

I. Summary

A significant number of women and girls in the Occupied Palestinian Territories (OPT) are victims of violence perpetrated by family members and intimate partners. While there is increasing recognition of the problem and some Palestinian Authority (PA) officials have indicated their support for a more forceful response, little action has been taken to seriously address these abuses. Indeed, there is some evidence the level of violence is getting worse while the remedies available to victims are being further eroded.

Defenders of the status quo on this issue typically justify the PA's failure to take more decisive action by highlighting the many critical political, economic, and security matters facing the PA, a situation only exacerbated by events following the electoral victory of Hamas in January 2006. While it is true that Israeli actions since the outbreak of the current *intifada* in September 2000—including attacks on PA institutions and security services, and Israel's current refusal to remit tax revenues, among others—have significantly weakened PA capabilities, this is no excuse for inaction. There is much that PA officials could be but are not doing to end violence against women inside the family. This report offers concrete suggestions for change, some of which are highlighted in the key recommendations listed at the end of this section.

There is little comprehensive data on violence against women and girls in the OPT, but the basic contours of the problem are clear. Various studies and statistics gathered by the Palestinian Central Bureau of Statistics (PCBS) and Palestinian women's groups record high levels of violence perpetrated by family members and intimate partners, aggravated during times of political violence. Information obtained from social workers, academics, and police officials on the prevalence of domestic violence, incest, and actual or threatened "honor" crimes, also indicate that reported rates do not reflect the full extent of such violence. In preparing this report, Human Rights Watch spoke to dozens of women victims of violence in the OPT and their accounts confirm the seriousness and scope of the problem, on issues ranging from spousal and child abuse to rape, incest, and "honor" crimes.

Because it is already well established that violence against women and girls inside the family is a serious problem in the OPT, a primary objective of our research was to assess why this state of affairs is allowed to persist and examine the reasons for the PA's continuing failure to respond effectively to such violence. To that end, researchers also spoke to dozens of Palestinian government officials—including police officers, prison officials, civil and family court judges, public prosecutors, municipal governors, representatives of the ministries of health, justice and social affairs, and the former head of a Palestinian forensic institute—and nearly fifty lawyers, social workers, doctors, women's rights activists and non-governmental organization (NGO) staff, and UN agency personnel.

Based on these interviews and the other research described below, we found that two primary obstacles stand in the way of enhanced protection against domestic violence for Palestinian women and girls: discriminatory laws that condone and perpetuate such violence and the virtual absence of institutionalized policies to prevent violence, assist victims, and hold perpetrators accountable.

Jordanian and Egyptian criminal laws in force in the West Bank and Gaza, respectively, do not effectively prohibit or appropriately punish violence against women and girls. These laws include provisions that provide a reduction in penalty to men who kill or attack female relatives committing adultery; relieve rapists who agree to marry their victims from any criminal prosecution; and allow only male relatives to file incest charges on behalf of minors. Government and nongovernmental efforts aimed at overturning these inherited laws and developing unified Palestinian family and penal codes have been hindered by lawmakers' divisions over critical reforms and the slow pace of passing new legislation during the six years of *intifada*. The result is virtual impunity for perpetrators of domestic violence and continued obstacles in the way of victims who might otherwise report abuse.

Palestinian police officers lack specialized expertise to handle family violence complaints with the level of sensitivity and professionalism required of law enforcement personnel and often turn to informal measures rather than serious investigations and remedies. Human Rights Watch interviewed Palestinian police

officers, including chiefs of police, who downplayed the severity of violence against women in the OPT and questioned the need for their involvement in the dissemination of potentially life-saving information to victims. As one police officer put it, “It’s hard for us to advertise. We will look like we’re encouraging women to go to the police. It is the role of the Ministry of Social Affairs and the women’s organizations to say that violence against women is a crime.” Several Palestinian police officers also exhibited biased attitudes towards female victims of violence, did not believe victims who reported abuse, and were inclined to view sexual violence within the family as largely consensual.

The Ministry of Health has no medical procedures or protocols to guide medical professionals or ministry staff in their treatment of domestic violence cases. As a result, doctors lack specialized training and guidance on how to treat victims of violence, preserve evidence of the abuse, and maintain confidentiality. Palestinian social workers reported a number of cases of doctors disclosing without consent confidential patient information, putting the lives of victims of violence further at risk.

The protective mechanisms established or overseen by the PA to shelter victims of violence are also insufficient and often inaccessible. At the time of Human Rights Watch’s visit to the OPT, there were only two shelters for victims of violence in the OPT, one for adults and the other for girls. Local women’s NGOs criticized the adult shelter for lengthy and restrictive entry procedures imposed by the Ministry of Social Affairs that sometimes stand in the way of victims seeking urgent protection. However, plans were in place to open three additional shelters: one for girls, one emergency short-term facility, and one for women with children. At this writing, women’s NGOs told us that the emergency shelter was up and running, the family shelter was nearing completion and the girls’ shelter was ready but lacked governmental funding. In Gaza, there are no shelters for victims of violence, resulting in a serious vacuum in protection. However, local women’s rights activists were concerned that a shelter in Gaza would be hard to keep secret and thus secure.

Palestinian women and girls who report abuse to the authorities find themselves confronting a system that prioritizes the reputations of their families in the community over their own well-being and lives. Accordingly, police officers and clan

leaders regularly “mediate” and “resolve” these cases, typically by returning the abused women to the “care and protection” of her attacker, without ever referring the case to the courts or the woman to social or other services she might need. Essentially, victims of physical and sexual violence pay the price for the abuse they suffer, while the perpetrators usually get off scot-free. Few cases of sexual violence are ever prosecuted in the West Bank and Gaza. According to the PCBS, in 2004 the PA courts reportedly convicted only one person of rape in Gaza and convicted no one in the West Bank. These numbers are not consistent with reported levels of rape in the OPT.

Human Rights Watch acknowledges the severe constraints that the Israeli occupation imposes upon the PA. Israeli army attacks, checkpoints, and closures have wreaked tremendous physical and functional damage on the criminal justice system during the second *intifada*. As a result, the PA has a limited sphere in which it is able effectively to exercise governmental authority. Since the swearing in of a Hamas-led government in March 2006, Israel has severed all diplomatic ties with the PA, suspended the handover of tax revenues on which the PA monthly budget depends, repeatedly closed border crossings between Gaza and Israel, and detained a number of PA ministers, legislators, and other Hamas government officials. Many international donors have also cut all direct funding to the PA and the U.S. has severed all diplomatic contact with Hamas-affiliated officials.

Notwithstanding these limitations, the PA holds ultimate responsibility for protecting victims and holding perpetrators accountable. Human Rights Watch’s research in the OPT confirmed that the PA has failed to undertake many practical and achievable initiatives such as adequately surveying the rate of violence against women, setting up government-run hotlines and additional shelters, providing basic guidelines to police and service providers on how to handle gender-based violence complaints they receive, and initiating public education efforts aimed at reducing violence against women. Many Palestinian officials, holding office both before and after the January 2006 elections, appear to view security only within the context of the occupation, all but ignoring the very real security issues faced by women in their homes. In doing so, the PA is failing to act diligently to prevent, investigate, and punish violence against women, putting women’s health and lives in jeopardy.

Ultimately, the PA is denying victims their rights under international human rights law to non-discrimination and an effective judicial remedy for abuse.

The manner in which the PA addresses violence against women and girls affects the very fabric of Palestinian society and significantly impairs respect for, and belief in, law enforcement. It is crucial that the PA consider violence against women and girls a priority issue within its security agenda and actively implement remedies to women's rights abuses now, as an integral part of this response *during* this state-building period. There is an urgent need for not only legal reform but also for policies at all levels of government and throughout the criminal justice system that will address violence against women and girls.

Key Recommendations

Human Rights Watch urges the PA to commit, as a matter of urgent priority, to preventing violence against women and girls and pursuing these crimes through effective investigations and prosecutions. The PA should enact laws criminalizing all forms of family violence and repeal legal provisions that in intent or effect perpetuate or condone violence against women and girls.

The PA should also train all government employees (including police officers, doctors, governors, and forensic experts) who come into contact with victims of physical and sexual violence on how to deal with such cases appropriately and establish clear and explicit guidelines of intervention in line with international standards. Many of these training materials have already been developed and pioneered by Palestinian NGOs and should be considered by the governmental and supported with any available funding.

There is also a need for long-term work on transforming attitudes and beliefs about the acceptability of violence against women and girls, whether stemming from tribal customs or interpretations of religious norms, or other sources. These efforts are best led by local advocates for women's rights who live and work in the community, but deserve public support and promotion by the PA and international support.

Note on Methodology

This report is based on more than one hundred interviews conducted in Jerusalem, Ramallah, Bethlehem, Nablus, Hebron, Tulkarem, Jericho, and Gaza in November and December 2005; follow up communications with many of the same individuals by telephone and email as well as a handful of new interviews in June and July 2006; and examination of relevant laws, academic literature, policy analyses, surveys, and other published materials. All of the names of the women and girls whose cases are discussed have been changed to protect their privacy and ensure their safety. Other identifying information has been withheld in some cases for the same reason.