

# Palestinian Women under Prolonged Israeli Occupation

The Gendered Impact of Occupation Violence

## Universal Periodic Review of Israel

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(in alphabetical order)

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## 1. Introduction

1.1. This report has been prepared by Women's Center for Legal Aid and Counselling (WCLAC), Community Action Center (CAC) - Al-Quds University, and The Palestinian Center for Development and Media Freedoms (MADA), with the Women's International League for Peace and Freedom (WILPF) to assist the process of the Universal Periodic Review on Israel and the Occupied Palestinian Territories in 2017.

1.2. Israel's previous UPR, published in January 2009, resulted in 424 recommendations by contributing countries. Very few of those recommendations have directly highlighted the gendered impact of Israeli illegal practices on Palestinian women. Of these recommendations only 13% were accepted by Israel, none of the accepted included recommendations specific to Palestinian rights. From the previous UPR it is obvious that Israel has made some progress in transforming legislation to improve human rights, but judging by fieldwork and research by Palestinian human rights organisations, little headway has been made in incorporating this progress to Palestinians. Palestinian women still face violence, threats, intimidation, restriction on movement, and discrimination from Israeli forces on a daily basis and Israel continue to impose policies which strictly violate international humanitarian and human rights law.

1.3. The report addresses human rights violations inflicted on Palestinian women by the State of Israel with a focus on the following issues:

- Property destruction, demolition, and the lack of quality housing
- Aggression and targeting of civilians (including night raids; resource restriction in Gaza; restriction on movement in West Bank)
- Expansion of settlements and settler violence
- Forcible transfer of Palestinians from East Jerusalem, and forcible transfer as a form of collective punishment (referring to family reunification law)
- Targeting female human rights defenders

1.4. The testimonies and reports on housing demolition, night raid, settler and soldier violence, and collective punishment perpetrated by Israeli forces in an intentionally discriminatory manner are still a daily occurrence in the lives of Palestinian women. The contributors to this report demand that Israel takes notice of the calls from the international community to engage with civil society institutions to implement processes which will improve the quality of life and human rights of Palestinian women for the future, and to promote peaceful dialogue between Palestine and Israel.

### 1.5. General Recommendations

**1.5.1. Immediate measures must be taken by all member states to end Israel's unlawful prolonged military occupation and end the suffering of the Palestinian population. Until then, Israel must:**

**1.5.2. Respect its legal obligations as an occupying power under international human rights and humanitarian Law (IHL) and call on Israel to take immediate action to prevent human rights abuses and violations against women and girls in the OPT, and to protect them against such acts.**

**1.5.3 Immediately implement and abide by the numerous UN Security Council Resolutions in accordance with their legal obligations under international law, including Resolution 2234 of December 2016.**

**1.5.4 Lift all movement restrictions in the OPT and take steps to ensure the rights to health, education and other rights dependent on freedom of movement are protected.**

## 2. Property destruction, demolition, and the lack of adequate housing

2.1. The 2013 outcome of Israel's UPR<sup>1</sup> resulted in two recommendations which condemned housing demolitions in OPTs. These recommendations were 136.207 by the UAE, and 136.229 by Mexico.

2.2. Housing demolition<sup>2</sup> and property destruction remains an overshadowing fear, and daily reality, for many women living in occupied East Jerusalem. From November 2013 until June 2017, WCLAC published interviews<sup>3</sup> with 49 women who experienced housing demolition, or threat of demolition. The result of intimidation and possibility of losing their livelihood has profound economic, social, and psychological consequences on women and their families, who are often left homeless, or resulted to live in over-crowded, or less than adequate, conditions.

2.3. WCLAC's submission<sup>4</sup> to the UN Special Rapporteur on the situation of human rights in the OPT stated that destruction notices are issued due to lack of building permits, which are notoriously difficult to obtain. Only 13% of East Jerusalem's land is allowed for Palestinian construction<sup>5</sup>, whilst only 7% of building permits are granted to Palestinians<sup>6</sup>. Overcrowding means it is difficult to obtain justification for a permit application. Furthermore, families will spend thousands of shekels trying to re-submit or oppose permit orders, leading to impoverishment, displacement, and mental and emotional strain especially on wives and mothers who are responsible for their family's welfare.

2.4. Of the interviews conducted by WCLAC, women had either experienced demolition by Israeli forces at night or in the early morning, or they had been forced to destroy the house themselves by demolition or concrete sealing. It was recorded that generally families are given the "option" to either have<sup>7</sup> Israeli forces demolish their house for an extortionate demolition fee, or to do it themselves. This is a degrading and heart-wrenching task for the families who have fought to maintain their homes and livelihoods.

2.5. Human Rights Watch has reported in its World Report 2017<sup>8</sup> that as of October 31<sup>st</sup> 2016, Israeli authorities have issued demolitions, or demolished 925 Palestinian homes in the West Bank Area C and East Jerusalem. The resulting trauma from housing demolition, and threat of eviction, mean that Palestinian women cannot enjoy the level of human rights and quality of life they deserve.

### 2.6. Recommendations

**2.6.1 Review and reform Israel's housing permit process which deliberately discriminates against Palestinians, subjecting them to lengthy and costly procedures.**

**2.6.2 An immediate stop to the illegal demolition of Palestinian homes and to increase the recognition of property rights of the Palestinian population.**

**2.6.3 Recognize the rights and freedoms of Palestinian women to enjoy access to adequate housing and family/private life.**

## 3. Aggression and targeting of civilians

3.1. Military occupation within the OPT has led to surges of violence against the Palestinian population by the Israeli military, and has had disastrous effects on the sense of safety for Palestinian women and girls. Factors of aggression, which invigorate the tense situation, are night raids and arrest, restrictions on the freedom of movement by the permit system in West Bank and Gaza, and the restrictions on resources and aid entering the Gaza strip by Israeli forces. Acts of aggression utilized by Israeli forces are in direct contradiction with international human rights law. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967<sup>9</sup> noted: "Palestinian communities in the West Bank, including East Jerusalem, are often subject to closures of

streets that effectively seal off entire neighbourhoods, checkpoints and a heightened police presence, often as a form of collective punishment.”

**3.2. Night Raids:** WCLAC has collected testimonies<sup>10</sup> from women who have been subjected to night raids in their homes by Israeli forces, most occur between 2:00 and 4:00am. Many raids are aggressive, stun and tear gas is excessively used. Soldiers are heavily armed, citizens are threatened, having weapons pointed towards them, and being forcibly removed from their homes in the middle of the night, and personal items are damaged or stolen<sup>11</sup>. This practise causes severe psychological distress and terror to civilians, especially children. Night raids on Palestinian homes often result in the arrests or injury of a member of the family, in many cases a child. This results in long-lasting psychological effects on women and their children. The purpose of all night raids is to intimidate civilians as part of a systematic strategy to maintain authority. In many cases, women have reported suffering from trauma following a night raid. Last year, WCLAC launched a submission<sup>12</sup> to UN special rapporteurs stating that approximately 1,360 night raids are conducted on Palestinians each year, a majority of which are within 2 kilometres of an Israeli settlement.<sup>13</sup>

**3.3. Resource restriction in Gaza by Israel:** Resource restriction and blockade have resulted in violations of the right to food, water, sanitation, and the highest attainable level of physical and mental health, leading to particularly grievous violations of human rights for Palestinian women. The UN has addressed the situation in Gaza as one of the worst humanitarian crises in modern times. An OCHA report<sup>14</sup> on the recent increase of restrictions on the ‘Arba-‘Arba and Erez checkpoints into Gaza has dramatically affected hospital patients needing treatment in Israel, businessmen who rely on a livelihood made outside of Gaza, and disrupted much-needed water and sanitation infrastructure projects.

3.4. WCLAC prepared a submission<sup>15</sup> for the UN which included personal cases from women. It states how the permit system has not only strained the access to medical care in Gaza, but also prevented mothers travelling with their children from receiving life-saving treatment in hospitals in the West Bank and Jerusalem. Whilst applications for permits are increasing, the acceptance rate is decreasing. Alongside this, the permissions for humanitarian staff to enter are decreasing. The UN Special Rapporteur on gender-based violence (GBV) highlighted that the lack of humanitarian aid and resources has a detrimental effect on women and the ability to tackle violence against them<sup>16</sup>. The restrictions mean women have no access to psychological support or safe spaces if they are victims of GBV, and the decline in services is exacerbating the prevalence of GBV, being the largest form of violence in Gaza strip<sup>17</sup>. Israel’s permit system and restrictions over the Gaza strip are effectively imprisoning civilians in an area without adequate resources or the infrastructure necessary to achieving the most basic access to human rights in health, food, water and sanitation. The Human Rights Committee has also expressed concern about the blockade of Gaza’s impact on Palestinians access to all basic and life-saving services<sup>18</sup>.

**3.5. Restriction on the right to movement:** The UN report<sup>19</sup> of the 31<sup>st</sup> session of the Human Rights Council states there are only four access points from West Bank into East Jerusalem, isolating an area which is the social, economic, and cultural hub for many Palestinians. This means serious impact on the standard of living in many communities. In addition, the permit system for citizens in the West Bank is an illegal and de-humanising practise causing ongoing tensions between Palestinians and Israeli forces. Israeli forces continue to utilise the collective punishment of revoking permits in response to attacks on Israelis. This has a direct effect on women crossing between checkpoints, exacerbating insecurity and precariousness in the probability of clashes. WCLAC reported<sup>20</sup> that women were denied access to much needed healthcare due to the checkpoints and permit system and in other cases chose not to take the dangerous trip to avoid hostility and abuse. A violation of the right to health, which also constitutes discrimination against women, is the frequent practice of holding pregnant women for long periods at checkpoints as they travel to access healthcare. Women with chronic diseases are denied permits to obtain unavailable health services in the Gaza Strip. The

Committee against Torture has expressed concern at such degrading treatment at checkpoints and undue delays or denials of passage, including in emergency cases, and has called on Israel to ensure that security controls at checkpoints are carried out in a humane and respectful way<sup>21</sup>.

### **3.6. Recommendations**

**3.6.1. Take immediate action to stop the abuses and violations against women and children by Israeli forces, such as night raids and arrests in the OPT.**

**3.6.2. End the blockade of the Gaza Strip and guarantee full access of the Palestinian population to all basic services necessary to ensure the implementation of their rights to food, water, sanitation, and to the highest possible attainable standard of health.**

**3.6.3. Ensure safe and unhindered access to all humanitarian personnel and humanitarian assistance to the civilian population, and allow the movement of necessary medical, food, and infrastructure resources.**

**3.6.4. Ensure full freedom of movement for Palestinians in the West Bank and particularly Gaza in order to assure adequate standards of living for the Palestinian people and prevent segregation of communities.**

**3.6.5. Provide unhindered access for Palestinians to Israel in medical cases, and provide safer crossing services for the ill, injured, and pregnant.**

## **4. Expansion of settlements and settler violence**

4.1. Israel's most recent UPR contained 16 recommendations to cease the construction of illegal settlements in the West Bank.

4.2. The State of Israel continues to support settlement expansion that aggressively and illegally confiscates Palestinian land. It constitutes the main obstacle to peace by fuelling tensions between Palestinians and settlers, which often turn violent. Settler violence creates instability and fear for Palestinians living in close proximity to settlements in the OPT. WCLAC has reported in its submission<sup>22</sup> to the UN that at the time there were around 250 Israeli settlements in West Bank and East Jerusalem, with a population of around 520,000. All settlements are considered illegal under international law.

4.3. The case of the Dawabsheh family, who were firebombed by settlers, killing three family members, invoked international condemnation of the Israeli police's lack of response<sup>23</sup>. Israeli police often will charge a Palestinian with provocation and abusing settlers, whilst settlers remain immune to prosecution. WCLAC collected testimonies<sup>24</sup> from women on the prominence of arbitrary settlers' violence, especially against women and children. They reported that many women fear their children will be injured, arrested, or killed for being in the wrong place at the wrong time. Women reported being constantly alert to ensure the well being of their families. In addition, women are scared to leave their houses alone after experiences of settler attacks during both day and night. Soldier and settler violence, vandalism, and destruction of private property, including housing demolition, stemming from the presence of settlements, overburdens women with increased responsibilities, including financial ones, for members of their family<sup>25</sup>.

4.4. OCHA reports<sup>26</sup> that settler attacks, combined with the restriction of movement and road segregation around settlements, loss of access to water, and armed intimidation, can drastically affect families' living conditions, especially if they work in the agricultural sector. Civilians relying on agricultural income are the most adversely affected by settlement expansion, as farming and grazing land are often targeted by settlers. In 2016, the occupying authority initiated nine new settlement posts, expanded 90 other settlements, developed 25 new detailed plans for building settlements on Palestinian agricultural land, and 64 other plans were announced and approved<sup>27</sup>. The detrimental

effect on the family causes immense strain to women who try to provide basic needs and security for their families. WCLAC reports that settler violence generally goes un-charged due to its strategic position in obtaining land from Palestinians, who are threatened and fearful of returning to their land.

4.5. In her report,<sup>28</sup> the Special Rapporteur on violence against women reported that ‘70,000 Palestinians living in Area C have been subjected to settlers’ violence, including harassment, physical violence and destruction of property. Such violence has a psychological impact on women, as they constantly fear for themselves and their children [...]’ The Rapporteur met with teachers and pupils who explained that they are the victim of constant attacks, threat and humiliation from neighbouring settlers; occasionally also from Israeli Occupation Forces at the checkpoints which they need to cross on their way to school, impeding their education and work programs. It was reported that only 8,5% of the complaints made by Palestinians for settlers’ violence led to indictment, which demonstrates the prevailing impunity for such violence. The Human Rights Committee also expressed concern about that lack of effective accountability for attacks by settlers and called on Israel to take all necessary measures to prevent violence, protect Palestinians effectively, and undertake prompt, thorough, independent and impartial investigations, with prosecution of perpetrators, who, if convicted, are punished with appropriate sanction, and victims provided with effective remedies<sup>29</sup>. This call was echoed by the Committee against Torture<sup>30</sup>.

4.6. In 2017, Israel passed a law in the Knesset<sup>31</sup> that retroactively legalises settlement construction on privately owned Palestinian land, as well as legalizing settlement outposts that were previously outlawed. Such a law poses an enormous obstacle to reaching a just and durable solution to the conflict. It also fosters support of legislation, prioritizing settlers and their illegal developments over the livelihood of Palestinians and their rightful claims to land.

#### **4.7. Recommendations**

**4.7.1 Ensure, without hindrance, access for Palestinians in the OPTs to their land and homes which have been labelled as “no-go-zones” due to the presence of settler violence and proximity to settlements.**

**4.7.2. Enforce criminal prosecution measures against settlers who commit offences towards Palestinians.**

### **5. Forcible eviction of Palestinians from occupied Jerusalem, and collective punishment as a tool in forcible transfer**

5.1. In an attempt to maintain demographic majority, Israel has used a variety of methods to reduce the Palestinian population of the city. Since the illegal annexation of East Jerusalem, Israel has treated Palestinians as immigrants in their own country, as the Israeli Minister of Interior (MoI) has discretionary powers to revoke residency<sup>32</sup>. The Law of Citizenship and Entry into Israel (Temporary Order, 2003) ultimately discriminates against Palestinians and aims to reduce the number of Palestinians in Jerusalem. This “temporary order” was renewed in June 2017 for the 14<sup>th</sup> consecutive time<sup>33</sup>. The UN report<sup>34</sup> of the 31<sup>st</sup> session of the Human Rights Council claims that the law displays blatant discrimination, which in result has separated husbands from wives, parents from children, and extended families from one-another, and causes traumatic complications for women attempting to remain with their families in both Jerusalem and West Bank.

**5.2. Residency revocation** is the most direct tool used to forcibly transfer Palestinians from East Jerusalem. According to Israel's Ministry of Interior, Israel has revoked more than 14,500 residencies from Palestinians from Jerusalem between 1967 and today<sup>35</sup>. Israel has broadened its regulatory intervention, making it easier to forcibly transfer the Palestinians of Jerusalem, such as the “center of life policy”<sup>36</sup>. The policy requires proof that a person’s centre of life is in Jerusalem or Israel, and if he

or she overstays this period by residing outside of this area, there is a strong probability of losing his/her residency right in the city. Israel considers moving to the West Bank or Gaza as residing abroad. Furthermore, the Minister of Interior has revoked a number of residencies of Palestinians from occupied Jerusalem based on "breaching allegiance" to the State of Israel. Women, who reside in Jerusalem without an Israeli permit, expressed to CAC that they feel like they live in a prison, as they are at risk of being stopped by the military or the police if they go outside their house. Since they cannot cross checkpoints, they cannot see their families in West Bank.

5.3. Women also live in the fear of being separated from their children in the case they are forcibly transferred. Palestinian women who live in Jerusalem lose their temporary residency permits through a family unification procedure if the husband decides to divorce or to remarry. If the children have Jerusalem I.D and remain with the father, women will no longer be able to live in the same city as their children, or even visit them. If a woman is a victim of violence in the household, they will be reluctant to go to the Israeli authorities for fear of being forcibly transferred outside Jerusalem and losing their children's custody. If Jerusalemite women divorce a Palestinian and decide to return to Jerusalem to reinstate their I.D<sup>37</sup>, they will be trapped in the family home without any legal status. In a traditional family, they will be devoid of fundamental rights such as the right to movement or work, in addition to the stigma of being a divorcee. WCLAC conducted interviews with women, published in a report<sup>38</sup>, finding that the lengthy process of reunification applications leaves women in a state of financial and social limbo, not being able to access health insurance, social security benefits, or well-paid work. According to a report<sup>39</sup> by HaMoked, the Israeli Mol received 2,632 requests for unification since 2012, and currently 9,900 Palestinians reside in East Jerusalem without any access to social security rights. Family unification is completely prohibited for Gazan/ Jerusalemite families.

5.4. In January 2017, a bill<sup>40</sup> was reintroduced at the Knesset to grant the Mol authority to revoke the permanent residency of persons who have committed or are suspected of committing an attack against Israel, as well as their family members. Women are disproportionately affected by this form of collective punishment since men are often the victims of extra-judicial killings or arrests by Israel.

5.5. Following an alleged attack by a Palestinian, the family loses their home to **punitive house demolition/sealing**. Many women and other members of the extended family punitively lose their residency permits to Jerusalem and are thus forcibly transferred. The Committee against Torture in its concluding observations to Israel expressed concern "that the policy of punitive demolitions of houses resided by perpetrators or alleged perpetrators of attacks against Israelis was resumed in July 2014 after having been suspended and not used, with two exceptions in 2008 and 2009, since 2005 in violation of article 16 of the Convention."<sup>41</sup> The Committee against Torture has recognized house demolition as a form of cruel, inhuman or degrading treatment, in violation of Israel's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>42</sup>. The Human Rights Committee has also called on Israel to immediately put an end to conducting punitive demolitions and provide effective remedies to victims of destruction of property, forced eviction and forcible transfer<sup>43</sup>.

5.6. Israel also revokes health and social security entitlements as a punishment to family members of alleged attackers. These policies have disastrous consequences on the lives of Palestinian women and children. The Human Rights Committee has noted<sup>44</sup> that the prohibition against collective punishment is non-derogable, even in states of emergency. Often, women also have to face the psychological ill-treatment that Israel imposes on them through arrests, detentions, house raids, as well as the detention of bodies of deceased family members, kept in Israeli fridges for months before being returned to the family for burial. These practices, including the practice of keeping dead bodies, have been identified by the Committee against Torture as a violation of Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **5.7. Recommendations**

**5.7.1. Immediately cease the practice of residency revocations and have Israel review its Entry into Israel law, which allows the MOI to revoke the residency rights of Palestinians.**

**5.7.2. Reinstate the residencies of all Palestinians who wish to reinstate their Jerusalem residency status and give all current residents of Jerusalem indefinite right-to-remain.**

**5.7.3. Immediately repeal the “temporary order” to the Law of Citizenship and Entry into Israel (2003) related to family unification. Grant Palestinian spouses of Jerusalem I.D holders Jerusalem residency status.**

**5.7.4. Immediately cease all collective punishment practices and repeal laws allowing the Israeli military to punitively demolish and seal houses of Palestinians, and to confiscate the land on which the house is built.**

**5.7.5. Stop the practice of forced eviction and demolition threats which negatively impact the physical and psychological well-being of Palestinian women and their families.**

## **6. Targeting women human rights defenders, women journalists and activists**

6.1. Israel continues its aggressive and illegal treatment of human rights defenders due to their coverage of Israeli violations towards Palestinians and continued presence in peaceful demonstrations. Women human rights defenders have been frequently targeted and have suffered gravely from such disproportionate attacks.<sup>45</sup> In her recent report, the Special Rapporteur on violence against women, its causes and consequences, has expressed concern about ‘the increase in violence targeting women’s rights activists, as well as an increased criminalization of protests.’<sup>46</sup> Furthermore, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 dedicated a large section of his most recent report<sup>47</sup> to the situation of human rights defenders, including reports of threats and attacks. He stated that under the International Declaration of Human Rights Defenders, the work of defenders must be protected alongside their right to freedom of expression and peaceful assembly.

6.2. Women activists and journalists have been subjected to night raids, arrests and punitive measures under the pretext of “incitement”,<sup>48</sup> after criticising, for instance, Israeli occupation practices including on social media channels such as Facebook. Following last year’s agreement between Facebook and Israel to combat “Incitement against Israel”, the prosecution and conviction of women activists and journalists has increased dramatically<sup>49</sup>. These attacks have prevented the free flow of information and significantly violated Palestinians’ rights to freedom of expression.<sup>50</sup> In reality, Israel illegally takes measures to prohibit Palestinians from advocating for their rights or making any expression of a political nature. These measures are in violation of international human rights law and principles relating to freedom of expression and association, and the entitlements of human rights defenders to carry out their work online.<sup>51</sup>

6.3. Israel’s military order 101 of 1976<sup>52</sup> prohibits various demonstrations, protests, and gatherings which are offensive to Israel’s political interests. The order justifies targeting human rights defenders to prevent them from peaceful political expression. Palestinian women defenders, journalists, and media students are being exposed to various forms of violations by Israeli occupation forces, through harassment, physical abuse, censorship, equipment confiscation, interrogation, restriction of movement, detention, arrest, and protection of settler violence, all effectively restricting the ability of defenders to continue their work promoting the rights of Palestinians.

6.4. Between 2013 and May 2017, MADA monitored and documented 116 total violations against Palestinian women journalists and media students. During this period, physical assaults accounted for more than 50% of the total violations committed by occupation forces against women journalists,

which constitute a form of cruel, inhuman or degrading treatment or punishment. Abuses against human rights defenders and journalists are not only physical but also psychological and aim to intimidate journalists and human rights activists and create self-censorship. Additionally, scare tactics are being used by Israeli settlers, pro-Israeli organisations and members of government to manipulate public perception and cause distress and fear within Israeli society and beyond towards human rights defenders<sup>53</sup> who oppose Israeli policies and expose the state's violation of international human rights law.<sup>54</sup>

6.5. These systematic abuses have also resulted in reduced coverage by Palestinian journalists. The grave and disproportionate physical, social and psychological impact of such abuses on women journalists means that they are significantly less likely to cover Israeli violations and developments, decreasing the prevalence of women's views and concerns in mainstream media even further. The trauma suffered by women journalists in the West Bank, Gaza Strip and East Jerusalem forces many of them to abandon their career, reducing the already limited presence of women in those challenging fields and situations.

6.6. Israel continues to restrict the movement of Palestinian journalists and applies discriminatory policies against them. Journalists in general are hindered from moving freely to cover events across the West Bank, in the Gaza Strip due to the continued military siege for over a decade, as well as in East Jerusalem. Moreover, Israel is still practicing the deportation of Palestinian prisoners including journalists outside the Palestinian occupied territory, which constitutes a grave breach of the fourth Geneva Convention (articles 49,67 and 147).<sup>55</sup> Systematic attacks against Palestinian journalists not only affect the physical protection of journalists but also undermine the principle of distinction. Civilians, including media professionals, should not be subjected for direct attacks. Testimonies collected by MADA showed no evidence of incidental media casualties, but rather deliberate targeting of journalists. Collected evidence shows that Palestinian journalists, who were exposed to acts of violence, were wearing press vests, had no direct involvement in hostilities and were performing their professional duties. Additionally, none of the cases monitored by MADA showed that targeted journalists were war correspondents but rather independent journalists and without armed escorts that may have caused any misunderstandings with the distinction between civilians (journalists) and combatants or armed bodyguards.<sup>56</sup> None of these women journalists obtained legal redress either because they were too afraid to report or because Israeli authorities did not investigate or prosecute these violations.<sup>57</sup>

## **6.7. Recommendations**

**6.7.1. Respect, protect, and ensure freedom of expression and movement of all Palestinians, including lifting travel bans and granting adequate access to human rights defenders and journalists.**

**6.7.2. Immediately end discriminatory and punitive measures against Palestinian journalists in the OPT (including East Jerusalem) in both law and practice, including administrative and arbitrary detention, deportation outside the OPT, ill treatment, and conduct an independent investigation into all such cases.**

**6.7.3. Commit as an occupying power to allowing access to the Special Rapporteurs on the oPt and cooperate with their teams.**

**6.7.4. Implement a gender-sensitive international consultation with women journalists and human rights defenders to assess all possible avenues to improve their situation which may include providing communications technologies to improve their safety, secure transport and security in their homes and offices, and prompt access to urgent appeal procedures of the Special Mechanisms of the Human Rights Council in situations where they are subjected to harm by the Israeli authorities or those acting on their behalf.**

## **Endnotes**

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<sup>1</sup> UN Doc A/HRC/25/15, 19 December 2013

<sup>2</sup> This section discusses house demolition related to Israel's permit system. Punitive House demolition is discussed in Section 4 below.

<sup>3</sup> Women's Voices, Women's Center for Legal Aid and Counselling, Nov. 2013 – June 2017, [http://www.wclac.org/english/einside.php?tag\\_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art\\_field=](http://www.wclac.org/english/einside.php?tag_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art_field=)

<sup>4</sup> Jerusalem Women – Issues of Concern, Women's Center for Legal Aid and Counselling, May 2017, <http://www.wclac.org/english/userfiles/JERUSALEM%20WOMEN-ISSUES%20OF%20CONCERN-MAY%202017-Final.pdf>

<sup>5</sup> Policies of Neglect in East Jerusalem: The Policies that created 78% Poverty Rates and a Frail Job Market, The Association for Civil Rights in Israel, May 2012, [http://llp.iugaza.edu.ps/Files\\_Uploads/634742470406612100.pdf](http://llp.iugaza.edu.ps/Files_Uploads/634742470406612100.pdf)

<sup>6</sup> Only 7% of Jerusalem Building Permits Go to Palestinian Neighborhoods, Haaretz, 07 Dec. 2015, <http://www.haaretz.com/israel-news/premium-1.690403>

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<sup>8</sup> Israel/Palestine Chapter, Human Rights Watch, 2016, <https://www.hrw.org/world-report/2017/country-chapters/israel/palestine>

<sup>9</sup> UN Doc A/HRC/34/70, Paragraph 16, 13 April 2017

<sup>10</sup> Women's Voices, Women's Center for Legal Aid and Counselling, Nov. 2013 – June 2017, [http://www.wclac.org/english/einside.php?tag\\_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art\\_field=](http://www.wclac.org/english/einside.php?tag_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art_field=)

<sup>11</sup> "Israeli Military Night-Raids on Palestinian Residences in the West Bank and East Jerusalem", Women's Center for Legal Aid and Counselling, June 2016, <http://www.wclac.org/english/userfiles/NIGHT%20RAIDS%20-%20UPDATE%20-%20JUNE%202016.pdf>

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

<sup>13</sup> In her report to the Human Rights Council (A/HRC/35/30/Add.1, 8 June 2017) the UN Special Rapporteur on violence against women, its causes and consequences, noted:

"Palestinian women and girls are regularly arrested from the streets, Israeli checkpoints, and during violent night raids on their home during military incursions, during which destruction of household items and property damage takes place. Upon arriving to the interrogation or detention center, female Palestinian detainees are routinely not informed of their rights and the reasons of their detainment. Often they are denied attorney access and kept for several days or months under interrogation. The Rapporteur also met with former women detainees whose experiences confirmed such information. They also indicated having been victims of torture and/or ill treatment while in detention. Beatings, insults, threats and sexual harassment were reported to be common practices as well as intrusive body searches, which often occur before and after court hearings or during the night as punitive measures." [paragraph 54] The Special Rapporteur also notes austere psychological violence caused by night raids and search operations, which has a particular impact on women. "They reported to be limited in their ability to move, and to take part in the political, social and economic life of their community. [paragraph 61 and 62]

<sup>14</sup> "Continuing access restrictions by the de facto authorities in Gaza add to humanitarian concerns", United Nations Office for the Coordination of Humanitarian Affairs, 29 March 2017, <https://www.ochaopt.org/content/continuing-access-restrictions-de-facto-authorities-gaza-add-humanitarian-concerns>

<sup>15</sup> "UN Independent Commission of Inquiry on the 2014 Gaza Conflict", Women's Center for Legal Aid and Counselling, 28 January 2015, <http://www.wclac.org/english/userfiles/UN%20COMMISSION%20OF%20INQUIRY%20-%20GAZA.pdf>

<sup>16</sup> UN Doc A/HRC/35/30/Add.2, 8 June 2017

<sup>17</sup> Seminar Report on The International Seminar of Gender Based Violence in the Humanitarian Context of the Gaza Strip, UN Women, 20-21 September 2016, <http://palestine.unwomen.org/en/news-and-events/stories/2016/09/pr-international-seminar-gbv>

<sup>18</sup> UN Doc CCPR/C/ISR/CO/4, Paragraph 12, 21 November 2014

<sup>19</sup> "Human rights situation in the Occupied Palestinian Territory, including East Jerusalem", United Nations General Assembly, 20 Jan. 2016, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/\\_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A\\_HRC\\_31\\_44\\_E.doc&action=default&DefaultItemOpen=1](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A_HRC_31_44_E.doc&action=default&DefaultItemOpen=1)

<sup>20</sup> "Women's Voices: In the Shadow of the Settlements", Women's Center for Legal Aid and Counselling, 2010, [http://www.wclac.org/english/userfiles/English%20WCLAC%20\(2\).pdf](http://www.wclac.org/english/userfiles/English%20WCLAC%20(2).pdf)

<sup>21</sup> UN Doc CAT/C/ISR/CO/5, Paragraphs 36 and 37, 3 June 2016

<sup>22</sup> "Israeli settler violence in the West Bank and East Jerusalem", Women's Center for Legal Aid and Counselling, 2 Sept 2015, <http://www.wclac.org/english/userfiles/SETTLER%20VIOLENCE%20-%20SEP%202015.pdf>

<sup>23</sup> UN Doc A/HRC/31/43, Paragraphs 35 and 36, 20 January 2016

<sup>24</sup> Women's Voices, Women's Center for Legal Aid and Counselling, Nov. 2013 – June 2017, [http://www.wclac.org/english/einside.php?tag\\_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art\\_field=](http://www.wclac.org/english/einside.php?tag_id=17&srcopt=1&page=15&srckey=Keywords&fromdate=From%20Date&todate=To%20Date&art_field=)

<sup>25</sup> WCLAC oral statement for agenda item 7 in the Human Rights Council 34<sup>th</sup> session

<sup>26</sup> "The humanitarian impact of de facto settlement expansion: common features, conclusions and the way forward", United Nations Office for the Coordination of Humanitarian Affairs, 11 March 2017, <https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-common-features-conclusions-and-way>

<sup>27</sup> “Land Research Center issued the outcome of the Israeli violations in the Palestinian territories during the year 2016”, Palestinian Observatory of Israeli Colonization Activities, 10 January 2017, <http://poica.org/2017/01/%D9%85%D8%B1%D9%83%D8%B2-%D8%A3%D8%A8%D8%AD%D8%A7%D8%AB-%D8%A7%D9%84%D8%A3%D8%B1%D8%A7%D8%B6%D9%8A-%D9%8A%D8%B5%D8%AF%D8%B1-%D8%AD%D8%B5%D9%8A%D9%84%D8%A9-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%87/>

<sup>28</sup> A/HRC/35/30/Add.1, Paragraphs 35 and 36, 8 June 2017

<sup>29</sup> CCPR/C/ISR/CO/4, 21 November 2014

<sup>30</sup> UN Doc CAT/C/ISR/CO/5, , Paragraphs 38 and 39, 3 June 2016

<sup>31</sup> Law summary available at: <https://www.loc.gov/law/help/israel-settlement/judea-and-samaria.php>

<sup>32</sup> Article 11(A) of the Law of Entry to Israel of 1952: “The Minister of the Interior may at his discretion...cancel any permit of residence under this Law.”

<sup>33</sup> Source available at: <http://m.knesset.gov.il/News/PressReleases/Pages/press12.06.17w.aspx>

<sup>34</sup> “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem”, United Nations General Assembly, 20 Jan. 2016, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/\\_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A\\_HRC\\_31\\_44\\_E.doc&action=default&DefaultItemOpen=1](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A_HRC_31_44_E.doc&action=default&DefaultItemOpen=1)

<sup>35</sup> Infographic on discriminatory policies towards Palestinians in East Jerusalem available at: <http://visualizingpalestine.org/visuals/living-under-policies-of-colonisation-jerusalem>

<sup>36</sup> List of documents required to prove “center of life”: “a complete record of electricity, gas, water, phone, cell phone, rent and Arnona bills, as well as bank records, children certificates for schooling, and any other document the Ministry of Interior requests” “Palestinian Families Under Threat”, Society of St. Yves, Dec. 2013,

[http://www.saintyves.org/uploads/files/10\\_years\\_freeze\\_of\\_family\\_unification\\_in\\_jerusalem.pdf](http://www.saintyves.org/uploads/files/10_years_freeze_of_family_unification_in_jerusalem.pdf)

<sup>37</sup> To reinstate a Jerusalem I.D., Palestinians have to prove their “center of life” is Jerusalem for a minimum period of 2 years. However when they do not have any legal status, this means that these women have to live 2 years without any legal status in the city.

<sup>38</sup> “Women’s Voices: In the Shadow of the Settlements”, Women’s Center for Legal Aid and Counselling, 2010,

[http://www.wclac.org/english/userfiles/English%20WCLAC%20\(2\).pdf](http://www.wclac.org/english/userfiles/English%20WCLAC%20(2).pdf)

<sup>39</sup> “Ministry of Interior data reveals: some 12,500 Palestinians live in Israel by virtue of family unification processes; of them, some 80% are without social security rights or status in Israel” HAMOKED Center for the Defence of the Individual, 18 May 2016,

<http://www.hamoked.org/Document.aspx?dID=Updates1729>

<sup>40</sup> In January 2016, a Likud-member of Knesset took steps to propose a bill seeking to grant the Minister of Interior authority to revoke the permanent residency permit of persons who committed or are suspected of having committed an attack against Israel, or of their family members. According to the bill, family members are spouses, parents or children. More recently, in January 2017, this bill has been reintroduced on the Knesset agenda. This dangerous bill would firmly establish punitive revocation of residency as a legal instrument in the Israeli legal system, by providing the Interior Minister with an explicit legal basis for further punitive residency revocations.

“Bill for the expulsion of perpetrators’ families is on the agenda again in Israel: due to “legal difficulties” the deliberations were postponed by three months”, HAMOKED Center for the Defence of the Individual, 16 Jan. 2017,

<http://www.hamoked.org/Document.aspx?dID=Updates1825>

<sup>41</sup> CAT/C/ISR/CO/4, para. 33

<sup>42</sup> Article 16) UN Doc CAT/C/ISR/CO/5, Paragraphs 40 and 41, 3 June 2016

<sup>43</sup> UN Doc CCPR/C/ISR/CO/4, Paragraph 9 (a) 21 November 2014

<sup>44</sup> “Core Human Rights in the Two Covenants”, The Office of the United Nations High Commissioner for Human Rights (OHCHR), Sept 2013,

<http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Page%20Documents/Core%20Human%20Rights.pdf>

<sup>45</sup> UN Submission on Frequent Targeting of Human Rights Defender, Women’s Center for Legal Aid and Counselling, 29 July 2015,

<http://www.wclac.org/english/etemplate.php?id=1601>

<sup>46</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, on her visit to Israel, UN Doc A/HRC/35/30/Add.1, Paragraphs 51 and 52, 8 June 2017

<sup>47</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/34/70, paragraph 30-61, 13 April 2017

<sup>48</sup> States should ensure that counter- terrorism measures, are compatible with international standards when using definitions as incitement and terrorism (a resolution adopted by the Security Council 1624, in 2008).

<sup>49</sup> “Facebook and Israel to work to monitor posts that incite violence”, The Guardian, 12 Sept 2016,

<https://www.theguardian.com/technology/2016/sep/12/facebook-israel-monitor-posts-incite-violence-social-media>

<sup>50</sup> “Social Media...A New venue to Censor and Prosecute Journalists”, Palestinian Center For Development and Media Freedoms “MADA”,

[http://www.madacenter.org/images/text\\_editor/FBviolationsE.pdf](http://www.madacenter.org/images/text_editor/FBviolationsE.pdf)

<sup>51</sup> WCLAC Annual Report, Women’s Center for Legal Aid and Counselling, 2016,

<http://www.wclac.org/english/userfiles/WCLAC%20Annual%20Narrative%20Report%202016%20-%20Final.pdf>

<sup>52</sup> “Military order 101”, B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, 8 Sept 2011,

[http://www.btselem.org/demonstrations/military\\_order\\_101](http://www.btselem.org/demonstrations/military_order_101)

<sup>53</sup> Israel does not use gender distinctive violence against WHRD’s

<sup>54</sup> “Social Media...A New venue to Censor and Prosecute Journalists”, Palestinian Center For Development and Media Freedoms “MADA”,

[http://www.madacenter.org/images/text\\_editor/FBviolationsE.pdf](http://www.madacenter.org/images/text_editor/FBviolationsE.pdf)

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<sup>55</sup> “Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)”, International Committee of the Red Cross (ICRC), 12 August 1949, 75 UNTS 287, <http://www.refworld.org/docid/3ae6b36d2.htm>

<sup>56</sup> Rule 34 of the International Committee for the Red Cross Customary Law Study

<sup>57</sup> “Social Media...A New venue to Censor and Prosecute Journalists”, Palestinian Center For Development and Media Freedoms “MADA”, [http://www.madacenter.org/images/text\\_editor/FBviolationsE.pdf](http://www.madacenter.org/images/text_editor/FBviolationsE.pdf)