



2021 Regional Index on Violence against Women and Girls (VAWG)

Palestine National Report

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Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSOs	Civil Society Organisations
FPD	Family Protection Department
MoH	Ministry of Health
MoSD	Ministry of Social Development
MoWA	Ministry of Women's Affairs
NRS	National Referral System
NSA	National School of Administration
PCBS	Palestinian Central Bureau of Statistics
PPO	Public Prosecution Office
RCSO	Regional Civil Society Observatory on VAWG
UfM	Union for Mediterranean
VAWG	Violence Against Women and Girls



Introduction

The purpose of this report is to analyse the outcomes of the 2021 Regional Index on Violence Against Women and Girls (VAWG) for Morocco. The report presents the position of the State on the international women's rights covenants, and its commitment to implement them through the alignment of the Constitution and national laws to these covenants. Furthermore, the report presents the measures and the services on the ground that ensure the appropriate enforcement of these laws. It also provides recommendations to improve the protection of women from VAWG.

Palestine scored 65.5 points out of 100 in the 2021 Regional Index on VAWG. Palestinian women suffer from VAWG in a context of general violence caused by the Israeli occupation. Women do not have the freedom to move within their country, work, travel, and reside in their own homes. This authorisation is subject to the permission of Israeli occupation.

Among the challenges that Palestinian women face because of Israeli violations and policies is the lack of access to health services due to military checkpoints and zoning, which contradict international laws and agreements. In addition, there is difficulty in implementing legal procedures for couples' separation, where husbands evade paying alimonies and flee to the Israeli side, or kidnap children and hide them in Israel as the Israeli occupation authorities do not lift a finger in this matter, eventually depriving mothers of their children's custody. Moreover, the difficulty of implementing protection measures in Area C and Jerusalem also constitutes a challenge to women, as it increases women's burdens exponentially in those areas, especially that women categorically refuse to file complaints under Israeli occupation.

Palestine ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without reservations to any articles. The Basic Law (Constitution) in article 9 explicitly prohibits discrimination based on sex. However, there is still a need to remove the discriminatory articles in the national laws and align them with the international agreements.

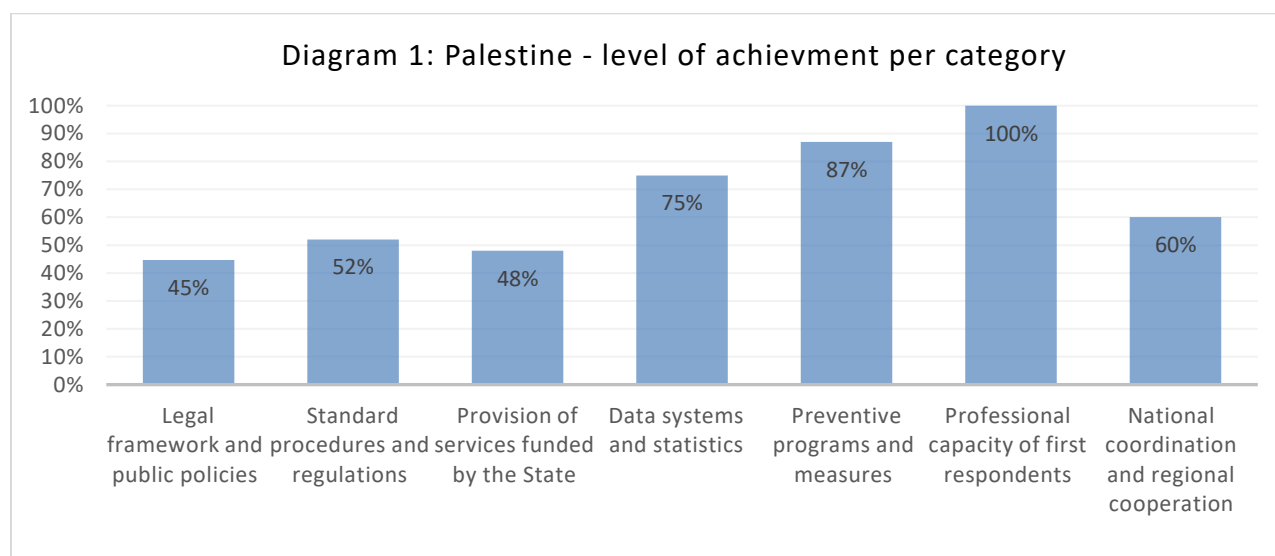
Violence against women was defined in the National Strategy to Combat Violence against Women 2011-2019 as "all forms of physical, mental, sexual and verbal violence, social and economic deprivation, threats of such acts, coercion and other deprivations of liberty that are directed against a woman because she is a woman, whether directly or indirectly, inflicting physical, psychological, sexual, mental, social or economic harm or suffering, whether occurring in public or in private life."

The Ministry of Women's Affairs (MoWA) leads the national efforts to combat VAWG and organises the national awareness raising campaigns on combating VAWG. Specialised services are provided to women victims of VAWG in 2 State run shelters. There are cooperation

mechanisms between the police and other governmental institutions. The Family Protection Department (FPD), which is affiliated to the police, responds to the domestic violence cases and coordinates with other institutions within the National Referral System (NRS). The System includes procedures for cooperation between government institutions to deal with cases of VAWG.

Score Analysis

This section provides analysis of the scores under each category. The scores achieved for each indicator in relation to the weights assigned are shown in the diagrams. The section also highlights the main gaps and provides recommendations to tackle these gaps and improve the prevention and protection of women from VAWG as well as panelising adequately the perpetrators. The Index methodology is available on the website of Regional Civil Society Observatory on VAWG (RCSO) at [Methodology of 2021 Regional Index on VAWG](#).



Palestine - Final index score

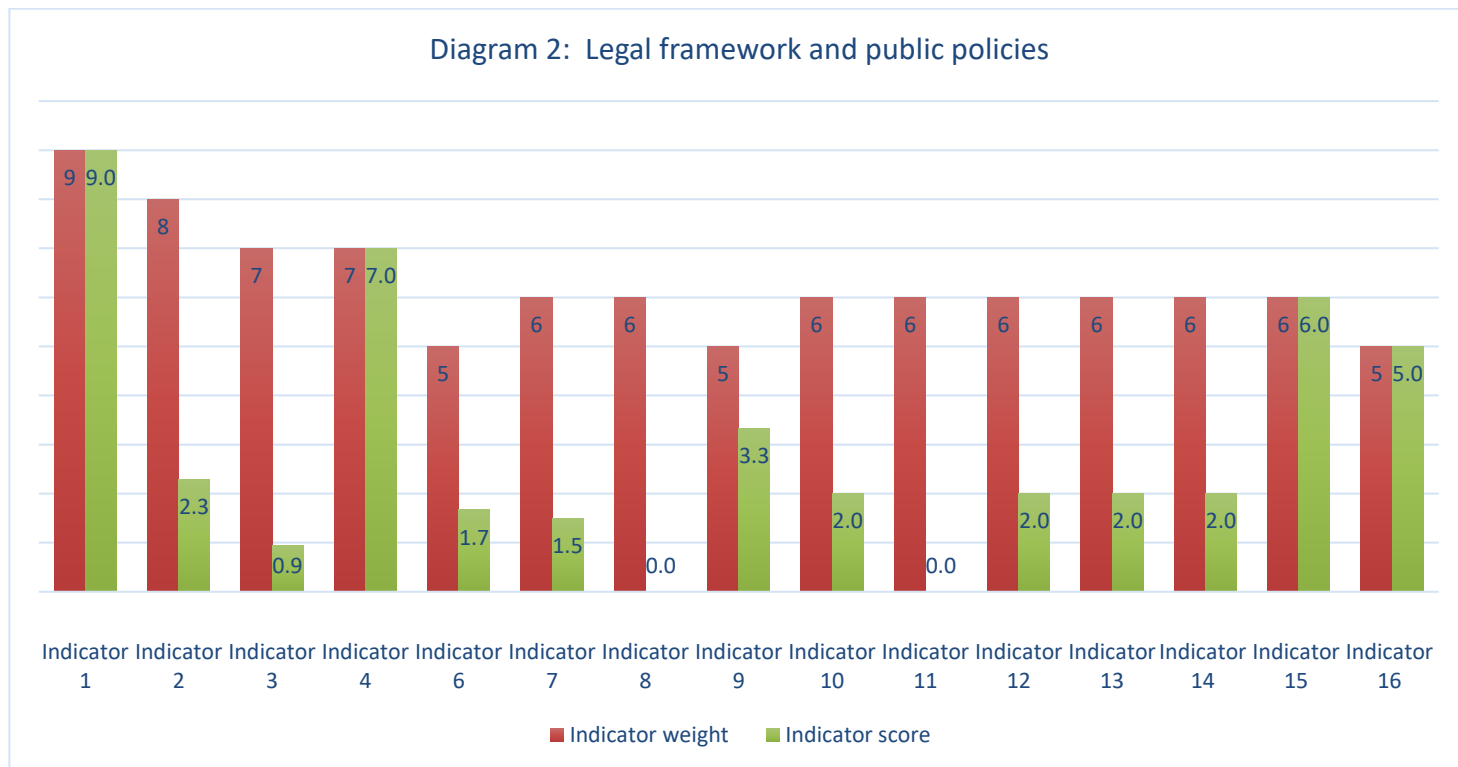
65.9 points

Legal Framework and Public Policies

The category of legal framework and public policies got 45% as level of achievement. The category examines the legal framework and public policies on women's rights, and its conformity with international standards, in particular CEDAW. It addresses laws specifically

designed to combat VAWG, where such laws exist. It also concerns public policies and national strategies to combat VAWG. The category includes 16 indicators and 88 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.



Indicator 1: Ratification of all articles CEDAW

Indicator 2: Alignment of the Constitution with all international legal obligations pertaining to women’s rights

Indicator 3: Compliance of laws with all international legal obligations pertaining women’s rights

Indicator 4: Existence of specific law/s that address specific form or type of VAWG

Indicator 5: Existence of comprehensive law criminalising all forms of VAWG

Indicator 6: The definition of VAWG in legislation is in line with the UN resolutions on women rights

Indicator 7: Existence of parliamentary oversight role on the implementation of laws pertaining to VAWG

Indicator 8: The laws provide support to all victims of VAWG including legal aid

Indicator 9: The laws ensure the right of women to sexual and reproductive health and freedom on their own bodies

Indicator 10: The existing laws, including family laws, whether civil, customary or religious, protect women and girls from partners, male relatives, and current and ex-spouses who cause VAWG

Indicator 11: Existence of legal framework that offers women legal protection from marital rape

Indicator 12: Existence of legal framework offers women legal protection from harassment in the public space and work place

Indicator 13: Existing laws, in the absence of comprehensive law on VAWG, criminalise honour crimes and prohibit harmful practices such as FGM, early marriage

Indicator 14: The laws ensure the punishment of rapist regardless of the acceptance to marry his victim

Indicator 15: There is a national strategy for preventing and combating VAWG with adequate resources, budget, and monitoring and evaluation plan

Indicator 16: The national health policies address VAWG.

The above graph shows that indicators 1,15, and 16 were completely achieved. Palestine ratified CEDAW without reservations, and ratified the Optional Protocol to the Convention.

Palestine recorded a number of important achievements in terms of legislation and public policies. The Basic Law (Constitution) in article 9 explicitly prohibits discrimination based on sex. However, the Basic Law does not explicitly prohibit VAWG and does not adopt affirmative measures to promote gender equality in decision-making participation.

The graph also shows that indicator 9 on the laws that guarantee sexual and reproductive health for women in the text of the law recorded an above average score with 3.3 out of 5 points. Sexual and reproductive health, family planning services are provided free of charge under the public health law.

While indicators 6,10,12,13,14 recorded low scores, indicators 2, 3, and 7 on the compliance of Basic Law and national laws with international agreements, and other laws and monitoring parliamentary role recorded very low percentages. This should be taken into account by including these indicators in the new national strategy to combat violence and the Committee for Harmonising National Legislations with International Conventions.

The penal code includes special legal actions to combat a specific type or form of VAWG. Articles on mitigating excuses in case of an honour killing against a woman were abolished in the existing penal code of the West Bank and Gaza Strip. Also, the law does not exempt a rapist from punishment if he agrees to marry the victim. It also criminalises incest.

Gaps

- The Basic Law does not adopt a gender-sensitive language in all its articles.
- The Basic Law does not stipulate the supremacy of treaties over the law.
- Lack of a specific and comprehensive law on combating VAWG.
- Absence of clear criminalisation of marital rape.
- Existence of certain legal exceptions wherein judges can allow child marriage.
- There are no explicit legal texts on providing free legal assistance, and psychological and medical support, or funds to civil society organisations to support women victims of violence.
- The labour law does not criminalise sexual harassment in the workplace and includes restrictions on women's work at night.

Recommendations

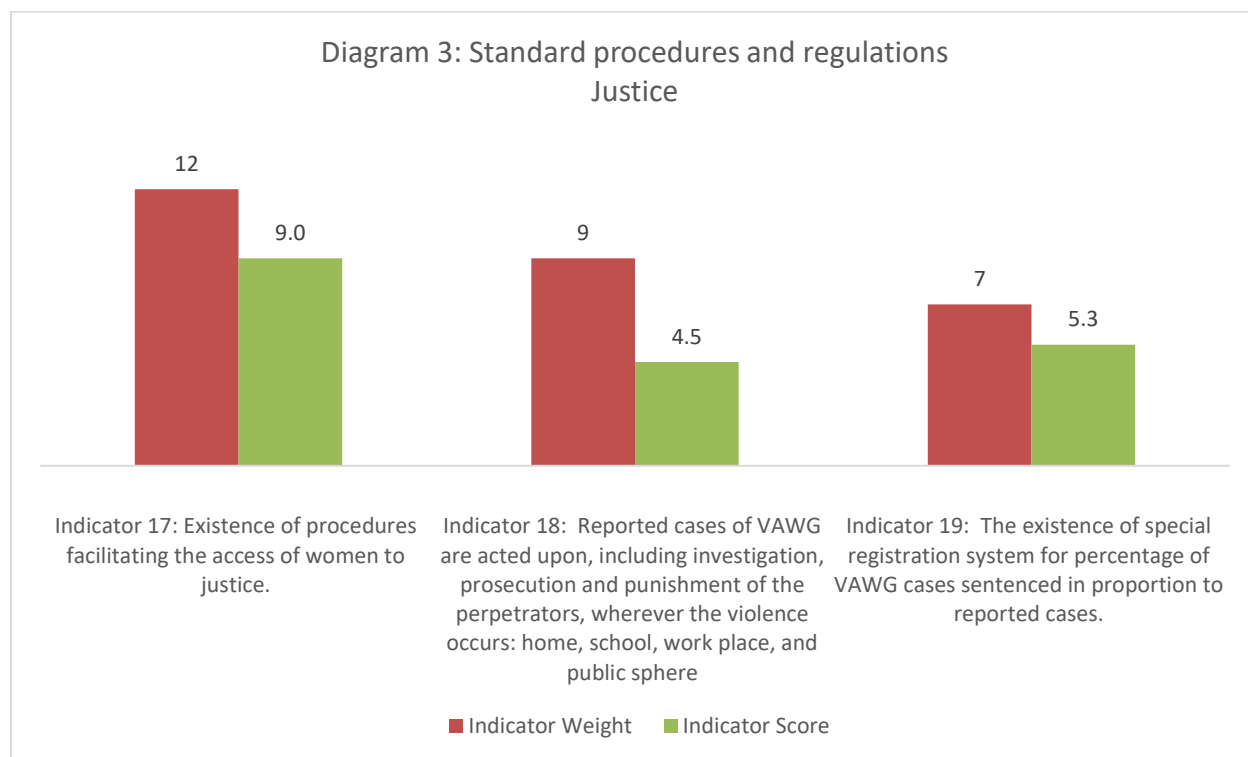
- Adopt a gender-sensitive language in the Basic Law.
- Stipulate in the Constitution on the supremacy of treaties over the Constitution.
- Enact a comprehensive law to combat violence against women that includes comprehensive definition of VAWG comprising marital rape.

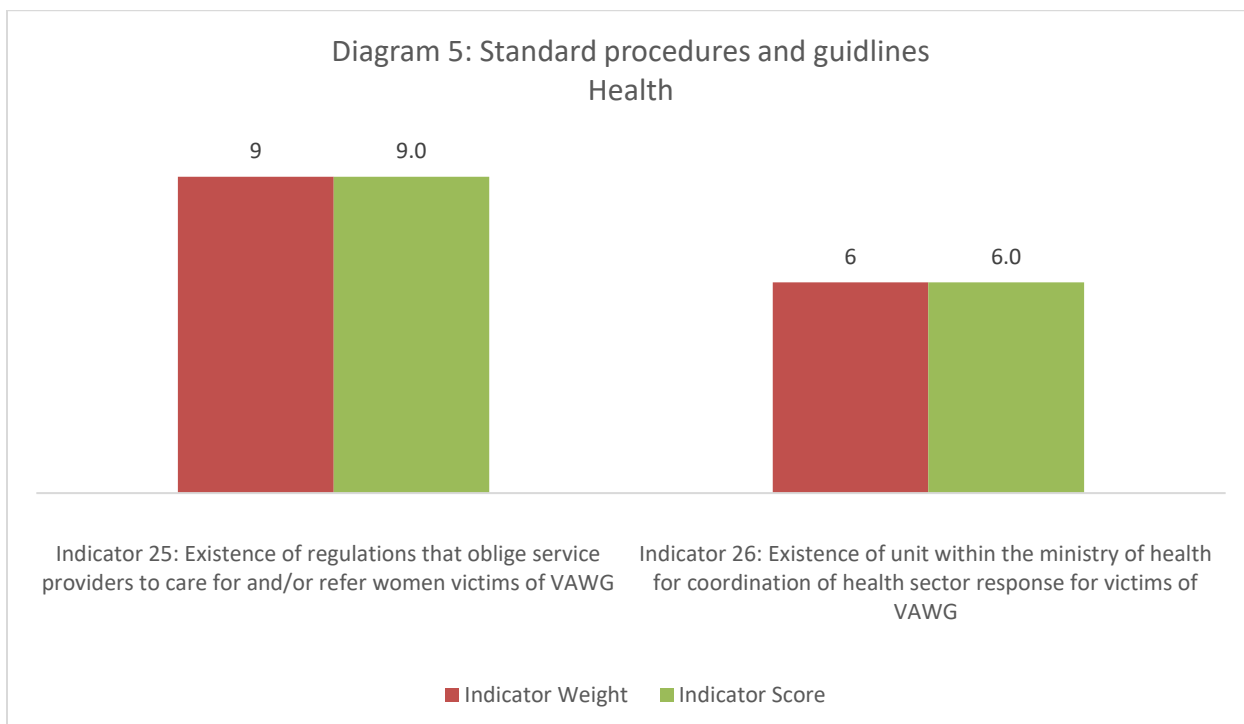
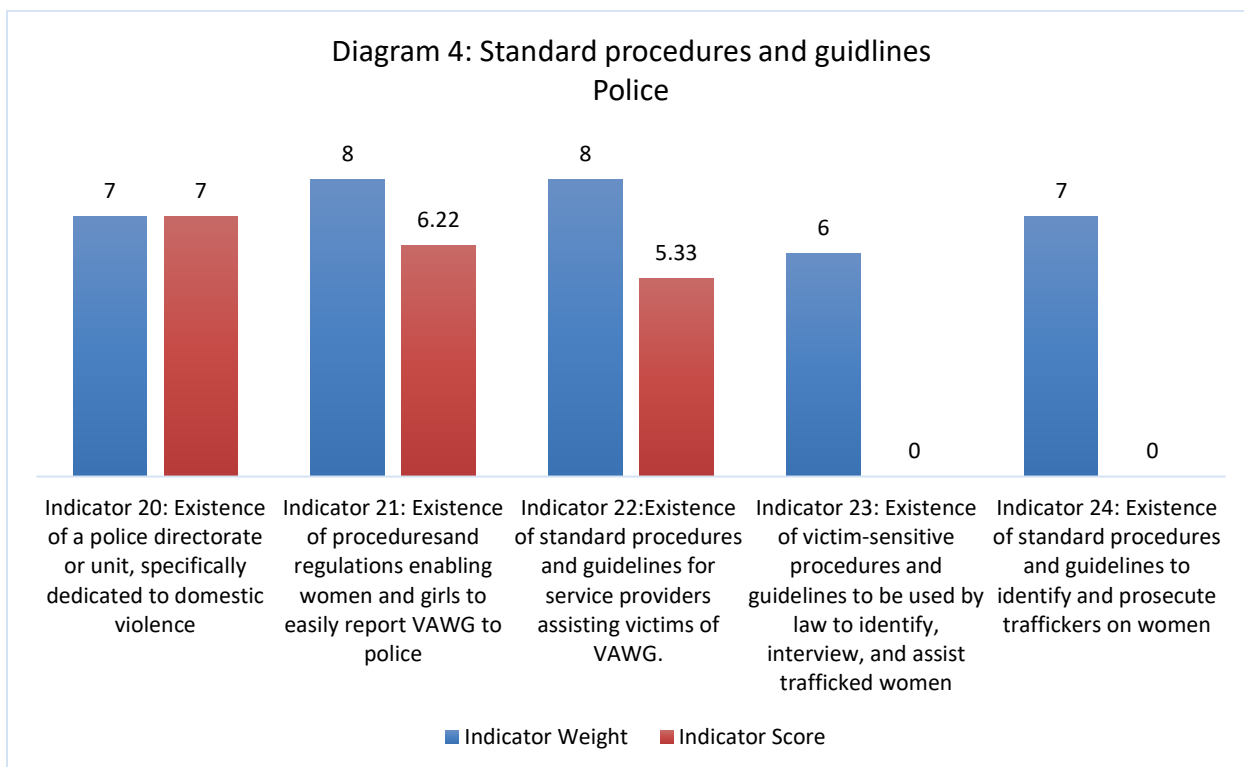
- Criminalise marital rape explicitly.
- Integrate indicators on the harmonisation of national legislation and the Basic Law with international treaties within the National Strategy to Combat Violence.
- Remove the judges' discretionary power that allows child marriages.
- Establish a joint national dialogue between government institutions and civil society on legal issues related to women's rights and combating VAWG, and take the necessary action.
- Criminalise sexual harassment in the workplace in labour law and remove restrictions on women's work in certain jobs.

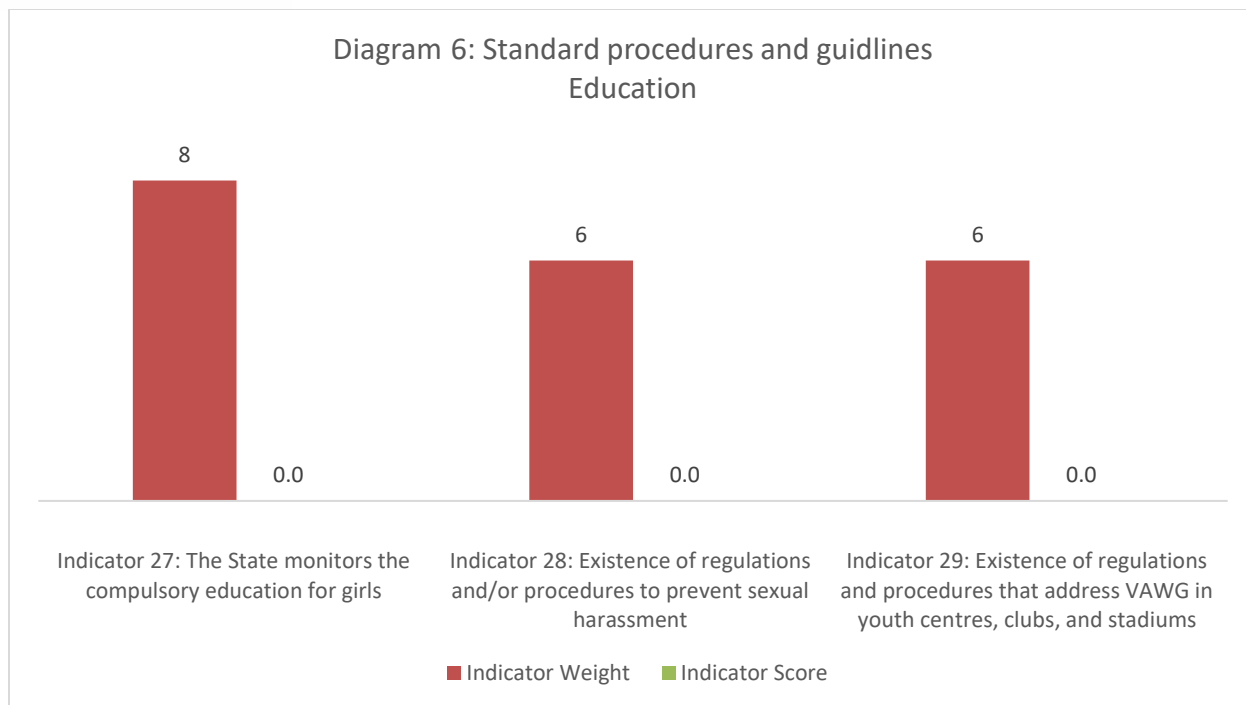
Standard Procedures and Guidelines

The category of standard procedures and guidelines got 52% as level of achievement. The category deals with police and judicial procedures put in place, whether in terms of the opportunities for victims to report offences or the obligation to inform the authorities of such offences by persons who are aware of them and the existence of a guide for professionals, in order to unify and simplify procedures. This category consists of 13 indicators and 54 sub-indicators.

The diagrams below show the weight and the score achieved for the indicators under this category.







Indicators 20, 25, 26 recorded full scores. These indicators are related to the existence of units or directorates specialised in cases of VAWG. The existence of a Public Prosecution Office (PPO) specialised in domestic violence has greatly contributed to empowering women to seek justice. These Offices have prosecutors specialised in cases of VAWG. They inform women victims of VAWG of their rights at all stages of litigation, and provide free legal assistance.

The government created a special unit (FPD) within the Palestinian Police that plays a key role in following up on the cases of women victims of VAWG and is headed by a woman. The police deal with VAWG cases according to organised standard procedures, such as interviewing the concerned parties and witnesses, including children, in separate rooms to ensure that there is an opportunity to speak freely, recording the complaint in detail, advising victims on their rights, transporting victims to the nearest hospital or to a medical facility, if necessary or requested. It also established a specialised system for service providers that obliges them to receive, monitor, and follow up on complaints.

The Ministry of Health (MoH) has a general department for women that follows up on cases of VAWG, provides them with free services, especially psychological and forensic medicine. It also develops procedures and guides to protect women during the Covid-19 pandemic.

There are no achievements recorded for the indicators (23, 24, 27, 28, 29) which are mainly on human trafficking, following up on compulsory education for girls, and monitoring sexual harassment.



Gaps

- Lack of specialised judiciary body that includes special procedures for dealing with cases of women victims of VAWG or special spaces to receive and guide them.
- Lack of measures and procedures for separating the criminal from the victim, right to information, protect witnesses and people who report the cases.
- There is no mechanism to monitor compulsory education for girls.
- Absence of guides or procedures for dealings with cases of trafficked women.
- lack of regulations and procedures to prevent sexual harassment, especially in centres and sports clubs.

Recommendations

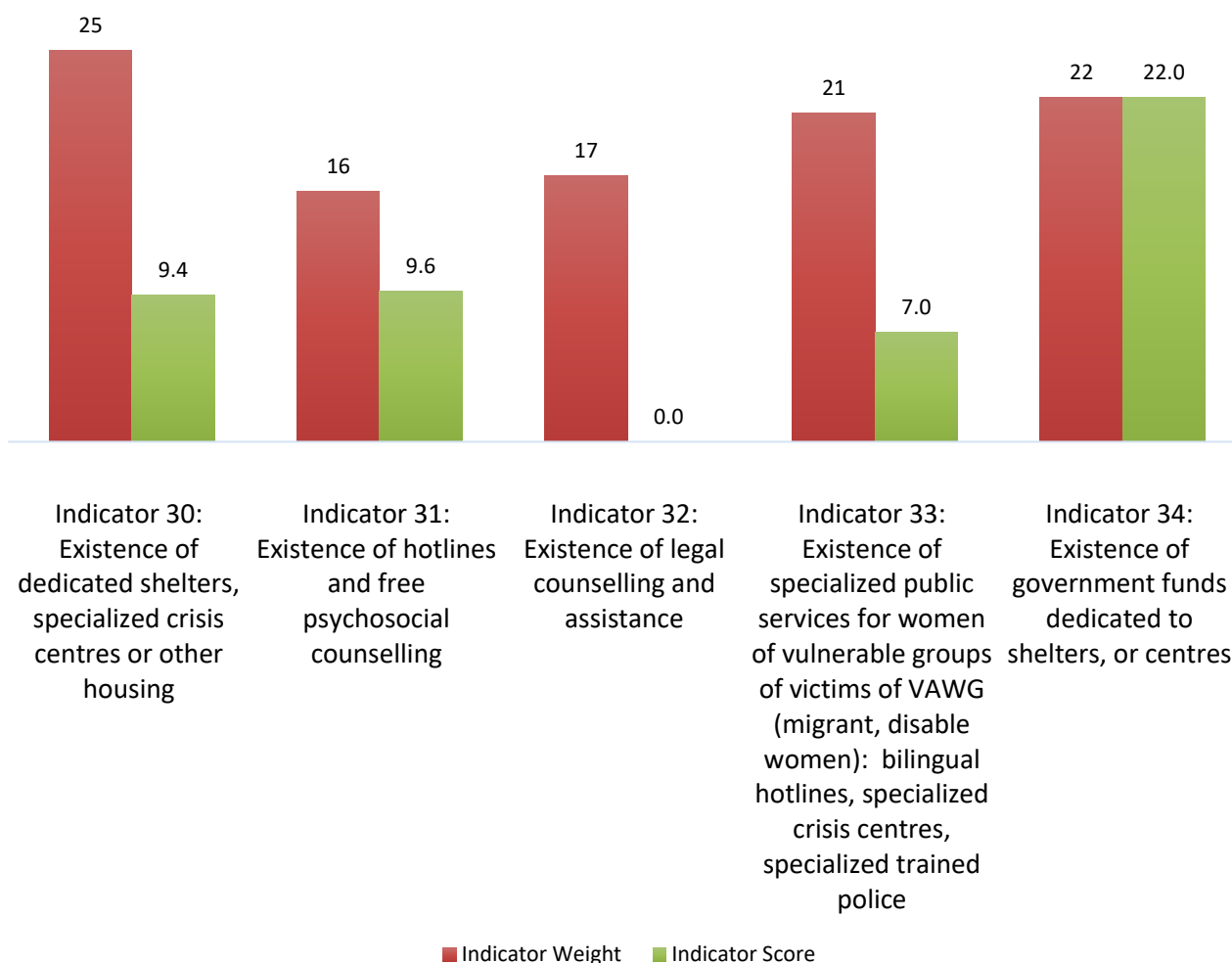
- Establish specialised judiciary body for dealing with cases of women victims of VAWG.
- Strengthen the measures and procedures for separating the criminal from the victim, right to information, protect witnesses and people who report the cases.
- Adopt monitoring mechanisms for issues of VAWG, especially sexual harassment in education places.
- Adopt procedures for dealings with cases of trafficked women.
- Establish a mechanism to monitor compulsory education for girls.
- Establish a specialised department in the education sector to combat VAWG, similar to the units in MoH, and Ministry of Social Development (MoSD).

Provision of Services Funded by the State

The category of provision of services funded by the State got 48% as level of achievement. The category addresses the victims, their physical and psychological care as well as the provision of shelters, legal aid and hotlines. It includes 6 indicators and 26 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.

Diagram 7: Provision of services funded by the State-Palestine



Indicator 34 related to government funds dedicated to shelters and allowing Civil Society Organisations (CSOs) to obtain funds has achieved full score. As for indicator 32 on providing legal and psychological counselling, the State did not record any progress in this field. In addition, indicators 30 and 33 recorded low scores. This is mainly attributed to lack of sufficient number of shelters as well as psychological and legal counselling.

The government provides customised support for shelters, such as the “Mehwar” centre in Bethlehem. It also allows CSOs to establish and manage shelters such as the Safe House in Nablus, Jericho and the Gaza Strip, and to obtain the necessary funds to develop them. These shelters’ instructions allow women victims to bring their children with them and the provision of paid apartments when necessary.



Gaps

- Insufficient number of shelters as they do not cover all regions, and are only found in the main cities.
- The services are not available to all women unless there are conditions and prior approvals.
- Lack of psychological and legal counselling services.
- Hotlines are not available in foreign languages.
- Absence of specialised centres to help women migrant workers and foreign refugees.

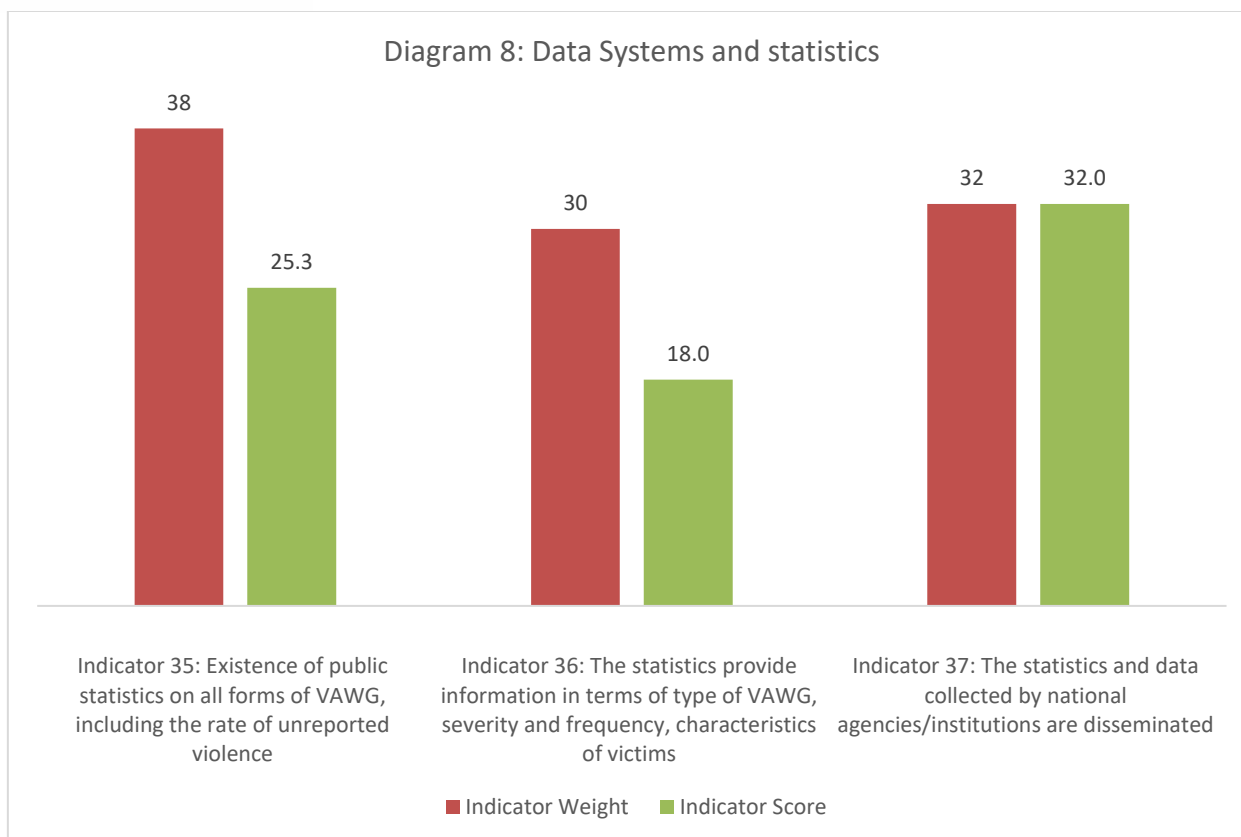
Recommendations

- Increase the number of shelters to cover all areas and regions, and remove the conditions for receiving women.
- Establish hotlines in foreign languages other than Arabic.
- Provide psychological and legal counselling services as part of the work of the departments responsible for dealing with VAWG cases.
- Establish a special services section for foreign women and women migrant workers.

Data Systems and Statistics

The category of data system and statistics got 75% as level of achievement. The category, is linked to the collection and dissemination of statistics on VAWG and their classification by type of violence and frequency, but also in relation to whether or not they have been the subject of complaints and whether or not these complaints have led to convictions and lawsuits. The category has 3 indicators and 14 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.



Indicator 37 on the dissemination of statistics and data collected by national agencies achieved full score. Indicator 35 recorded 25 points out of 38, meaning that certain measures and actions must be taken, especially with regard to collecting more data about the characteristics of the perpetrators of VAWG. As for indicator 36 concerning the availability of statistics, it scored 18 points out of 30.

Palestine witnessed the first official experience of implementing a domestic violence survey in 2005, 2011, and 2019, where a set of interactive statistics were available and helped in designing gender-responsive policies.

The Palestinian Central Bureau of Statistics (PCBS) is a body specialised in collecting and disseminating information. These data are available in details on VAWG and cover all areas and population centres, including cities, villages, and camps.

Gaps

- The statistics do not cover all categories of women such as migrants and displaced women.
- The statistics do not cover the characteristics and features of the perpetrators, and they do not include underreported cases.

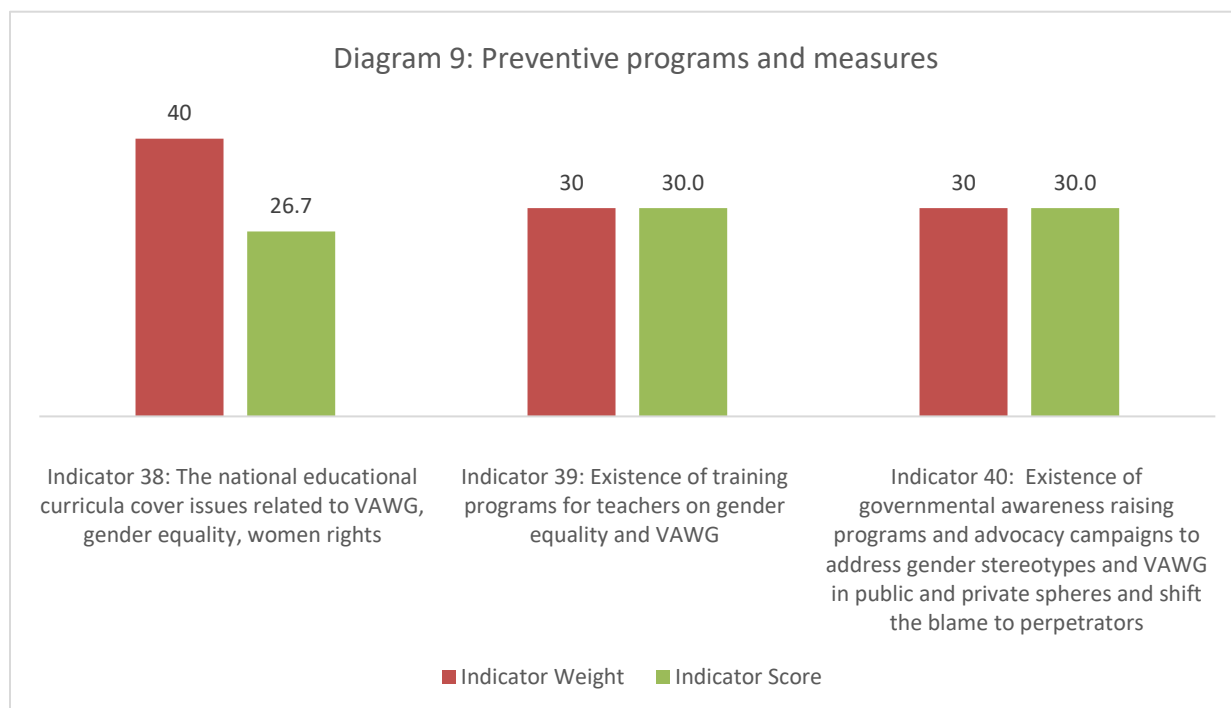
Recommendations

- Develop the methodology of the upcoming surveys so that they include features of perpetrators, and all groups of women, such as foreign women and women migrant workers.
- Include the indicators of the Regional Index on VAWG in national surveys.
- Ensure the commitment of all partners of the National Observatory on Violence against Women to coordinate with the observatory in order to consolidate data and information.

Preventive Programmes and Measures

The category of preventive programs and measures got 87% as level of achievement. The category has 3 indicators and 11 sub-indicators. The category looks at preventive programs and measures, including whether specific training programs for teachers have been set up and whether curricula and handbooks for primary, secondary and university education have integrated issues related to VAWG. This category also looks at national awareness raising, and advocacy campaigns initiated by the governments to address VAWG.

The diagram below shows the weight and the score achieved for the indicators under this category.





Indicators 39 and 40 on the existence of governmental awareness and training programmes achieved full score, with a weight of (30) for each, while indicator 38 related to education curricula was achieved by 27 points out of 40, which means that more work is needed for this indicator as it is important.

Certain governmental awareness activities were set to address stereotypes and VAWG in the public and private spheres, against perpetrators and amid the Covid-19 pandemic. Many workshops and meetings were held with the company and service delivery centres.

Some guides for teachers take into account, gender equality, and VAWG at the primary and secondary levels. Training programmes for teachers on gender equality and VAWG were also set in all regions. These came in response to the National Gender Strategy (2017-2022) which included the need to target schools and teachers and mobilise their energies to combat VAWG.

Gaps

- Gender equality was not mainstreamed in e-learning materials and activities during the COVID-19 measures.

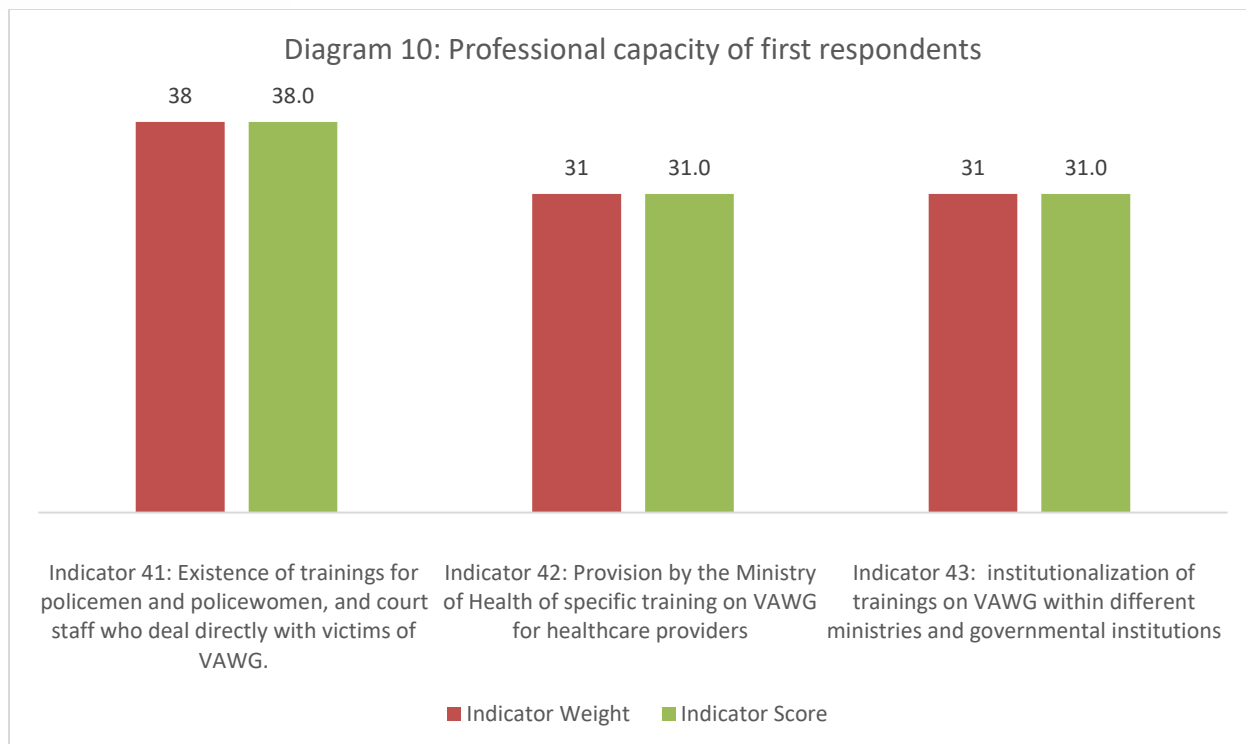
Recommendations

- Review education curricula from a gender perspective and include issues related to combating VAWG.

Professional Capacity of First Respondents

The category of professional capacity of first respondents got full level of achievement (100%). The category has 3 indicators and 12 sub-indicators. It covers institutional trainings for policemen and policewomen and court staff who deal directly with victims of VAWG as well as the institutionalisation of these trainings.

The diagram below shows the weight and the score achieved for the indicators under this category.



The above diagram shows that the State of Palestine achieved remarkable results in capacity building and training programmes. This is mainly due to the interest in training curricula and their reflection on gender issues, with the existence of the National School of Administration (NSA), the Independence College (Al-Istiqlal) for members of security forces and other training institutes affiliated with the government.

Training programmes have been developed and implemented for male and female police officers and court staff, particularly targeting policemen and policewomen who deal directly with women victims of VAWG. Moreover, over 16 public prosecutors and 31 judges handling cases of VAWG received capacity building trainings.

As for the health sector, MoH provided several training courses on dealing with women victims for its staff, especially primary health care providers for both males and females, in all regions.

Furthermore, the training programmes in the sectors of justice, police, health, social protection, and MoSA were institutionalised. This institutionalisation was facilitated by the presence of specialised training departments in these institutions and the ability of planning to identify the training needs in various strategies.

Recommendations

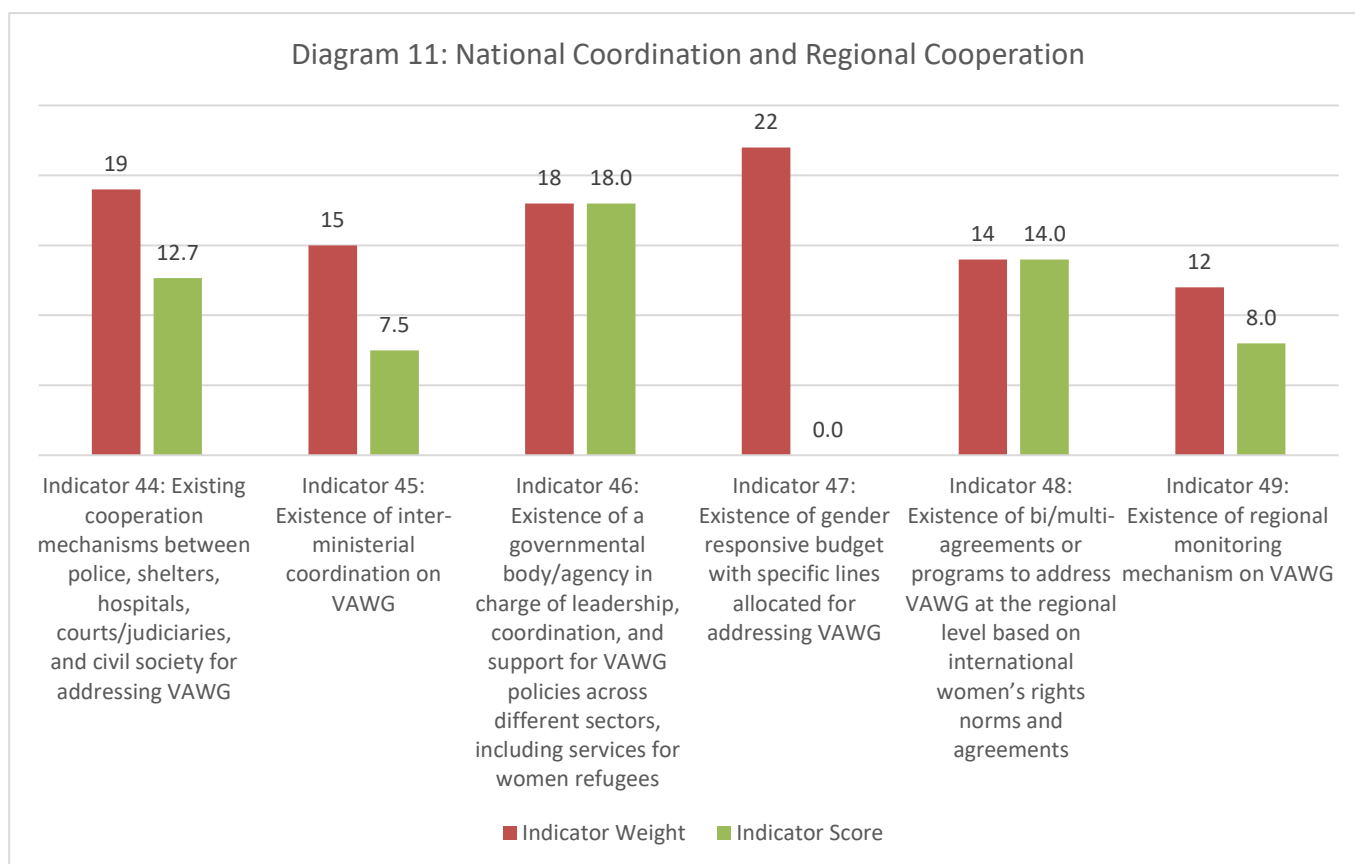
- Form a team of trainers on women's and VAWG issues combining government institutions and civil society to exchange experiences.

- Identify the training needs of first respondents on VAWG in courts, police, and health sector and develop training courses accordingly.

National Coordination and Regional Cooperation

The category of national coordination and regional cooperation got 60% as level of achievement. The category includes 4 indicators for cooperation mechanisms between police, shelters, hospitals, courts/judiciaries, ministries and civil society on national level, and 2 indicators for regional or international cooperation mechanisms, which have respectively 10 and 6 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.



The graph shows that Indicator 46 regarding the existence of a body that follows up on and coordinates between the parties in the field of VAWG achieved a full score. The same applies to indicator 48 which recorded full score. It should be noted that the State did not achieve any score in indicator 47, due to absence of gender responsive budget and specific budget lines for combating VAWG.



MoSA was formed to effectively lead, coordinate, and support policies to combat VAWG across different sectors, through the National Committee to Combat Violence, established by a decision of the Council of Ministers in 2008.

There is effective coordination between MoH, MoSD, MoWA, and Police and a number of other CSOs that provide direct services to women victims of VAWG. The adoption of the NRS has significantly contributed to enhancing effective coordination among all partners.

The State participates in the regional mechanism to monitor VAWG cases through cooperation with the Arab League and ESCWA and the membership of the State of Palestine in the Executive Office of the Organisation of Islamic Cooperation's Women Development Organisation.

Gaps

- Lack of gender responsive budget, with no lines dedicated to combating VAWG.
- Insufficient mechanisms for cooperation between stakeholders for combating VAWG.
- Limited cooperation in the region, including in the frame of Union for Mediterranean (UfM) Ministerial Declarations on Strengthening the Role of Women in Society.

Recommendations

- Activate the National Committee for Gender Responsive Budgets and provide it with the necessary support to implement its plan aiming to ensure the adoption of gender responsive budget.
- Enhance NRS and adopt clear joint procedures.
- Engage CSOs for reaching out to women victims, or at-risk of violence and involve them in further developing the NRS.
- Enhance the regional cooperation in the frame of UfM Ministerial Declaration.