... they [the Israeli soldiers] did it on purpose... they knew I wanted to take the flour to be able to bake bread in the outdoor Taboun oven, so they made sure we could not retrieve it after the demolition.*

Additionally, during the last demolition in Al-Hadidiya in 2016, Israeli soldiers

proceeded to destroy the community's only Taboun, a traditional clay cooker used for baking bread. Following the demolition of the tents and the animal sheds, the soldiers stacked large stones and bricks over their Taboun, rendering it unusable. Prohibiting residents from salvaging essentials, such as flour, and the destruction of their Taboun, a basic food resource structure, is indicative of Israel's persistence to create unbearable living conditions designed to push Palestinian residents out of the area. In such circumstances, women reported having to resort to neighbouring communities for bread and other essential food items.

Food security is further jeopardized as a result of the demolition of structures that shelter livestock or structures used for the production of dairy products, often for domestic use. Women, who are primarily responsible for milking the goats and securing dairy production for the household, bear an additional burden when goats and sheep are no longer fed nor sheltered. When demolitions are carried out in severe weather conditions, multiple deaths, especially amongst small animals, either from excessive heat or extreme cold have been reported.



A herder attempts to remove a wounded animal from under a demolished structure in Al-Fasayel – Tony Kane© 2013

Traditionally, women are also responsible for managing domestic water usage, which includes maintaining a hygienic home environment. The conditions created following a demolition make it virtually impossible to maintain a sanitary environment, particularly sanitary needs specific to women and girls. Women interviewed by Al-Haq reported that following the 2016 demolition, Israeli forces obstructed the delivery of water tankers, which constitute the community's only

source of water supply.<sup>18</sup> Women were forced to rely on borrowing small amounts of water from nearby communities to secure their minimum water consumption needs. It was more difficult for women and girls to maintain personal hygiene due to the restricted access to private facilities and the inability to set up any structures that would grant them such privacy.

Women are more vulnerable to poor sanitation in situations of home demolitions, particularly when they are denied the products and privacy needed to properly manage their personal hygiene, including during menstruation. According to one of the women in Al-Hadidiya:

*It was easier for boys and men to wash up with a piece of cloth and water that we [the women] would warm up using fire.*

Yet, changing clothes, retrieved secretly from the location of the demolished structure, was more challenging for women and girls due to the lack of private space:

*My 14-year-old daughter did not change her clothes, including her underwear, for days... I told her I would cover her up with my body while she changed, but she was too shy... she refused.*

When asked about the availability of women's sanitary products, one woman recalled using pieces of sponge retrieved from destroyed mattresses as a replacement for sanitary pads, which were unavailable for days following the demolition. The use of negative menstrual hygiene management practices, due to lack of access to water and sanitary resources, can be particularly unhygienic for women and girls, directly undermining their right to sanitation, which may be detrimental to their health.

## 2. Restrictions on Building, Construction, and Movement: The Case of 'Ein Al-Qilt

Following its occupation of the West Bank in 1967, Israel immediately proceeded to appropriate Palestinian land designated as Area C, namely through the declaration and registration of vast areas as 'State land', most of which is located in the Jordan Valley.<sup>19</sup> Since then, Israel has also used environmental conservation as a pretext for land confiscation, in order to forcibly transfer Palestinians out of the

<sup>18</sup> See Al-Haq, *Settling Area C: The Jordan Valley Exposed*, 2018, on the confiscation of water-related equipment and the displacement and transfer of Al-Hadidiya residents. See also, UN OCHA, Displacement and Insecurity in Area C of the West Bank, 1 August 2011, p. 12, available at: <https://www.ochaopt.org/content/displacement-and-insecurity-area-c-west-bank-august-2011>.

<sup>19</sup> Al-Haq, *Settling Area C: The Jordan Valley Exposed*, 2018, p.20.

area and allow for the development and expansion of unlawful Israeli settlements.<sup>20</sup> Out of the 90 per cent of the Jordan Valley land controlled by Israel, approximately 20 per cent have been allotted to 'nature reserves'. Notably, of those 20 per cent, only 40 per cent have been actually developed for use as national parks.<sup>21</sup> This is evidence of Israel's attempts to 'greenwash'<sup>22</sup> its appropriation of Palestinian lands and its discriminatory planning and zoning policies, on the grounds of conserving and preserving the environment.

For example, 'Ein Fashkha and Wadi Al-Qilt<sup>23</sup> are two areas declared as nature reserves and developed to accommodate visitors in the Jordan Valley and northern Dead Sea region.<sup>24</sup> The development of these reserves and their designation as environmental conservations poses a serious threat to the right to an adequate standard of living for Palestinian residents of these areas. In the past few years, Israel has intensified its measures prohibiting residents of these areas to enter and live there, as well as preserve their traditional lifestyle as herding and Bedouin communities. While such measures result in dire conditions for all members of these communities, they have had a particular toll on the lives of women.

In Wadi Al-Qilt, residents are subjected to a range of discriminatory measures, including a restrictive planning system, which makes it impossible for residents to obtain building permits for the development of structures and infrastructures required to fulfil their basic needs. Residents of Wadi Al-Qilt also face various restrictions on movement, isolating the community and making it inaccessible. These unbearable living conditions are reinforced by food insecurity and a limited access to basic services and resources, including education, clean water, and healthcare services.<sup>25</sup>

<sup>20</sup> UN OCHA, *Settlement expansion around an Israeli-declared "nature reserve"*, 31 October 2014, available at: <https://www.ochaopt.org/content/settlement-expansion-around-israeli-declared-nature-reserve>.

<sup>21</sup> B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, 2011, available at: [https://www.btselem.org/download/201105\\_dispossession\\_and\\_exploitation\\_eng.pdf](https://www.btselem.org/download/201105_dispossession_and_exploitation_eng.pdf).

<sup>22</sup> 'Greenwashing' is a term used to refer to misleading claims of the environmental sustainability of a business, practice, or policy that is, in reality, more environmentally harmful than it appears to be. For more information on greenwashing in the context of Israel's occupation of the OPT, see Who Profits, *Greenwashing the Occupation: The Solar Energy Industry and the Israeli Occupation*, January 2017, available at: [https://whoprofits.org/sites/default/files/greenwashing\\_the\\_occupation\\_web.pdf](https://whoprofits.org/sites/default/files/greenwashing_the_occupation_web.pdf).

<sup>23</sup> Wadi Al-Qilt is located east of Jericho and is designated by Israel as 'Ein Prat Nature Reserve'. 'Ein Fashkha is located in the northern Dead Sea area, and is designated as Einot Tzukim Nature Reserve. Both 'nature reserves' have been classified as Israeli national parks.

<sup>24</sup> B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, 2011, available at: [https://www.btselem.org/download/201105\\_dispossession\\_and\\_exploitation\\_eng.pdf](https://www.btselem.org/download/201105_dispossession_and_exploitation_eng.pdf).

<sup>25</sup> Al-Haq Affidavit Nos. 179/2016; 637/2017; 638/2017; and 947/2017.

## 2.1. Unbearable Living Conditions

In a visit to 'Ein Al-Qilt, a residential cluster located in Wadi Al-Qilt area in the southern Jordan Valley, and home to 53 residents,<sup>26</sup> women revealed the unbearable and degrading conditions that undermine their livelihoods and the well-being of their families on a daily basis. The 'Ein Al-Qilt community is not connected to water, sewage, or electricity networks. The construction of roads leading to the community is entirely prohibited by the IOF. Israeli-imposed restrictions on road construction in Wadi Al-Qilt area make physical access to the 'Ein Al-Qilt community extremely difficult.

The community's isolation is detrimental to the ability of its residents, particularly its women and children, to enjoy their right to an adequate standard of living. On the grounds that the area is declared a nature reserve, residents of 'Ein Al-Qilt are prohibited from building or renovating any structures that would assist them in securing a dignified way of living. Restrictions extend to the building and installation of structures needed to meet immediate basic needs, including kitchens, toilets, showers, and solar panels. This is in addition to their inability to access basic services, including healthcare and education facilities, due to Israeli-imposed restrictions on road constructions to connect the community to nearby locations where these services are available.

Information documented by Al-Haq through open-ended interviews and affidavits revealed that in cases where the building of restroom structures is prohibited, all of the community's members, including women and girls, are forced to shower and fulfil other hygiene and human needs out in the open. This, in turn, constitutes a serious obstacle to meeting basic needs with privacy and in dignity. Restricted access to toilet facilities may further expose women and girls to serious risks of sexual assault and abuse.<sup>27</sup>



'Ein Al-Qilt – Al-Haq© 2017

<sup>26</sup> UN OCHA, *Vulnerability Profile of Palestinian Communities in Area C*, September 2017, available at: <http://data.ochaopt.org/vpp.aspx>.

<sup>27</sup> UN OHCHR, *Women's Rights are Human Rights*, 2014, p. 67, available at: <http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

*There are no restrooms and the residential cluster is not connected to any water or sewage networks... we urinate and defecate out in the open... six years ago, my brother, who lives in the same cluster, attempted to build a restroom out of brick... the restroom was fully built and ready to use... a few months later, members of the Israeli Civil Administration showed up and forced my brother to demolish the restroom himself.<sup>28</sup>*

Maintaining hygienic and sanitary environments is not only restricted by lack of access to private facilities, but also by the difficulty in securing domestic water supply. Since 'Ein Al-Qilt is not connected to a water network, women report having to collect water from a nearby spring located some 500 meters away from the residential cluster. Women are required to either walk or to ride the community-owned donkey to reach the spring. During the winter, and due to the rugged and muddy roads leading to the nearby spring, each water-fetching roundtrip may take up to half an hour. Women further reported that there is serious concern regarding the quality of the spring's water during winters, particularly following floods.<sup>29</sup>

'Ein Al-Qilt cluster is also not connected to any electricity networks. Even though the community has been equipped with solar panels, financed through foreign aid, the community is prohibited from making use of them. During interviews, women told Al-Haq that they are forced to cover the solar panels with sheets to hide them in order to avoid possible confiscation by the IOF. Fatima Muhammad Njoum, 61, a resident of 'Ein Al-Qilt, and her family, including her grandchildren, rely on three solar panel cells to meet their basic power needs. Fatima recalled how members of Israel's Nature and Parks Authority informed her husband that they are prohibited from installing solar panels and threatened to confiscate them the next time they saw them.<sup>30</sup> During the interviews, another woman stated:

*Having access to electricity would make our lives much more tolerable... without power we have to use fire for cooking and we have to hand wash all of our clothes... we also cannot preserve meat and dairy products without a refrigerator... if we want to cook meat or chicken, we have to purchase them the same day and we cannot make use of any leftovers...*

## 2.2. Restrictions on Healthcare

In addition to the burden of women's domestic responsibilities, restrictions on movement have had devastating impacts on their access to healthcare facilities,

<sup>28</sup> Al-Haq Affidavit No. 947/2017.

<sup>29</sup> Interviews conducted by Al-Haq, and Al-Haq Affidavit No. 947/2017.

<sup>30</sup> Al-Haq Affidavit No. 947/2017.

including to adequate maternal healthcare services. The closest medical clinic to 'Ein Al-Qilt is approximately ten kilometres away and is located in 'Aqbat Jaber Camp, a nearby refugee camp in the Jericho Governorate, whereas the closest hospital is located in the city of Jericho, which is approximately three kilometres away from the Camp.<sup>31</sup> Women in 'Ein Al-Qilt interviewed by Al-Haq particularly focused on the difficulties they face when in need of urgent and maternal medical care. With only one vehicle equipping the transportation needs of the entire cluster, access to nearby healthcare facilities (i.e. the clinic or hospital) in the absence of that vehicle is only possible by walking or riding the donkey to 'Aqbat Jaber Camp:

*If I want to go from the cluster to Jericho city, for example, I have to ride the donkey all the way to 'Aqbat Jaber and through the rugged and non-surfaced roads to catch public transportation... which takes almost an hour... we truly suffer, especially during extremely hot and cold weather.*

The interviews conducted by Al-Haq revealed that most women in the community are forced to adopt negative maternal health practices by giving birth at home, without supervision from certified midwives, nurses, or physicians. As one woman stated:

*How can a woman walk or ride a donkey for such a long distance during labour? I gave birth to all my 12 children at home as I could not reach the hospital because there were no vehicles available in the cluster... I gave birth to 12 [children] who survived, while 8 others died...*

### 2.3. Denial of Education

In 'Ein Al-Qilt, Israel prohibits the construction of schools or any other education facility. As a result, children are forced to attend school in 'Aqbat Jaber Camp. The refugee camp is approximately ten kilometres away from the residential cluster. With no access to public transportation, the children are forced to separate from their parents and families to spend the weekdays in 'Aqbat Jaber Camp to attend school and then return to 'Ein Al-Qilt on the weekends. Every week, women in 'Ein Al-Qilt rotate the responsibility of accompanying the children to 'Aqbat Jaber Camp, where each week one of the women remains with the children and provides for them, while they attend school.

As a result of separation from their family for most of the week, community members expressed that girls are more likely to withdraw from school before they reach puberty. Girls between the ages of six and eleven are more likely to express feelings

<sup>31</sup> Al-Haq Affidavit Nos. 179/2016; 637/2017; 638/2017; and 947/2017.

of homesickness and discontent with separation from their home and families. They often express a desire to withdraw from school to avoid separation from the family, particularly from their mothers. Once they approach puberty, and even if they wish to continue attending school away from home, families tend to withdraw girls (and sometimes boys) from schools out of fear for their safety, or in some cases, to comply with the social custom that renders it inappropriate and unsafe for girls to live and sleep outside of their homes and away from their parents.

The disproportionate impact on girls' access to and their right to education is directly linked to Israeli-imposed restrictions on movement, building permits, and Israel's discriminatory planning and zoning regime, which encompasses the construction of education facilities, or rather the lack thereof. This is accompanied by Israel's recurring demolitions targeting schools and other Palestinian-owned structures, especially in Area C of the West Bank, including in the Jordan Valley.

Similar to the situation in 'Ein Al-Qilt, children in Al-Hadidiya also have to walk up to three kilometres every day and cross two checkpoints, Tayasir and Al-Hamra, in order to get to and from the nearest bus stop. The bus stop is located on a side road that leads to the nearby Israeli settlement of Hemdat, and is adjacent to the Israeli bypass road Number 90. The bus picks the children and drops them off at the two nearest primary schools in Toubas and Tammoun cities.<sup>32</sup> In the extreme cold and heat, many children express a strong desire to drop out of school due to the long walks they have to take every day. In interviews conducted by Al-Haq, women stated that the walk to and from the bus stop is not only long and difficult, but also dangerous due to the checkpoints that children have to cross in order to get to school, or due to potential attacks by Israeli settlers residing in illegal settlements nearby.

*When Al-Hamra and Tayasir checkpoints were set up, our lives turned into hell... my children, who attend school, and I had to move from Al-Hadidiya to Tammoun city because it is unsafe for them to take the dangerous and difficult walk to the bus stop everyday... I now live away from my husband and other children, who work as herders and cannot move away from Al-Hadidiya.*<sup>33</sup>

Similar to 'Ein Al-Qilt, girls from Al-Hadidiya are more likely to drop out of school when they reach seventh or eighth grade. One woman explained:

*It is not safe for the girls to walk all this distance every day, especially in the winter when it gets dark early.*

<sup>32</sup> Al-Haq Affidavit Nos. 569/2017; 570/2017; and 571/2017.

<sup>33</sup> Al-Haq Affidavit No. 3537/2007.

Transportation is not the only factor that undermines children's right to education in the Jordan Valley area. In cases of home demolitions, children experience significant distress that causes severe adverse impacts on their ability to perform at school and at home. From the physical destruction of their books and school stationery, to the mental and psychological distress they endure following a demolition, demolitions directly impact children's academic performance and undermine their right to education by denying them safe and habitable environments.

### 3. Exposure to Settler Violence: The Case of Al-Qilt Al-Foqa

In recent years, Al-Haq has monitored and documented information on the increasing wave of systematic acts of violence, harassment, and intimidation by Israeli settlers against Palestinians and their property across the West Bank, including in the Jordan Valley.<sup>34</sup> These acts include physical attacks against farmers, herders, and their livestock; throwing stones at Palestinian cars and individuals passing by; raiding residential areas and lands privately owned by Palestinians, and destroying crops and property; as well as harassment and intimidation of Palestinian children on their way to and from school. These acts carried out by Israeli settlers, often under the protection of the IOF, are noticeably shielded by the IOF to drive Palestinians away from their homes.

The interviews conducted by Al-Haq with women from Al-Qilt Al-Foqa community revealed details that illustrate the particular vulnerability of women and children to settler violence, especially acts of violence that target the homes and residential areas of communities adjacent to Israeli settlements. Al-Qilt Al-Foqa is also located in the southern Jordan Valley but the cluster is more vulnerable to exposure to settler violence caused by its close proximity to the Jerusalem-Jericho Route, used by Israeli settlers of the adjacent settlements of Alon and Mitzpe Yeriho. Women expressed anxiety about living in a constant state of psychological distress from fear of potential settler attacks on the community.

The anticipation of acts of settler violence stems from both experiencing and witnessing incidents of violence that in the past, posed a serious threat to the lives of the women, children, and other family members. A number of women described an incident, where settlers from nearby settlements raided the residential cluster at night-time and set fire to a structure that they used as a kitchen, which caused the explosion of a cooking gas tank. While the attack did not result in physical injuries, it left community members living in constant fear and mental trauma. One woman

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<sup>34</sup> See Al-Haq, *Settler Violence Escalates as Large Settler Mobs attack Palestinian Civilians*, 20 January 2018, available at: <http://www.alhaq.org/documentation/weekly-focuses/1173-settler-violence-escalates-as-large-settler-mobs-attack-palestinian-civilians>.

recalls:

*My three-year-old boy often wakes up many times throughout the night, always terrified and sometimes screaming... I try to comfort him by telling him that it is safe and that nothing will happen to him... there are nights where I don't get any sleep at all because he cannot sleep... I try to comfort him but I would also feel scared... they [the Israeli settlers] could attack us at anytime and no one can stop them.. what will this do to our children?... I am always afraid that something will happen to us... to them...*

Settlers around the community are also reported to engage in various acts of harassment and intimidation, which include delivering death threats to the Al-Qilt Al-Foqa community through speakerphones. Because of their regular presence at home, women and their children are more exposed to witnessing acts of intimidation and harassment. In providing examples of the harassment and intimidation they endure, one woman described an incident where a group of Israeli settlers performed what appeared to be an imitation of a Palestinian's funeral. Women reported that settlers used speakerphones, cursing, and demanding residents to leave the area. Their demeanour was described as sarcastic and intimidating, as they appeared to be mocking Palestinian funeral practices. When asked what they thought this type of act represented, one woman stated:

*They [the Israeli settlers] did it for many reasons... they want to intimidate and provoke us... they want to mock our misery... they want us to not feel comfortable even when in our own homes... they also want to scare us and the children...*

Even communities that do not live within close proximity to Israeli settlers are not immune from exposure to acts of harassment, violence, and intimidation. In 2012, 68-year-old Abd Al-Rahim Bisharat witnessed a group of Israeli settlers committing acts of indecent exposure on a side road near Al-Shallal area, adjacent to the Palestinian Bedouin residential area of Al-'Oja Al-Foqa, in the Jordan Valley:<sup>35</sup>

*...as I passed through Al-Shallal area on my way back to Al-Hadidiya, I saw five Israeli settlers standing at the northern side of the side road that leads to the Israeli bypass road Number 90... they were standing next to a yellow plate car...<sup>36</sup> they appeared to be 30 to 40 years old and they were completely nude ... they did not have any items of clothing covering any parts of their bodies... the intention was to provoke Palestinian residents*

<sup>35</sup> Al-Haq Affidavit No. 7162/2012.

<sup>36</sup> Yellow-licensed plates are used for vehicles registered in Israel.

*of that area... and even passers-by... I should also mention that the side road where they were standing is one that is not regularly used by Israeli settlers, and only leads to adjacent Palestinian communities...*

In such cases, women are perceptibly more vulnerable to such harassment, where the act of intimidation is intended to appear as sexual in nature. Being aware of the social moral standards that dictate Palestinian communities, such acts are clearly intended to create a hostile, degrading, and humiliating environment, particularly for women and girls, and may amount to an act of sexual harassment, thus a form of violence against women.<sup>37</sup>

#### 4. Legal Analysis

By virtue of its military presence and effective control of the West Bank, including East Jerusalem, and the Gaza Strip, Israel has obligations, as Occupying Power, to administer the OPT.<sup>38</sup> In this respect, Israel as the belligerent occupant must “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.”<sup>39</sup> This obligation requires that Israel implements the complementary humanitarian norms protecting women under the Fourth Geneva Convention, while respecting, protecting, and fulfilling the human rights enshrined in international treaties applicable in the OPT. In particular, international humanitarian law recognises women’s vulnerabilities in times of war, and requires Israel, as Occupying Power, to grant women special protection “against any attack on their honour,”<sup>40</sup> and as expectant mothers and mothers of young children.<sup>41</sup> As the primary duty-bearer in the OPT, Israel has a positive duty to ensure the human rights of Palestinian women and girls in the Jordan Valley, particularly in Area C of the West Bank, which remains under its full civil and military control. Under international human rights law, Israel is obliged not only to suspend laws, policies, and measures that directly discriminate against women, but also to take proactive steps to abolish their existence in practice.<sup>42</sup> The case studies presented in this report are evidence of Israel’s persistent violations of the basic rights of Palestinians, generally, and of the impact of these violations on the lives of Palestinian women and girls in particular.

<sup>37</sup> World Health Organization (WHO), Etienne G. Krug, *World Report on Violence and Health*, 2002, p. 149 available at: [http://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap6.pdf](http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf)

<sup>38</sup> Article 42, Hague Regulations.

<sup>39</sup> Article 43, Hague Regulations.

<sup>40</sup> Article 27, Fourth Geneva Convention.

<sup>41</sup> Article 14, Fourth Geneva Convention.

<sup>42</sup> Article 2, CEDAW.

#### 4.1. The Right to an Adequate Standard of Living

Within the context of over fifty years of occupation, Israel has a heightened duty to respect, protect, and fulfil the human rights of the occupied Palestinian people. This includes an obligation to progressively achieve the full realisation of their economic, social, and cultural rights in the OPT.<sup>43</sup> Yet, Israeli measures in the Jordan Valley, including demolitions, building permit denials, and restrictions on access to basic services and facilities, including healthcare, education, electricity, and water and land resources for domestic and livestock use, not only violate the right of Palestinians to an adequate standard of living,<sup>44</sup> but are in fact so designed as to create unliveable conditions, or coercive environments, that will drive Palestinian communities away from the area, in violation of the prohibition on forcible transfer.<sup>45</sup>

As illustrated in the cases outlined above, Palestinians in the Jordan Valley live under the constant threat of demolitions as a result of Israel's discriminatory planning and zoning regime that denies Palestinian communities the right to carry out any form of construction. In 1971, the Israeli military commander issued Military Order No. 418, unlawfully altering the Jordanian Planning Law to transfer the competence for planning and the issuance of building permits to the Israeli Military Commander.<sup>46</sup> This paved the way for Israel's systematic denial of Palestinian planning and building permit applications, leading to the presence of what Israel considers, 'unlicensed constructions'. In turn, 'administrative' demolitions of the said 'unlicensed constructions' are routinely carried out by the IOF. These property demolitions violate numerous provisions of international humanitarian law governing the inviolability of private property.<sup>47</sup> In addition, the demolitions violate the right of Palestinian women and their families to an "adequate standard of living ... including adequate food, clothing and housing."<sup>48</sup> Absent military necessity, the unlawful

<sup>43</sup> Article 2(1), ICESCR. UN CESCR, General Comment No. 3: The Nature of States Parties' Obligations (Article 2, Paragraph 1, of the Covenant), 14 December 1990, UN Doc E/1991/23, para. 10.

<sup>44</sup> Article 11(1), ICESCR.

<sup>45</sup> Forcible transfer is prohibited as a grave breach of the Fourth Geneva Convention. Article 147, Fourth Geneva Convention. Articles 7(1)(d) and 8(2)(a)(vii) of the *Rome Statute of the International Criminal Court* (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, hereinafter 'Rome Statute'. The State of Palestine acceded to the Rome Statute on 2 January 2015 and accepted the jurisdiction of the International Criminal Court (ICC) over alleged crimes committed in the OPT, including East Jerusalem, since 13 June 2014.

<sup>46</sup> See, Diakonia, *Planning to Fail, The Planning Regime in Area C of the West Bank: An International Law Perspective*, September 2013, p. 12, available at: <https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/planning-to-fail.pdf>.

<sup>47</sup> Articles 23, 46, and 52, Hague Regulations. Article 53, Fourth Geneva Convention.

<sup>48</sup> Article 11(1), ICESCR. Article 25, *Universal Declaration of Human Rights*, adopted by the UN General Assembly in Resolution 217 A(III) of 10 December 1948, UN Doc A/RES/217 A(III),

destruction of such properties is prohibited as a grave breach of the Fourth Geneva Convention and a war crime punishable by the International Criminal Court (ICC).<sup>49</sup>

Demolitions disproportionately affect the rights of Palestinian women and girls, as they amount to an unlawful interference with their privacy, family, and home,<sup>50</sup> they undermine their right to family life,<sup>51</sup> and cause them severe psychological distress that negatively impacts their mental health.<sup>52</sup> In instances such as those described in Al-Hadidiya, demolitions may even constitute a form of prohibited ill-treatment,<sup>53</sup> when they are carried out during severe weather conditions, without prior warning, or when residents are prohibited from salvaging basic belongings, including food. Rendering structures such as the Taboun in Al-Hadidiya unusable is a direct violation of the residents' right to adequate food,<sup>54</sup> whereas obstructing the delivery of water tankers to the community in the aftermath of the demolitions meant residents were denied access to adequate water and sanitation, and the ability to maintain personal hygiene, which disproportionately affects women and girls.

As demonstrated in the abovementioned cases, Israel engages in measures and practices that contribute to the creation of coercive environments for Palestinian communities in the Jordan Valley, restricting the ability of women and girls to enjoy necessary subsistence rights. Discrimination against women encompasses measures taken by the Occupying Power that deprive women of the right to enjoy fundamental rights and freedoms, including those that concomitantly disadvantage women.<sup>55</sup> As such, Israel further fails to meet its obligations under CEDAW, which requires States Parties to eliminate discrimination against women, notably in rural areas, in the enjoyment of "adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."<sup>56</sup>

## 4.2. The Right to Health, including Sexual and Reproductive Health

The cases presented in this report illustrate examples in which Israel is in breach of its obligation to ensure the availability and accessibility of good quality healthcare to meet the needs of the occupied Palestinian population, including women and children, in the Jordan Valley. Under the ICESCR, Israel must realise Palestinian

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hereinafter 'Universal Declaration of Human Rights'.

<sup>49</sup> Article 147, Fourth Geneva Convention. Article 8(2)(a)(iv), Rome Statute.

<sup>50</sup> Article 17(1), ICCPR.

<sup>51</sup> Article 23(1), ICCPR.

<sup>52</sup> Article 12(1), ICESCR.

<sup>53</sup> Article 7, ICCPR. Article 16(1), CAT.

<sup>54</sup> Article 11(1), ICESCR.

<sup>55</sup> Article 1, CEDAW.

<sup>56</sup> Article 14(2)(h), CEDAW.

women's health through the "removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health."<sup>57</sup> CEDAW further requires Israel to ensure to women "appropriate services in connection with pregnancy, confinement and the post-natal period ... as well as adequate nutrition during pregnancy and lactation."<sup>58</sup>

Yet, the right of Palestinian women to the enjoyment of the highest attainable standard of physical and mental health,<sup>59</sup> including to sexual and reproductive freedom,<sup>60</sup> is severely undermined by Israeli practices in the Jordan Valley, including demolitions, denials of road constructions, and restrictions on access to healthcare services and facilities.<sup>61</sup> Israel's annexationist policies further deny Palestinians, including women and children, the right to enjoy the underlying determinants of health, such as "food and nutrition, housing, access to safe and potable water and adequate sanitation,"<sup>62</sup> which are affected by gender differences.<sup>63</sup> As such, the realisation of Palestinian women's health, including sexual and reproductive health, is intrinsically linked to their ability to enjoy a broad range of rights, including the right to an adequate standard of living for themselves and their families.

As in the case of 'Ein Al-Qilt, the denial of Palestinian women's access to safe childbirth in the Jordan Valley, through Israeli-imposed movement restrictions, violates Israel's obligations, as Occupying Power, to afford expectant mothers "particular protection and respect."<sup>64</sup> By denying or restricting access to healthcare services during pregnancy and childbirth, Israel increases the risk of preventable deaths amongst Palestinian mothers, running afoul of its obligations to respect maternal healthcare, and to ensure the right to life<sup>65</sup> and freedom from ill-treatment in the OPT.<sup>66</sup> Finally, the mental health of Palestinian women and girls is severely undermined by the constant threat of demolitions, by IOF assaults on their homes, families, and property, and by the threat of violence and harassment by Israeli settlers – in short,

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<sup>57</sup> UN CESCR, General Comment No 14, The Right to the Highest Attainable Standard of Health (Article 12 of the Covenant), 11 August 2000, UN Doc E/C.12/2000/4, para. 21.

<sup>58</sup> Article 12(2), CEDAW.

<sup>59</sup> Article 12(1), ICESCR.

<sup>60</sup> UN CESCR, General Comment No 14, The Right to the Highest Attainable Standard of Health (Article 12 of the Covenant), 11 August 2000, UN Doc E/C.12/2000/4, para. 8.

<sup>61</sup> UN CESCR, General Comment No 14, The Right to the Highest Attainable Standard of Health (Article 12 of the Covenant), 11 August 2000, UN Doc E/C.12/2000/4, para. 12(b).

<sup>62</sup> UN CESCR, General Comment No 14, The Right to the Highest Attainable Standard of Health (Article 12 of the Covenant), 11 August 2000, UN Doc E/C.12/2000/4, para. 4.

<sup>63</sup> UN CESCR, General Comment No 14, The Right to the Highest Attainable Standard of Health (Article 12 of the Covenant), 11 August 2000, UN Doc E/C.12/2000/4, para. 10.

<sup>64</sup> Article 16, Fourth Geneva Convention.

<sup>65</sup> Article 6, ICCPR.

<sup>66</sup> Article 7, ICCPR. Article 16, CAT.

by the gendered dimensions of Israeli-imposed coercive environments in the Jordan Valley.

### 4.3. The Right to Education

In accordance with customary international humanitarian law, Palestinian children, including girls, are granted special protection in situations of armed conflict.<sup>67</sup> Under the CRC, Israel must further “take all feasible measures to ensure protection and care of children” affected by conflict.<sup>68</sup> As a vulnerable group and as part of the protected Palestinian population,<sup>69</sup> Israel may not subject Palestinian children to physical or psychological torture or ill-treatment.<sup>70</sup> Meanwhile, their right to education has been reaffirmed in a range of international human rights instruments,<sup>71</sup> including the ICESCR,<sup>72</sup> the CRC,<sup>73</sup> and CEDAW.<sup>74</sup> However, and as depicted throughout this report, Israel’s control, targeting, and imposed restrictions on the Jordan Valley have had a detrimental impact on children’s access, including that of girls, to education and their performance in school.

As Occupying Power, Israel is bound by provisions of international humanitarian law to protect educational institutions and to ensure that Palestinian children are afforded an education and allowed to attend schools in the OPT.<sup>75</sup> Instead, Israel continues to restrict construction and the natural growth of Palestinian communities in the Jordan Valley, including by prohibiting the construction of and demolishing schools in Area C, thereby violating its obligation to ensure the education of Palestinian children.

Moreover, restrictions on the freedom of movement for the residents of the Jordan Valley area, as evidenced in this report, further deny Palestinian children, including girls, the right to access schools and educational facilities, with direct negative effects on educational establishments.<sup>76</sup> Settler violence, to which children may be subjected on their way to school, along with the psychological impact of demolitions, prevent and hinder children from attending school and negatively

<sup>67</sup> ICRC, Customary International Humanitarian Law Database, Rule 135. Children, available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule135](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule135).

<sup>68</sup> Article 38(4), CRC.

<sup>69</sup> Article 27, Fourth Geneva Convention.

<sup>70</sup> Articles 37 to 39, CRC.

<sup>71</sup> Article 26, Universal Declaration of Human Rights.

<sup>72</sup> Article 13, ICESCR.

<sup>73</sup> See, for example, Articles 19, 24, 28, and 29, CRC.

<sup>74</sup> Article 10, CEDAW.

<sup>75</sup> Article 50, Fourth Geneva Convention.

<sup>76</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 134.

impact their performance therein.<sup>77</sup> In turn, increased drop-out rates amongst children, particularly girls, from schools in these communities have been reported, as seen in the cases of ‘Ein Al-Qilt and Al-Hadidiya. Significantly, CEDAW requires Israel to eliminate discrimination against girls in education, including in the OPT,<sup>78</sup> through “[t]he reduction of female student drop-out rates”.<sup>79</sup>

Where children are forced to travel away from their parents for days at a time in order to attend school, as is the case of children in ‘Ein Al-Qilt who attend school in ‘Aqbat Jaber Camp some ten kilometres away, parents are prevented from being able to provide appropriate guidance and support for their children.<sup>80</sup> Critically, children enjoy a special status as minors,<sup>81</sup> and State parties to the CRC “should use their best efforts” to recognise the responsibility of parents in bringing up their children.<sup>82</sup> In instances where Jordan Valley communities are prohibited from providing for their own basic needs and for the care of their children, the core principle of the best interests of the child is clearly disregarded by Israel.<sup>83</sup>

#### 4.4. Violence Against Women and Girls

In resolution 1325 (2000) on women, peace and security, the United Nations (UN) Security Council called “on all parties to armed conflict to take special measures to protect women and girls from gender-based violence ... and all other forms of violence in situations of armed conflict.”<sup>84</sup> General Recommendation No. 30 of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) further recognises violence against women and girls as a form of discrimination prohibited by CEDAW and a violation of human rights.<sup>85</sup>

States have a due diligence obligation to “prevent, investigate, punish and ensure redress” for acts of violence perpetrated by private individuals or entities.<sup>86</sup> Yet, in

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<sup>77</sup> UN CEDAW Committee, Concluding observations on the sixth periodic report of Israel, 17 November 2017, UN Doc CEDAW/C/ISR/CO/6, Advance Unedited Version, para. 30(a).

<sup>78</sup> UN CEDAW Committee, Concluding observations on the sixth periodic report of Israel, 17 November 2017, UN Doc CEDAW/C/ISR/CO/6, Advance Unedited Version, paras. 14-15.

<sup>79</sup> Article 10(f), CEDAW.

<sup>80</sup> Article 18(2), CRC.

<sup>81</sup> Article 24, ICCPR.

<sup>82</sup> Article 10, ICESCR. Article 18, CRC.

<sup>83</sup> Article 3(1), CRC.

<sup>84</sup> UN Security Council, Resolution 1325 (2000), UN Doc S/RES/1325 (2000), 31 October 2000, para. 10.

<sup>85</sup> UN CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, UN Doc CEDAW/C/GC/30, 18 October 2013, para. 34.

<sup>86</sup> UN CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, UN Doc CEDAW/C/GC/30, 18 October 2013, para. 15.

the case of Israel, violence against Palestinian women and their families by Israeli settlers in the OPT is largely condoned by the State. As illustrated in the case of Al-Qilt Al-Foqa, settler violence causes Palestinian women severe distress and is compounded by a lack of protection for their children in light of the climate of impunity enjoyed by settlers in the Jordan Valley, and the OPT at large. In the absence of accountability for acts of violence committed against Palestinian women and girls in the Jordan Valley, and elsewhere in the OPT, Israel is in breach of the framework set forth by UN Security Council resolution 1325.<sup>87</sup>

As noted by the UN Special Rapporteur on violence against women, its causes and consequences, following her 2016 visit to the OPT, the “lack of effective accountability and protection ... from violence perpetrated by Israeli settlers” remains the norm.<sup>88</sup> Furthermore, assaults, intimidations, and harassment are also suffered at the hands of the IOF during demolition operations in the Jordan Valley. In Al-Hadidiya, during the November 2015 demolitions, Israeli soldiers violently pushed a Palestinian mother to the ground, including her six months’ pregnant daughter, causing her daughter to bleed and wait for close to an hour before an ambulance was able to reach her. This form of State-sponsored violence against Palestinian women and their families, whether directly carried out by the IOF or by Israeli settlers with IOF support, amounts to a form of cruel, inhuman, and degrading treatment.<sup>89</sup>

In its November 2017 concluding observations on Israel’s sixth periodic report, the CEDAW Committee “expresse[d] concern that Palestinian women and girls continue to be subjected to excessive use of force and abuse by the State party’s security forces and by Israeli settlers, including physical, psychological, verbal abuse and sexual harassment as well as violations of their right to life.”<sup>90</sup> The use of violence against women, and harassment and intimidation of entire Palestinian communities in the Jordan Valley, has a disproportionate impact on women and girls. The underlying intent is the creation of coercive environments designed to drive Palestinians away from the area. Accordingly, the cultivation of such coercive environments may amount to a crime against humanity of forcible transfer of populations<sup>91</sup> as evident from the widespread and systematic nature of the attack on the civilian population,

<sup>87</sup> UN Security Council, Resolution 1325 (2000), UN Doc S/RES/1325 (2000), 31 October 2000, para. 11.

<sup>88</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine, 8 June 2017, UN Doc A/HRC/35/30/Add.2, para. 22.

<sup>89</sup> Article 7, ICCPR. Article 16, CAT.

<sup>90</sup> UN CEDAW Committee, Concluding observations on the sixth periodic report of Israel, 17 November 2017, UN Doc CEDAW/C/ISR/CO/6, Advance Unedited Version, para. 30.

<sup>91</sup> Article 7(1)(d), Rome Statute.

and also the war crime of forcible transfer under the Rome Statute of the ICC.<sup>92</sup> The creation of coercive environments is particularly egregious when examined in light of Israel's long-term displacement of the Palestinian people since the beginning of its fifty-year occupation of the OPT, and more broadly since the Nakba in 1948.

## Conclusion and Recommendations

Coercive environments created by Israel to drive the unlawful transfer of Palestinians in the OPT are prohibited under international law. While the existence of coercive environments has been analysed in the Palestinian context,<sup>93</sup> their particular gendered dimensions have not been adequately addressed. The cases outlined in this side report demonstrate the disproportionate impact of Israeli measures that are designed to create unliveable conditions for Palestinian women and their families in the Jordan Valley. Women and girls are more affected by the constant threat of demolitions, not only as a result of stress and fear associated with the loss of their home and safety, but also because it deprives them of their right to dignity and privacy, to personal hygiene, and to sanitary living conditions. Demolitions further deprive them of basic foodstuffs and access to water, for which women have to compensate, whereas Israeli restrictions, such as rendering a Taboun unusable or destroying it altogether,<sup>94</sup> even deny women the ability to provide basic food for themselves and their families. Meanwhile, the inability to access basic services, including healthcare for expectant mothers during childbirth, puts the lives of women and their infants at serious risk. At the same time, the inability to safely access schools in the Jordan Valley, and the need in some instances, to spend most of the week away from home to attend school, results in higher drop-out rates amongst girls. Finally, the exposure to violence, harassment, and intimidation at the hands of the IOF and Israeli settlers further aggravates Palestinian women and girls' vulnerabilities in the Jordan Valley, violating their right to the highest attainable standard of physical and mental health and amounting to a form of ill-treatment.

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<sup>92</sup> Article 8(2)(a)(vii), Rome Statute.

<sup>93</sup> See, for example, UN Human Rights Council, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, Report of the Secretary-General, 16 March 2017, UN Doc A/HRC/34/39. See also, BADIL, *Coercive environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory*, February 2017, available at: <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>.

<sup>94</sup> The destruction of a Taboun oven has been documented by Al-Haq in the south Hebron hills. See Ray Murphy, *Plight of Palestinian Bedouin depicts impact of illegal Israeli occupation and practices in Palestinian Territory*, Al-Haq 2014, available at: <http://www.alhaq.org/publications/publications-index/item/plight-of-palestinian-bedouin-depicts-impact-of-illegal-israeli-occupation-and-practices-in-palestinian-territory>.

In light of the above, Israel, as Occupying Power, must fulfil its obligations towards the occupied Palestinian population under international human rights and humanitarian law applicable in the OPT. Israel must further comply with recommendations issued by the CEDAW Committee in November 2017, including in relation to discriminatory planning and zoning policies in Area C, and to forced evictions and demolitions impacting the physical and psychological well-being of Palestinian women and girls.<sup>95</sup> As recommended in Al-Haq's submission to the CEDAW Committee ahead of Israel's sixth periodic review,<sup>96</sup> Israel must:

- Fulfil its obligations towards Palestinian women and girls in the OPT under CEDAW, and ensure their protection against IOF attacks and settler violence;
- Suspend its discriminatory planning and zoning regime in Area C, including in the Jordan Valley area, which has resulted in restrictions on building and the demolition of homes and basic structures, which prevents rural women and girls from enjoying their rights to an adequate standard of living, to education, and to the highest attainable standard of physical and mental health;
- Revoke and end all policies and practices that contribute to the creation of coercive environments for the occupied Palestinian population, particularly those targeting communities in the Jordan Valley area and placing Palestinian women, girls, and their families at high risk of unlawful forcible transfer;
- Ensure accountability for violations of international law, including international crimes, committed in the OPT, end its five-decade occupation, and grant the Palestinian people their right to self-determination and permanent sovereignty over natural resources.

Taken together, Israel's widespread and systematic violations of human rights across the Jordan Valley have created coercive environments intended to displace and forcibly transfer Palestinian communities therein, which amounts to an international crime and gives rise to individual criminal responsibility. Accordingly, Al-Haq calls upon the ICC to open an investigation into the situation in Palestine and to ensure that perpetrators are held accountable for international crimes committed in the OPT.

<sup>95</sup> UN CEDAW Committee, Concluding observations on the sixth periodic report of Israel, 17 November 2017, UN Doc CEDAW/C/ISR/CO/6, Advance Unedited Version, paras. 32(b), 33(a), 33(b), and 33(c).

<sup>96</sup> Al-Haq, Submission to the CEDAW Committee regarding Israel's Sixth Periodic Report, October 2017, available at: <http://www.alhaq.org/advocacy/targets/united-nations/1146-al-haq-submits-to-the-cedaw-committee-regarding-israels-sixth-periodic-report>

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AL - HAQ

**Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the United Nations Economic and Social Council.**

**Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. The organisation conducts research; prepares reports, studies and interventions on breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. The organisation has a specialised international law library for the use of its staff and the local community.**

**Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), The Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO).**



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