

## **Palestinian Women and Inheritance**

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Women's Centre for Legal Aid and Counselling (WCLAC)

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### Foreword

The Women's Centre for Legal Aid and Counselling (WCLAC) is guided by a permanent affirmation of the principles and standards of human justice for all members of the society. Human justice is maintained by an integrated human rights approach, respect for the privacy of each person, and promotion of common social roles, ensuring public interest of the society as a whole and greater appreciation of citizens without discrimination. In that spirit, WCLAC firmly believes that economic empowerment is part and parcel of legal and social empowerment of women. It is a springboard for the development process in Palestine, primary justice, and equitable access to rights. With support from DanChurchAid, and in partnership with local institutions (Young Women's Christian Association and Women's Affairs Centre of Gaza), WCLAC has launched the Inheritance Project with a view to help women access their rights to inheritance. Under a variety of social and economic pretexts, women are deprived of their inheritance rights due to a patriarchal dominance and a longstanding social culture that consolidates the dominant social position of men.

WCLAC has felt obliged to initiate an in-depth examination and investigation of all particularities, which cause loss of women's right of inheritance. This research paper is a preliminary product that can be built on and elaborated in the future. Highlighting relevant challenges, the paper explores the extent to which women can access to their hereditary rights. Case studies unveil causes that prompt women to claim their rights or impede women's enjoyment of these rights.

The research paper comes up with interesting conclusions, which leave us - all human rights and women's organisations - with the responsibility for improving the current procedural, legal, and social setting and achieving an equitable access to rights enshrined by laws in force in Palestine. These conclusions present us with a challenge to develop intellectual approach to claiming to accessing justice and economic equality, including greater empowerment of Palestinian women. Our existence will also be integrated with a promotion of justice and equality values.

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## Executive Summary

In partnership with the Young Women's Christian Association and Women's Affairs Centre, WCLAC has launched the Inheritance Project II. Funded by the European Union, the Project has been implemented in cooperation with DanChurchAid.

The Inheritance Project II is tailored to promote Palestinian women's socioeconomic rights. To facilitate access to the rights of inheritance, the Project seeks to develop regulations and processes that contribute to enhancing women's access to all forms of justice. To this avail, a committee was established, comprising representatives of relevant government bodies and civil society organisations. Believing in the principle of partnership and complementary action, a coalition of civil society actors and government agencies is being created to advocate women's right of inheritance.

In the context of the project activities, WCLAC has compiled this research paper on women's access to inheritance rights and social and legal challenges to access these rights.

## Conclusions

- Palestinian legislation recognises women's unrestricted right to ownership. A woman does not have to obtain her husband's or guardian's approval to acquire her property. Palestinian regulations on inheritance are grounded in Islamic Law. Accordingly, heirs and heirs' shares are identified. The Palestinian law also allows shares of inheritance to be sold among heirs and waived from one heir to another in consideration of a certain financial reimbursement or price to be agreed between them. This is commonly known as *Takbaruj* - a compromise among the inheritors for a sum of money.
- Women encounter social challenges resulting from the prevalent patriarchal culture in the Palestinian society. A common view of shame and abashment prevents women from claiming their right of inheritance, forcing them to abandon their inheritance shares in most instances. Women fear that their families will break off relations with or physically assault them. Women also face legal challenges. Explicit legal provisions are lacking so as to incriminate fraudulent practices or intimidation used to disinherit women. Legal deterrence is absent by a lack of severe penalties against men who deprive women of inheritance. Relevant legal provisions do not ensure women's access to their right of inheritance by force of the law. Finally, women are challenged by judicial and procedural challenges, including lengthy court procedures in inheritance cases. Complicated legal procedures take a long time to list the deceased's estate and distribute inherited properties, shares and land between

heirs. Also, women cannot afford high court fees, forcing many to abandon their right of inheritance and avoid this unduly complex and thorny process.

- Owing to the love of their brothers, bashfulness, and a culture of shame in which they have been brought up, the majority of women claim their right of inheritance more than ten years after the estate holder's death. After this period, women demand their right of inheritance due to family alienation, a growing recognition and intolerance of injustice, use of deception by brothers, denial of women's rights, and attempts to assail them so that they abandon their right of inheritance. The fact that women claim their right is an inevitable consequence of the loss of fraternal protection and support they have used to anticipate. The value of the estate is much higher years after death of the estate holder. A woman may lack a supporter in light of deteriorating economic conditions. This is particularly the case when a woman's economic status is worse than her family's.
- Most applicants for certification of succession are males who tend to take the initiative to apply for a certificate of succession more so than women. In the Palestinian patriarchal society, mainly men apply for and pursue certificates of succession at relevant courts and official departments. Men consider themselves as the direct beneficiaries of inheritance. Sometimes, heirs manage to exclude others from certificates of succession. Lengthy, complicated legal procedures and exorbitant court fees, which women cannot afford, pose further restrictions, obstructing women's access to courts. In addition, some women are unaware of their family or legal rights. They are further constrained by the common social culture of shame.
- Thanks to the Circular on *Takharuj*, *Takharuj* transactions registered a remarkable decrease over 2012 and 2013. Female heirs, for the benefit of male heirs, file the majority of *Takharuj* applications at Palestinian courts. However, most women, who waived their right of inheritance, do not know what *Takharuj* means, nor do they realise its consequences. In the majority of cases, *Takharuj* was requested by brother(s). Most women, who consented to *Takharuj*, regretted it because they had compromised their shares of inheritance. They would have preferred to have received their portions in line with their legally prescribed shares.
- Motives to claim the right of inheritance have varied. Providing that inheritance is a legal, executory right, the legal motive is the most significant that urges women to claim their rights. Women's declining economic situation also drives them to claim their right of inheritance, particularly in cases where their families' economic status is prosperous.
- Most commonly, women request assistance from informal justice providers, elder brothers, and legal organisations to access their right of inheritance. However, the

majority of women have not received necessary support from the bodies they resorted to. Some informal justice providers have even challenged these women, believing they do not have the right to claim their inheritance rights. Strangely, some of these figures are considered as “religious scholars” by the society.

- A few women claimed their inheritance rights thanks to institutions that launched public campaigns, raising women’s awareness of their rights. However, a decreasing number of women have sought assistance from legal organisations as women are not aware of these organisations, functions, or how to access them. Women do not trust any agency or are not aware of any agency that they can access. Women are afraid of accessing legal organisations and lack the determination to do so . Women fear the society, customs and traditions and believe that access to relevant institutions is costly.
- Husbands and sons exercise little pressure on women to claim their right to inheritance. On the other hand, they show more support to women when they claim their inheritance rights.
- Some women feel that their and their children’s lives are in danger and/or under threat if they claim their right of inheritance. Women who do claim their rights fear and expect violence. . Violence may also affect these women’s children.
- Social motives are the most significant factors that oblige women to consent to *Takbarij* and abandon their right of inheritance. Prior to the estate holder’s death, an excellent relationship with the family provides a solid motive that urges women to waive their inheritance rights with a view to maintain this good relationship. Women would receive a portion of the price of their shares of inheritance. Compared to the deteriorating economic situation of their families, women’s economic status is sometimes so well that they do not need their legally prescribed inheritance shares. In this context, the majority of women who relinquished their shares of inheritance had not been aware of the real value of the estate or the value of their shares.
- Families showed various reactions to women’s claim of the right of inheritance. Predominantly, the majority of families denied this right. Others either postponed or delayed distribution of inheritance shares. Some families proposed a settlement at a lesser amount. A father/mother and brothers were infuriated and refused women’s claims of their right of inheritance. On the other hand, a few mothers supported their daughters who did claim their hereditary right due to the patriarchal culture that gives priority to males in inheritance. Male children are considered to be in charge of their mothers when they get old. Daughters, together with their husbands and children, are seen as strangers. It is also commonly believed that the claim of inheritance is a result of pressure exercised by the woman’s husband. Therefore, he should be deprived of inheritance.

- The majority of families do everything within their power to place pressure on women to discourage them claiming their right of inheritance. Family members break off relations with, abash, insult, revile, yell at, and/or threaten to beat women. Women's attempt to seek redress in the formal judicial system is underestimated, as family members are already aware of the lengthy process of litigation. In practice, some women were beaten and physically assaulted. In a few cases, women were forced to marry relatives while others were prevented from getting married at all. Options to marriage were also restricted.
- In essence, women are denied their right of inheritance due to prevalent customs and traditions, preference of male to female children, unwillingness to transfer inherited properties to another family, and unawareness of relevant legal provisions and laws. To a lesser extent, women are deprived of inheritance because of family poverty, mediocre estate, and maintenance of family cohesion.
- Another reason why women are dispossessed of their right of inheritance is that men work with their fathers to develop agricultural, business or industrial enterprises. Men contribute to increasing capital, expand businesses, and purchase land and real estate.
- A variety of deprivation techniques are in place which can take effect by the signing of legal instruments, the content and legal consequences of which women do not realise. Women can be excluded from certificates of succession. A mother's share of the father's estate is distributed to male children only. In this case, the mother does not inherit and her share of inheritance devolves to her sons only. Accordingly, female children are barred from their mother's share.
- Disinheritance of women results in feelings of coercion, injustice, and oppression. Overtime, enmity and hatred grows between brothers and sisters, within the family, and among relatives. Family relations that are supposed to be built on compassion, sympathy and cohesion -destabilise. Families break apart. Women lose the support of their family, which they have always relied on in times of need, affecting them both mentally and physically. Economic conditions decline because shares of inheritance are not distributed fairly. As a result of the husband pressurising the wife to receive her right of inheritance, a woman's relation with her husband might also deteriorate. Discord may even affect future generations. Furthermore, inheritance disputes may result in murder within the family, forcing a family to abandon their land and properties.
- The right of inheritance is not viewed as a right of women as it is with men. Hence, to claim inheritance results in numerous problems, adversely impacting family relations as well as economic and psychological conditions of female heirs.

- Marking a relatively low percentage, but also indicating a higher tendency among brothers than among sisters, answers to the research survey sample highlight the importance of the effects brothers exert on their sisters. As beneficiaries, brothers attempt more than others to exercise pressure and persuade their sisters not to demand their right of inheritance. Less pressure is placed on women by convincing them of the role brothers play in protecting their sisters. Compared to women's expectations, brothers have shown less support to their sisters than they did in the past.
- In many cases, going to the court is the last resort for women to receive their right of inheritance. Nevertheless, female claimants in inheritance cases outnumbered male claimants in the Ramallah, Hebron and Nablus courts. Women did not seek legal redress because litigation procedures are expensive and complicated. They do not know how to file a case or access a court of law. Women who had resorted to court did not receive their rights. The process of litigation can take a long time. Even if the court rules in their favour, women are aware that court decisions would not be enforced. Women are also distrustful of the formal justice system.
- According to the survey sample, the society does not consider women's claim of their right of inheritance as a stigma. The society's view of women who claimed their right has not changed. The majority of neighbours and acquaintances supported women who did so. However, the society views women who sought redress in the formal justice system to claim their inheritance rights unfavourably. In these instances, women were seen as recalcitrant and accused of deviating from common social norms. As a result of the society's position, some women who had resorted to court regretted it. On the other hand, the majority of women who claimed their right of inheritance had more confidence in themselves.
- Women's claim of their right of inheritance has encouraged other female heirs to do so. It has also encouraged women in local communities to claim their rights.
- A low percentage of women have resorted to Governor Offices. These women were unaware of functions and the role Governor Offices play in family dispute resolution, including inheritance cases.
- Typically, the process of accessing a woman's right of inheritance takes a long time. In 15% of the cases, claims took more than ten years. Including claims filed to the court, it took five years to settle inheritance claims in almost 50% of the cases, this portraying the uneasy access to inheritance and lengthy procedures of litigation at national courts. The period of disposition might be long, requiring patience in dealing with a purely legal case. This is all combined with tremendous social and familial pressure, focusing on the importance and role brothers play in the

protection of women. In this context, women could be barred by their families, brothers, or surrounding community.

- To receive their inheritance rights, very few women resorted to the Palestine Monetary Authority (PMA) and/or banks, Ministry of National Economy (MoNE), and Ministry of Transportation (MoT). A quarter of the surveyed women went to the Palestine Stock Exchange (PEX). The majority of women described procedures at the PMA/banks, MoNE and PEX as difficult or very difficult. One third of the respondents described MoT procedures as difficult.

The research paper comes up with the following recommendations:

**Legally,**

- Enact a law to ensure empowerment of Palestinian women to access their right of inheritance. The law should facilitate demonstration of simulate dispositions undertaken by the estate holder during his lifetime in the interest of some heirs, excluding others. It should also provide for more severe penalties against men who deprive women of inheritance.
- Develop a user friendly legal guidance manual on the right of inheritance, clearly stipulating how the right is accessed.
- Continue to implement the Circular on *Takharuj*, restrict implementation of *Takharuj*, and ensure that parties to *Takharuj* transactions fully understand their rights.
- Make sure that notaries public inform persons, who constitute a third party as a attorneys of their properties, of the legal dimensions of powers of attorney and of the dispositions their attorney might carry out.
- Reduce and/or postpone court fees in inheritance cases with a view to facilitate women's claim of their right of inheritance.
- Stipulate that a copy of the family record is presented to ensure that all family members entitled to inheritance are included.

**Socially,**

- Launch community, religious and legal campaigns throughout media outlets to raise public awareness of women's right of inheritance, highlight significance of women's access to hereditary rights, and ensure that women fully enjoy these rights. Messages will be delivered to women and men at places of worship. The outcomes of legal rulings in cases where women have been deprived their right of inheritance will be made very clear. The role media agencies play in public awareness and education will be emphasised, demonstrating all aspects of women's right of inheritance.
- Raise women's awareness of their rights, providing them with the skills they need to claim and exercise them. Women will be familiar with the organisations, to which they can resort to receive their right of inheritance.
- Include in school curricula courses on the right of inheritance and raise children's awareness of the concepts of equality, significance of women's employment and education. Violence of all forms should be renounced as it defies human morals, in which the Palestinian society should be grounded.
- Legal institutions will launch campaigns to publicise their functions and capacities to help women access their rights of inheritance.

**Institutionally,**

- Establish a special department of inheritance with a view to distribute estates. Accordingly, heirs do not need to provide special procedures in line with certificates of succession issued by *Sharia* and ecclesiastical courts, ensuring equitable distribution of estates.
- Provide free legal aid to women in inheritance cases.
- Support women to receive parallel legal services to pursue their cases, provide financial support to the local community, women organisations and relevant networks to offer legal advice, provide emergency assistance, and document and disseminate best practice.
- Provide training to lawyers, judges, employees, and police officers in relation to women's rights and advocacy.

## Introduction

Linguistically, inheritance is the estate a person or a group of persons leave to their successors. Conventionally, inheritance refers to the estate, including properties and rights, a person leaves to his/her heirs. Inheritance is an internationally recognised concept. It is enshrined in most, if not all, national laws and international conventions. In Palestine, the Islamic system of inheritance applies to both Muslims and non-Muslims. Islam is the state religion. 95% of Palestinians embrace the Islamic faith. According to the Islamic Law (*Sharia*), laws of inheritance are “bounds set by Allah [to regulate human behaviour]”. Laws of inheritance explicitly authorise the inheritance of women. Those who violate these laws and disinherit women are disobedient of Allah and His Messenger. Their liability will not be released as long as they have not granted heirs their due rights of inheritance.<sup>1</sup>

According to their legal characterisation and status, women are entitled to different portions of inheritance. A woman is either a mother, wife, daughter, grandmother, parental aunt, maternal aunt, or another relative. In each case of kinship, a woman inherits a share that varies from others. Women’s right of inheritance is associated with, and changes according to, a set of variables. In addition to the location and nature of immovable properties in villages or cities, these variables include the woman’s degree of relationship with the deceased, marital status, and being an agnate relative by the presence of certain other relatives, who either entitle or exclude women from inheritance. For example, agnate relative included daughters without brothers, a widow without children, or fellow wives with children who compete over the estate.<sup>2</sup> Personal qualities also distinguish female heirs from other inheritors, including audacity to claim the right of inheritance. Male heirs may be greedy and unwilling to grant women their inheritance rights. Accordingly, a woman may receive a portion of the property or income, or inherit gold instead of inheriting land. Unmarried or elderly women may be granted the right to use their father’s house. The status of an unmarried old woman is different from that of a married woman: brothers inherit her after she dies. Some men register properties, particularly the family house, on the name of their wives in fear that children would not sustain her. Political conditions can also play a role in the distribution of inheritance. Following the Israeli occupation, some families registered land on the names of members who were present in Palestine. In cases where legal heirs were outside or not residents in the Palestine, the Israeli Custodian of Absentee Property<sup>3</sup> used to seize properties.<sup>4</sup>

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<sup>1</sup> The Standing Committee for Scholarly Research and Fatwa, <http://www.al-eman.com/> (Last accessed on 7 August 2014).

<sup>2</sup> Annelies Moors. *Women, Property and Islam: Palestinian Experiences, 1920-1990*. Cambridge University Press, 1995

<sup>3</sup> In early 1950, the Israeli Parliament (Knesset) enacted the Law on Absentee Property, which defines an absentee as a person with property, who was at any time during the period from 29 November 1947 and 1 September 1948, a resident or citizen of an Arab state that fought against Israel, or left his ordinary place of residence in the land of Israel (i.e. Mandate Palestine) to a place outside it, or resided in any place of the land of

Like other legally prescribed rights of women, the right of inheritance is practically constrained by societal norms. Women's right to claim their inheritance rights and share of the deceased's estate is restricted by social customs and traditions. Women may be totally deprived of their legally enshrined right of inheritance. In some cases, women may receive a portion of their share of inheritance. Women's claim of their right of inheritance may result in a breakoff of relations with their families. It might end up with physical assault or even murder of women.

With the intention of excluding them from inheritance after his death, the proprietor (estate holder) distributes his wealth in his lifetime to male children only by means of a bequest or transfer of ownership (by way of a simulated sale). The estate may be expropriated by some male heirs (most often by the eldest son) allegedly because he, not others, contributed to creating the wealth of his father. Male heirs may allege that the estate is a vestige or legacy of their deceased father and should be maintained to preserve his memory. Particularly certificates of succession, documents of the estate may be forged with a view to exclude some heirs (especially women). A claim that an extra portion is bequeathed for some heirs may be invoked. After her husband dies, a wife may be deprived of her right to dower, which would be considered as a portion, and distributed as a part of, the estate. Heirs may threaten a woman to waive her portion of the estate by persuading her to abandon her share of inheritance. Should she claim her right of inheritance, a woman would be abashing or intimidated. In both cases, women ultimately abandon their inheritance rights, resulting in a grab of their properties.<sup>5</sup> A mediocre estate may be a reason for dispossessing women of their share of inheritance.<sup>6</sup> Women may also be stripped of inheritance due to certain tribal norms, customs and traditions that are prevalent in some villages and in the countryside. In general, estate holders believe that properties would devolve to others. A woman who claims her right of inheritance is considered to be of bad manners and to have exceeded limits of civility with her brothers and relatives. Although they are deprived of inheritance, women should keep silent and never claim their right.<sup>7</sup>

Lacking an inheritance system of their own, ecclesiastical courts apply the Islamic laws of inheritance. However, Christian denominations are not legally bound to use the Islamic inheritance system, where women sometimes receive half the shares men inherit. Muslim's compliance with the laws of inheritance can be attributed to a religious motive and pure faith

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Israel, which was under control during that time by a state that fought against Israel. Chaired by the Custodian of the Absentee Property, the Custodianship Council for Absentee Property is vested with powers to manage properties of these absentees. The Law also entitles the Custodian of Absentee Property to transfer the title of property of absentees' property to the Israeli Development Authority, which transformed in 1960 into the Israeli Land Authority. <http://www.iba.org.il/arabil/?entity=890988&type=5&page=242> (in Arabic).

<sup>4</sup>Annelies Moors. Op. cit. 4.

<sup>5</sup> Mohammed, the Messenger of Allah (may Allah bless him and grant him peace) said: "Properties of a Muslim are unlawful but by his willingness."

<sup>6</sup> Mohammed, the Messenger of Allah (may Allah bless him and grant him peace) said: "O Allah! I consider it a wrong action that the rights of two weak ones be violated: orphans and women."

<sup>7</sup> According to *Imam Nawawi's Explanation and Commentary of Sahih Muslim*, "The silent in showing what is right is a dumb Satan"

in the Holy Quran and Sunnah.<sup>8</sup> Abstention from applying norms of inheritance is deemed as a religious sin. Lacking a deterrent penal action, the Islamic laws of inheritance are for Christians nothing but a problem of law. To refrain from applying these laws means nothing for a Christian man. It is neither a sin nor a wrongdoing. Denial of inheritance is motivated by greed and patriarchal traditions, which have taken root over centuries.

### Significance of the research paper

A top priority of WCLAC is to promote empowerment and protection of women against violence. WCLAC works towards enhancing women's enjoyment of their rights, ensuring equitable participation in society side by side with men, and eliminating discrimination that denies women's access to justice.

This research paper originates from the current reality of women. The fact that women's right of inheritance is ensured contributes to the economic empowerment of women, promoting their status, and reducing incidence of economic and social violence. Access to the right of inheritance also boosts political and economic development of women in Palestine. It puts the Palestinian society on the right track towards sustainable development and consolidates women's full participation in society.

### Problem

- What motivates Palestinian women to claim or abandon their right of inheritance?
- What forms of pressure or deceptive practices are used to deprive women of their right of inheritance?
- What social effects are exerted by Palestinian women's claim of their inheritance rights? How do these impact women's decision to claim their hereditary rights?
- What legal and procedural challenges Palestinian women face when they claim their rights of inheritance? How do these impediments reflect on women's decision to claim their hereditary rights?
- What are the socioeconomic consequences of denying Palestinian women's access to their inheritance rights?

### Assumptions

- Women waive their rights of inheritance due to deception, abashment, and/or social consequences of their claim of shares of inheritance.

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<sup>8</sup>Sunnah is the way of life prescribed as normative for Muslims on the basis of the teachings and practices of the Islamic prophet Mohammed and interpretations of the Islamic holy book Quran.

- To strip them of their right of inheritance, women are subject to deception, community pressure, psychological coercion, and violence.
- Women encounter legal and procedural challenges, including a lengthy process of litigation and high court fees. Also, women find it difficult to access legal information, impacting their decision to resort to court and maintain their hereditary entitlements.
- Disinheritance of women adversely impacts their economic empowerment and control of resources. It also reflects on nation-wide development and distribution of wealth.
- Depriving women of their right of inheritance exerts negative social consequences on families.
- Undistributed estate results in a “suspension” of immovable properties. Hence, state institutions do not collect fees of transfer of ownership.

### Objectives

This research paper casts light on, and presents, disinheritance of women as a social problem. It unveils direct and indirect causes of women's dispossession of inheritance and investigates the most prominent techniques of deception, which male heirs use to exclude women from inheritance. These techniques mostly lie in the details of procedures and regulations applied by relevant agencies. The paper identifies persons who bar women from their inheritance, bodies that support women's claim of inheritance, and social, economic and legal challenges to women's access to inheritance rights. It further explores consequences of the disinheritance of women. From women's perspective, the research paper proposes key intervention mechanisms needed to facilitate Palestinian women's access to inheritance and to minimise challenges women face when they access their inheritance rights, including lengthy process of litigation and high court fees. An enhancement of these conditions will ultimately promote women's economic status and alleviate bureaucratic procedures relating to inheritance and devolution of property. In addition to increasing revenues of the Public Treasury, properties will not be monopolised or stockpiled by a small group.

### Research plan

The research paper is divided into three chapters. Addressing the right of inheritance between the law and current practice in Palestine, Chapter 1 provides an overview of the legal framework for the right of inheritance, with a particular focus on the Palestinian context. In addition to social, economic and legal motives to claim the right of inheritance, Chapter 2 investigates social and economic causes of refusal to grant women their hereditary rights. Highlighting waiver of inheritance, Chapter 3 explores social, legal and procedural

challenges Palestinian women face in maintaining their rights of inheritance. The paper is concluded with key conclusions and recommendations tailored to enhance women's access to their right of inheritance.

### Literature review

The research paper provides a review of a variety of relevant studies, treatises, and working papers. Presenting inheritance from the perspective of Sharia, the current literature elaborates on the effective cause and judicious practice of inheritance, legal shares, and reasons why shares of inheritance vary. Researchers focus on inheritance as a right of women, stressing the need for gender equality in rights of inheritance. Lastly, authors view inheritance as a vehicle of economic empowerment of women, improving their status in the development process.

This research paper overviews reports and studies published by Palestinian, Arab and regional legal institutions. These address social challenges women face as they access their rights of inheritance.

The current body of literature does not explore women's opinions and perceptions towards claiming or abandoning their right of inheritance. In addition to legal predicaments that constrain women's claim of their hereditary rights, published studies and treatises do not uncover consequences of the disinheritance of women on individuals, families, community, and the state as a whole.

Published more than five years ago, relevant Palestinian research initiatives are outmoded. Covering the period between 2010 and late 2013, this paper keeps track of new information and changing circumstances, particularly most recent legal developments.

Reference works show that the Holy Quran clearly grants women the right of ownership and right of inheritance. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also recognises the close relationship between women's economic, social and cultural rights and equality in marriage and family relationships.<sup>9</sup> There is a strong link between violence against women and denial of women's equitable title to property and right of inheritance. In addition to being stripped of their reproductive and sexual rights, women are subject to discrimination in health, education, employment and political participation.<sup>10</sup> On 12 April 2005, the United Nations Commission on Human Rights (UNCHR) adopted a resolution on Women's equal ownership, access to and control over land, and the equal rights to own property and to adequate housing. The resolution

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<sup>9</sup> Preliminary Comment on Economic, Social and Cultural Rights of Women, *op. cit.*

<sup>10</sup> Preliminary Comment on Economic, Social and Cultural Rights of Women. Also see Centre on Housing Rights and Evictions (COHRE), International Network for Economic, Social and Cultural Rights (ESCR-Net), and International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific).

urges State Parties to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information.<sup>11</sup>

In reality, many women and girls are deprived of legally prescribed rights of inheritance. According to current social and cultural customs and traditions,<sup>12</sup> family property is given to a stranger if a woman is granted her share of inheritance. Real estate, particularly agricultural land, has been the most significant, and sometimes the only, source of income<sup>13</sup>. According to Palestinian traditions, while family sustenance is primarily a patriarchal activity, women play a domestic role.<sup>14</sup> Restricted movement and participation in public life prevent women from playing an active role in social and economic spheres. A deliberately designed economic dependence also renders women practically incapable of claiming their rights.<sup>15</sup> The Palestinian society is dominated by patriarchal standards and values, which women embrace by way of coercion or cultural alienation. Life details are dictated to women, including in relation to clothing, education, employment, husbands, and number of children. The mind and intellect are adapted to certain standards and values, which are neither analysed nor examined by women. These are subconsciously admitted as normal matters<sup>16</sup>. Either at will or at request, women consent to be deprived of their title of property because they want family property to be maintained by men only<sup>17</sup>. Other women believe that demanding inheritance is forbidden not by law or religion, but by a culture of control<sup>18</sup>. Social traditions suggest that a woman needs to waive her right to her brothers, who are assigned a greater financial role to support others. Accordingly, the option is clear for some women: continued maintenance is far more important than the right of inheritance, which they would claim from male members of the family<sup>19</sup>.

Women who claim their rights of inheritance are subject to social pressure, including stigmatisation and/or estrangement. Not to mention physical violence and murder, women also suffer from a strong family pressure, defamation, and exposure. Several legal impediments deny or restrict women's access to justice or access to hereditary rights through

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<sup>11</sup>BirteScholz. *In Search of Equality. A Survey of Law and Practice Related to Women's Inheritance Rights in the Middle East and North Africa (MENA) Region*. Centre on Housing Rights and Evictions (COHRE). Geneva, Switzerland. October 2006.

<sup>12</sup>BirteScholz, *ibid*.

<sup>13</sup> Ad Daqes, Ja'far, *Inheritance is women's legally enshrined right, but almost robbed by customs and traditions*, 14 March 2009,

<http://www.ensaf.org/articles/index.php?news=15> (Last accessed on 27 January 2014).

<sup>14</sup>BirteScholz, *op. cit*.

<sup>15</sup>BirteScholz, *op. cit*.

<sup>16</sup>[http://www.phrmg.org/arabic/Hanan%20women\\_ngo\\_and\\_women%2019%206.htm](http://www.phrmg.org/arabic/Hanan%20women_ngo_and_women%2019%206.htm) (Last accessed on 15 January 2014).

<sup>17</sup> Ad Daqes, Ja'far, *op. cit*.

<sup>18</sup>BirteScholz, *op. cit*.

<sup>19</sup>BirteScholz, *op. cit*.

litigation. According to some researchers,<sup>20</sup> these challenges are many and different from one country to another as well as within the same country. For example, in Upper Egypt, families refuse to register their daughters on the official civil registry. Accordingly, a daughter's relationship with her family is only social and does not involve any legal effects, including inheritance, lineage, or transactions with government bodies. Complicated, interminable and time-consuming legal processes govern inheritance transactions, including certification of succession, parcellation of properties and land, distribution of shares between heirs, appeals, and challenges. Involving an unduly long waiting time, litigation is also a costly process. Sometimes, litigation might give rise to problems and disputes within the family, driving women to abandon their property.<sup>21</sup> Crippled by unawareness of their rights, women lack access to legal information, regulations and laws on inheritance. In effect, a woman who does know her right cannot claim it.<sup>22</sup>

According to studies and opinion polls on women's access to their right of inheritance in the Gaza Strip,<sup>23</sup> women attributed the reason of inaccessible inheritance to abominable social customs and traditions which supersede Sharia principles.<sup>24</sup> Women are excluded from inheritance by means of deception, rather than coercion.<sup>25</sup> Brothers or others abash or appease women with little money.

Women might give away their right of inheritance to avoid disintegration of their families, separation, or disputes between family members.<sup>26</sup> In Palestine, family bonds are so strong and provide the only source of protection to women. Any threat to these bonds poses a real risk to women.

Based on the freedom to dispose of their assets, some men distribute their properties to male children only in their lifetime. Accordingly, women cannot have recourse to courts. This freedom is barred when properties are distributed in the last illness, which might last for a year before death.<sup>27</sup>

In land inheritance cases, distribution might provide a strong motive for women to waive their legal shares either voluntarily or by persuasion by relatives. As the least favourable

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<sup>20</sup>Hafni, Rania, op. cit.

<sup>21</sup> Ad Daqes, Ja'far, op. cit.

<sup>22</sup>BirteScholz, op. cit.

<sup>23</sup> Shimon, Hidayah, NuhaEmad, and Yusr al Atrash, *Women and Inheritance: Causes and Consequences*, Women's Affairs Centre, Gaza, 2009:

<http://www.wac.org.ps/UploadCenter/stories/pub/research/2010/wac%20daerasa%202010.pdf>

(Last accessed on 15 January 2014).

<sup>24</sup>*Opinion Poll on Women's Access to their Right of Inheritance*,

[http://www.mowa.gov.ps/index.php?option=com\\_content&view=frontpage&limitstart=10](http://www.mowa.gov.ps/index.php?option=com_content&view=frontpage&limitstart=10) (Last accessed on 15 January 2014)

<sup>25</sup> According to 65.1% of the respondents to an opinion poll on women's access to the right of inheritance, Ministry of Women's Affairs, Gaza. Conducted between 16 August and 30 September 2013, the survey sample included 2,542 respondents.

<sup>26</sup>[Footnote missing from source text. Translator's note]

<sup>27</sup> Ad Daqes, Ja'far, op. cit.

pieces of land are offered to women, a claim of inheritance would not be worth the trouble at all. As a justification, other heirs claim that more expensive land and other rights would depreciate if women are accorded their shares. Hence, women abandon all their rights to their brothers altogether.<sup>28</sup>

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<sup>28</sup>BirteScholz, *ibid.*

## Preface

In the pre-Islamic era, inheritance systems<sup>29</sup> used to deprive women of inheritance. According to Jewish law, women only inherit when males are missing. Regardless of their degree of kinship, Roman women used to have an equal share of the estate, but did not inherit their deceased husbands. In Semitic and ancient nations of the east, women and children were deprived of inheritance as the eldest son replaced his father. Ancient Egyptians divided the estate on an equal footing and without discrimination between old and young, male and female heirs. In pre-Islamic Arabia, an independent or special inheritance law was not in place. Applying the approach of nations of the east, inheritance was restricted to males who were capable of carrying arms and defending women and children. Arabs used to inherit women by compulsion. Like ancient Egyptians and Romans, a few Arabs inherited female children, granting them equal shares as male children. Confirming their humanity, Islam honours women and ensures their eligibility for title of property and dispositions like men. Islam observes women's innate love of ownership and assists women to fulfil their needs. Like men, women have an opportunity to worship God using their own property and spending in various aspects of charities.

According to the Sharia, inheritance is limited to property. The marriage bond and lineage are causes of inheritance. There is no difference in the rights of inheritance between descendant heirs on grounds of maturity or age. A man and a woman are equally entitled to inheritance when they both share a relationship with the deceased. In various cases, both the father and the mother inherit their deceased child. Both sons and daughters inherit their dead father or mother. In some cases, however, women are treated equally with men in regards to the laws of inheritance. In others, a woman inherits, but the man who shares kinship with the deceased does not. In shares of inheritance, women are sometimes given more weight than corresponding men. The effective cause of preferring males to females is explicated by the Quranic verse: "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth." (4:34). As they are in charge of and maintain women, men should always avoid insufficient maintenance. On the other hand, women always anticipate sufficient maintenance as they are under charge of and maintained by men. Male family members are responsible for providing protection and maintenance to women within the family. Therefore, males are granted a larger hereditary shares.<sup>30</sup>

Judicious practice of inheritance<sup>31</sup> clearly bolsters kinship ties between heirs and estate holders. Having exerted his utmost endeavours and saved the product of his effort, man is

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<sup>29</sup>Awartani, Wuroud Adel Ibrahim. *Laws of Women's Inheritance in Islamic Jurisprudence*, MA Thesis, An Najah National University, 1998.

<sup>30</sup> An Nimer, Nimer Mohammed al Khalil. *Redress of Women in the Sharia Laws of Inheritance*, 2008.

<sup>31</sup> Al Taleb, Asma'. *Rules of Inheritance: Course Syllabus, 5<sup>th</sup> Level*, 1428-9 AH.

assured that his descendants will not be deprived of his estate. After he passes away, man is confident that his family will inherit his property. Accordingly, man will make double the effort in his lifetime. Islamic laws of inheritance clearly safeguard personal property. The wealth left by the deceased is handed to their heirs. This is a significant motive to promoting investment and increasing production activity. Laws of inheritance in Islam also ensure properties are protected against extravagant and prodigal spending. Man will not be obliged to save and preserve his property if he realises that the wealth he made in his lifetime will devolved to the state and that his children will not directly benefit from it.

Palestinian legislation derives laws of inheritance from the Sharia, according to which heirs and shares of inheritance are identified. Inheritance is confined within limits of the family. A valid lineage or marriage bond should be in place so that a person is entitled to inheritance. Laws of inheritance are so detailed and precise that they merit more research and analysis. This paper only reviews general legal provisions on inheritance in Palestine. The right of inheritance in practice is examined, with a particular focus on the extent to which Palestinian women enjoy this legally prescribed right.

According to Article 6 the Law on Inheritance of 1923 as amended by Law No. 19 of 1944<sup>32</sup> which is still in force in the West Bank, Sharia courts have an absolute jurisdiction over all matters pertaining to Muslims' estates, including inheritance by bequest or otherwise. Regular courts are not competent of hearing matters of estate, including division and distribution of inheritance. Article 8 of the Law grants jurisdiction to courts of each religious denomination in matters relating to the estate of any person, who dies as a member of that denomination. However, the Law permits recourse to regular courts in case an entitled person requests at will the transfer of inheritance. Article 10 of the Law defines an entitled person as "[e]ach person who is entitled to the estate at the time it is divided at regular courts, or the executor of the bequest or person entitled thereto in accordance with the will of the deceased, or each creditor who is entitled to the estate."

During his lifetime, the estate holder is not allowed to deprive an heir of their share of the estate after his death: the heir inherits compulsorily and involuntarily. Unlike bequest or legacy, the estate holder is not entitled to deny an heir their share of the inheritance.

In principle, a legal heir has no right to inherit through a will. However, Article 182 of the Personal Status Law No. 61 of 1976 in force in the West Bank<sup>33</sup> regulates obligatory bequests: "[i]n the event a grandfather died and he had grandchildren and his son died before or with him, a bequest shall be incumbent for his grandchildren in one third of his legal estate as a bequest in accordance with the following proportion and conditions:

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<sup>32</sup> Laws of Palestine, Drayton Collection, British Mandate, Issue 135, 22 January 1937, p. 1579.

<sup>33</sup> Jordanian Official Gazette, 2668, 1 December 1976, p. 551.

- a) The obligatory bequest for those grandchildren shall be according to the proportion of their father from the estate in the event he had been alive, provided that it does not exceed one third of the estate.
- b) Those grandchildren shall not be entitled to a bequest in case they are heirs to the antecedent of their father, whether a grandfather or a grandmother, or in case he bequeathed or gave them during his life without consideration the proportion of what they were entitled to in such obligatory bequest. In the event bequeathed less than that, it must be complemented. If he bequeathed more for them, the surplus shall be a voluntary bequest. If he bequeathed for some of them, it shall be incumbent for the others in proportion with their share.
- c) The bequest shall be due to the grandchildren and to the children of the grandchild however low, whether they were one or more, [according to the rule stating that] the male takes as much as the share of two females. Each antecedent shall exclude (of being a heir) his descendant, not the descendant of others. Each descendant shall take the share of his antecedent only.
- d) This obligatory bequest shall take precedence over voluntary bequests as to satisfy it from the one third of the estate.”

Inheritance is a cause to acquire ownership of real estate. Property is transferred to the heir following death of the owner by the force of law. Inheritance of *Mulk* properties used to differ from that of *Miri* properties. While the former were transferred in line with Sharia provisions, disposition of the latter was transferred in accordance with the Law on Transference of *Miri* Properties, whereby inheritance is divided on an equal footing between males and females. On 16 April 1994, rules of transference were suspended. In relation to Muslims, rules of transference of all types of land, including *Mulk* and *Miri* land, were consolidated. Now, inherited land is distributed in line with provisions of the Sharia<sup>34</sup>.

Palestinian legislation recognises women’s unrestricted right to ownership. A woman does not have to obtain her husband’s or guardian’s approval to acquire her property. The Palestinian legal framework does not include any regulations that restrict women’s right to property or restrict women’s scope of ownership. In relation to the right to ownership, the Basic Law, Personal Status Law, Law on the Zoning of Cities and Villages and Law on Transference of Immovable Properties do not include any discriminatory provisions against women. No legal provisions restrict, inhibit, or deprive women of this right merely because they are women.

The right of inheritance is a person’s entitlement to property transferred to him or her after the death of another. Addressing this right, this research paper focuses on the extent to which Palestinian women enjoy the right of inheritance. Inheritance is not only significant as a right prescribed by the Islamic Law and safeguarded by domestic legislation and

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<sup>34</sup>Jarrar, Ahmed. *Legal Framework for the Ownership and Disposition of Land in Palestine*, <http://laws.ahlamountada.com/t5-topic> (Last accessed on 16 June 2014).

international conventions. It is a method for distribution of wealth among generations and a means of economic empowerment of heirs. Accordingly, the demand to enforce women's right of inheritance ensures that women's immediate material needs are delivered and that women maintain their rights. Inheritance helps reshape asymmetrical power relations between men and women. There is an essential, correlative link between violence and discrimination against women and opportunities furnished to deprive women of the right of inheritance, title of property, and other rights by means of intimidation, deception, or pressure. As provided by law and in practice, inheritance reflects the nature of society and state. Insofar as women are concerned, inheritance mirrors respect of women's role and rights in society and state. Progress of countries is measured by a set of indicators, including empowerment of women and gender equality. Development of modern states is premised on safeguarded citizenship rights of all women on an equal footing with men. It also derives from good governance and sustainable development of both male and female citizens. Political, economic and social marginalisation excludes women from civil and political life. It constrains women's right to education and employment and impedes their economic independence.

## 1. Research Methodology

Informed by a descriptive, analytical approach, the research paper analyses the legal and procedural framework for Palestinian women's access to the right of inheritance. It provides a complete picture of Palestinian women's inheritance, including in relation to motives to claim or abandon the right of inheritance, methods of pressure or deceptive practices used to disinherit women, and social and legal impediments to accessing inheritance rights.

### Research tools

Several research tools have been used to compile this publication. The paper includes a review of relevant studies, treatises, and working papers. It also provides an overview of reports and studies published by Arab and other legal institutions. A detailed description of this review is presented under Literature Review above.

### Focus groups

To answer some inquiries relating to analysis of the survey results, three focus groups were organised, bringing together women who abandoned and/or claimed their inheritance rights in Ramallah, Hebron, and Nablus. Due to current political circumstances, however, the research team could not hold any focus groups in the Gaza Strip.

### Survey

As an academic survey tool, a research survey was designed to measure quantitative data. The research team developed a survey, targeting women who sought to receive their right of inheritance. Another research survey targeted women who abandoned their inheritance rights. Tailored to explore women's opinions and perceptions of access to the right of inheritance, the surveys provided a briefing note about the research initiative and personal and demographic information. The survey designed for women who sought to receive their right of inheritance included 95 questions, which covered all social, psychological, economic and cultural impediments and consequences of the disinheritance of women. The other survey, which targeted women who waived their inheritance rights, included 58 questions, addressing the most significant motives to waive the right of inheritance. Both surveys included closed questions.

Developed by the senior researcher and project team, research surveys were presented to a number of female social workers of the Young Women's Christian Association (project

partner) and to the National Committee on Inheritance, which comprises representatives of relevant actors. Surveys were modified in line with the feedback given by these partners.

Nine female field researchers completed the surveys. Survey criteria included a geographical distribution and sample characteristics as follows:

1. **Geographical distribution:** The Palestinian territory was divided into the Gaza governorates and northern, central and southern West Bank governorates. Distribution was as follows: Gaza governorates, Northern West Bank governorates, Central West Bank governorates, and southern West Bank governorates.
2. **Sample characteristics:** Women who claimed their right of inheritance, and women who waived their right of inheritance.

### Interviews

To access more accurate information and explanations, the paper is informed by structured interviews as a tool of qualitative research. To this avail, the research team contacted and organised separate meetings with relevant organisations to facilitate access to needed information.

Meetings were held with representatives of the Palestinian Land Authority (PLA), High Judicial Council (HJC), and High Council of Family Courts in Ramallah, as well as with staff members of Governor Offices in Ramallah, Bethlehem, Hebron, Jericho, Nablus, Jenin, Salfit, Tulkarem, Jenin, Qalqiliya, and Tubas.

Several challenges impeded access to needed data. Most importantly, PLA registers are not computerised, particularly in Salfit and Hebron. Also lacking a computerised documentation, Sharia courts in the Gaza Strip did not report to the High Council of Sharia Courts in the West Bank. Correspondence and coordination with Gaza-based courts had to take place separately. Also, it is not a condition precedent that data about cases on no objection and removal of common property be invoked by inheritance.

Various government bodies showed considerable cooperation to provide needed data. This included facilities provided to field researchers assigned by the project to collect relevant information.

### Research community and sample

The research community included the governorates of Gaza, Ramallah, Nablus, and Hebron. The timeframe of the research survey was set between early 2010 and late 2013. A purposive survey sample covered Palestinian women who claimed their right of inheritance, as well as other Palestinian women who waived their right of inheritance. To access the target group,

nine female field researchers visited women at the addresses received from partner organisations and WCLAC branch offices in relevant geographical localities and in line with available resources.

The research survey sample covered a total of 306 women, who claimed or relinquished their right of inheritance. The sample of women who demanded their right of inheritance included 153 women distributed according to governorate as shown in the tables below.

The sample of women who consented to *Takharuj* and/or abandoned their inheritance right wholly or partly included 153 women distributed by governorate as shown in the tables below.

Women who claimed their right of inheritance were between 23 and 87 years of age. Those who waived their hereditary right were in the 27-90 age group.





Palestinian Women and Inheritance

			i			centre							
	1	1	1	1	1	1							6
Northern Gaza	Beit Hanun	Tal azZa'tar	Sheikh Zayed city	Jabalya refugee camp									
	7	1	1	1									10
Khan Yunis	ArRabwat al Gharbiya	Abasan al Kabira											
	1	2											3
Deir al Balah	Al Birka	An Nuseirat	Deir al Balah	Al Bi'ah Street									
	2	1	2	1									6
Rafah	Tal as Sultan	Khirbet al Adas	Rafah										
	1	6	4	1									12
<b>Total</b>													<b>153</b>

Of all the women who claimed their right of inheritance, 21% were refugees. Married women comprised 65%, widows 25%, divorced 5%, and spinsters 5%.

Of the sample of women who abandoned their right of inheritance, 19% were refugees, 70% married, 24% widows, divorced 5%, and spinsters 2%.

In the sample of women who demanded their inheritance right, 40% were educated, 49% held a high school certificate or less, and 11% had a BA degree.

38% of the women who waived their right of inheritance were uneducated. Compared to 54% with a high school certificate or lower, 8% had a BA degree and 1% held a MA degree.

In the survey sample of women who claimed their rights, relationships with the deceased estate holder were as follows: 80% with a father, 11% with a mother, 8% with a husband, and 1% with a brother. For those who abandoned their right of inheritance, 84% of the women had a relationship with a father, 9% with a mother, 6% with a husband, and 1% with a son.

### **Field research**

Nine female field researchers, including WCLAC researchers and volunteers with relevant experience in field research, were selected. A one-day training session was delivered, including a presentation on the idea and phases of the research process, research problem, and research tools. The research survey was also reviewed. All inquiries and questions which might be raised by the target group were explained. According to the research mechanism, the survey sample was provided according to geographical distribution and number of each group of women. To assess the significance of data, field researchers received training on how to collect data from target institutions. Research survey data was collected over the period from 25 March to 30 April 2014. All surveys were reviewed and examined. Short or lost surveys were excluded.

## 2. Result Analysis

### 2.1 Motives to claim the right of inheritance

Inheritance is a right enshrined in the Sharia as well as in Palestinian domestic laws. After the estate holder dies, heirs may divide the estate among themselves based on a consensual agreement and in line with legally prescribed shares. The estate may be distributed without compliance with legal shares. In other cases, the estate is shared between some heirs, excluding others by coercion. Distribution of the estate may be delayed for several years until such time some heirs demand their right either because of need or any other reason.

Motives to claim the right of inheritance vary. Despite the fact that it is enshrined in relevant legislation, women mostly do not claim, or do not feel that they are entitled to, the right of inheritance. Women may be shy to demand inheritance. In case they claim their right, women fear that disputes might take place with other heirs. Others may not claim their shares of inheritance, taking account of their need for future family support.

45% of the respondents, who claimed their hereditary rights, demanded their rights and shares of inheritance more than ten years after the estate holder had died (Table 27 below). Owing to bashfulness and the culture of shame in which they have been brought up, women do not claim their right of inheritance. Once she feels alienated or wronged by her family, a woman demands her right of inheritance.

The culture of shame: It is shameful that we demand inheritance from our brothers. A brother alienates and abandons his sister if she claims her right of inheritance. As for me, my nephews offend me. This inheritance is my right. "The silent in showing what is right is a dumb Satan." My God will punish me if I give my right away.

A participant from Hebron

The longer the period after death, the less bashful women are to claim their right of inheritance. Especially when a brother dies, sisters demand their inheritance right from their nephews. Overtime, children of female heirs grow older and may claim and/or encourage their mother to claim her right of inheritance given that she is more deserving of her share. After a certain age, a woman feels that her children, rather than her brothers, support her. Family relationships are milder when children get older and brothers and sisters are away from one another. Women feel that fraternal protection and support they have used to anticipate is lost. Therefore, the reason that principally denies a woman's claim of inheritance dissipates. Even years after the estate holder's death, women demand their right.

At first, a woman needs support. Then, she gets stronger. She makes friends who replace her sisters and brothers. It is normal. It is a matter of treatment.

A participant from Ramallah

As value of the estate, particularly real estate and immovable property, rises years after the estate holder's death, women become more willing to obtain their shares of inheritance.

Participants in focus groups ascribed their late claim of the right of inheritance to the love of brothers and hope that women might be given their right without need to demand it. In general, Palestinian women are emotional. Their fraternal emotions may affect claim of their own rights. A woman waits for her brothers to grant her rights. As years go by, brothers do not give their sister's rights. Especially when they feel marginalised or neglected, women demand their shares of inheritance.

The fact that a sister loves her brother prevents her from claiming her right of inheritance. She waits for her brothers to take the initiative and give her share of inheritance without demanding it.

A participant from Hebron

Contact between brothers and sisters is difficult. Brothers neglect and marginalise their sisters. A bond between them is missing. This is what drives sisters to claim her right of inheritance.

A participant from Hebron

A number of participants in focus groups attributed the reason for a late claim of the right of inheritance to deception used by their brothers over a period of time. In addition to denial of women's rights, some heirs attempt to assail women so that they abandon their right of inheritance. These are further drivers to claim a woman's share of inheritance.

My brothers, sisters and I agreed and retained a lawyer. Later, however, we were surprised that my eldest brother withdrew the case file from the lawyer. We did not know that.

A participant from Hebron

I did not want to claim my share, but I did when my brother tried to kill me because I refused to waive my right.

A participant from Nablus

My brother wanted me to sign a waiver 30 years after my father had died. I refused. My sister abandoned her share in fear that they expel her from the room, in which she lives.

A participant from Nablus

Another reason participants cited was the lack of a provider. Under deteriorated economic conditions, lacking a maintainer constitutes a pressing concern that prompts women to claim their hereditary right. While other heirs demand that she abandons her portion, a woman feels that she is entitled to, and more deserving of, her share inheritance. By “others”, a woman means sisters-in-law and their children. Below are excerpts of statements made by focus group participants:

I demanded my right after my husband had died. I have eight children and no one supports me.

A participant from Nablus

I claimed my right after I saw my brothers and their wives enjoying my father’s properties. I did not receive anything.

A participant from Nablus

I demanded inheritance because it is my right. Religion gives me this right. “What I have is mine. What is not in my house is not mine.”

A participant from Nablus

Over generations, an extended delay of estate distribution deprives original, entitled persons. Ultimately, a distinction between persons entitled to the estate and unentitled ones might be untenable. Perhaps, a distant relative might benefit from the estate, depriving a closer kin.

Therefore, it is incumbent on heirs to expedite and divide the estate even if an heir is pregnant. Heirs will not wait until delivery of an unborn child. Delayed division of the estate causes damage to heirs and obstructs usufruct of their inheritance.<sup>35</sup> Each heir should be given their certain share of the inheritance. The rest will be dedicated until condition of the unborn child is verified.<sup>36</sup>

Motives to claim the right of inheritance varied. The majority of the respondents (83%) stated that inheritance was a legal, executory right, indicating women's awareness of their right of inheritance which is safeguarded by religion and law. 59% invoked financial needs and economic conditions. While 52% of the participants mentioned feeling of injustice, 10% claimed their inheritance shares because one and/or other heirs did so. 6% were motivated by pressure exercised by their husbands. 3% claimed their share of inheritance thanks to public awareness campaigns launched by relevant organisations, resulting in an enhanced knowledge of their inheritance right. 8% of the sample cited a variety of reasons, including alienation by brothers or family, lack of a provider, and recognition of the value of estate (land). Others realised that the portion they received did not match their right of inheritance. While some women did not want anything from their father's estate, others believed that their children were more deserving of the estate than others. Women also claimed their hereditary rights due to problems with their children, for the sake of provocation, or for protection of an existing building (see Tables 17 and 18).

### Legal motives to claim the right of inheritance

The majority of respondents (83%) cited inheritance as a legal, executory right. As such, women are driven by a significant motive to claim their shares of inheritance. 10% of the survey sample claimed their inheritance shares because one and/or other heirs did so. Because they take the initiative, some families break off with women who demand their rights. These could be viewed as models, who encourage other heirs claim their rights of inheritance. In this context, a focus group participant emphasised that the Sharia compels women to claim their hereditary right.

This is a high percentage. In general, women do have the motive to claim their right of inheritance. However, they need support to access, and to ensure they do not abandon, this right.

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<sup>35</sup> On the inheritance dedicated to an unborn child, jurists resolved that "if the heirs request division (i.e. division of the estate), they will not be forced to be patient." Jurists also said: "If the deceased leaves an unborn heir, his or her share of the inheritance shall undoubtedly be taken into account. His or her portion of the estate shall be dedicated to him or her until his condition, whether alive or dead, is ascertained.

<sup>36</sup>ArRawi, RuqayyahMalek. *Violations Committed against Heirs with the Intention to Deprive them of Inheritance*, Baghdad, 2014, <http://www.saaaid.net/bahoth/231.pdf> (Last accessed on 7 August 2014).

### Economic motives

Financial needs and economic conditions are a second cause to claim inheritance. To this effect, 59% of the respondents demanded their right of inheritance. Marking a very close percentage, women who were aware the value of the estate and those who were aware of the value of their share of the estate comprised 39% and 40% of all those who demanded their hereditary rights. According to 62% of the surveyed women, value of the estate was worth of more than JD 100,000 - a large amount of the estate.

Deteriorating economic conditions play a role in prompting women to claim their right of inheritance. This is particularly the case when a woman's economic status is worse than her family's. 52% of the respondents described their current financial situation as bad and very bad. On the other hand, 65% of the surveyed women described their families' financial conditions as good and very good.

I was deprived by my family... They even disposed of my dower. I was also deprived by my husband... Except for two rooms, a kitchen and bathroom, he did not register anything for me. When my step-children wanted to construct a building, they gave my son JD 500, considering this sum as his and my share... I do not know the amount of my husband's estate. The ground floor is registered to the name of my father and uncles. I demand that they divide it, so that everyone takes their right, but they are procrastinating... Sometimes, I do not own even one shekel.

A participant from Ramallah

We sold a piece [of land] and they gave a symbolic sum. I claimed my right out of financial need. I only claimed my right after they did wrong to me. There is awareness now.

A participant from Ramallah

### Feeling of injustice is a motive to claim inheritance

Feeling of injustice is a third motive to demand the right of inheritance (52% of the survey sample). While others, including their sisters-in-law, enjoy these shares, women feel injustice when they realise they have a right, but cannot access it. Accordingly, affected women feel they are more deserving of the inheritance, particularly when it devolves from their fathers or mothers. In particular, women feel injustice if they are neglected or are not supported by their brothers, who have already forced them to abandon their hereditary rights. Participants in focus groups attributed feeling of injustice to their brothers who do neither visit nor support them. Unknowingly, sisters were forced by their brothers to sign a waiver of their

shares of inheritance. After their fathers died, women also felt transgressed by their brothers. Having pinned hopes on their brothers, it appeared that these were nothing but sheer illusion. Brothers do not respond to their sisters, who are in dire need for their shares of inheritance. Additionally, women feel that the properties their brothers possess are an estate of their fathers and that they deserve a share of it. While sisters-in-law enjoy the estate, sisters are denied.

My brothers visit me in the Eid only. They give me NIS 200. Along with their wives, they live in bliss - the estate of my father. Is this not injustice?

A participant from Nablus

My husband died when I was 24 four years old. I have eight children. My husband's family and my own family do not provide any expenses necessary to bring them up. Is it not injustice that I maintain eight children alone. My children have an extended family, which is obliged to sustain them.

A participant from Nablus

I claimed my right when my brother told me that I had waived my share and signed. I did not see anything like that. Is it not injustice that he deprives me of everything and exploit the fact that I am illiterate.

A participant from Nablus

Each son has 12 *dunums*. They want to give me one *dunum*. My sister only has 400 square metres because my father had registered it to her name. "How on earth can this happen?!"

A participant from Nablus

I was treated unjustly. My father deprived me of inheritance because I had separated from my husband. He registered two *dunums* to my sister's name. I do not have brothers. My sister is married to my cousin. My father also registered two *dunums* to my uncle's name and one *dunum* on his friend's name. Six years later, some people mediated and gave me one *dunum*, which was registered to my sister. She did not waive the other. My father died before he registered the *dunum* on my name. My uncles wanted to share this *dunum* with me, claiming that my father was indebted to them. Three years ago, I instituted a case at the court.

A participant from Nablus

### Social motives to claim inheritance

The survey examines social motives to claim the right of inheritance. It also investigates whether a woman's deteriorated relationship with her family before her father dies affects claim of her share of inheritance. When they do not obtain their share, does a subsequent feeling of injustice drive a woman to claim her right of inheritance? Does a woman claim her right of inheritance because of pressure exercised by her husband and/or children?

Of those who claimed their right of inheritance, a majority (64%) described their relationship with their families before the estate holder died as excellent or very excellent. According to focus group participants, women are shy to demand their inheritance when their relationship with their families is good before their fathers die. Bashfulness prevents a woman from claiming her right of inheritance. According to a participant from Ramallah:

I married when I was 37 years old. They divided the estate without consultation. "Just sign..." We all signed... My relationship with my family is very good. I forgive them this life and the other.

Only 6% of the surveyed women asserted they demanded their right of inheritance due to pressure exercised by their husbands.

Some men place pressure on women. They say they would get married if their wives do not bring their inheritance shares from their families.

A participant from Ramallah

8% of the respondents cited other motives to claim their shares of inheritance. Alienation of brothers or families make a woman feel that she would lose nothing. She already does not enjoy fraternal support - a presupposed family relationship within the Palestinian society. Some focus group participants highlighted this fact:

I only want my brothers to take care of me. I do not want any inheritance. They broke off with me. This is why I claimed my right and I will never abandon it.

A participant from Ramallah

Lack of a provider is yet another motive. As a right of hers, a woman wants “even a simple portion” of her father’s estate. Generated by a feeling of injustice, women believe that their children are more deserving of her right of inheritance. Due to problems with her children, women need to feel economically safe, particularly in the absence of social safety. If family relationships are declining, women claim their right just to provoke their families

## **2.2 Procedures for claiming the right of inheritance**

To access and distribute shares of inheritance, heirs are required to go through prescribed procedures. An application for certification of succession is submitted to the Sharia court. A case for correction of a certificate of succession can be instituted to challenge the certification process. Heirs may resort to certain parties, including informal justice providers, relatives, and legal institutions. As a last resort, heirs can have recourse to regular courts, institute a case, and claim their right of inheritance. In this context, case files at the Sharia courts of Ramallah, Nablus and Hebron have been reviewed. Figures of applications for certificates of succession and cases for correction of inheritance certificates have also been identified and examined.

### **Applications for certificates of succession and cases for correction to certificates of succession**

According to Sharia court statistics, most applicants for certification of succession are males who tend to take the initiative to apply for a certificate of succession more so than women. In the Palestinian patriarchal society, mainly men apply for and pursue certificates of succession at relevant courts and official departments. Men consider themselves as the direct beneficiaries of inheritance. Sometimes, heirs manage to exclude others from certificates of succession. Legal procedures of certification of succession and parcellation of properties and land are lengthy and complicated. Exorbitant court fees, which women cannot afford, pose further restrictions, obstructing women’s access to courts. In addition, particularly illiterate women are unaware of their family or legal rights. Even those who had some schooling are unaware of personal status laws and of their rights of inheritance.

Responding to a question about this vast disparity, Sharia court judges and clerks said that women could not appear before the court alone because of the common social culture of shame.

Number of applications for certificates of succession						
Court	Year	Total applications	Number of applicants		% of applicants	
			Men	Women	Men	Women
Ramallah & El Bireh Sharia Court	2011	519	375	144	72.2%	27.7%
	2012	565	429	136	75.9%	24%
	2013	566	437	129	77.2%	22.7%
Hebron Sharia Court	2011	380	326	54	85.7%	14.21%
	2012	400	339	61	84.7%	15.25%
	2013	453	404	49	89.1%	10.81%
Nablus Sharia Court	2011	595	502	93	84.3%	15.7%
	2012	731	616	115	84.3%	15.7%
	2013	697	611	86	87.66%	12.33%

In case an heir is excluded from the certificate of succession, a correction case can be instituted by the relevant party, whose share is negatively impacted by the court decision. With reference to statistics of the Ramallah & El Bireh Sharia Court, the majority of certification of succession cases were filed by a male against a male. The second largest category included cases lodged by a female against a male. Cases instituted by a male against a female were the least. In Hebron, the greatest number of cases were initiated by a male against a male, followed by cases filed by a female against a male, and lastly cases by a female against a female. Full data could not be obtained from the Nablus Sharia Court. However, available data shows that most cases were filed by a male against a female, followed by cases instituted by a female against a male.

The table below shows that the least number of cases for correction of certificates of succession were filed at the Hebron and Nablus Sharia Courts respectively. Many times the number of cases were lodged at the Ramallah & El Bireh Sharia Court.

Number of cases for correction of certificates of succession: Ramallah & El Bireh Sharia court					
Cases to amend and annul	Total cases	Cases by a female against a	Cases by a female against a male	Cases by a male against a female	Cases by a male against a

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certificates of succession	female						male		
	#	%	#	%	#	%	#	%	
2011	77	7%	27	35 %	14	18%	30	38%	
2012	65	12%	14	21%	9	13%	34	52%	
2013	56	17%	12	21%	8	14%	26	46%	
<b>Number of cases for correction of certificates of succession: Hebron Sharia court</b>									
Cases to amend and annul certificates of succession	Total cases	Cases by a female against a female		Cases by a female against a male		Cases by a male against a female		Cases by a male against a male	
	#	#	%	#	%	#	%	#	%
2011	10	2	20%	1	10%	0	—	7	70%
2012	7	0	—	3	42.8%	0	—	4	57.1%
2013	6	0	—	2	33.3%	0	—	4	66.6%
<b>Number of cases for correction of certificates of succession: Nablus Sharia court</b>									
Cases to amend and annul certificates of succession	Total cases	Cases by a female against a female		Cases by a female against a male		Cases by a male against a female		Cases by a male against a male	
	#	#	%	#	%	#	%	#	%
2011	14	0	—	4	28.5%	10	71.4%	0	—
2012	39	0	—	18	46.15%	21	53.8%	0	—
2013	16	0	—	10	62.5%	12	75%	0	—

Questions were addressed to women about their experience with Sharia courts. The majority of women pursued their claim of the right of inheritance by themselves. Half of the respondents applied for a certificate of succession by themselves. 30% received assistance in the application for certificates of succession. Most women did not encounter any legal problems at Sharia courts. To ensure easy implementation of procedures, Sharia court judges are required to explain requirements needed to apply for a certificate of succession,

conditions of witnesses, and procedures for exhibition of a certificate of succession. Still, the majority of the surveyed women reported that Sharia court procedures were expensive.

In their cases, 74% of the women who claimed their right of inheritance did not issue a power of attorney to a third party. Compared to 54% who obtained a certificate of succession, 30% received assistance to submit their applications.

In regard of certification of succession, 31% of the surveyed women were of the opinion that Sharia court procedures were complicated. By contrast, 65% did not face any legal problems at Sharia courts. 69% believed that Sharia court procedures were costly and 20% said they did not have an idea about costs.

### Request for assistance to access inheritance

Most commonly, women request assistance to access their right of inheritance. To obtain their share in a peaceful manner, women ask certain parties to intervene and support them. 53% of women who claimed their right of inheritance requested assistance from a third party. In this vein, 52% of the surveyed women resorted to informal justice providers, who played a significant role in mediation and family dispute resolution. 35% of the respondents sought assistance from their elder brothers.

Only 9% of the surveyed community sought assistance from legal centres, women's organisations, and projects that support women's access to their rights of inheritance. Women are not aware of these organisations, functions, or how to access them. This is an indicator that women are not familiar with legal organisations and the assistance they can provide, including counselling and/or legal representation women may need to access their rights. Also, women are afraid of accessing legal organisations. Particularly in villages, Palestinian women do not go out of their homes. All the more so, they do not access legal institutions in fear that their husbands or families know about it. Furthermore, women do not trust legal agencies. Due to mistrust, 22% of those who claimed their right of inheritance said they did not request assistance from any agency, nor were they aware of any agency they could reach. As to why they did not access legal organisations, focus group participants stated they did not know any institutions that could help them claim their rights of inheritance. Women also lacked the determination to access these organisations. They are afraid of the society, customs and traditions and believe that access to relevant institutions is costly.

For the first time, we know that legal organisations, which work on this issue, exist. I did not know this until the researcher came in and filled in the survey with me.

A participant from Nablus

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I accessed legal organisations and asked many about an agency I could resort to. It was in vain, however. I only benefited from the Community Service Centre. They provided psychological support and counselling to me so that I could pursue my case.

A participant from Nablus

1% of the surveyed women resorted to Governor Offices. Reflecting a low percentage, these women were unaware of functions and the role Governor Offices play in family dispute resolution, including inheritance cases. In this context, the research team requested data on the number of complaints filed to some Governor Offices. To identify the ratio of women to men who lodged complaints, the research team could determine indicators on women's satisfaction with access to their rights of inheritance.

Between 2011 and 2013, a total of 131 complaints were filed to the Nablus Governor Office. These included 67 complaints made by men and 64 by women. Over the reporting period, 16 complaints, including 6 by men and 9 by women, were lodged to the Bethlehem Governor Office. In Salfit, 53 complaints (34 by men and 19 by women) were made. Although a gender-based distribution is unavailable, 49 and 247 complaints were submitted to the Hebron and Qalqiliya Governor Offices respectively. One complaint was filed by a man to the Tubas Governor Office. In Jenin, the Governor Office received 41 complaints, including 12 by men and 29 by women. Despite many attempts, the research team could not access data on the number of complaints lodged to the Ramallah & El Bireh Governor Office.

#	Governor Office	Total number	Year	Number per year	Number of male complainants	Number of female complainants
1	Nablus	157	2010	26	16	10
			2011	23	15	8
			2012	69	34	35
			2013	39	18	21
2	Bethlehem		2010	4	1	3
			2011	6	3	3
			2012	7	3	4
			2013	3	0	3
3	Salfit	53	2011	20	14	6
			2012	13	7	6
			2013	20	13	7
5	Hebron		2011	13		

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			2012	16		
			2013	20		
6	Qalqiliya		2011	82		
			2012	90		
			2013	75		
7	Tubas		2011	4	1	3
			2012			
			2013	2		2
8	Jenin		2011	15	7	8
			2012	14	2	12
			2013	12	3	9

The majority of women did not receive support from the organisations they resorted to. 75% of the surveyed women reported that they organisations they accessed provided little or very little support. Not only were they neutral to women’s claim of their rights of inheritance, some informal justice providers have even challenged women, believing they do not have the right to claim their inheritance rights. Strangely, some of these figures are considered as “religious scholars” by the society. According to a participant from Ramallah:

Without official papers, my mother gave me a *dunum* of land because I was poor. They forgave me. I built my house 15 years ago. My brother placed pressure on me and suspended construction of my well. I resorted to informal justice providers, but they challenged me. They presented unfair proposals for partition. However, my brother rejected these proposals.

They brought in a sheikh [religious scholar] to develop the consensual agreement. He told me: “Whenever a man sees a woman, he should pour gas on and set her on fire.”

A participant from Ramallah

Compared to recourse to informal justice providers, fewer women resorted to their elder brothers. Still, 68% of the surveyed women received more support from their own families. Of these, 37% were supported by their sisters, 25% by their brothers, and 17% by their husbands. Mothers provided the least support to women (only 1%). This is due to the patriarchal culture that gives priority to males in inheritance. Male children are considered to be in charge of their mothers when they get old. Daughters, together with their husbands and children, are seen as strangers and should, therefore, be dispossessed of inheritance. Some mothers believe that the claim of inheritance is a result of pressure exercised by the woman’s husband. Hence, he should be deprived of inheritance. As to why they did not receive adequate support from their fathers and mothers, focus group participants cited love of male children and discrimination.

“The estate belongs to my sons. It is not yours or the stranger’s. If you are widowed, go to hell you and your children. You have nothing with us.” My mother told me.

A participant from Nablus

Also, male children are obliged to take care of their parents.

The mother lives at her son’s. This is why she is always on his side.

A participant from Hebron

People believe that a girl who receives her right of inheritance actually takes and transfers properties to another family.

A participant from Ramallah

Mothers want the estate and money to remain for their male children because they are inside the family. They do not want a stranger (their daughter’s husband) to take away estate of the father and grandfather.

A participant from Nablus

Asked why they did not request assistance to obtain their hereditary right, 51% of the surveyed women said they were afraid to break off relations with their families. In that case, a woman would lose family protection, social safety, and support against her husband and his family. Secondly, 23% of the respondents cited the culture of shame, which denies the claim of inheritance. Accordingly, women are seen as deviants from social norms and traditions. 22% of the survey sample did not trust or know about any organisation they could resort to. To this effect, legal institutions need to launch extensive campaigns to publicise their functions and capacities, ultimately consolidating public trust and confidence in their operations. Only 3% of women feel that their and their children’s lives are in danger and/or under threat if they claim their right of inheritance. Women who do claim their rights fear and expect violence. Violence may also affect these women’s children. 1% of the surveyed women did not access support providers due to fear of the future. These believed that they might lose family support in case they request assistance from a third party.

Another 10% of the respondents cited a variety of reasons, including lack of support agencies, alienation, self-reliance, taking the law into own hands, bashfulness, illness, waivers made by fathers, and prior conception that assistance is not feasible.

An overall review of these reasons reveals that women are primarily anxious about losing family support. Women are already aware that request for assistance is fruitless. Accordingly, an immaterial consideration deters women from accessing or seeking assistance to maintain their right of inheritance (Table 24).

### Access to land departments

In relation to land departments, the majority of the surveyed women said that applicable procedures, including partition of properties, shares and land between heirs, were complicated. Still, half of the respondents stated they reported to the land department without assistance from anybody.

60% of women asserted that partition of properties, shares and land between heirs was complicated. 46% said no one helped them access and follow up on their cases with land departments. Compared to 45% who described them as difficult and very difficult, 24% of women stated that land department procedures were as ordinary as any legal procedure.

37% of the survey sample encountered difficulties in the process of registering their shares of inheritance. In contrast with 39% who did not face any difficulties, 24% did not know whether they encountered problems or not (Table 75).

<b>Access to hereditary rights at the Palestine Stock Exchange (PEX)</b>										
Male-female heir ratio is about the same at the PEX. However, mostly males submit applications for transfer of inheritance shares. Beyond doubt, this pertains to the same reason of a patriarchal Palestinian society. Men are supposed to follow up on financial matters and report to public institutions.										
<b>Transfers of inherited shares in 2010-2013: PEX</b>										
Year	Number of applications	Number and percentage of heirs by sex					Number and percentage of applicants by sex			
		Total heirs	Males	%	Females	%	Males	%	Females	%
2010	162	989	483	49%	506	51%	104	64%	58	36%
2011	131	760	375	49%	385	51%	90	69%	41	31%
2012	124	708	364	51%	344	49%	82	66%	42	34%
2013	173	1044	539	52%	505	48%	129	75%	44	25%

### Recourse to court to access inheritance

In many cases, going to the court is the last resort for women to receive their right of inheritance. Women have recourse to court when they realise that proposed solutions are not in their favour or when they do not want to make any concessions. They also seek redress in the formal judicial system when other heirs implicitly seize the estate (by using land and residing in houses) or expropriate inheritance by means of deception, fraud and/or falsification. On the other hand, women do not resort to the Police to report inheritance-related problems; they do not accept to report disputes and cause harm to their brothers.

I hired a surveyor on my own. My sister-in-law and her children threatened me. I went to the Police, who said they would arrest my brother. I refused to file a complaint. I do not want to get my brother into trouble.

A participant from Ramallah

In addition to the fact that they did not want to make concessions, 46% of the surveyed women said they sought redress in the judicial system when they felt that proposed solutions were not in their interest. 28% said stated they were trustful of the formal judicial system and that they would obtain their rights. 25% asserted that recourse to court was their last resort. 19% stated that other heirs implicitly seized the estate (by using land and residing in houses) and 17% said that heirs expropriated inheritance by means of deception, fraud and/or falsification. Finally, only 1% of the surveyed community said some women resorted to court and maintained their rights. No women went to the court “because institutions helped them seek redress in the formal judicial system” (Tables 63 and 64).

In reference of High Judicial Council (HJC) data on the number and applicants of inheritance cases, female claimants in inheritance cases outnumbered male claimants. In 2011-2013, 17 inheritance cases were brought before the Ramallah court. Of these, 47.1% were filed by men and 52.9% by women.

During the same reporting period, a total of 71 inheritance cases were initiated in Hebron. Compared to 36.6% lodged by male claimants, 63.4% were instituted by female claimants.

In Nablus, 68 cases were filed, including 47.1% by men and 52.9% by women.

### Regular courts

Several questions were addressed to women with a view to assess their experience with recourse to regular courts. 31% of the surveyed women received assistance to institute cases

before regular courts. It is worth noting that the law requires a lawyer be retained in no objection cases. A lawyer is not required to initiate a case on removal of common property. This is consistent with the fact that the majority of women did not encounter legal problems at courts. The majority of the respondents reported that cases on no objection, removal of common property, and/or powers of attorney took a long time to process. They said that their cases were not adjudicated by court. Others asserted that litigation procedures were expensive. Marking a high percentage of all those who accessed courts, 97% of female claimants did not receive their rights. Only 7% of women had their cases disposed by the court. Not a woman obtained her full rights at court, however.

Compared to 31% who received assistance, 46% of the surveyed women said no one helped them institute a case before a regular court. 22% said they did not initiate a case. Of those who brought a case on no objection, removal of common property and/or powers of attorney stated that procedures were time-consuming and daunting. 10% of the survey sample reported that litigation procedures were normal and easy. 23% said they had no idea.

While 16% of the respondents stated they did not face difficulties at regular courts, 59% said they did not. 72% of the women who instituted cases at regular courts explained that litigation procedures were costly.

70% of the surveyed community reported that their cases were not adjudicated by court. 97% asserted they did not obtain their rights in full (Table 79).

Explaining why they did not resort to the formal judicial system, 41% of the respondents said litigation procedures were expensive and complicated. Because recourse to court is seen as a serious escalation of family disputes, 36% stated they did not want to lose their families and, consequently, support and bonds of kinship. 11% noted they did not know how to file a case or access a court of law. 9% reported they received a portion of their inheritance rights, so they did not go to court. By contrast, 11% of the surveyed women cited other reasons. Women who had resorted to court did not receive their rights. The process of litigation can take a long time. Even if the court rules in their favour, women are aware that court decisions would not be enforced. Women are also distrustful of the formal justice system.

According to 9% of the survey sample, women do not obtain their full rights or are afraid of problems and disputes. Others do not find someone to help them initiate legal procedures. In addition to the culture of shame and bashfulness, brothers may threaten to murder their sisters, who claim their right of inheritance. Women might also wish they could reach a consensual agreement from the start (Tables 63 and 64).

Although they are entitled to an established and clear right of inheritance, women may not be aware of this right. Women are not familiar with applicable legal processes to claim their right. A few women can access legal consultancy. Even so, they might not have the money they need for legal advice. Many women are crippled by a common belief that ownership of

immovable properties is limited to men. Oftentimes, judges lack needed competence or expertise to interpret and apply national laws in conformity with international conventions on human rights, including CEDAW. Importantly, legal awareness and capacity building should be provided<sup>37</sup>.

Of those who abandoned their right of inheritance, 39% said they did not wish to lose their families and bonds of kinship. Others explained that the litigation process was costly and complicated (17%), received a portion of their inheritance (14%), obtained all their rights (12%), and did not know how to lodge a case or resort to a court of law (5%). According to 3% of the surveyed women, even if the court rules in their favour, women are already aware that court decisions would not be enforced.

The majority of women refrain from filing complaints with a view to preserve their families and relations with their brothers. However, 41% of the women, who claimed their right of inheritance, asserted they did not seek redress in the formal judicial system because litigation was costly and complicated. 11% said they did not know how to file a case or how to have recourse to court. Citing other reasons, another 11% of the surveyed community said some women resorted to court, but did not obtain their rights and/or the litigation process was unduly long. Even if the court rules in their favour, women are aware that court decisions would not be enforced. Women are also distrustful of the formal justice system (Table 46).

For those who resorted to agencies other than courts, focus group participants attributed reasons to fear from family as well as to lengthy, costly and fruitless litigation procedures.

According to several participants from Nablus:

Court procedures are very, very long and expensive. Women cannot afford these amounts, particularly lawyer fees.

The financial situation is very, very bad. I cannot even afford transportation fees.

Procedures are long and daunting. A session takes all day long. You have to stay at the court.

We resorted to court, but it was in vain.

I spent 10 years in courts. So far, I have not obtained anything.

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<sup>37</sup> UNAIDS Initiative. The global Coalition on Women and Aids. *Securing women's property and inheritance rights*.

I spent 25 years in courts. Until now, I have not reached any result.

I went to the village council and requested that they deliver a testimony at court. However, they declined after they had been threatened.

The local reconciliation committee did not respond to me at all.

If I access any agency, my brothers will behead me.

Typically, the process of accessing a woman's right of inheritance can take a long time. In 24% of the cases, claims took more than ten years. Including claims filed to the court, it took five years to settle inheritance claims in 44% of the cases, this portraying the uneasy access to inheritance and lengthy procedures of litigation at national courts. The period of disposition might be long, requiring patience in dealing with a purely legal case. This is all combined with tremendous social and familial pressure, focusing on the importance and role brothers play in the protection of women. In this context, women could be barred by their families, brothers, or surrounding community.

Including claims filed to the court, it took from one to five years to settle inheritance claims in 44% of the cases. Claims took more than ten years in 24% of the cases, from five to ten years in 21% of the cases, and less than a year in 11% of the cases.

### 2.3 Positions of the family, husband and community

#### Position of the family

27% of the surveyed women asserted their fathers/mothers supported them to claim their right of inheritance. Though reflecting a mediocre percentage, this indicates that inheritance is a right of the woman as it is a right of the man. Most often, however, parents do not prefer to accord inheritance to their female children for several considerations. Most significantly, parents prefer male children and feel they will take care of them when they get old. In the absence of a social security system, sons are the only guarantee parents have in their old age. Unwilling to partition the estate, parents believe that their daughter's husband would benefit from her share of inheritance. Although the daughter is effectively barred, parents deprive the husband of inheritance. 13% of the respondents' parents were outraged

and refused to give women their hereditary right. Fuelling unrest, claim of the right of inheritance is seen as a cause of problems between family members. To force her to decline her position, the woman who is deprived of her right is blamed. 5% of women highlighted the importance and role brothers play in the protection of women. Used as a manoeuvre to weaken and coerce her, protection is invoked to remind a woman that she needs her brothers' support and that she might resort to them in the future. Why should a woman place pressure on her brothers now, whilst she might need them later? Why should they stand by her in the future if she exercised pressure to obtain her right of inheritance? In the context of 'calm pressure' used to drive women to waive their inheritance shares, 3% of the parents underestimated the value of the estate. Reflecting a negative attitude, the majority of parents (51%) either adopted a neutral position or did not intervene. In reality, claim of inheritance rights is a declaration of war; father/mother does not want to align with one side so that they do not lose the other. Mostly, parents stand by their male children, however. Such a negative position stands against women, who do need family support in order to access their right of inheritance. A family should not adopt a neutral position, whereby women cannot claim their rights (Table 47).

### Position of brothers and sisters

Compared to 20%, 56% of brothers refused that their sisters demand their right of inheritance. 8% underestimated the value of the estate. 7% highlighted the importance and role brothers play in the protection of women. While some brothers refused to grant women their right of inheritance, others procrastinated or postponed distribution of hereditary shares.

Women who demanded their right of inheritance received the greatest support from their sisters (81%), father/mother (27%), and brothers (20%). By contrast, the most significant opposition and refusal was expressed by brothers (56%), father/mother (13%), and sisters (3%).

Sisters claimed their rights of inheritance thanks to 67% of the surveyed women who did so. 27% of the respondents demanded their hereditary right after their sisters had claimed it (Table 53).

Marking a relatively low percentage, but also indicating a higher tendency among brothers (7%), father/mother (5%) and sisters (2%), answers to the research survey sample highlight the importance of the impact brothers exert on their sisters. As beneficiaries, brothers attempt more than others to exercise pressure and persuade their sisters to not demand their right of inheritance. On the other hand, these statistics show that less pressure is placed on women by convincing them of the role brothers play in providing needed protection. Compared to women's expectations, brothers have shown less support to their sisters than they did in the past. Only 2% of the surveyed women highlighted that the relationship

between brothers and sisters also varied depending on some variables, including financial situation, education, and social status.

Citing reasons for the declining significance of brothers, focus group participants in Ramallah said:

Kinship has differed. A rich sister is not like a poor or strong sister. God is the protector. If the brothers benefits from his sister, he likes her. I had a problem, but my mother and brother did not help me. However, they supported my sister in other problems.

A woman must insure herself even by using her husband's property. Nothing benefits a woman but her property and God.

No one takes care of another.

My children are worthier than others. I will not give my right to my children directly. After I die, they can take it.

My husband has been unemployed for a year and a half. No one asked about me. On the other hand, they visit my rich, educated, and employed sister.

In Nablus, focus groups participants stated:

When we get sick, we look forward to seeing our brothers. Sometimes, brothers are transgressors, however.

I do not resort to anyone, neither a brother nor an uncle. I take my right into my own hands.

They estate was undervalued by brothers (8%) and fathers/mothers (5%). This is in consistence with brothers' aspirations to persuade women of declining their rights as well as with father/mother's attempt to minimise disputes between their sons and daughters as well as to preclude any problems over the estate. However, sisters have not undervalued the estate. On the contrary, 67% of women were encouraged to claim their rights of inheritance after their sisters did so. Also, 27% of the respondents said they demanded their shares after their sisters had claimed it.

### Position of husbands and children

A husband's position depends on the personality and economic status of both the husband and the wife. A husband might leave it to, or force, his wife to claim her right of inheritance. Given that he does not need her family's property, a husband might be infuriated if his wife demands her share of inheritance. Accordingly, a husband is in line with the society, which considers that inheritance is a right of men, rather than of women.

45% of husbands of the surveyed women supported their wives to claim their of inheritance. 3% urged and placed pressure on their wives to demand their hereditary rights. 3% of the husbands refused that their wives claim their inheritance share. Of these, 1% underestimated the estate and 2% highlighted importance and role of brothers in protection of women. 47% of the husbands adopted a neutral position or did not intervene. The question was not applicable in some cases as the husband was dead or a woman was widowed, divorced, separated, or unmarried.

The majority of children (75%) showed a supportive position, encouraging their mothers to claim their rights of inheritance. Of the whole research survey sample, only 1% of the children urged their mothers demand their hereditary shares due to deteriorated economic conditions. A patriarchal perspective of inheritance is still dominant even if a person is entitled to inheritance (Tables 54 and 56).

### The society's position towards claim of inheritance

67% of the survey sample asserted that the society did not consider that women's claim of their right of inheritance as a stigma. Even more so, 68% of the surveyed women said that the community view did not change because women demanded their hereditary rights. 55% of the women were supported by their neighbours and acquaintances in the surrounding community. According to respondents, 37% and 7% of members of the local community respectively either did not intervene or refused that women ask for her inheritance, highlighting importance of brothers or undervaluing the estate.

Responding to a question about the local community's attitude towards her claim of inheritance, a participant in the Ramallah focus group said:

When the problem first took place, I did not go out of my house for four or five months. I was afraid of the community view. At first, the community viewed me as strong... People showed understanding when they realised what the problem was about.

Representing only 7%, the society's refusal that women claim their right of inheritance is relatively low. This is a favourable attitude. It is difficult for women to claim their right of inheritance in a society that incriminates it. However, 32% of the survey sample asserted that the society viewed women who sought redress in the formal justice system to claim their inheritance rights unfavourably. 30% of the respondents said the society's view turned worse. Particularly when women are alienated by their families, the society's negative view poses a moral coercion, discouraging women to claim their rights of inheritance or to seek redress in the formal judicial system. In these instances, women were seen as recalcitrant and accused of deviating from common social norms. In the eyes of the society, these women will inevitably instigate many other female heirs to claim their right of inheritance. According to 30% of the respondents, other women have started to demand their hereditary rights. In reality, the patriarchal Palestinian society is concerned about pioneers who claim their rights of inheritance and threaten men's hereditary security. As a result of the society's position, 19% of the women who had resorted to court regretted it. On the other hand, the majority (87%) of women who claimed their right of inheritance had more confidence in themselves (Tables 57 and 61).

### 2.4. Consequences of the denial of women's right of inheritance

Families showed various reactions to women's claim of the right of inheritance. Families either postponed (62%) or delayed (25%) distribution of inheritance shares. 9% of the families proposed a settlement of a lesser amount. Only 3% of families consented to grant women their rights of inheritance. Predominantly, however, the majority of families denied this right. As a tactic to forget about inheritance, families have postponed or delayed distribution of the estate. Also, women are abashed so that they do not raise the issue of inheritance any more. Families propose settlements of lesser amounts, offering the least valued pieces of land or those located in close proximity to the Separation Wall to female heirs. Sometimes, a sum that does not match the real value of female heirs' shares is offered. Ultimately, some women cease to claim their right of inheritance given that the shares offered to them are not worthy.

### Social causes of the denial of women's right of inheritance

A multitude of reasons are invoked to deny women their inheritance rights. According to 40% of the survey sample, women are denied their right due to prevalent social customs and traditions, particularly in relation to land, real estate, and immovable properties. Male children are exclusively entitled to inherit these assets. Another two reasons are associated with gender-based discrimination: preference of males to females (29%) and unwillingness to

transfer inherited properties to another family (26%). The surveyed women also attributed the reason for the denial of inheritance to unawareness of legal provisions and law. A lower percentage cited a family's financial hardship, mediocre estate, and maintenance of family cohesion (Table 29).

22% of the survey sample cited reasons other than those mentioned on the survey questionnaire. However, most reasons are associated with the following social considerations:

Table 30: In your opinion, what (other) reasons are behind denial of your right of inheritance	
	Frequency
My nephew wants me to go to court	1
Mother's bequest. My mother wants to give a portion of my right, not all of it. I want to have my right as prescribed by Sharia.	2
They want to expel me. They seek to get me out of the house and area as a whole	1
Rancour and hatred "They hate me. They do not love me"	4
Incompliance with religious teachings and corrupted faith	1
They do not recognise my right. They are greedy and love to possess others' property	9
Pressure placed by relatives	1
Preferring children of the second wife	2
Claiming that they purchased the land. Estate is registered on the names of brothers	2
Claiming she waived her right at the municipality. The municipality refused to assist her	1
They promised to give my right. So far, nothing happened.	1
I suffer from a physical disability	1
They are afraid their financial situation deteriorates	1
Selfishness, bullying and stinginess	3
My husband's family do not want to give my right of inheritance. "They	1

want to keep it for themselves”	
My sister monopolises savings.	1
My family forced me to abandon my right at the municipality.	1

**Economic causes for the denial of women’s right of inheritance**

12% of the surveyed women said they were deprived of their rights of inheritance under the pretext that men had invested an enormous amount of effort and work in land, real estate, and/or properties. The Palestinian society is distinctive of extended families. Men work with their fathers to develop agricultural, business or industrial enterprises. Without identifying shares, men contribute to increasing the capital, expand businesses, and purchase land and real estate. During the lifetimes of their fathers, male children benefit from their businesses. They spend, develop, purchase and sell land and properties. Profits and real estate may be registered to their names. After the estate holder dies, a major problem over estate distribution takes place. In this vein, may brothers be deprived of their right to the outcome of their lifelong work with their father? Can this right be approved? Should sisters be dispossessed of their hereditary rights given that their brothers multiplied and developed the estate?

This issue requires an informed deliberation. Devised solutions should not deprive male children of their efforts. At the same time, female heirs may not be dispossessed of their right in the estate of their father. In this context, the father must make clear his properties to his heirs. He has to make clear the properties that belong to male children, if any. Properties should not be left common between the father and his children. Such an ambiguity will result in disputes between heirs in the process of identifying their father’s estate, which has devolved to them. An heir may not encroach on the share of another, unless the latter waives his or her right without being subject to delusion or threat. The heir who possesses the estate must estimate the property he or she used and pay the rent of the like from the time the estate holder died. This will be distributed to heirs, each according to their share of the estate.

**Consequences of the denial of women’s rights of inheritance**

The right of inheritance is not viewed as a right of women as it is with men. Hence, to claim inheritance results in numerous disputes, adversely impacting family relations as well as economic and psychological conditions of female heirs.

Disinheritance of women results in feelings of coercion, injustice, and oppression. Overtime, enmity and hatred grows between brothers and sisters, within the family, and among

relatives. Family relations that are supposed to be built on compassion, sympathy and cohesion destabilise. Families break apart. Women lose the support of their family, which they have always relied on in times of need, affecting them both mentally and physically. Economic conditions decline because shares of inheritance are not distributed fairly. As a result of the husband pressurising the wife to receive her right of inheritance, a woman's relation with her husband might also deteriorate. Discord may even affect future generations. Furthermore, inheritance disputes may result in murder within the family, forcing a family to abandon their land and properties.

Denial of women's inheritance exerts multiple impacts. According to the survey sample, 65% of the disinherited women feel coercion, injustice and oppression. In addition to destabilised family relations, 49% of the respondents highlighted that enmity and hatred has grown between brothers and sisters, within the family, and among relatives. Other consequences of disinheritance include declining economic conditions (44%), mental and physical impact on women (30%), deteriorated relation with a woman's husband (3%). While all reasons mentioned above comprise 10% of the survey sample, 3% of the respondents cited rancour, dispossession, distrust, and residence in elderly care facilities (Table 31).

### Physical violence

11% of the surveyed women were beaten or physically assaulted. Responding to questions on consequences after they claimed their right of inheritance, answers included beating, attempts of murder, and threatens of murder.

My sister was beaten by my brothers. I felt threatened and that my brothers were ungrateful. I raised them along with their children.

A participant from Nablus

My brother gave a sum of money to a strange man to kill me. I felt so sad and traumatised.

A participant from Nablus

### Social violence

The majority of families do everything within their power to place pressure on women to discourage them claiming their right of inheritance. 63% of the surveyed women placed various types of pressure on women who demanded their hereditary rights. Family members

broke off relations with women (80%) or tried to talk to and abash women (38%). Some focus group participants said they were alienated. Women's attempt to seek redress in the formal judicial system was also underestimated.

My brother used to tell me: "Go to courts. You will spend 10 or 20 years there. You will get nothing except that I want to give you."

A participant from Ramallah

They break relations with her.

No one visits or helps her or her children.

Hatred and alienation.

Participants from Nablus

### Psychological violence

37% of the surveyed women asserted they were insulted, reviled, and/or yelled at. 13% were threaten to be beaten. Also representing 13%, women's attempt to seek redress in the formal judicial system was underestimated, as family members were already aware of the lengthy process of litigation. Because they claimed their right of inheritance, 1% of the respondents said they were forced to marry relatives while others were prevented from getting married at all. Options to marriage were also restricted.

Women experience negative psychological consequences when they are denied their right of inheritance. They are distrustful of their families, feel lonely, and vulnerable in the eyes of their husbands. As these impacts can be latent, women's rights require a real recognition and understanding. Psychological consequences remain visible. A woman cannot forget grief after she was dispossessed of her right of inheritance by her brothers or relatives – presumed source of protection.

Indirect consequences further reflect on women's health and mental conditions. Because her own family breaks off with her, a woman might be disgraced by her husband and his family.

My husband humiliates me, saying that my family are not looking after me.

A participant from Nablus

Sometime, psychological impacts are extended to women's children. To place pressure on women who claim their inheritance, their daughters may be divorced if she is married to a relative.

To divorce my daughter. They have irritated me with divorcing my daughter because she is married to her cousin.

A participant from Nablus

Male and female participants in focus groups explained that women are affected by various traumas, including grief and weeping. Because of family alienation, some women might suffer from serious diseases, such as a heart attack.

My uncle forced my mother to imprint papers of waiver of all her rights. She did not know that. Now, my mother is always sick and suffers from several traumas because she was aggrieved by her brothers. My mother sustained a heart attack. She always cries.

A male participant from Hebron (son of a woman who claimed her right)

My brother threatened to kill me. I cry every time I look at a house of my brothers.

A participant from Hebron

The woman who claims her right is alienated. My brother expelled me. All my brothers alienated me. When I see my nephews, I feel so sad because they do not talk to me. I always cry...

A participant from Hebron

According to focus group participants, particularly in social occasions, women feel inferior and sad because their relatives do not visit them.

A woman loves and boats that her relatives visit her. These are bonds of kinship. Alienation is harsh.

A participant from Ramallah

I wish I have family support. I wish they really stand by me.

A participant from Ramallah.

Some women expressed their willingness to abandon all their rights of inheritance to restore family relations.

I asked mediators to reconcile me with my brothers. I was ready to waive everything so that they come and visit me, but they refused. I always cry and my heart is broken. They only feel hatred and venom. I only want that they visit me.

A participant from Hebron

Some participants said they felt embarrassed in public. Despite the fact that she claims her legally prescribed right, alienation makes everyone feel that a women has wronged her family.

I feel embarrassed before people. I feel sad and inferior.

A participant from Hebron

The financial situation is very bad. No one helps me at all.

Like a stranger, he visits me on the Eid.

A participant from Nablus

However, some respondents were stronger than others. To them, their families are dead. In this context, a woman refused to be stereotyped as a criminal who claims what she is not entitled to. Therefore, a woman sacrifices the relation with heirs who dispossess her of her right. Grief and injustice has made some women look for other sources of support, including friends and neighbours, replacing relations with her family.

I consider them as dead.

A participant from Hebron

My family forced me to marry when I was young. They deprived me of education. I was married when I was in the 9<sup>th</sup> grade. My mother-in-law was tough. She used to hide food. My husband was weak. My family did not look after me at all. They oppressed me in education. They also oppressed me when they did not look after me.

A participant from Ramallah

Because they sold me from the beginning and did not look after me. Their presence or absence is all the same.

A participant from Ramallah

## **2.5 Causes of women's waiver of their right of inheritance**

Access to inheritance enhances the status of women, enabling them to support themselves and their families. Economic security strengthens women, makes them less vulnerable to domestic violence, and protects them against poverty. However, some Palestinian women waive their rights of inheritance with or without consent. Sometimes, women are deprived of their hereditary rights by means of deception or coercion.

This section investigates why Palestinian women abandon their rights of inheritance as well as techniques used to dispossess women of their hereditary shares.

It is worth highlighting some observations made by a field researcher in a village in the Ramallah governorate after she had met with women who abandoned their rights of inheritance. Based on confidential coordination, a woman who acted as a contact person with the field researcher invited these respondents to her house. Although interviews were personal and separate, women who waived their inheritance rights were not willing to talk. They expressed key concerns about their families, explaining they did not want any enmities with their families or the local community. The field researcher felt enormous pressure and oppression exercised on these women. Their mental conditions were deteriorated. Even though they participated in sensitisation courses and explained problems they encountered, some women completely denied it and said they abandoned their rights at will. Other women tried to prevent the field research from interviewing female heirs who waived their shares: “Are you trying to incite me against my brothers. These are my support.”

This is a proof positive of tremendous pressure placed on women in order to abandon their rights in some villages. Deprived of her right, a woman is also prohibited from talking about it.

Using *Takharuj*, some women compromise their shares and rights to other heirs. Other women waive their inheritance in line with a power of attorney.

According to *Takharuj* (a compromise among the inheritors for a sum of money), shares of inheritance can be sold among heirs and waived from one heir to another in consideration of a certain amount of the estate or a financial reimbursement or price to be agreed between them. A general *Takharuj* transaction covers all items of the estate. A special *Takharuj* includes a particular asset of the estate. With reference to records of Sharia Courts in Ramallah & El Bireh, Nablus and Hebron, female heirs, for the benefit of male heirs, filed the majority of *Takharuj* applications in 2010-2013. To a lesser extent, *Takharuj* applications were submitted by a male for the benefit of a male heir. While some transactions were jointly concluded by brothers, the least *Takharuj* applications were filed by a female for the interest of a female and from a male for a female.

Beyond doubt, *Takharuj* statistics imply that some heirs consider themselves as worthier of inheritance. Women consent to *Takharuj*, waiving their rights of inheritance for the benefit of male heirs. In the context of so-called cultural alienation, social perception that men are more deserving of inheritance than women or deceitful practices, women are forced to consent to and sign on *Takharuj* transactions although they do not know what *Takharuj* means. Women are prone to coercion and pressure to oblige them to approve *Takharuj* transactions. In reality, *Takharuj* seriously compromises women’s right of inheritance. As they are stripped of free will, women lose their entitlements, feel injustice, and file cases to claim their rights.

By contrast, male heirs divide the estate among themselves. An heir waives a portion of inheritance to another in consideration of a different share or a financial reimbursement.

## Palestinian Women and Inheritance

Sometimes, heirs may agree to *Takharuj*, whereby they waive their shares to one another. On the other hand, *Takharuj* transactions filed by a female for the benefit of a female were the lowest. These transactions are conducted by women for the interest of men or among men themselves.

Number of <i>Takharuj</i> transactions at the Ramallah & El Bireh Sharia Court											
Year	Total number	From a female to a male		From a female to a female		From a male to a female		From a male to a male		From or among brothers	
		Number	%	Number	%	Number	%	Number	%	Number	%
2011	62	46	74.2%	2	3%	0	-	11	17.7%	3	%4
2012	57	30	27%	5	8%	3	5%	7	12%	12	%21
2013	67	39	58%	9	13%	2	3%	8	11%	9	%13
Number of <i>Takharuj</i> transactions at the Hebron Sharia Court											
Year	Total number	From a female to a male		From a female to a female		From a male to a female		From a male to a male		From or among brothers	
		Number	%	Number	%	Number	%	Number	%	Number	%
2011	93	<b>39</b>	41.9%	7	7.5%	5	5.37%	13	13.9%	29	%31.1
2012	39	<b>19</b>	48.7%	4	10.2%	0	—	2	5.12%	14	%35.9
2013	40	<b>22</b>	55%	3	7.5%	3	13.6%	3	7.5%	9	%22.5
Number of <i>Takharuj</i> transactions at the Nablus Sharia Court											
Year	Total number	From a female to a male		From a female to a female		From a male to a female		From a male to a male		From or among brothers	
		Number	%	Number	%	Number	%	Number	%	Number	%
2011	61	34	55.7%	13	21.3%	6	9.8%	8	13.1%		
2012	36	22	61.1%	3	8.3%	3	8.3%	8	22.2%		
2013	38	25	65.7%	2	5.2%	0	—	11	28.9%		

Every year, almost 10% of the certificates of succession and *Takharuj* applications are filed to Ramallah & El Bireh Sharia Court. Between 2011 and 2013, a significantly lower number of transactions was submitted to Hebron and Nablus Sharia Courts. These do not necessarily

reflect the number of *Takharuj* transactions relating to inheritance of estate holders who died between 2011 and 2013, but a long time earlier. At an old age, female heirs consent to *Takharuj* transactions despite the fact that they do not know what *Takharuj* means or the shares they are giving away.

Thanks to the Circular on *Takharuj*, *Takharuj* transactions registered a remarkable decrease over 2012 and 2013. Accordingly, a *Takharuj* transaction can only be registered four months after death of the estate holder. A detailed statement will also be submitted, including all movable and immovable properties left by the deceased. To be endorsed by the municipality or local council where the estate is located, the statement will be signed by all adult heirs, who live in Palestine. Signed by three experts, a report will state the real price of all hereditary shares, which will be subject to *Takharuj*, whether general or special. Before registration, *Takharuj* will be announced by means of exhibition or publication in a local newspaper for a period of not less than a week. A file will also be developed and submitted to the High Sharia Court for examination. Issued in May 2011, the Circular on *Takharuj* is designed to prevent injustices, ensure and avoid manipulation of the rights of heirs, particularly women.

Ratio of <i>Takharuj</i> applications to certificates of succession at the Ramallah & El Bireh Sharia Court			
Year	Number of certificates of succession	Number of <i>Takharuj</i> applications	Ratio of <i>Takharuj</i> applications to certificates of succession
2011	519	62	11.9%
2012	565	57	10%
2013	566	67	11.8%
Ratio of <i>Takharuj</i> applications to certificates of succession at the Ramallah & El Bireh Sharia Court			
Year	Number of certificates of succession	Number of <i>Takharuj</i> applications	Ratio of <i>Takharuj</i> applications to certificates of succession
2011	<b>380</b>	93	24.4%
2012	<b>400</b>	39	9%
2013	<b>453</b>	40	8%
Ratio of <i>Takharuj</i> applications to certificates of succession at the Ramallah & El Bireh Sharia Court			

Year	Number of certificates of succession	Number of <i>Takharuj</i> applications	Ratio of <i>Takharuj</i> applications to certificates of succession
2011	595	61	10.2%
2012	731	36	4.9%
2013	697	38	5.4%

86% of the surveyed women reported that they waived their right of inheritance by means of *Takharuj*. 28% abandoned their hereditary right through an irrecoverable power of attorney. Another 75% made a waiver without any consideration.

Representing 48% of the survey sample, social causes were a primary motive for women to consent to *Takharuj* and abandon their rights of inheritance. 19% of the surveyed women received the price of a portion of their shares. 8% said other heirs paid the full price of their shares of the estate. 5% indicated their economic situation was favourable and they did not need their shares of inheritance. On the other hand, 3% of the respondents asserted that their families' economic situation was deteriorated. 17% of the survey sample cited other motives, including a woman's good economic situation, bad economic status of a woman's family, and willingness to avoid a dispute. In addition to women who loathed their husbands, respondents gave priority to other heirs such, including step or lonely brothers. Four women reported that they were deceived to consent to *Takharuj* or sign a power of attorney to abandon their hereditary shares. Of these, some were promised to be paid for their portions, but they have not received anything.

Responding to a question on why women waived their rights of inheritance, surveyed women cited the following reasons:

- Threats and force used by the family;
- Fear of the family and surrounding community;
- Threat of murder;
- Bad relation with the husband or husband's family, encouraging women to abandon their shares so as not to benefit their husband's family;
- Concern about divorce of a woman's daughter or daughter-in-law in the event of consanguineous marriages;
- A common belief that a woman who is supported by her male relatives is strong. Conversely, a woman who is barred by her male relatives is weak;
- Fear of exposure and hearsay; and
- Fear of hostility.

Spelling out techniques to ensure waiver of hereditary rights, focus group participants said that some heirs subject women to community pressure, creating opposition of the claim of inheritance. In this context, other heirs allege that women are claiming more than the right they are entitled to. Encroaching on women's rights, the estate is valued in a manner that serves interests of men.

My sister-in-law and her children tell people that I want to take the half, and that I want to take more than is my right.

A participant from Ramallah

According to a consensual agreement, I received a 500-square-metre piece of land, which my mother had given me. It was originally a *dunum*. I also had shares in other parcels of land. The land they sold was valued at very little amounts. My shares were valued at a very large sum.

A participant from Ramallah

The survey included a hypothesis, suggesting that a male heir waives his share of inheritance to a female heir. All focus group participants coincided that this was impossible. A man always feels that properties and estate are his. This is an inherent culture he has been brought up in. It does not change under any circumstances.

### Economic causes of waiver

5% of the surveyed women, who waived their right of inheritance, said their economic situation was good and they did not need inheritance. 3% cited their families' deteriorate financial status. However, the fact that women do not realise the real value of the estate and their shares was an indirect cause of giving inheritance away. Of those who abandoned their right of inheritance, women were aware of the value of the estate were less than those who claimed their rights (33%). This is close to the percentage of women who asserted they knew the value of their share of inheritance (31%). According to estimations of 47% of the women who waived their hereditary rights, the estate was worth more than JD 100,000.

Focus group participants stated they waived their rights of inheritance due to poverty.

I signed on a consensual agreement because I was poor. I could not afford the house rent.

A participant from Ramallah.

### Social causes of waiver

32% of the surveyed women, who abandoned their rights of inheritance, described their financial status as bad or very bad. 72% of the survey sample described their families' status as good or very good. Still, these women did waive their rights of inheritance. Why?

Comprising 48% of the surveyed community, social considerations were the most prominent cause of *Takharuj* and disclaim of rights of inheritance. These included maintenance of bonds of kinship (33%), feeling bashful or shy to claim inheritance (27%), and community pressure (12%). 10% wanted family properties remain within the family. While 8% had no idea what they signed, 5% surrendered to threats posed by their brothers.

77% of the respondents, who declined their hereditary shares, described relations with their families as excellent or very excellent before the estate holder had died. Probably, good relations were a strong motive to concede the right of inheritance in return for a maintained family relation. Why should a woman risk a good relation with her family for inheritance, which she might not receive in full or might never obtain? In this vein, a woman is not aware of the real value of the estate or inheritance shares are undervalued. Almost half of the survey sample (44%) said the society stigmatised a women who claimed her inheritance. Submitting to this view, a woman does not demand, or waives, her right.

Responding to a question on whether a woman, who surrenders her right of inheritance, receives family support she anticipates from her brothers, women said that a woman is the only loser, whether she abandons or claims her share. "When she demands her right, they treat her as an enemy. When she waives it, she ignore her."

### Legal illiteracy among women

Do the women, who waive their hereditary rights, know what *Takharuj* means? Although they are not aware of its legal consequences, do women consent to *Takharuj*? Do they realise that they are entitled to receive the real price of the shares they abandoned?

74% of respondents said they did not know what *Takharuj* meant. Only a quarter of the survey sample (25%) were aware of what *Takharuj* was. 47% chose the right answer: *Takharuj* is an irrecoverable sale in consideration of a financial reimbursement. 32% of the surveyed women said it was an irrecoverable donation without any consideration. 16% replied that *Takharuj* was a free waiver for other heirs, but it can be revoked at any time a woman desires. Two women gave the right answer: "I receive all my rights of inheritance. Then, I waive my share." The other explained that *Takharuj* was a final, irrecoverable agreement between heirs

on the inheritance. 60% of the respondents said they knew they could not revoke a *Takharuj* transaction. Of these, 47% were of the opinion that the Circular on *Takharuj* enhanced women's access to their hereditary rights. Accordingly, after the estate is valuated, *Takharuj* transactions are registered four months after death of the estate holder. On the other hand, 40% of the women did not know the answer.

Against this background, *Takharuj* poses a real challenge to women. They do not know what this legal disposition means, nor do they recognise its consequences. At the same time, women are held to bear all legal effects of *Takharuj*, including dispossession of their right of inheritance, either wholly or partly. In this context, 87% of the surveyed women, who abandoned their shares of inheritance, consented to *Takharuj*. 43% received a sum of money in consideration of their consent to *Takharuj*. In this context, it should be noted that *Takharuj* was mostly performed at the behest of brother(s).

### 2.6 Methods by which women abandon their rights of inheritance

This research seeks to find out whether women waive their hereditary rights at will or by pressure exercised by their husbands or children. It investigates whether deception is used by excluding women from certificates of succession, forcing women to sign on papers the content of which they do not realise, forfeiting properties through a bequest, or registering the estate on the name of certain heirs.

Representing 90% and 88% respectively, the majority of the surveyed women reported they were not pressured by their husbands or sons to abandon their rights of inheritance. 37% of the respondents asserted they were obliged to sign papers, the content of which they did not know. 89% of these cases were performed by brother(s). Compared to 77%, 20% of the survey sample were excluded from certificates of succession. 90% said a portion of the estate was not forfeited to heirs through a bequest. 87% stated that a portion of the estate was not registered to the names of certain heirs.

### Deprivation of the rights of inheritance

In the Palestinian society, disinheritance promotes and consolidates the stereotypical image of women as dependent on man. Dispossession of inheritance reflects on women's roles, integration in the society, partnership, and support of men in economic enterprises. 76% of the surveyed women, who claimed their rights of inheritance, said that other female heirs were deprived. 85% of the survey sample stated that only women were denied access to inheritance. 59% reported other female heirs did not obtain their rights in full. It is also observed that a certain female heir is not excluded from inheritance alone. From men's

perspective, female heirs are not antagonised merely because they are women, but because they do not have the right to claim their shares of inheritance (Tables 33, 34, and 35).

A variety of techniques are used to disinherit women. Heiresses are allured to sign legal document, the content and consequences of which they do not realise. In this vein, 57% of the surveyed women, who waived their rights of inheritance, said they were deceived either by signing papers they were not aware of their content, or by excluding them from the certificate of succession. Also, 22% of the women who claimed their hereditary rights signed papers, the content of which they did not know. Of these, 90% of cases were performed by a brother(s) and 3% by uncles, aunts, fathers-in-law, and brothers-in-law.

Also, a woman is given a portion, but deprived of the larger inherited share. According to a participant from Ramallah:

Four years ago, my brother sold a piece of land to solve a problem with his wife. Of my share, he gave me JD 300. He has not yet paid the remaining JD 1,050.

The majority of the respondents were excluded from certificates of succession. A portion of inheritance was not forfeited either by registration to the names of certain heirs or by means of a bequest. To disinherit a woman does not require that other heirs exclude her from a certificate of succession or forfeiture of estate. It is more about distribution of estate on the ground as well as family and community pressure that obstruct women's access to inheritance. Accordingly, circumvention of law is not the most effective technique to disinherit women. They can challenge a certificate of succession and obtain her legally prescribed rights.

The mother's share of estate is also distributed to male children only. 42% of the surveyed women, who claimed their rights of inheritance, said their mothers' portions were distributed to male children only. Among those who abandoned their hereditary right, 46% agreed and disagreed that a mother's share was divided between male children solely. A mother is treated as if she does not inherit, so her share devolves to her sons. Accordingly, female heirs are deprived (Table 38).

A major challenge to women's inheritance is that of the second wife. A participant from Ramallah explains:

My husband has children from a former wife. He wants to register the house to my name. I have a little girl. She is 10 years old. Every day, he postpones. He is afraid that his sons stop maintaining or breaking off with him.

Another participant says:

Some men write a separate paper for his wife. This is in case children of another wife are mean to her.

46% of the surveyed women said the estate is forfeited in order to disinherit female heirs. 21% ascribed it to male heirs who worked with the estate holder before his death and increased the wealth. 38% cited other reasons, including deprivation of the second wife or her children, discrimination between children, social customs and traditions, and father's love of the youngest son, and enmity and hatred between children (Tables 39, 40, and 41).

Constituting a criminal offence, disinheritance takes place by excluding some heirs from a certificate of succession. 19% of the respondents said they were barred from certificates of succession. 46% said women were disinherited by exclusion from certificates of succession or forfeiture of estate. 21% ascribed it to male heirs who worked with the estate holder before his death and increased the wealth. 38% cited other reasons, including deprivation of the second wife or her children, discrimination between children, social customs and traditions, and father's love of the youngest son, and enmity and hatred between children.

### Waiver of hereditary rights

86% of the surveyed women reported that they waived their right of inheritance by means of *Takharuj*. 28% abandoned their hereditary right through an irrecoverable power of attorney.

43% received a sum of money in consideration of *Takharuj*. 42% of those who waived their rights based on *Takharuj* did not receive any financial amount. *Takharuj* was proposed by brothers (70%), mothers (8%), and fathers (2%). In 10% of reported cases, *Takharuj* was devised by a consensual agreement. 7% of *Takharuj* transactions took place between cousins, grandchildren, brothers-in-law, uncles, other heirs, and no one.

97% of the surveyed women consented to *Takharuj* for the benefit of their brothers. Of these, 60% regretted that they relinquished their shares of inheritance. 81% preferred that they would have obtained their legally prescribed portions.

44% of the respondents who abandoned their hereditary rights were of the opinion the society stigmatised women who claimed their shares of inheritance. 56% disagreed with this view.

Does a woman really waive her right of inheritance at will? Is she forced to do so in light of family and community pressure? Focus group participants reported that women were mostly forced and coerced to relinquish their rights for a particular reason. Sometimes, women's ignorance is exploited: No sane woman would ever waive her right at will.

74% of respondents said they did not know what *Takharuj* meant. 25% were aware of what *Takharuj* was. 47% chose the right answer: *Takharuj* is an irrecoverable sale in consideration of a financial reimbursement. 32% of the surveyed women said it was an irrecoverable donation without any consideration. 16% replied that *Takharuj* was a free waiver for other heirs, but it can be revoked at any time a woman desires. Two women gave the right answer: “I receive all my rights of inheritance. Then, I waive my share.” *Takharuj* is a final, irrecoverable agreement between heirs on the inheritance. 60% of the respondents said they knew they could not revoke *Takharuj*. Of these, 47% were of the opinion that the Circular on *Takharuj* enhanced women’s access to their hereditary rights. Accordingly, after the estate is valued, *Takharuj* transactions are registered four months after death of the estate holder. On the other hand, 40% of the women did not know the answer.

### **Waiver by means of a power of attorney**

To maintain the purchaser’s right, a power of attorney is essentially used for the sale of real estate and land. When it is developed, the principal, attorney, and purchaser should be present. It can only be revoked in the presence of the seller and purchaser.

In consideration of financial reimbursement, 25% of the surveyed women abandoned their shares of inheritance through a power of attorney. However, 88% of those who waived their inheritance said they did not receive their full hereditary rights. Again, women’s legal illiteracy surfaces: powers of attorney are used for sale and in consideration of a financial reimbursement. Unaware as they are, the majority of women did not receive any reimbursement.

Focus group participants reported that uncles requested a mother’s heirs to waive her shares of inheritance. Some women relinquish their shares to avoid disputes between her children and brothers in the future.

### Participants from Ramallah:

Currently, maternal uncles request that we waive our mothers’ share.

My mother signed a paper for her brother, but she did not waive her share of inheritance. She wanted to avoid problems with my maternal uncles.

## Conclusions

- Palestinian legislation recognises women's unrestricted right to ownership. A woman does not have to obtain her husband's or guardian's approval to acquire her property. Palestinian regulations on inheritance are grounded in Islamic Law. Accordingly, heirs and heirs' shares are identified. The Palestinian law also allows shares of inheritance to be sold among heirs and waived from one heir to another in consideration of a certain financial reimbursement or price to be agreed between them. This is commonly known as *Takharuj* - a compromise among the inheritors for a sum of money.
- Most applicants for certification of succession are males who tend to take the initiative to apply for a certificate of succession more so than women. These apply for and pursue certificates of succession at relevant courts and official departments.
- Thanks to the Circular on *Takharuj*, *Takharuj* transactions registered a remarkable decrease over 2012 and 2013. Female heirs, for the benefit of male heirs, file the majority of *Takharuj* applications at Palestinian courts. However, most women, who waived their right of inheritance, do not know what *Takharuj* means, nor do they realise its consequences. In the majority of cases, *Takharuj* was requested by brother(s). Most women, who consented to *Takharuj*, regretted it because they had compromised their shares of inheritance. They would have preferred to have received their portions in line with their legally prescribed shares.
- The majority of women claim their right of inheritance more than ten years after the estate holder's death. After this period, women demand their right of inheritance due to family alienation, a growing recognition and intolerance of injustice, use of deception by brothers, denial of women's rights, and attempts to assail them so that they abandon their right of inheritance. The fact that women claim their right is an inevitable consequence of the loss of fraternal protection and support they have used to anticipate. The value of the estate is much higher years after death of the estate holder. A woman may lack a supporter in light of deteriorating economic conditions. This is particularly the case when a woman's economic status is worse than her family's.
- A few women claimed their inheritance rights thanks to institutions that launched public campaigns, raising women's awareness of their rights. However, a decreasing number of women have sought assistance from legal organisations as women are not aware of these organisations, functions, or how to access them. Women do not trust any agency or are not aware of any agency that they can access.

- Husbands and sons exercise little pressure on women to claim their right to inheritance. On the other hand, they show more support to women when they claim their inheritance rights.
- Most commonly, women request assistance from informal justice providers, elder brothers, and legal organisations to access their right of inheritance. However, the majority of women have not received necessary support from the bodies they resorted to.
- Some women feel that their and their children's lives are in danger and/or under threat if they claim their right of inheritance. Women who do claim their rights fear and expect violence. Violence may also affect these women's children.
- Social motives are the most significant factors that oblige women to consent to *Takharuj* and abandon their right of inheritance. Prior to the estate holder's death, an excellent relationship with the family provides a solid motive that urges women to waive their inheritance rights with a view to maintain this good relationship. Women would receive a portion of the price of their shares of inheritance. Compared to the deteriorating economic situation of their families, women's economic status is sometimes so well that they do not need their legally prescribed inheritance shares. In this context, the majority of women who relinquished their shares of inheritance had not been aware of the real value of the estate or the value of their shares.
- A variety of deprivation techniques are in place which can take effect by the signing of legal instruments, the content and legal consequences of which women do not realise. Women can be excluded from certificates of succession. A mother's share of the father's estate is distributed to male children only. In this case, the mother does not inherit and her share of inheritance devolves to her sons only. Accordingly, female children are barred from their mother's share.
- Families showed various reactions to women's claim of the right of inheritance. Predominantly, the majority of families denied this right. Others either postponed or delayed distribution of inheritance shares. Some families proposed a settlement at a lesser amount. A father/mother and brothers were infuriated and refused women's claims of their right of inheritance. On the other hand, a few mothers supported their daughters who did claim their hereditary right. Parents were either neutral or did not intervene.
- Women who demanded their right of inheritance received the greatest support from their sisters (also encouraging sisters to claim their rights in most cases), father/mother, and brothers. By contrast, the most significant opposition and refusal was expressed by brothers, father/mother, and sisters.

- In essence, women are denied their right of inheritance due to prevalent customs and traditions, preference of male to female children, unwillingness to transfer inherited properties to another family, and unawareness of relevant legal provisions and laws. To a lesser extent, women are deprived of inheritance because of family poverty, mediocre estate, and maintenance of family cohesion.
- Another reason why women are dispossessed of their right of inheritance is that men work with their fathers to develop agricultural, business or industrial enterprises. Men contribute to increasing capital, expand businesses, and purchase land and real estate.
- The right of inheritance is not viewed as a right of women as it is with men . Hence, to claim inheritance results in numerous problems, adversely impacting family relations as well as economic and psychological conditions of female heirs.
- Marking a relatively low percentage, but also indicating a higher tendency among brothers than among sisters, answers to the research survey sample highlight the importance of the effects brothers exert on their sisters. As beneficiaries, brothers attempt more than others to exercise pressure and persuade their sisters not to demand their right of inheritance. Less pressure is placed on women by convincing them of the role brothers play in protecting their sisters. Compared to women's expectations, brothers have shown less support to their sisters than they did in the past. 2% highlighted importance and role of brothers in protection of women.
- The majority of families do everything within their power to place pressure on women to discourage them claiming their right of inheritance. Family members break off relations with, abash, insult, revile, yell at, and/or threaten to beat women. Women's attempt to seek redress in the formal judicial system is underestimated, as family members are already aware of the lengthy process of litigation. In practice, some women were beaten and physically assaulted. In a few cases, women were forced to marry relatives while others were prevented from getting married at all. Options to marriage were also restricted.
- In many cases, going to the court is the last resort for women to receive their right of inheritance. Nevertheless, female claimants in inheritance cases outnumbered male claimants in the Ramallah, Hebron and Nablus courts.
- Women did not seek legal redress because litigation procedures are expensive and complicated. They do not know how to file a case or access a court of law. Women who had resorted to court did not receive their rights. The process of litigation can take a long time. Even if the court rules in their favour, women are aware that court decisions would not be enforced. Women are also distrustful of the formal justice system.

- According to the survey sample, the society does not consider women's claim of their right of inheritance as a stigma. The society's view of women who claimed their right has not changed. The majority of neighbours and acquaintances supported women who did so. However, the society views women who sought redress in the formal justice system to claim their inheritance rights unfavourably. In these instances, women were seen as recalcitrant and accused of deviating from common social norms. As a result of the society's position, some women who had resorted to court regretted it. On the other hand, the majority of women who claimed their right of inheritance had more confidence in themselves.
- Women's claim of their right of inheritance has encouraged other female heirs to do so. It has also encouraged women in local communities to claim their rights.
- Disinheritance of women results in feelings of coercion, injustice, and oppression. Overtime, enmity and hatred grows between brothers and sisters, within the family, and among relatives. Family relations that are supposed to be built on compassion, sympathy and cohesion -destabilise. Families break apart. Women lose the support of their family, which they have always relied on in times of need, affecting them both mentally and physically. Economic conditions decline because shares of inheritance are not distributed fairly. As a result of the husband pressurising the wife to receive her right of inheritance, a woman's relation with her husband might also deteriorate. Discord may even affect future generations. Furthermore, inheritance disputes may result in murder within the family, forcing a family to abandon their land and properties.
- While they did not encounter any legal problems at Sharia courts, most women said court procedures were expensive.
- Most women said that cases on no objection, removal of common property and/or powers of attorney were lengthy and complicated. The litigation process at regular courts is also costly.
- The majority of women reported that parcellation of inherited properties, shares and land between heirs is complicated. More than one third of women encountered challenges to registering their hereditary shares.
- A low percentage of women have resorted to Governor Offices. These women were unaware of functions and the role Governor Offices play in family dispute resolution, including inheritance cases.
- Typically, the process of accessing a woman's right of inheritance takes a long time. In 25% of the cases, claims took more than ten years. Including claims filed to the court, it took five years to settle inheritance claims in almost 50% of the cases, this portraying the uneasy access to inheritance and lengthy procedures of litigation at

national courts. The period of disposition might be long, requiring patience in dealing with a purely legal case. This is all combined with tremendous social and familial pressure, focusing on the importance and role brothers play in the protection of women. In this context, women could be barred by their families, brothers, or surrounding community.

- To receive their inheritance rights, very few women resorted to the PMA and/or banks, MoNE, and MoT. A quarter of the surveyed women went to the PEX. The majority of women described procedures at the PMA/banks, MoNE and PEX as difficult or very difficult. One third of the respondents described MoT procedures as difficult.

### Closing Remarks

Also a right of women, inheritance is a driver of economic empowerment of women. However, inequality in women's economic, social and cultural rights has consolidated dependence of women and rendered them more vulnerable to violence and other violations.

Palestinian legislation recognises women's unrestricted right to ownership. The Sharia also vests women with the right of inheritance. Nonetheless, Palestinian women encounter social, legal and judicial impediments in inheritance-related cases. Therefore, many women abandon their right of inheritance.

Women may voluntarily waive their hereditary rights in cases of economic security and good family relations prior to death of estate holders. Inherently, however, women feel that inheritance is an intrinsic right of male heirs (cultural alienation). Should a woman claim their share of inheritance, she will be deprived of a good relation with her family. Relinquishment of inheritance may take place by coercion or deception. Various acts of violence might be inflicted on women. Including *Takharuj* transactions and powers of attorney, women might be forced to sign on documents, the content of which they do not know. Legal illiteracy cost women an extended set of rights. In all cases, women regret that they waive their rights of inheritance. They all wish that they could have obtained their hereditary rights.

In a culture of shame in which they have been brought up, women claim their right of inheritance a long time after the estate holder's death. Women find themselves without a provider and suffer from deteriorated economic conditions. As a result, families break off relations with, assault, and refuse to grant women their rights. More often, women are physically assaulted to force them to waive their rights of inheritance. In this context, alienation exerts an opposite impact on the family and brothers. Women lose fraternal protection and support and feel injustice. Women look for other sources of support, including friends and neighbours. They are stronger to obtain their rights of inheritance regardless of family alienation.

Claim of inheritance results in a plethora of challenges, which affect family relations as well as economic and psychological conditions. Families have shown various reactions to women's claim of the right of inheritance, starting with denial, procrastination, postponement, and settlement at lesser amounts.

Disinherited women feel coercion, injustice and oppression. In addition to destabilised family relations, women lose family support, adversely affecting their mental and physical conditions. Economic conditions further declines. Besides discord between generations, a women's relation with her husband deteriorate.

Against this backdrop, formal and informal efforts will be concerted to alleviate obstacles and challenges to access to enshrined and inalienable rights of inheritance. First and foremost, women will be enabled to freely exercise their right to claim inheritance. Highlighting this right, public awareness campaigns will mainly target women and families. Applying sound educational norms, children will be brought up in a culture that recognises and respects the right of inheritance. Treatment will not discriminate between males and females. In addition to promoting religious sensitisation among parents, information campaigns will stress importance of women's full access to their hereditary rights and prohibition of encroachments on these rights. By ensuring access to legally prescribed inheritance, the legal position of both women and other heirs will be supported. Women will access necessary and adequate information to help them make their free decision, whether to abandon their inheritance or not. Civil society organisations will also provide legal counselling and aid to women to ensure easy access to rights of inheritance.

## Recommendations

### Legally,

- Enact a law to ensure empowerment of Palestinian women to access their right of inheritance. The law should facilitate demonstration of simulate dispositions undertaken by the estate holder during his lifetime in the interest of some heirs, excluding others. It should also provide for more severe penalties against men who deprive women of inheritance.
- Develop a user friendly legal guidance manual on the right of inheritance, clearly stipulating how the right is accessed.
- Continue to implement the Circular on *Takbaruj*, restrict implementation of *Takbaruj*, and ensure that parties to *Takbaruj* transactions fully understand their rights.
- Make sure that notaries public inform persons, who constitute a third party as attorneys of their properties, of the legal dimensions of powers of attorney and of the dispositions their attorney might carry out.
- Reduce and/or postpone court fees in inheritance cases with a view to facilitate women's claim of their right of inheritance.

### Socially,

- Launch community, religious and legal campaigns throughout media outlets to raise public awareness of women's right of inheritance, highlight significance of women's access to hereditary rights, and ensure that women fully enjoy these rights. Messages will be delivered to women and men at places of worship. The outcomes of legal rulings in cases where women have been deprived their right of inheritance will be made very clear. The role media agencies play in public awareness and education will be emphasised, demonstrating all aspects of women's right of inheritance.
- Raise women's awareness of their rights, providing them with the skills they need to claim and exercise them. Women will be familiar with the organisations, to which they can resort to receive their right of inheritance.
- Include in school curricula courses on the right of inheritance and raise children's awareness of the concepts of equality, significance of women's employment and education. Violence of all forms should be renounced as it defies human morals, in which the Palestinian society should be grounded.
- Legal institutions will launch campaigns to publicise their functions and capacities to help women access their rights of inheritance.

**Institutionally,**

- Establish a special department of inheritance with a view to distribute estates. Accordingly, heirs do not need to provide special procedures in line with certificates of succession issued by *Sharia* and ecclesiastical courts, ensuring equitable distribution of estates.
- Provide free legal aid to women in inheritance cases.
- Support women to receive parallel legal services to pursue their cases, provide financial support to the local community, women organisations and relevant networks to offer legal advice, provide emergency assistance, and document and disseminate best practice.
- Provide training to lawyers, judges, employees, and police officers in relation to women's rights and advocacy.

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1. Analysis tables of surveys on women who claimed their rights of inheritance

Table 1: Sample distribution by governorate		
Governorate	Frequency	%
Nablus	17	11%
Salfit	5	3%
Tulkarem	18	12%
Ramallah & El Bireh	37	24%
Bethlehem	10	7%
Hebron	29	19%
Gaza	5	3%
Northern Gaza	9	6%
Khan Yunis	9	6%
Deir al Balah	11	7%
Rafah	3	2%
Total	153	100%

Table 2: Sample distribution by field researchers		
Researcher	No. of surveys	%
Tahini Ismail Muhanna	18	12%
Khadijah Ziyadah	18	12%
Sarah Surour	17	11%
Salam Radhi	20	13%
Lamyah Sha'rawi	3	2%
Lamyah Sha'er	15	10%
Linda Abu Ahmed	19	12%
Hiyam Jamil Rawashrah	21	14%
Hayfa' Hassan	21	14%
Missing	1	1%
Total	153	

Table 3: Sample age group			
Variable	Average	Min.	Max.
Age	55.8	23	87





Table 5: Sample distribution by change of usual place of residence		
Over the past five years, have you lived in a place other than your usual place of residence?	Frequency	%
Yes	5	3%
No	148	97%
Total	153	100%

Table 6: Sample distribution by status of refugees		
Status of refugees	Frequency	%
Registered refugee	31	20%
Unregistered refugee	2	1%
Not refugee	120	78%
Total	153	100%

Table 7: Sample distribution by marital status of surveyed women		
Marital status of surveyed women	Frequency	%
Spinster	7	5%
Married	99	65%
Divorced	8	5%
Widow	39	25%
Total	153	

Table 8: Sample distribution by educational background of surveyed women		
Educational background of surveyed women	Frequency	%
Uneducated	61	40%
High school or less	75	49%
BA	16	11%
MA or above	0	0%
Total	152	

Table 9: Average age of brothers		
Variable	Average	Min.
Number of brothers	3	0

Table 10: Surveyed women's relationship with the deceased		
Deceased	Frequency	%
Husband	12	8%

Father	122	80%
Mother	17	11%
Brother	1	1%
Other	1	1%
Total	153	101%

Table 11: Is the surveyed woman aware of the value of estate?		
	Frequency	%
Yes	61	40%
No	92	61%
Total	153	101%

Table 12: Is the surveyed woman aware of the real value of estate?		
Real value of the estate	Frequency	%
Less than JD 10,000	3	5%
From JD 10,000 and less than JD 100,000	20	33%
From JD 100,000 and less than JD 500,000	21	34%
More than JD 500,000	17	28%
Total	61	100%

Table 13: Is the surveyed woman aware of the value of her share of inheritance?		
	Frequency	%
Yes	59	39%
No	94	62%
Total	153	101%

Table 14: How does the surveyed woman describe her family relations before death of estate holder?		
	Frequency	%
Very bad	6	4%
Bad	11	7%
Neutral/no specific feeling	37	24%
Excellent	69	45%
Very excellent	29	19%
Total	152	100%

Table 15: How does the respondent describe her current financial situation?		
	Frequency	%
Very bad	46	30%

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Bad	34	22%
Medium	52	34%
Good	12	8%
Very good	9	6%
Total	153	100%

Table 16: How does the respondent describe her family's financial situation?		
Very bad	6	4%
Bad	6	4%
Medium	42	27%
Good	37	24%
Very good	62	41%
Total	153	100%

Table 17: What is your primary motive to claim inheritance?		
Multi-answer question	Yes	%
Inheritance is a legal, executory right	128	83%
Financial need and economic situation	91	59%
Pressure placed by husband	9	6%
Pressure placed by children	13	8%
I feel injustice	80	52%
One and/or other heirs claimed their right of inheritance	15	10%
Institutional awareness and improved knowledge of my right of inheritance	5	3%
Other	12	8%

Table 18: What are other primary motives encouraged you to claim inheritance?	
	Frequency
I realised the value of estate (land), so I strongly demand my right	1
The portion I was given did not match my right of inheritance	1
Just for provocation	1
I suffer from hemiplegia and I have no provider	1
I want something from my father's estate	1
Because of brother/family alienation	2
My economic situation is bad and I have no provider	2
To protect the building	1

Because my children are more deserving than others	1
There are problems and disputes between my children	1
Total	12

Table 19: Have you requested support from a third party?		
Yes	80	53%
No	73	48%
Total	153	101%

Table 20: What parties you have accessed?		
Parties	Frequency	%
Elder brothers	28	35%
Informal justice providers	42	53%
Legal organisations	7	9%
Governor Offices	1	1%
Other	2	3%
Total	80	100%

Table 21: Have the parties you accessed assisted you?		
Very little	40	50%
Little	20	25%
Average	6	8%
Much	11	14%
Very much	3	4%
Total	80	100%

Table 22: Has anyone supported you within the family?		
Yes	103	68%
No	48	32%
Total	151	99%

Table 23: Who supported you within the family?		
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Father	0	0%
Mother	1	1%
Brother(s)	19	19%
Sister(s)	38	37%
Husband	17	17%
Children	26	25%
None of the above	1	1%
Total	102	100%

Table 24: What reasons have prevented you from accessing any agency for support?		
	Yes	%
Fear of losing family relations	37	51%
Culture of shame	17	23%
Feeling danger and/or threat to my life and my children's lives	2	3%
Distrust	16	22%
Fear of the future	1	1%
I do not know any agency to access	16	22%
Other	7	10%

Table 25: What reasons have prevented you from accessing any agency for support?	
	Frequency
I want to take my right by myself	1
Brothers and sisters are abroad, and there is no one to help me	1
Self-reliance	1
Bashfulness	1
Disease (paralysis)	1
Because I know they will refuse	1
My father waived my share before he died	1
Total	7

Table 26: Measuring women's perceptions of the right of inheritance					
	Yes	Yes	No	No	Total
In your opinion, is it allowable to deprive or reduce inheritance share of the deceased estate holder's second wife, if any?	10	7%	143	93%	153
In your opinion, is it permissible to deprive or reduce hereditary of shares of the deceased estate holder's children from a second wife?	6	4%	147	96%	153
In your opinion, do heirs with disabilities have the right to inheritance?	152	99%	1	1%	153
In your opinion, do mentally challenged heirs have the right to inheritance?	140	92%	13	8%	153
Do you agree to claim you share of inheritance?	152	99%	1	1%	153

Table 27: When did you claim your right of inheritance?		
	Frequency	%
Immediately after death and within one year from death	21	14%
Within a period of one year and less than five years of death	39	25%
Within a period of five to 10 years	24	16%
More than 10 years	69	45%
Total	153	100%

Table 28: How did your family react when you claimed your inheritance?		
	Frequency	%
Agreed	5	3%
Refused	94	62%
Procrastinated and postponed	38	25%
Proposed a settlement at a lesser amount	14	9%
Other	1	1%
Total	152	100%

Table 29: In your opinion, why were you denied your right of inheritance?		
Multi-answer question	Frequency	%
Unawareness of Sharia teachings and law	25	17%
Social customs and traditions, which restrict the right of inheritance, particularly of land, real estate and other properties, to male heirs	59	40%
Preference of males to females	43	29%
Mediocre estate	8	5%
Family's need of the estate	12	8%

## Palestinian Women and Inheritance

Unwillingness to transfer estate to another family (son-in-law)	38	26%
Hatred of husband	7	5%
Men invested an enormous amount of effort and work in land, real estate, and/or properties	18	12%
To preserve family cohesion and bonds of kinship	1	1%
All the above	13	9%
Other	32	22%

Table 30: In your opinion, what other reasons were used to deny your inheritance?	
	Frequency
My nephew wants me to go to court	1
Mother's bequest. My mother wants to give a portion of my right, not all of it. I want to have my right as prescribed by Sharia.	2
They want to expel me. They seek to get me out of the house and area as a whole	1
Rancour and hatred "They hate me. They do not love me"	4
Incompliance with religious teachings and corrupted faith	1
They do not recognise my right. They are greedy and love to possess others' property	9
Pressure placed by relatives	1
Preferring children of the second wife	2
Claiming that they purchased the land. Estate is registered on the names of brothers	2
Claiming she waived her right at the municipality. The municipality refused to assist her	1
They promised to give my right. So far, nothing happened.	1
I suffer from a physical disability	1
They are afraid their financial situation deteriorates	1
Selfishness, bullying and stinginess	3
My husband's family do not want to give my right of inheritance. "They want to keep it for themselves"	1
My sister monopolises savings.	1
My family forced me to abandon my right at the municipality.	1

## Palestinian Women and Inheritance

Table 31: How did denial of inheritance affected you?		
Multi-answer question	Frequency	%
Feeling of coercion, injustice and oppression	96	65%
Enmity and hostility between brothers, family members and children over generations, and destabilised and fragmented family relations	72	49%
Mental and physical impacts on women	44	30%
Deteriorated relations with a women's husband	4	3%
Declining economic conditions	65	44%
All the above	15	10%
Other	4	3%

Table 32: What are other consequences of denial of your inheritance?	
	Frequency
Rancour	1
Deprivation only	1
Distrust between us (I used to trust him completely)	1
She is at an elderly care facility	1
Total	4

Table 33: Has anyone else been deprived of inheritance?		
	Frequency	%
Yes	116	76%
No	37	24%
Total	153	101%

Table 34: Has the hereditary right of anyone else been depreciated?		
	Frequency	%
Yes	90	59%
No	23	15%
Total	113	74%

Table 35: Were female heirs only were deprived of inheritance?		
	Frequency	%
Yes	94	85%
No	17	15%
Total	111	100%

## Palestinian Women and Inheritance

Table 36: Did other heirs force you to sign documents, the content of which you did not know?		
	Frequency	%
Yes	33	22%
No	120	78%
Total	153	

Table 37: By whom:		
	Frequency	%
Brother(s)	27	90%
Uncles and aunts	1	3%
Father-in-law	1	3%
Brother-in-law	1	3%
Total	30	100%

Table 38: If the deceased is the father, was the mother's share of the estate distributed to male children only?		
	Frequency	%
Yes	64	42%
No	72	48%
Not applicable because the deceased was not a father	13	9%
Not applicable because there were no brothers	2	1%
Total	151	100%

Table 39: Were you or any other heir excluded from the certificate of succession?		
	Frequency	%
Yes	28	19%
No	117	80%
I do not know	2	1%
Total	147	100%

Table 40: Was a portion of the estate forfeited before death through a bequest for certain heirs?		
	Frequency	%
Yes	26	17%
No	127	83%
Total	153	100%

## Palestinian Women and Inheritance

Table 41: Was a portion of the estate forfeited before death by registration on the names of certain heirs?		
	Frequency	%
Yes	24	16%
No	128	84%
Total	152	100%

Table 42: In your opinion, why a portion of the estate is registered on the names of certain heirs:		
Multi-answer question	Frequency	%
To deprive female heirs	11	46%
To grant rights of heirs who worked with the estate holder and increased the wealth	5	21%
Other reasons	9	38%

Table 43: In your opinion, what other reasons are behind registration of a portion of the estate on the names of certain heirs?	
	Frequency
Discrimination between children	1
Social norms and traditions	1
Father's love of the youngest son	1
To deprive the sister-in-law from inheritance	1
To deprive me of inheritance	2
To arouse enmity and hatred between children	1
Because they are children of the second wife or to deprive the second wife	2
Total	9

Table 44: Did the family use techniques to place pressure on you after you claimed your rights of inheritance?		
	Frequency	%
Yes	95	63%
No	55	37%
Total	150	100%

Table 45: How did this happen?		
Multi-answer question	Frequency	%
Family broke off relations with you	76	80%
You were insulted, reviled or yelled at	35	37%
You were threatened to be beaten	12	13%
You were beaten and physically assaulted	10	11%
They talked to you in a manner to make you feel shameful	36	38%
You were denied marriage or your options to get married were restricted	1	1%

## Palestinian Women and Inheritance

You were forced to get married to a relative because of the inheritance	1	1%
You were forced/coerced to abandon your inheritance because of marriage	0	0%
Recourse to court was underestimated, as family members are already aware of the lengthy process of litigation.	12	13%

Table 46: How long has it taken you to claim your right of inheritance until now (either in court or other)		
	Frequency	%
Less than one year	17	11%
From one to 5 years	68	44%
From 5 to 10 years	32	21%
More than 10 years	36	24%
Total	153	100%

Table 47: What was your father/mother's position towards claim of the right of inheritance?		
	Frequency	%
Refusal and rage	19	13%
Underestimation of the estate	5	3%
Confirming importance of brothers and role in protecting sisters	8	5%
1, 2, and 3	1	1%
Agreement and support	41	27%
Other	76	51%
Total	150	100%

Table 48: Did your father/mother have another position towards claim of the right of inheritance?		
	Frequency	%
Neutrality	2	3%
Mother did not intervene	3	4%
Both are dead	71	93%
Total	76	100%

Table 49: What was your brothers' position towards your claim of the right of inheritance?		
	Frequency	%
Refusal and rage	85	56%
Underestimation of the estate	12	8%
Confirming importance of brothers and role in protecting sisters	10	7%
1, 2, and 3	2	1%
Agreement and support	30	20%
Other	13	9%

## Palestinian Women and Inheritance

Total	152	100%
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Table 50: Did your brothers have another position towards your claim of the right of inheritance?		
	Frequency	%
One brother refused to give my right	1	8%
Lonely brother	1	8%
Neutrality	2	17%
Procrastination and postponement	2	17%
No intervention	1	8%
There are no brothers	4	33%
Dead	1	8%
Total	12	100%

Table 51: What was your sisters' position towards your claim of the right of inheritance?		
	Frequency	%
Refusal and rage	5	3%
Underestimation of the estate		0%
Confirming importance of brothers and role in protecting sisters	3	2%
1, 2, and 3	1	1%
Agreement and support	124	81%
Other	20	13%
Total	153	100%

Table 52: Did your brothers have another position towards your claim of the right of inheritance?		
	Frequency	%
One sister supported me but another refused	6	30%
Neutrality	3	15%
No intervention	3	15%
They did not intervene because they did not need their shares	1	5%
Like everybody else	1	5%
She is the only female in the family	5	25%
They gave my sister but deprived me	1	5%
Total	20	100%

## Palestinian Women and Inheritance

Table 53: Did your claim of the right of inheritance encourage your sisters to do so?		
	Frequency	%
Yes	97	67%
No	48	33%
Total	145	100%

Table 54: Did you claim your right of inheritance after your sister did so?		
	Frequency	%
Yes	39	27%
No	107	73%
Total	146	100%

Table 55: What was your husband's position towards claiming your rights of inheritance?		
	Frequency	%
Refusal and rage, considering that he did not near your family's inheritance	4	3%
Underestimation of the estate	1	1%
Confirming importance of brothers and role in protecting sisters	3	2%
1, 2, and 3		0%
Agreement and support	67	45%
He pushed me to claim my right of inheritance	4	3%
Other	70	47%
Total	149	100%

Table 56: Did your husband have another position towards your claim of the right of inheritance?		
	Frequency	%
Neutrality	16	23%
Did not intervene	16	23%
Unmarried	5	7%
I did not tell him about it	1	1%
Dead	27	39%
Divorced	4	6%
Separated	1	1%
Total	70	100%

## Palestinian Women and Inheritance

Table 57: What was your husband's position towards claiming your rights of inheritance?		
	Frequency	%
Refusal and rage, considering that they did not near your family's inheritance	3	2%
Underestimation of the estate	1	1%
Confirming importance of brothers and role in protecting sisters	0	0%
1, 2, and 3	0	0%
Encouragement and support	112	75%
They pushed and pressured me to claim my right of inheritance	2	1%
Other	31	21%
Total	149	100%

Table 58: Did your husband have another position towards your claim of the right of inheritance?		
	Frequency	%
My children were young	7	23%
Neutrality	8	27%
They did not intervene	8	27%
Spinster	2	7%
I have not children	5	17%
Total	30	100%

Table 59: What was the position of the surrounding community (neighbours and acquaintances) towards claiming your rights of inheritance?		
	Frequency	%
Refused my claim of inheritance and undervalued the estate	4	3%
Refused my claim of inheritance and confirmed importance of brothers and role in protecting sisters	6	4%
1 and 2	0	0%
Did not intervene	58	37%
Encouraged and supported me	86	55%
Other	1	1%
Total	155	100%

Table 60: In your opinion, does the society consider a woman's claim of her right of inheritance as a stigma?		
	Frequency	%
Yes	56	39%
No	97	67%
Total	153	106%

## Palestinian Women and Inheritance

Table 61: In your opinion, has the society's view of you changed because you claimed your right of inheritance and went to court?		
	Frequency	%
Yes	47	32%
No	99	68%
Total	146	101%

Table 62: In your opinion, how has the society's view changed after you resorted to court?		
	Frequency	%
To the better; I received support and encouragement	18	38%
To the worse; I have been viewed as recalcitrant and accused of deviating from social norms	14	30%
Other women started to claim their rights of inheritance	14	30%
Other	1	2%
Total	47	100%

Table 63: How has your self-perception changed after you claimed your rights of inheritance?		
	Frequency	%
I have been more self-confidence	132	281%
I regretted it	9	19%
Other	11	23%
Total	152	323%

Table 64: How has your self-perception changed after you claimed your rights of inheritance? (other answers)	
	Frequency
I regretted it because I trusted him	1
I regretted it because I did not get married	1
Did not change	3
I was not marginalised; I am here	1
It is my right	2
I am afraid	1
I was sad and felt distress	1
Things are getting worse because of long period of claim	1

Table 65: Have you thought of resorting to court?		
	Frequency	%
Yes	83	57%
No	70	48%

## Palestinian Women and Inheritance

Total	153	106%
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Table 66: Why did you not go to court? (For those who did not seek redress in the formal judicial system)		
Multi-answer question	Frequency	%
Because the litigation process is costly and complicated	29	41%
Because I did not want to lose my family and my relations with them	25	36%
Because I received a portion of my right of inheritance	6	9%
Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process	4	6%
I do not trust the judicial system	1	1%
I do not know how to initiate a case or resort to court	8	11%
I know if I get a court decision, I cannot enforce it	3	4%
Other	6	9%

Table 67: Why did you not go to court? (Other reasons)	
	Frequency
Because I am afraid that problems and disputes occur	1
Because I received all my rights	1
There is no one to help go through legal procedures	1
I am helpless; there is no one to help me	1
Bashfulness and shame	1
Threatened to be killed by her brothers	1
I want to reach a consensual agreement with them at first	1

Table 68: Why did you go to court? (For those who sought redress in the formal judicial system)		
Multi-answer question	Frequency	%
Because I felt that proposed solutions were not in my favour. I did not want to make concessions	38	46%
I trust the judicial system and that I will receive my rights	23	28%
Because other heirs seized the estate by deception, fraud and/or falsification	14	17%
Because other heirs deprived me implicitly of inheritance (They use the land and live in houses)	16	19%
Because other women resorted to court and obtained their rights	1	1%
Because institutions helped me resort to court		0%
Recourse to court was my last resort	21	25%
Other	3	4%

Table 69: Why did you go to court? (Other reasons)	
	Frequency
Because of threats to beat and batter me, and to seize my rights by force	1

## Palestinian Women and Inheritance

Because the reconciliation committee did not respond to me	1
Because they refused to give my right peacefully	1
I did not go to court, but I am thinking seriously to go	2

Table 70: Did you issue a power of attorney to anyone to follow up on your right of inheritance?		
	Frequency	%
Yes	41	28%
No	108	74%
Total	149	103%

Table 71: Did you apply for a certificate of succession?		
	Frequency	%
Yes	78	54%
No	70	48%
Total	148	102%

Table: 72: Did anyone helped you apply for a certificate of succession? (For those who applied for one)		
	Frequency	%
Yes	44	30%
No	34	23%
Total	78	54%

Table 73: In the certification of succession, are Sharia court procedures complicated:		
	Frequency	%
Yes	45	31%
No	33	23%
Total	78	54%

Table 74: Did you face legal problems at Sharia courts?		
	Frequency	%
Yes	24	16%
No	99	65%
I do not know	30	20%
Total	153	100%

Table 75: Are Sharia court procedures expensive?		
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## Palestinian Women and Inheritance

	Frequency	%
Yes	106	69%
No	16	10%
I do not know	31	20%
Total	153	100%

Table 76: Did anyone help you institute a case before a regular court?		
	Frequency	%
Yes	48	31%
No	71	46%
I did not institute a case	34	22%
Total	153	100%

Table 77: How do you describe regular court procedures in cases on no objection, removal of common property, and/or powers of attorney?		
	Frequency	%
Long and complicated	103	67%
Ordinary and easy	15	10%
I do not know	35	23%
Total	153	100%

Table 78: In your opinion, are regular court procedures expensive?		
	Frequency	%
Yes	110	72%
No	9	6%
I do not know	34	22%
Total	153	100%

Table 79: Did you face legal problems at Sharia courts?		
	Frequency	%
Yes	24	16%
No	91	59%
I do not know	38	25%
Total	153	100%

## Palestinian Women and Inheritance

Table 80: Is parcellation of properties, shares and land between heirs complicated?		
	Frequency	%
Yes	92	60%
No	37	24%
I do not know	24	16%
Total	153	100%

Table 81: Did anyone helped go to and follow up with the Land Department?		
	Frequency	%
Yes	48	31%
No	71	46%
Not applicable	34	22%
Total	153	100%

Table 82: How do you describe procedures of the Land Department?		
	Frequency	%
Very difficult	34	22%
Difficult	35	23%
Normal and similar to any legal procedure	36	24%
Easy	4	3%
Very easy	0	0%
I do not know	44	29%
Total	153	100%

Table 83: Did you encounter any challenges to registering your shares of inheritance?		
	Frequency	%
Yes	56	37%
No	60	39%
I do not know	37	24%
Total	153	100%

Table 84: Has your case been disposed by court?		
	Frequency	%
Yes	11	7%
No	107	70%
I did not go to the court	35	23%
Total	153	100%

## Palestinian Women and Inheritance

Table 85: Did you obtain all your rights?		
	Frequency	%
Yes	5	3%
No	145	97%
Total	150	100%

Table 86: In your opinion, what are the most effective legal procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?		
	Frequency	%
Enact a law to ensure empowerment of Palestinian women to access their rights of inheritance	44	29%
Enact a law to enable women to demonstrated simulated procedures implemented by the estate holder in his lifetime for the benefit of certain heirs	8	5%
Aggravate penalties against those who deprive a woman of her inheritance	48	32%
Develop a friendly guidance manual on the right of inheritance, targeting families and women	11	7%
All the above	39	26%
Other	2	1%
Total	152	1

Table 87: In your opinion, what are the most effective legal procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?	
	Frequency
Nothing happens	1
Punish them	1
1 and 3	3
Aggravate penalties against those who deprive a woman of her inheritance	7
Total	12

Table 88: In your opinion, what are the most effective social procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?		
	Frequency	%
Raise awareness and enhance skills of women to claim and exercise their rights	48	32%
Raise men's awareness of the importance of women's access rights of inheritance	30	20%
Community awareness through media outlets and mosques	11	7%
All the above	55	36%
Other	8	5%
Total	152	100%

Table 89: In your opinion, what are the most effective social procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?	
	Frequency
Community awareness through media outlets and mosques	4
Raise men's awareness of the importance of women's access rights of inheritance	1
Women should resort to court	1
Follow up on inheritance cases filed by women	1
Help women access their rights	1
Distribute inheritance by court	1
Establish committees to follow up on inheritance problems women encounter	1
Apply Sharia teachings	1
Fathers should not discriminate between sons and daughters	1
Total	12

Table 90: Table 89: In your opinion, what are the most effective regulatory procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?		
	Frequency	%
Establish a committee to help women access their legally prescribed rights of inheritance, ensuring a summary litigation process	73	48%
Establish a civil judgement department at Sharia courts	69	46%
Other	9	6%
Total	151	100%

Table 91: Table 89: In your opinion, what are the most effective regulatory procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?	
	Frequency
Establish a civil judgement department at Sharia courts	3
1 and 2	1
Help women defend their rights	2
Cooperation between relevant bodies	1
Follow up on women's legal rights	1
Nothing happens	2
Raising women's awareness	2
Total	12

Table 92: Did you go to the PMA and/or banks to access your hereditary rights registered on the name of your estate holder?
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Palestinian Women and Inheritance

	Frequency	%
Yes	9	6%
No	144	94%
Total	153	100%

**Table 93: How do you described procedures at the PMA and/or banks?**

	Frequency	%
Very difficult	2	33%
Difficult	3	50%
Normal, similar to any legal procedure	1	17%
Total	6	100%

**Table 94: Did to go to the MoNE (Office of the Company Controller) to access your hereditary rights in companies inherited by your estate holder?**

	Frequency	%
Yes	5	3%
No	148	97%
Total	153	100%

**Table 95: How do you describe MoNE procedures?**

	Frequency	%
Very difficult	2	33%
Difficult	2	33%
Normal, similar to any legal procedure	1	17%
Total	5	83%

**Table 96: Did you go to the Traffic Department to access your hereditary rights in vehicles registered on the name of your estate holder?**

	Frequency	%
Yes	3	2%
No	150	98%
Total	153	100%

**Table 97: How do you describe procedures at the Traffic Department?**

	Frequency	%
Very difficult	1	33%
Difficult	1	33%

## Palestinian Women and Inheritance

Normal, similar to any legal procedure	1	33%
Total	3	100%

Table 98: Did you go to the Palestine Capital Market Authority (PCMA) to access your hereditary rights in shares and bonds registered on the name of your estate holder?		
	Frequency	%
Yes	38	25%
No	115	75%
Total	153	100%

Table 99: How do you describe PCMA procedures?		
	Frequency	%
Very difficult	18	47%
Difficult	17	45%
Normal, similar to any legal procedure	3	8%
Total	38	100%

2. Analysis tables of surveys of women who waived their right of inheritance

Table 1: Sample distribution by governorate		
Nablus	9	6%
Salfit	12	8%
Tulkarem	15	10%
Ramallah & El Bireh	42	27%
Bethlehem	2	1%
Hebron	36	24%
Gaza	6	4%
Northern Gaza	10	7%
Khan Yunis	3	2%
Deir al Balah	6	4%
Rafah	12	8%
Total	153	100%

Table 2: Sample distribution by field researchers		
Field researcher	No. of surveys	%
Tahini Ismail Muhanna	18	12%
Khadijah Ziyadah	18	12%
Sarah Surour	21	14%
Salam Radhi	20	13%
Lamya' Sha'rawi	19	12%
Lamya' Sha'er	16	10%
Linda Abu Ahmed	3	2%
Hiyam Jamil	1	1%
Hiyam Jamil Rawashrah	4	3%
Hiyam Rawashrah	14	9%
Hayfa' Hassan	17	11%
Missing	2	1%
Total	153	

Table 3: Sample age group			
Variable	Average	Min.	Max.

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Age	54.3	27	90
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Palestinian Women and Inheritance

	2	1	2	1									6
	Tal as Sultan	Khirbet al Adas	Rafah										
Rafah	1	6	4	1									12
<b>Total</b>													<b>153</b>

Table 5: Sample distribution by change of usual place of residence		
Over the past five years, have you lived in a place other than your usual place of residence?		
	Freq.	%
Yes	4	3%
No	149	97%
Total	153	100%

Table 6: Sample distribution by status of refugees		
Status of refugees		
	Freq.	%
Registered refugee	24	16%
Unregistered refugee	4	3%
Not refugee	123	81%
Total	151	100%

Table 7: Sample distribution by marital status of surveyed women		
Marital status of surveyed women		
	Freq.	%
Spinster	3	2%
Married	107	70%
Divorced	7	5%
Widow	36	24%
Total	153	

Table 8: Sample distribution by educational background of surveyed women		
Educational background of surveyed women		
	Freq.	%
Uneducated	58	38%
High school or less	82	54%
BA	12	8%
MA or above	1	1%
Total	153	

Table 9: Average age of brothers			
Variable		Min	Max
Number of brothers	4	0	11
Table 10: Surveyed women's relationship with the deceased			
Deceased	Freq.	%	
Husband	9	6%	
Father	128	84%	
Mother	14	9%	
Brother	1	1%	
Total	152	99%	
Table 11: Is the surveyed woman aware of the value of estate?			
	Freq.	%	
Yes	50	33%	
No	102	67%	
Total	152	99%	
Table 12: Is the surveyed woman aware of the real value of estate?			
Real value of the estate	Freq.	%	
Less than JD 10,000	5	10%	
From JD 10,000 and less than JD 100,000	21	43%	
From JD 100,000 and less than JD 500,000	14	29%	
More than JD 500,000	9	18%	
Total	49	100%	
Table 13: Is the surveyed woman aware of the value of her share of inheritance?			
	Freq.	%	
Yes	47	31%	
No	105	69%	
Total	152	99%	
Table 14: How does the surveyed woman describe her family relations before death of estate holder?			
	Freq.	%	
Very bad	1	1%	
Bad	2	1%	
Neutral/no specific feeling	31	21%	
Excellent	84	56%	
Very excellent	32	21%	
Total	150	100%	

Table 15: How does the respondent describe her current financial situation?		
	Freq.	%
Very bad	22	14%
Bad	27	18%
Medium	69	45%
Good	20	13%
Very good	14	9%
Total	152	100%
Table 16: How does the respondent describe her family's financial situation?		
	Freq.	%
Very bad	1	1%
Bad	7	5%
Medium	35	23%
Good	44	29%
Very good	65	43%
Total	152	100%
Table 17: Has your husband pressured you to claim your right of inheritance?		
	Freq.	%
Yes	9	6%
No	137	90%
Total	146	95%
Table 18: Have your children pressured you to claim your right of inheritance?		
	Freq.	%
Yes	15	10%
No	134	88%
Total	149	97%
Table 19: Did other heirs force you to sign documents, the content of which you did not know?		
	Freq.	%
Yes	57	37%
No	95	62%
Total	152	99%
Table 20: By whom:		
	Freq.	%

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Father	1	2%
Mother	0	0%
Brother(s)	49	89%
Sister(s)	1	2%
All the above	4	7%
Total	55	100%

**Table 21: If the deceased is the father, was the mother's share of the estate distributed to male children only?**

	<b>Freq.</b>	<b>%</b>
Yes	71	46%
No	70	46%
Total	141	92%

**Table 22: Were you or any other heir excluded from the certificate of succession?**

	<b>Freq.</b>	<b>%</b>
Yes	30	20%
No	118	77%
Total	148	97%

**Table 23: Was a portion of the estate forfeited before death through a bequest for certain heirs?**

	<b>Freq.</b>	<b>%</b>
Yes	13	8%
No	138	90%
Total	151	99%

**Table 24: Was a portion of the estate forfeited before death by registration on the names of certain heirs?**

	<b>Freq.</b>	<b>%</b>
Yes	19	12%
No	133	87%
Total	152	99%

**Table 25: In your opinion, why a portion of the estate is registered on the names of certain heirs:**

<b>Multi-answer question</b>	<b>Freq.</b>	<b>%</b>
To deprive female heirs	9	6%
To grant rights of heirs who worked with the estate holder and increased the wealth	4	3%
Other reasons	5	
Total	18	8%

Table 26: In your opinion, what other reasons are behind registration of a portion of the estate on the names of certain heirs?		
	Freq.	
To give girls their right, but male heirs seized it	1	
Pressure placed by male children and high price of the land	1	
Hatred of husband	1	
Gave a portion of land his son to work on	1	
A gift for grandchildren	1	
Total	5	

Table 27: Measuring women’s perceptions of the right of inheritance		
	Freq.	%
In your opinion, is it allowable to deprive or reduce inheritance share of the deceased estate holder’s second wife, if any?	3	2%
In your opinion, is it permissible to deprive or reduce hereditary of shares of the deceased estate holder’s children from a second wife?	3	2%
In your opinion, do heirs with disabilities have the right to inheritance?	143	94%
In your opinion, do mentally challenged heirs have the right to inheritance?	124	82%
Do you agree to claim you share of inheritance?	134	89%

Table 28: Do you know what Takharuj means?		
	Freq.	%
Yes	38	25%
No	113	74%
Total	151	99%

Table 29: Meaning of Takharuj from the respondent’s perspective		
	Freq.	%
Irrecoverable sale in consideration of a financial reimbursement	18	47%
Free waiver for other heirs, but it can be revoked at any time a woman desires	6	16%
Irrecoverable donation without any consideration	12	32%
Other	2	5%
Total	38	100%

Table 30: Table 29: (Other) meaning of Takharuj from the respondent’s perspective		
	Freq,	

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I receive all my rights of inheritance. Then, I waive my share.	1	
A final, irrecoverable agreement between heirs on the inheritance	1	
Total	2	
<b>Table 31: Have you consented to Takharuj, waiving your rights of inheritance for the benefit of another heir?</b>		
	<b>Freq.</b>	<b>%</b>
Yes	132	86%
No	20	13%
Total	152	99%
<b>Table 32: Have you consented to Takharuj in consideration of a reimbursement (Have you received/earned a financial reimbursement for Takharuj)?</b>		
	<b>Freq.</b>	<b>%</b>
Yes	66	43%
No	65	42%
Total	131	86%
<b>Table 33: Who asked you to apply for Takharuj?</b>		
	<b>Freq.</b>	<b>%</b>
Father	2	2%
Mother	10	8%
Brothers	93	70%
Sisters	0	0%
Husband	0	0%
Children	5	4%
Consensual agreement	13	10%
Other	9	7%
Total	132	100%
<b>Table 34: Who else asked you to apply for Takharuj?</b>		
	<b>Freq.</b>	
Cousin	1	
My grandchildren	1	
Brothers-in-law	1	
Uncle	1	
No one	1	
She asked her brother-in-law	1	
Her brother's heirs	1	
Total	7	

<b>Table 35: What motives made you consent to Takharuj and waive your right of inheritance?</b>		
	<b>Freq.</b>	<b>%</b>
Social motives	64	48%
My economic situation is good and I do not need it	6	5%
My family economic situation is bad	4	3%
Other heirs paid the full price of my shares	10	8%
Other heirs paid for a portion of my shares	25	19%
Other	23	17%
Total	132	100%
<b>Table 36: What other motives made you consent to Takharuj and waive your right of inheritance?</b>		
	<b>Freq.</b>	
My economic situation is good and I do not need it. My family economic situation is bad	1	
My economic situation is good and I do not need it. Other heirs paid for a portion of my shares	1	
He deceived us	1	
My economic situation is bad	5	
I signed a power of attorney / blank paper, but I did not know it was Takharuj	2	
They promised to pay me, but they did not. They deceived me	5	
In return for marriage because her husband is a martyr	1	
To avoid problems	1	
Because I hate my husband	1	
No one is more deserving than my brother. I am old.	1	
Because my brother is lonely	1	
My grandchildren are more deserving of my share than their father	1	
Pressure exercised by my sister. They refused to give the land and offered money instead	1	
My mother and brother requested that I sign a paper so that my brother can sell the land	1	
Total	23	
<b>Table 37: What social motives made you consent to Takharuj and waive your right of inheritance?</b>		
	<b>Freq.</b>	<b>%</b>
My husband placed pressure on me so that I do not take my inheritance from my family	1	1%
Pressure placed by the society	16	12%
I was shy to claim inheritance	36	27%

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I want the family properties remain within the family	13	10%
To maintain bonds of kinship	43	33%
I submitted to my brothers' threats	6	5%
I did not know what I signed	10	8%
Other	7	5%
Total	132	100%

Table 38: What other social motives made you consent to Takharuj and waive your right of inheritance?		
	Freq.	
I was shy to claim inheritance. To maintain bonds of kinship	4	
I was shy to claim of inheritance. To maintain bonds of kinship. I submitted to my brothers' threats	2	
I was shy to claim of inheritance. I submitted to my brothers' threats	1	
I want the family properties remain within the family. To maintain bonds of kinship	1	
To maintain bonds of kinship. I submitted to my brothers' threats	1	
To maintain bonds of kinship. I submitted to my brothers' threats. I did not know what I signed	1	
I consented to Takharuj on condition that I access my right later	1	
I did not need it	2	
I hate my husband	1	
Economic need	1	
I received all my hereditary rights	1	
Total	16	

Table 39: Have you consented to Takharuj for the benefit of brothers or sisters?		
	Freq.	%
Brothers	124	97%
Sisters	4	3%
Total	128	100%

Table 40: Do you regret that you consented to Takharuj and waived your shares of inheritance?		
	Freq.	%
Yes	79	60%
No	53	40%
Total	132	100%

Table 41: Do you prefer that you accessed your right of inheritance in line with your legally prescribed share?		
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	Freq.	%
Yes	107	81%
No	25	19%
Total	132	100%
<b>Table 42: Have waived your hereditary right through a power of attorney?</b>		
	Freq.	%
Yes	43	28%
No	109	72%
Total	152	100%
<b>Table 43: Did you waive your hereditary right in consideration of a reimbursement?</b>		
	Freq.	%
Yes	34	25%
No	104	75%
Total	138	100%
<b>Table 44: Did you obtain all your rights of inheritance?</b>		
	Freq.	%
Yes	17	12%
No	123	88%
Total	140	100%
<b>Table 45: Do you know that you cannot revoke a Takharuj transaction?</b>		
	Freq.	%
Yes	87	60%
No	59	40%
Total	146	100%
<b>Table 46: In your opinion, does the Circular on <i>Takharuj</i> enhance women's access to their hereditary rights? According to the circular, <i>Takharuj</i> transactions are registered four months after death of the estate holder and after the estate is valuated.</b>		
	Freq.	%
Yes	68	47%
No	20	14%
I do not know	58	40%
Total	146	100%

<b>Table 47: In your opinion, does the society consider a woman's claim of her right of inheritance as a stigma?</b>		
	<b>Freq.</b>	<b>%</b>
Yes	66	44%
No	83	56%
Total	149	100%

<b>Table 48: Why did you not go to court?</b>		
	<b>Freq.</b>	<b>%</b>
The litigation process is costly and complicated	26	17%
Because I do not want to lose my family and my relations with them	59	39%
Because I received a portion of my right of inheritance	21	14%
Because I received all my rights of inheritance	18	12%
Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process	1	1%
I do not trust the judicial system	1	1%
I do not know how to initiate a case or resort to court	8	5%
I know if I get a court decision, I cannot enforce it	4	3%
Other	12	8%
Total	150	100%

<b>Table 49: Why did you not go to court? (Other reasons)</b>		
	<b>Freq.</b>	
Because I do not want to lose my family and my relations with them. Because I received a portion of my right of inheritance	1	
Because I do not want to lose my family and my relations with them. Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process. I do not trust the judicial system	1	
Because I do not want to lose my family and my relations with them. Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process. I do not trust the judicial system. I do not know how to initiate a case or resort to court	1	
Because I do not want to lose my family and my relations with them. Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process. I know if I get a court decision, I cannot enforce it	1	
Because I do not want to lose my family and my relations with them. I do not know how to initiate a case or resort to court	1	
Because I do not want to lose my family and my relations with them. Because I received a portion of my right of inheritance	1	
Because I received a portion of my right of inheritance. I do not know how to initiate a case or resort to court	1	

Because other women resorted to court, but did not obtain their rights and/or litigation is a lengthy process. I know if I get a court decision, I cannot enforce it	1	
I chose a portion of the estate in return for getting married.	1	
I prefer an amicable solution between parties	1	
Bashfulness	1	
	1	
I agreed	1	
By a consensual agreement, saying they will give me a financial sum	1	
Because my son died, and his children were still young	1	
We exchanged	1	
Because she consented to Takharuj for the benefit of my son	1	
No one raised my awareness or advised me	1	
There was no need	1	
Fear from people's view of me	1	
I going to court to revoke Takharuj	1	
Total	21	

<b>Table 50: In your opinion, what are the most effective social procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?</b>		
	<b>Freq.</b>	<b>%</b>
Raise awareness and enhance skills of women to claim and exercise their rights	63	42%
Raise men's awareness of the importance of women's access rights of inheritance	41	27%
Community awareness through media outlets and mosques	37	25%
Other	10	7%
Total	151	100%

<b>Table 51: In your opinion, what are the most effective social procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?</b>		
	<b>Freq.</b>	
Comply with Sharia teachings	3	
Establish support committees	1	
All the above	3	
Nothing helps	1	
Total	8	

<b>Table 52: In your opinion, what are the most effective legal procedures to empower women to access their rights</b>		
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of inheritance, ensuring women do not encounter any problems?	Freq.	%
Enact a law to ensure empowerment of Palestinian women to access their rights of inheritance	64	42%
Enact a law to enable women to demonstrated simulated procedures implemented by the estate holder in his lifetime for the benefit of certain heirs	12	8%
Aggravate penalties against those who deprive a woman of her inheritance	49	32%
Develop a friendly guidance manual on the right of inheritance, targeting families and women	1	1%
Other	25	17%
Total	151	1

**Table 53: In your opinion, what are the most effective legal procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?**

	Freq.	
Enact a law to enable women to demonstrated simulated procedures implemented by the estate holder in his lifetime for the benefit of certain heirs. Aggravate penalties against those who deprive a woman of her inheritance	1	
Enact a law to enable women to demonstrated simulated procedures implemented by the estate holder in his lifetime for the benefit of certain heirs. Aggravate penalties against those who deprive a woman of her inheritance. Develop a friendly guidance manual on the right of inheritance, targeting families and women	2	
Enact a law to enable women to demonstrated simulated procedures implemented by the estate holder in his lifetime for the benefit of certain heirs. Develop a friendly guidance manual on the right of inheritance, targeting families and women	2	
Aggravate penalties against those who deprive a woman of her inheritance. Develop a friendly guidance manual on the right of inheritance, targeting families and women	2	
Aggravate penalties against those who deprive a woman of her inheritance.	4	
Develop a friendly guidance manual on the right of inheritance, targeting families and women	1	
Comply with Sharia teachings	1	
Raise public awareness and enhance compliance with Sharia teachings	1	
Support women	1	
All the above	2	
Total	17	

Table 54: In your opinion, what are the most effective regulatory procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?		
	Freq.	%
Establish a committee to help women access their legally prescribed rights of inheritance, ensuring a summary litigation process	87	58%
Establish a civil judgement department at Sharia courts	55	37%
Other	7	5%
Total	149	100%
Table 55: In your opinion, what are the most effective regulatory procedures to empower women to access their rights of inheritance, ensuring women do not encounter any problems?		
	Freq.	
Establish a civil judgement department at Sharia courts	2	
Women take their right without recourse to courts	1	
Raise family awareness	1	
Raise women's awareness of their legal rights	1	
Avoid procrastination of inheritance cases	1	
Civil society organisations offer aid to women in inheritance cases	1	
Total	7	