

# **Political Participation of Palestinian Women and the Furtherance of Women's Rights in Palestine**

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## **1. Introduction**

The seed of democracy lies in the principle that the legitimacy of the power to make decisions about people's lives, their society and their country should derive from a choice by those who are being affected. However, it is clear that representative legislature has not been accomplished in many states. Many sectors of society continue to be excluded, including women. The question is does this matter? Is it important if women are represented in national institutions of governance?

The extent to which a decision-making body is able to take into account a broad spectrum of experiences of society will gauge the degree to which its decisions will be appropriate and meet the needs of the entire society rather than just a specific group. Women make up approximately half of the worlds population yet account for only 16% of its members of governments. This is a long way off the Beijing Platform of Action's recommendation of 30%. Experience shows that women's part in the process benefits society and finds better solutions to its problems by raising awareness, challenging attitudes, changing agendas and providing for a gender-sensitive legal system.

The challenge goes beyond numbers; often governmental and decision-making structures have developed in patriarchal societies and unequal gender relations are entrenched to perpetuate inequality and preserve privilege. Often the social contract is seen to be between men and government rather than citizens and government. It can take time and

perseverance rather than simply an increase in numbers to fundamentally change the patriarchal decision making structure.

## **1.1 The Example of Palestine**

The official number of women in Parliamentary positions in Palestine stands at 5.9%, this is below the average for Arab states which stands at 6.5%, and it is well below the world average of 16%. The Arab world is ranked by the United Nations Development Programme (UNDP) as the second lowest region in the world on the Gender Empowerment Measure, and by the Inter-Parliamentary Union (IPU) as the lowest region in terms of percentage of women in Parliaments. The political status of Arab women is therefore critical.

The Arab region is not a homogenous whole and women in different countries will have varying experiences and views of discrimination. Nevertheless, there are factors which unite the Arab world including language and religion and many traditional social norms. Palestine is unique in that it has the additional complexity of being a society in conflict, a region occupied by Israel and separated by territory (Gaza and West Bank). Many Palestinians do not actually inhabit the territory, having been displaced since 1948. This leaves a distinct experience for feminist and women's movement compared with other countries in this region.

Women in transitional societies can have additional roles in their place as peace-keepers and mediators. However, sometimes this can detract from and trivialize the furtherance of women's human rights and freedoms. Often, women's rights are seen to be on hold in order to further the nationalist movement. But is important to note the influence conflict can have on women, they can face the double burden and restrictions of conflict and a patriarchal society.

The rest of this introduction will focus on the legal right of women to participate in governments and politics to emphasize that women's political participation is not only positive but required by international law. It will also detail, as a background, the history of the women's movement in Palestine.

## **1.2 The Legal Right for Women to Participate in Politics**

The participation of women in decision making roles is a human right and as such leads to more equitable development outcomes. This right is contained in many binding international human rights instruments and as such obliges states to ensure that women are guaranteed full and equal access to political life.

### **1.2.1 General Human Rights Instruments**

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966 and came into force in 1976. Due to its emphasis on the civil and political rights of

persons it enunciates the right for everyone to participate in political life without discrimination. Article 25 states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2<sup>1</sup> and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

General Comment 25 of the Human Rights Committee<sup>2</sup> interprets this right as being for every citizen without distinction.<sup>3</sup> Although sex is mentioned as one ground of discrimination, unfortunately, it is not emphasised in the Comment that women are underrepresented in politics and instead focuses on disability and education as grounds for discrimination.

The Vienna Declaration and Programme of Action (VDPA) is a human rights declaration adopted by consensus at the World Conference on Human Rights in 1993 in Vienna. The conference was organised as a chance for the international community to carry out a comprehensive analysis of the international human rights system and an opportunity to promote a fuller observance of those rights. The VDPA drew attention to the importance of women's rights and emphasises 'the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.'<sup>4</sup> This stress on women's rights and their participation in society is a clear call for women to have more part in the decision making structures of their society, yet offers no concrete steps as to how this should happen.

### **1.2.2 Specific Human Rights Instruments for Gender Equality**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly in 1979, and has been in force since 1981. CEDAW is one of the fastest and most widely ratified international human rights Conventions, yet also holds the most reservations from member states. The number and breadth of these reservations raise concerns that while the Convention is in force, a significant number of Governments are not fully committed to even its most basic principles.

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<sup>1</sup> Article 2 requires the rights be recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

<sup>2</sup> Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

<sup>3</sup> See Paragraph 3.

<sup>4</sup> See Part 1, paragraph 18.

The Conventions deals with political participation for women in Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

General Comment 23 of the Committee on the Elimination of Discrimination towards Women gives direction as to the interpretation of this Article. It underlines the fact that women are often relegated to family or public life and as such are often absent from the public sphere, due to a framework of cultural and religious beliefs and indicates that relieving women of some domestic burdens would help to eradicate this distinction. It also underlines the stereotypes that the media create of women and how this contributes to perceptions. The Comment also mentions Article 4 as a way of achieving equality in this context.

Article 4 directs States to take temporary special measures where they are needed to speed up the process of achieving equality. Article 4 makes clear that measures that temporarily favour women over men, or impose different standards, are not a form of discrimination if they are being implemented as a means of speeding up the achievement of gender equality and as such a way of achieving substantive equality. These measures can take the form of gender quotas for example.

The Beijing Declaration and Platform for Action was created at the Fourth World Conference on Women in 1995 in Beijing. This conference was aimed at the advancement and empowerment of women and is intended as a global and universal statement of a vision of gender mainstreaming and equality for women. Paragraph 13 of this document emphasises the importance of women's contribution in politics:

Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of development, equality and peace.

This set the first actual figure on women's representation in politics as 30% as a minimum ideal. It is recognized that at these levels a fundamental shift in attitudes, decision-making and power structure takes place.

The guidelines for implementing this propose a number of measures for increasing women's participation in politics which include the provision of training for women and also gender-sensitive training for all. The provision of transparent recruitment criteria and

mentoring for women. Putting in place mechanisms which can encourage women to participate in politics and leadership positions, these could include, for example, provision of child-care facilities for women with dependent children.

### **1.3 Palestinian Women's Movement**

During the first Intifada, Palestinian women activists often proclaimed that they would not become like Algerian female activists and allow their interests to be subverted to political processes. However, it is unclear if they have stayed true to this agenda, as although women are present in the public sphere it appears that many women's issues have been subsumed by conflict politics.

From 1917, urban women in Palestine participated in demonstrations against the Balfour Declaration and in 1920 were included in a delegation that met with the British high commissioner. One year after this, a group of educated, upper class, urban women founded the Palestinian Women's Union. Whilst clan rivalries marked the politics of men, women managed to overcome these differences to work co-operatively.

They challenged the gender-segregated culture of the time by holding demonstrations and making speeches at major religious sites. They traveled to villages to organize women to participate in the nationalist struggle. Nevertheless, following the mass exodus of Palestinians from Israel women retreated from these activities back to social and charitable work; many refugee women had to devote their time to the survival of their family.

After the founding of the Palestine Liberation Organisation (PLO) in 1964, a new era in women's activism began. The original Palestine Women's Union participated in the founding meeting of the Palestinian National Council in East Jerusalem in 1964, and branches of the Union formed throughout the West Bank. Some women participated in nationalist demonstrations and distributed leaflets, particularly after the 1967 Israeli invasion and occupation.

Despite this, there were no dramatic shifts in perception of gender issues among women in Palestine until the 1970s and women of the diaspora had a very different experience. Women in Jordan joined military operations and were full time cadres. Women in Lebanon became members and occasionally officials in various organizations as well as employees in the resistance/PLO offices. However, there wasn't really any attention paid to women's issues at this time.

At this time, women in camps faced many restrictions in their movements. As land was lost men used women increasingly to maintain the honour of the family and people. The General Union of Palestinian Women (GUPW), founded in 1965, was unwilling to challenge the gender ideology of the nationalist movement, although it did unify the work of Palestinian women in small organizations throughout the Arab world. Yet, its decision to seek recognition as the official, legitimate representative of Palestinian women

weakened its potential as a feminist force. In the late 1960's, Fateh women, took over the organization, removed the president and incorporated all charitable organizations under its umbrella. This meant that women lost their autonomy, mainstream Fateh had no ideology concerning women and the leaders of GUPW had difficulty co-operating with each other.

During the 1980s, a new generation of activists in the GUPW began to raise feminist issues which culminated in a 1982 women's symposium. But following the collapse of the resistance movement following the 1982 Israeli invasion of Lebanon, it became one more arm of the PLO bureaucracy in Tunis and continued to display the nationalist ideology of that group.

In the occupied territories, a different kind of women's movement was developing. Four women's committees, each aligned to a particular political faction, had been organized in the late 1970s and early 1980s. Although the primary purpose was to recruit women to nationalist movements, the committees developed a dynamic and explored gender oppression. They tried to reach out to women in villages and refugee camps and laid the foundations for grass roots activism and gender consciousness.

Popular mobilization during the first Intifada provided real potential for change. Young men and women joined together in political activities and social relationships were transformed. Young activists imagined a different future and questioned the social norms of marriage and a family. Women who engaged in the range of Intifada activities believed they had a stake in the future Palestinian state and assumed their roles would continue as active participants in a future government.

In 1988 the Women's Higher Council was formed as a co-coordinating body but the potential to debate and further gender interests was undermined by continued factional fighting. Women's interests really only came to the fore through the establishment of independent NGO's and women's centers which were founded in the 1990s. These centers have addressed issues such as, domestic violence, personal status laws, honour killings and forced marriage. Even though grass roots activism tackles issues which political activists don't there is still a lack of connection at any level with rural communities. Mainly due to economic resources women in villages and camps have seen their situation deteriorate and many of the projects to assist women have been discontinued and women have found themselves relegated back in the home and family sphere.

During the 2<sup>nd</sup> Intifada Palestinian women's political participation was the lowest it had ever been. It became clear that the Oslo Accord had a lot to do with the ever-shrinking political participation of Palestinian women in the national liberation struggle. The platform of Oslo, while reducing Palestinian grievances to the issue of land occupied in 1967, did bring international attention to the fact that Palestinians are living under occupation. Thus, at the same time that Oslo brought recognition to the occupation, it also made the occupation the only issue on the agenda. Hence, there was a massive mobilization of NGO interest in the Occupied Territories. Oslo brought hope of a

Palestinian state (which was never delivered) and with that came an international attempt to help the Palestinians build the political, economic and social foundations of a future state.

Thus in many senses, although women are participating to some extent in politics, women's issues have been put off the agenda until conflict has ended.

## **2. Barriers to Participation in Politics for Palestinian Women**

### **2.1.1 Nationalism and Women**

A national identity essentially differentiates 'us' from the 'other'. Nationalism describes what one is or should be, as opposed to what one isn't or shouldn't be. Its development is part of the advent of modernity and specifically modern ways of classifying people. It may be the most powerful and durable form of collective consciousness in the modern world. It asserts a general homogeneity to its members and as such any alternative distinction may prove a threat to its unity. However, this national identity has often been described as an 'imagined community' in that many characteristics of its collective history are romanticised and manipulated to create an ideal image of the nation. This construction of myth allows it to justify its existence and preserve its uniqueness.

Nationalism also has a distinctly male character to the extent that the national identity often espouses and upholds masculine characteristics at the expense of women. Nationalism creates a fraternity, the bonds of which lead people to willingly die for it. Traditionally, women have been seen as belonging in the 'private' sphere of home and family life and as such, the 'public' arena of business and political affairs was closed to them. Thus women are the custodians and bearers of social traditions, the carers, nurturers and educators rather than the politicians, leaders and decision-makers.

Nationalism in essence often upholds the patriarchal society. This is a social order where power is held by male heads of household over all junior males, females and children; there is a clear separation between public and private spheres of life; and power in the public sphere is shared among the male patriarchs, to the complete exclusion of women. This society tends to enforce gender stereotypes as biological rather than cultural and traditional.

The expectation placed on women is that they are the symbols of virtue, honour and the custodians of society's boundaries. This same expectation is not placed on men. Hence claims for emancipation by women meet with the accusation that it will undermine the unity of the nation and its social order and that it is against social, cultural and religious traditions. A society in conflict will face a further burden, in that even if women's interests are recognized they will often be ignored in order to preserve national unity as a form of 'glue' to hold society together.

### **2.1.2 The Birth of Palestinian Nationalism**

For a decade following the establishment of the state of Israel, in May 1948, and the subsequent expulsion of close to 1 million Palestinians, the Palestinian people remained without a national leadership. As a result, the majority of Palestinians looked to Arab governments in the region to help them retrieve Palestine from the Zionists and return them to their homes. When no such development occurred, guerilla groups began emerging in the late fifties in the refugee camps and among Palestinian university students. This threatened Arab governments, who had reached some consensus with Israel.

As a response to the rising tide of nationalist agitation, and in an attempt to control it, the Palestinian Liberation Organisation (PLO) was created, in 1964, by a number of Arab governments. In the wake of the 1967 Israeli occupation of the remainder of Palestine and the expulsion of hundreds of thousands more Palestinians, guerilla attacks intensified which culminated in a coup d'état in 1969 of Ahmad Shuqayri as the head of the PLO, who was replaced by Yasir Arafat.

This development coincided with other changes in the social and economic fortunes of the Palestinian elite in the diaspora. This includes the successful attempt in Lebanon to break the Palestinian-owned bank, Intra Bank. In the late 1960's the Persian/Gulf countries which had welcomed Palestinians were now restricting their entry to curb competition between them and their educated citizens. In 1970, civil war broke out between the Jordanian army and the PLO guerillas, culminating in the PLO's expulsion from Jordan.

These developments help to explain a sudden rise in nationalism which had not existed previously. By 1974, the Palestinian elite, backing Arafat's liberal Fateh, was successful in enlisting the support of the Arab League to recognise the PLO as the sole legitimate representative of the Arab people. In the same year, Arafat addressed the United Nations General Assembly on behalf of the Palestinian people, a development which elicited worldwide recognition of the Palestinian struggle.

### **2.1.3 Gendered Nationalism in Palestine**

The first two documents issued by the PLO were the Palestinian National Charter (Al-Mithaq al-Watani al-Filastini) and the Palestinian Nationalist Charter (Al Mithaq al-Qawmi al-Filastini). These Charters functioned as a kind of constitution, defining Palestinian political goals, rights and indeed 'Palestinianness' itself. An analysis of these documents can give an indication of the gendered aspect of Palestinian nationalism post-1948.

In the introduction to the Palestinian Nationalist Charter, the Zionist conquer of Palestine is portrayed as a rape of the land. Palestine is portrayed as a mother and Palestinians the children. This view is concurrent with the early Zionist discourse which viewed the Zionists as fertilizing the virgin land of Palestine with a Jewish population.

Article 4 of the Palestinian National Charter defines Palestinian identity as ‘a genuine, inherent and eternal trait and is transmitted from *fathers to sons*.’ Article 5 states that ‘Palestinians are those Arab citizens who used to reside...in Palestine until 1947,...and *everyone who is born of an Arab Palestinian father* after this date-whether inside Palestine or outside it.’ Since the metaphorical rape of the land, territory for Palestinians has been replaced by paternity.

The role of women in the nations struggle has become a secondary and supportive role as described by the November 1988 Declaration of Independence which describes Palestinian women as being ‘the guardian of our survival and our lives, the guardian of our perennial flame.’ In communiqués of the UNLU, men are described as the makers of glory, respect and dignity and women are the soil which produces this. Thus men have the active role of creating, whereas women have the passive role of guarding.

In many communiqués women are mentioned together with vulnerable sections of the community, mainly children and old people. When women do participate in the national struggle they are commended for transferring the cause of women's rights in favour of the nationalist cause. For example, the commemoration of 8 March as International Women's Day, women are asked to demonstrate against occupation which affects all Palestinians rather than specific women's rights.

The duty expected of Palestinian women can be summed up by a statement made by Yasir Arafat, who said that the principle task of Palestinian women was to breed faster than their Israeli enemies.

One way of ending this type of gendered nationalism is by the use of gender sensitive language (NEED MORE HERE)

## **2.2 Religion and Tradition**

Often, the terms ‘religion’ and ‘tradition’ are confused and used interchangeably as reasons why women should not be present in the public sphere and are not qualified to make political decisions.

The dominant religion in Palestine is Islam and certain parts of Palestine, especially Gaza are interpreting Islam in an increasingly restrictive way, particularly towards women.<sup>5</sup> Religion can be used as a means of stopping debate on an issue as people may be less hesitant to criticize religion or religious leader's views. This can lead to misinterpretations of religious doctrine being accepted and traditional practices being mis-named as religious ones.

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<sup>5</sup> For example, new laws have been passed to enforce women's wearing of traditional Islamic dress, this includes Christian women.

In Palestine, the family can be seen as the site where the power of patriarchy is imposed on women. A woman's choices will depend, in a large part, in what her family, mainly male guardians, deem appropriate. Hence, the family is one of the main sites producing the subordinate position of women in Arab societies.

In most Muslim families what women are or are not allowed to do is based on traditional and cultural understandings rather than on the rights given in Islam. Even the most traditional interpretations of the Qur'an are not in accordance with how many families treat female members when they are denied the right to inherit, or prevented from continuing their education, or forced to marry someone. Even though there are many sources of dispute with regard to women, some issues are agreed on by Muslim feminists and more conservative Islamic scholars alike. There are verses in the Qur'an which clearly establish equality between women and men before God (Qur'an 4:1, 33:35). Furthermore, there are numerous strong Ahadith (sayings by the Prophet Mohamed, plural for Hadith) which call upon parents to treat their sons and daughters justly, and to educate them both. Thus it is not necessarily religion but traditional and cultural practices that diminish women and a strong distinction must be made between what are truly religious ideologies or simply traditional practices. For example, women are sometimes criticized for leaving the home and family for work, yet there is no basis in religion for this criticism, only in traditional practice.

Indeed, many women can gain power and respect from religion and religious knowledge. Knowledge of religion and a belief that the practice of Islam should involve political activism can lead women to become a part of political organizations and be respected within them and their community.

However, not all women who participate in political activities in Palestine advocate for women's rights. Some female politicians of Hamas specifically lobby for the inclusion of Shari'a law in all areas of life, which would include the obligatory wearing of Islamic dress or women being forced to remain out of public life unless permission is given by their husband or father.

The issue of religion is not a simple one, and many secular feminists in Palestine regret the fact that the country is becoming increasingly religious and take this as a sign that women's rights will lose out. However, we cannot simply say that this will be the case and religion if used in its correct form can help women to empower themselves in Arab society.

### **3. Present State of Political Participation**

The 2006 Palestinian national elections in the West Bank and Gaza Strip resulted in the largest increase ever of women members of the Palestinian Legislative Council (PLC). After the ballots were tallied, six women from Hamas, eight from Fatah, and three from democratic political parties were members of the PLC. Many have speculated on the

reasons for the substantial increase in women candidates, especially in the Islamic Resistance Movement (Hamas).

These developments reflect a clear growth of the Islamic movement, though at the expense of the nationalists and the left. This growth was manifested in the Legislative Council election results. The movement showed its powerful infiltration of the Palestinian street, and the women's sector in particular; women were highly effective and skilled in organizing and working for Hamas. If we see the elections as an opportunity for women's democratic action, we can say that the Palestinian local council elections, which began their first round at the end of 2004 and were the second Palestinian local elections (the first were in 1976 under direct Israeli occupation), resulted in achievements by women.

Women's committees and institutions successfully lobbied governing bodies, especially the Palestinian Legislative Council (PLC), to ratify a quota system that secures minimum representation for women in the local councils. The PLC ratified a quota of 20% minimum representation for women in its first reading, rejected it in its second reading, and finally adopted it in the third.

The system was evident in the new PLC electoral system where electoral lists were required to include at least one woman in the first three seats, a woman in the next four seats and a woman in the next five seats and so on throughout the list. Some believed that the legislative authority gave political factions too much power over the quota system. The parties implemented the quota system in their national lists but failed to implement it in the regional list. Women were not included in the Hamas or Fatah lists; however, leftist parties nominated some women to district elections.

This raises questions about the rhetoric put forth in regards to women's involvement, especially among Islamic groups. Were women truly participants in the process or were they merely a tool to gain votes? The analysis of the composition of the lists and constituencies shows that the second possibility is the more likely in terms of Hamas' vision of the role of women.

As for local council elections, firstly a brief synopsis of them in their first and second stages where voting was on an individual basis not on lists. This gives us a more accurate idea about the voters' tendencies in regards to the women candidates as opposed to voting based on the lists: The first phase of elections in the West Bank that included 26 local councils had 139 women candidates and 748 men; 52 of the women won seats by direct voting while only 19 women won through the quota system compared to 255 male candidates. The second phase included 76 local councils in the West Bank and eight in the Gaza Strip. The number of women candidates was 397 compared to 2124 men. One hundred and five women won through direct voting and 59 won through the quota system; 748 male candidates won seats.

There are several conclusions regarding the status of women in politics in light of the local elections. Women ran in the elections in relatively high numbers, in proportion to

the male candidates, for the first time. This reflects women's political role and their work to strengthen their position through participating in decision-making.

The percentage of women elected through direct voting was much higher than the number of women elected through the quota system. This shows that women were able to overcome many patriarchal obstacles and societal tendencies that do not give females many opportunities to reach leadership positions.

In some places, women were able to obtain advanced positions in the lists. They even exceeded the quota percentages granted to them by law. For example, in the Doha local council in the Bethlehem district, four out of 13 women won. In Beit Sahour, four women also won and were in second, fourth, fifth and tenth place on the list of 13 local council seats. In terms of factional affiliations, the percentage of women affiliated with parties, movements, and even factional alliances, whether these were national or Islamic in the electoral lists, was also high.

One hundred and eighteen of the 164 women won seats in the second phase of elections. This is an indication of the positive trends among the women's movement in regards to their historical relationship with political parties, especially after the dismantlement following Oslo. Among the women belonging to factional lists, 39 of them won according to the quota system. This raises the question: Does the public believe that women should be in decision-making positions, or did women's inclusion only occur under the pressure of the quota system?

From another aspect of the same question, 29 independent women candidates won without the quota system in the second phase of the elections, this is a positive indicator of women's potential to reach decision-making positions.

Any discussion of the women's movement in Palestine cannot be held in isolation of two factors: the occupation and the national resistance. The resistance expedited social change in favor of women. Women led themselves and formed a women's movement through their central platform, which is the relationship between the national and the social issues and at certain times, the intensification of the struggle with the occupation.

Women worked their way up in rank and took steps towards developing the Palestinian women's movement. Nevertheless, the political decline after Oslo created a state of confusion and a split from the national struggle in favor of institutionalization and the building of non-governmental women's institutions. The women's movement strongly advocated issues of social liberation in the face of political disintegration.

Today, the women's movement is at a crossroads in defining its work; the movement has been in a cycle of responding to events, to crises—will the movement remain in this cycle or will it change direction and begin to work to combine national and social issues to create a stronger, more cohesive movement?

## **4. Furtherance of Women's Rights**

The impact of women's participation in politics cannot only be measured by numbers; it must also be measured by impact and importantly the effect on the rights of women in Palestine.

### **4.1 Personal status laws**

These are customary and religious laws which play a large social and legal role in Palestinian culture. They sanction differential treatment on the basis of gender and are deeply rooted in customary and religious traditions. These laws encourage patriarchal attitudes towards women and the seclusion of women in the home under a male guardianship.

Although under Sharia law women have a legal independent personality, inferior treatment of women is generally sanctioned. Women cannot inherit the same amount as men, Muslim women must have a Muslim husband, men can divorce more easily and women only have custody over very young children. The system also endorses male custody over women and thus would inhibit their participation in decision making structures.

The law governing Palestine is the Jordanian Law of Personal Status of 1976. Although Jordanian law has developed from this time these developments do not pertain to the Occupied Territories. This law has contributed to the continued legal and social subservience of women in society; however, reform of this law may be met with resistance if it does address the particular position of Palestinians and if it contradicts Islamic and customary laws.

This might be achieved by a reexamination and reinterpretation of Sharia law to take account of a changing society and also to elaborate the differences between culture and religion. But any changes will be resisted by fundamentalists and traditionalists and will have to achieve social consensus to move forward.

Alternatively, laws could be reformulated to reflect current international human rights standards. For example, by raising the minimum age for marriage and the age for custody of children to a mother would reflect the standards of the Convention for the Rights of Children. However, many traditionalists in the Middle Eastern region view human rights as being a Western import and contrary to Islam. Cultural relativism is an argument advanced by traditionalists but does not hold up to scrutiny, no country currently would try to introduce or uphold slavery but in the past Islamic countries used verses from the Koran to justify it. In modern society we can in no way justify the subjugation of women.

Additionally, in the Palestinian context we can change laws through the nationalist agenda. Women choose to fight alongside men to protect their land and can take part equally in the nationalist struggle, laws should reflect this reality. However, laws should

not be changed dramatically or too quickly as this will most likely cause a backlash and could in fact impact negatively on women.

#### **4.2 Domestic violence and Honour Killings**

According to a survey by the Palestinian Central Bureau of Statistics of more than 4,000 households in December 2005 and January 2006, 23 percent of the women said they had experienced domestic violence, but just over 1 percent filed a complaint. Two-thirds said they were subjected to psychological abuse at home.

Violence against women in the Occupied Palestinian Territories (OPT) is widespread and chronic, yet it remains under the radar. Women find it difficult to report abuses because there is little or no legal framework in place to protect them - and because the “honour” of their families is considered more important than the crimes committed against them. It is also notable that in Gaza, there has been a surge of honour killings and domestic violence as the situation worsens, this shows a direct correlation between the level of conflict and the treatment of women.

So-called “honour crimes” are a specific strand of violent crimes committed against women. They range from physical and mental abuse all the way up to murder. The latter, referred to as “honour killing,” is the murder of a woman by male relatives for a number of reasons, including, but not limited to, the suspicion of extra-marital affairs (not necessarily sexual), the unwillingness to proceed with an arranged marriage, or because the woman has been raped.

Often, Palestinian women and girls who report abuse to the authorities find themselves confronting a system that prioritizes the reputations of their families in the community over their own well-being and lives. Also, the Palestinian judiciary does not take ‘honor crimes’ seriously. Perpetrators of honor crimes are often given light sentences of a few years, whilst others convicted of murder under other circumstances are sentenced to death.

In addition to the substandard Palestinian Authority legal framework, Israel’s continued belligerent military occupation of the West Bank and Gaza strip has further weakened the Palestinian justice system and debilitated the government’s ability to handle even the most traditional of security concerns. The connection between domestic abuse and political violence is not unique to Palestine. Indeed, the Palestinian Central Bureau of Statistics has reported that violence against women in the home significantly increased since the beginning of the second Intifada.

#### **5. Conclusion**

Changes to the amount of women working as politicians can come from quota systems but must also come from societal change. Changes in attitudes and gender neutral laws serve to pursue equality between men and women and can help women to gain parliamentary positions through merit rather than simply as a way of making up the numbers.

Additionally, women in decision making positions must work together and push for promotional campaigns and public awareness against unequal and cruel treatment towards women in order for violence and inequality to become stigmatised within the society. It is also important to pay attention to the relationship between violence in the home and violence in society. This can foster debate about women's position in Palestinian society and help to reexamine the laws which help to create inequality.