

**Alternative Report for Consideration Regarding Israel's Fifth  
Periodic Report to the United Nations Committee on the  
Elimination of Discrimination Against Women  
17 January – 4 February 2011**

**Convention on the Elimination of Discrimination Against  
Women (CEDAW)**

**Prepared by the Women's Centre for Legal Aid and Counselling  
(WCLAC)**

**In consultation with:**

**Addameer Prisoner Support and Human Rights Association  
Al Haq  
BADIL Resource Centre for Palestinian Residency and Refugee Rights  
The Centre on Housing Rights and Evictions (COHRE)  
Defence for Children International - Palestine  
Palestinian Centre for Human Rights  
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## **About WCLAC**

**The Women's Centre for Legal Aid and Counselling (WCLAC)** was established by a small group of women in Jerusalem in 1991 as a Palestinian, independent, non-governmental, non-profit organisation. The Women's Centre for Legal Aid and Counselling aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of the occupation.

WCLAC provides social and legal counselling, awareness raising programs, offers legal and social support and training, proposes bills and law amendments, and participates in the organization of advocacy and pressure campaigns nationally and internationally on behalf of Palestinian women and the community.

WCLAC's International Humanitarian and Human Rights Law program was established to monitor and document Israel's violations of human rights and the impact of these violations on women. WCLAC documents women's testimonies using the framework of international law and human rights, combined with a feminist vision of equality and social justice.

The program seeks to ensure that Palestinian women's rights violations are effectively monitored, then collected through a process of documentation. The documentation is used to advocate on behalf of women in Palestine, to promote awareness of human rights violations and to work towards accountability for those responsible. The documentation also provides testimony to women's experiences of war and occupation.

WCLAC has special consultative status with the United Nations Economic and Social Council.

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## Executive Summary

- 1.1 This report provides information to the Committee on the status of the implementation of the Convention in respect of Palestinian women. The priorities for the report have been identified and agreed by the Women's Centre for Legal Aid and Counselling together with their partners. The information and analysis provided in this report is supported by both quantitative data and by the documentation collected in the form of affidavits by WCLAC and some of the partner organisations. The report has been updated and amended since the submission of a report to the CEDAW pre-sessional working group in July 2010.
- 1.2 CEDAW affirms in its preamble that the realization of the right of peoples under colonial domination and foreign occupation to self determination and independence will promote social progress and development and contribute to the attainment of full equality between men and women. Yet in the five years since the State Party was last reviewed by the Committee on the Elimination of Discrimination against Women, Palestinian women living in the occupied Palestinian territory (OPT) have continued to bear the consequences of the Israeli military occupation and colonial project.
- 1.3 The Committee in 2005 regretted that the State party did not accept the applicability of the Convention to the OPT and urged the State Party to give full effect to the Convention to all persons under its jurisdiction and provide all relevant information regarding women in the Occupied Territory in its next periodic report. Despite this, the fifth periodic report submitted by the State Party does not include information about Palestinian women in the OPT.
- 1.4 In violation of articles 2 and 3 of the Convention, Palestinian women living in towns and villages in the West Bank and in East Jerusalem as well as in Gaza face discrimination in the fields of land, housing, property and water rights as a result of discriminatory laws and practices by the State Party. Many Palestinian women are affected by forced evictions and displacement, and in many cases by the subsequent demolition of their home. In Gaza, the failure by the State Party to allow construction materials means many women whose homes were destroyed are living in extremely poor conditions. They are forced to live in houses with scorched interiors, blood stained floors and bullet riddled walls.<sup>1</sup> Forced evictions, displacement and poor and inadequate housing conditions all hamper the advancement and development of women and prevent them from enjoying their fundamental rights and freedoms under international human rights law.

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<sup>1</sup> PCHR, *Through Women's Eyes*, Report on the Gender Specific Impact and Consequences of Operation Cast Lead, 2009 page 5, available at [www.pchrgaza.org](http://www.pchrgaza.org)

- 1.5 Through a complex set of civil laws, military orders and bureaucracy the State Party limits women's enjoyment of articles 9, 15(4) and 16 of the Convention and their fundamental rights to family and private life and to a nationality.
- 1.6 Despite the Committee's concern over the renewal of the Nationality and Entry into Israel (Temporary Order) Law, it remains in force. This Law has suspended family unification between Israeli citizens and permanent residents and a person residing in the OPT. The documented consequences of this Law on affected women, illustrate the devastating short and long term impact. Couples who choose to violate the law and live together in the OPT (including East Jerusalem) find it impossible to live normal lives and are in constant fear of being caught.
- 1.7 Palestinian women who are permanent residents of Jerusalem risk losing their nationality as a result of the policies of the State Party. In 2008, the Ministry of Interior of the State Party revoked the residency rights of 4,672 residents of East Jerusalem – including 99 minors, affecting many Palestinian women, denying them their right to their nationality and depriving them of the right to enjoy a family life.
- 1.8 Since 2000, the State Party has frozen requests submitted by Palestinian residents for family unification with their spouses and family members living abroad. Also, since 2000, the State Party has forcibly transferred Palestinians from the West Bank to the Gaza Strip solely on the basis of their registered address. The coming into force of Israeli Military Orders 1649 and 1650 on the 13th April 2010 has further entrenched this practice and increased the fear and anxiety of affected Palestinian women. Both these policies have a disproportionate impact on women, separating them from their husbands and/or their extended families and leaving them alone to care for children or leaving them to live in fear of being caught, imprisoning them in their homes.
- 1.9 The policies and practices of the State Party have resulted in many Palestinian girls and women being unable to enjoy equal rights to education as provided for in article 10 of the Convention. Four particular policies result in restricted access or denial of Palestinian girls and women to education: the demolition of schools; the impact of the Wall; settler violence; and the closure of the Gaza Strip.
- 1.10 The Wall, checkpoints, other obstacles to movement and the policies of blockade on the Gaza Strip continue to obstruct women from accessing health treatment and services in violation of article 12 of the Convention. In Gaza, health care facilities are inadequate, often due to restrictions on the entry of medical equipment, or parts, into the area. As a result, care centres and hospitals suffer from a chronic lack of essential medicines. Gaza citizens are also being denied permission to leave Gaza to seek medical treatment. Significantly, even those patients granted permission to travel for treatment are subject to often life-threatening delays. At least 26 patients died in 2009, the last victim being a two year-old Palestinian baby girl who died of leukaemia after Israeli authorities delayed her entry into Israel for four days leading to the missing of a medical appointment.<sup>2</sup> The Committee's General

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<sup>2</sup> OCHA, Protection of Civilians, 13-19 October 2010, available at [www.ochaopt.org](http://www.ochaopt.org)

Recommendation 24 states that “The obligation to *respect rights* requires States parties to refrain from obstructing action taken by women in pursuit of their health goals.”<sup>3</sup>; the documented cases highlight how the State Party’s policies are obstructing Palestinian women from accessing health treatment and services.

- 1.11 Many rural Palestinian women live in areas where much of their lives are controlled by the State Party. In Area C, certain civilian powers are held by the Palestinian Authority, but security and all land-related issues remain with the State Party. Area C makes up 60% of the West Bank, and is made up of mainly agricultural lands of Palestinian villages, with an estimated 150,000 Palestinian residents. Many rural women, some of whom are also located in Area C now live in the seam zone. The seam zone consists of those areas of the West Bank situated between the Green Line and the Separation Wall. Around 10 percent of the total area of the West Bank is located to the west of the Separation Wall and has been declared a closed military zone for Palestinians. In 2010 the UN Human Rights Committee stated that the construction of the seam zone should be stopped, reiterating its own previous Concluding Observations from 2003 and the 2004 Advisory Opinion of the International Court of Justice. The Seam Zone continues to exist, violating article 14 and the documented cases evidence that many rural women are prevented from accessing adequate health care facilities and from enjoying adequate living conditions.

In Area C, zoning and planning restrictions imposed by the State Party mean that many rural Palestinian women living in Area C live either in inadequate and overcrowded housing conditions or build ‘illegally and risk demolition of their homes and displacement. In the Seam Zone, families are prevented from renovating or extending their homes, have little access to transport and are cut off from their families and communities. The State Party is failing to ensure for rural Palestinian women their rights to adequate living conditions as guaranteed under article 14(2)(b). Many rural Palestinian women also live in areas where their right to adequate healthcare, provided by Article 14(2)(b) of the Convention, is violated.

- 1.12 The freedom of movement of Palestinian women is restricted by the Separation Wall, a stringent permit system and Israeli military checkpoints and movement obstacles erected inside the West Bank. At present, despite some easing of restrictions, there remain around 500 obstacles (including military checkpoints, roadblocks, earth mounds, road gates and trenches) in the West Bank. These have an impact on women’s ability to access health services, education, employment and religious sites as well as their families and communities. Women in Gaza continue to live under a siege imposed by the State Party. Travel outside of the Gaza Strip requires a permit from the State Party to travel to even other parts of the OPT, and travel for medical reasons, education and work is all strictly restricted by the State Party.

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<sup>3</sup> CEDAW Committee General Recommendation 24, paragraph 14

- 1.13 CEDAW articles 2 and 3 bar discrimination of any kind against women, require State parties to codify legal protection for women in this regard and protect women's full and equal enjoyment of all fundamental human rights. However, Israel directly violates these provisions by subjecting Palestinian women resident in the OPT to the jurisdiction of its military judicial system, which features discriminatory provisions when compared to the Israeli civil court system. At present there are 36 Palestinian female prisoners and detainees being held in Israeli custody in Hasharon and Damon prisons inside Israel in violation of Article 76 of the Fourth Geneva Convention which prohibits detention outside of occupied territory. Seven of these women are mothers, with a total of 27 children between them. Discriminatory treatment of Palestinian women by Israel, in violation of Article 2, can also be observed in connection to the treatment of women who visit their relatives held in Israeli prison and detention facilities when compared to the treatment of Israeli visitors.
- 1.14 General Recommendation 19 issued by the CEDAW Committee requires State Parties to provide information and statistics on violence against women including information on legal and preventive and protective measures. No such information is available on Palestinian women in the OPT. Yet, according to UNOCHA, the number of incidents of violence involving Israeli settlers against Palestinian citizens is increasing. Documentation collected indicates that women suffer disproportionately from these incidents, experiencing fear, anxiety and are often afraid to leave their homes. Women do not report incidents because of lack of confidence in the system and fear of negative consequences.
- 1.15 Finally, while this report does not specifically address the situation of Refugee women, it is important to draw attention to their particular situation.<sup>4</sup> UNRWA records that as of 2008, there were 4,671,811 registered refugees of whom 495,006 are living in camps in the Gaza Strip and 193,370 living in camps in the West Bank.<sup>5</sup> The Committee recorded in its Concluding Observations in 1999 that the refugee women population stands among the most vulnerable and disadvantaged sub-sectors of society, thereby necessitating "special attention."<sup>6</sup> BADIL's research suggests that Palestinian refugee women are rendered particularly vulnerable because their inequitable access to health, education, services, and socio-economic and political parity is exacerbated by the uncertainty of their status, poor living conditions, their barriers to entering the mainstream national economy, as well as the general shortage of schools and space to accommodate a growing refugee population.<sup>7</sup> Addressing these structural grievances requires the enjoyment of fundamental rights, enshrined by Article 3 of the Convention, by Palestinian refugee women.

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<sup>4</sup> This paragraph has been written by Badil.

<sup>5</sup> Badil Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009, p.65

<sup>6</sup> CEDAW, Concluding Observations 1999, Background, Para. 6.

<sup>7</sup> See Badil Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009



## 2. Introduction

- 2.1 This report has been written by the Women's Centre for Legal Aid and Counselling (WCLAC), a leading women's rights organisation based in the Occupied Palestinian Territory. The section on prisoners has been written by Addameer Prisoner Support and Human Rights Association. Some of the sections on Gaza have been written by the Palestinian Centre for Human Rights (PCHR) who have also provided much of the documentation and material regarding the situation in Gaza. The Centre on Housing Rights and Evictions (COHRE) has supported the report writing process and provided input on some sections with their international expertise on housing, land, property and water rights. The report has been updated and amended since the submission of a report to the CEDAW pre-sessional working group in July 2010.
- 2.2 WCLAC has also consulted with a diverse range of human rights and women's rights organisations locally, as well as individual female lawyers and social workers through a series of workshops conducted in Ramallah, Nablus and Hebron. In particular the report has been prepared with the support of and in consultation with the following Palestinian human rights and women's organisations who have endorsed the contents of the report:

Addameer Prisoner Support and Human Rights Association  
Al Haq  
BADIL – Resource Centre for Palestinian Residency and Refugee Rights  
The Centre on Housing Rights and Evictions (COHRE)  
DCI – Palestine  
Palestinian Centre for Human Rights  
Palestinian Working Women's Society for Development  
Women's Affairs Technical Committee  
Women's Study Centre

- 2.3 These organisations wish to bring certain specific issues relating to violations of the Convention on the Elimination of Discrimination Against Women (CEDAW) by the State Party affecting Palestinian women in the Occupied Palestinian Territory to the attention of the Committee on the Elimination of Discrimination against Women (the Committee).
- 2.4 According to the Convention, discrimination against women: represents a violation of the principles of equality and human dignity, and is considered an obstacle to the participation of women, on an equal footing with men, in the political, social, economic and cultural life of their country; impedes the development and prosperity of society and the family; and increases the difficulty of achieving the complete development of women's capacity. The Convention obliges all State Parties to take appropriate measures, legislative and non-legislative, to prohibit all forms of discrimination against women.

2.5 The report addresses the following articles of the Convention :

- (i) Article 2 - The applicability of the Covenant to the occupied Palestinian territory ;
- (ii) Article 2 and 3 – Housing and Land Rights
- (iii) Articles 9, 15 and 16 - Family Unification and Residency Rights;
- (iv) Article 10 – Education
- (v) Article 12 - Health
- (vi) Article 14 – Rural Women. Particularly:
  - (a) Access to adequate health care facilities;
  - (b) Enjoyment of adequate living conditions including housing and water supply.
- (vii) Article 15(4) – Freedom of movement
- (viii) Articles 2, 3 and 12 – Palestinian prisoners
- (ix) General Recommendation 19 – Violence against women

2.6 The issues covered in this report are evidenced by documentation collected by WCLAC and in some cases by other human rights organisations. Excerpts from the documentation are included in the text and 16 full statements are attached to the report in Annex B. These statements are intended to illustrate the broader trends and patterns of abuses of women’s human rights, rather than being the totality of either the statements collected or of the violations that have occurred.

2.7 All of the women whose statements were documented by WCLAC were interviewed in depth by WCLAC staff or fieldworkers about their experience and their stories have been written in the form of statements which they were shown and they signed to signify their agreement with the contents. Not all of the women are happy to have their full names made public, and in these cases we have used a pseudonym or initials. In all cases, we have consulted with the women and have fully respected their wishes.

### 3. Article 2 – Applicability of the Convention

- 3.1 Israel is under a clear obligation to respect and protected the rights of the Palestinian population in the occupied Palestinian Territory (OPT). In its most recent concluding observations, the Human Rights Committee reiterated its previous Concluding Observations of 2003, and urged Israel to give full effect to the Convention to all persons under its jurisdiction.<sup>8</sup> This position had been affirmed by the International Court of Justice (ICJ) Advisory Opinion on the Legal Consequences Arising from the Construction of the Wall in the OPT.<sup>9</sup> The Court found that "... the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights."<sup>10</sup> This decision also affirmed that Palestine is a territory under foreign military occupation and that 'Palestine' includes Occupied East Jerusalem and all of the territories east of the Green Line.<sup>11</sup>
- 3.2 The Gaza Strip continues to be considered occupied territory under international law; this having been confirmed by a number of UN resolutions and reports and international legal experts.<sup>12</sup> Withdrawal of the Israeli troops alone does not render the Gaza Strip unoccupied. The facts on the ground, which show that Israel continues to maintain its effective control over the Gaza Strip by different means, such as control over air space, sea space and the international borders, are those that determine the legal status of the territory.
- 3.3 In the Human Rights Committee's recent consideration of Israel's third periodic report to the Committee, it scrutinised Israel's position on the application of the International Covenant on Civil and Political Rights (ICCPR) in the OPT. Israel stated that it did not report on the implementation of the ICCPR in the OPT "for several reasons, ranging from legal considerations to the practical reality", and noted that it does not consider the Gaza Strip as occupied territory as a result of the "disengagement" in 2005. The Committee during the course of the session heavily condemned Israel's failure to comply with its obligations under international law by applying the Covenant to the OPT.

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<sup>8</sup> Human Rights Committee, Concluding Observations on Israel, 29 July 2010, para. 5.

<sup>9</sup> International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, 9 July 2004, paras. 102 – 113.

<sup>10</sup> *Ibid* pp. 50-53.

<sup>11</sup> *Ibid* para. 101, 120

<sup>12</sup> See, for example Security Council Resolution 1860 of 8 January 2009, S/Res/1869; the report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, 22 September 2010; 'Report of the United Nations Fact Finding Mission on the Gaza Conflict' (15 September 2009) UN Doc. A/HRC/12/48, 85, para. 276; 'Report of the Independent Fact-Finding Committee on Gaza: No Safe Place' (Presented to the League of Arab States 30 April 2009) p. 16, available at <http://www.arableagueonline>; See also, John Reynolds, Shane Darcy, "'Otherwise Occupied': The Status of the Gaza Strip from the Perspective of International Humanitarian Law", 15 *Journal of Conflict and Security Law* 2, 2010.

- 3.4 The CEDAW Committee has not accepted Israel's position that it is not responsible for the implementation of CEDAW in the OPT and in its Concluding Comments in 2005 the Committee urged Israel to reconsider its position “and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories...” This position is consistent with all the other Treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and is also the position of the ICJ.<sup>13</sup>
- 3.5 It is plain from this jurisprudence that the provisions of CEDAW are applicable in the OPT and that Israel is responsible for implementing its obligations under the Convention and for providing detailed information concerning this implementation to the Committee. Any failure by Israel to provide detailed information concerning women in the OPT will not only be contrary to international law, as set out, but contrary to, and in blatant disregard of, the specific recommendations of the CEDAW committee.

### **Suggested Recommendation**

**The Committee reiterates its view, previously noted in paragraph 23 of its concluding observations on the State party's third periodic report (CEDAW/C/OSR/CO/3) that the State party should report on the status of the implementation of the Convention in the OPT. The Committee's position has been endorsed, unanimously, by the International Court of Justice<sup>14</sup> according to which the Covenant is applicable in respect of acts done by a State in exercise of its jurisdiction outside its own territory. The State party should therefore ensure the full application of the Covenant in the OPT, as well as Israel.**

## **4. Articles 2 and 3 – Housing and Land Rights**

- 4.1 Article 3 of the Convention provides that State Parties shall take all appropriate measures to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Article 2 provides that State Parties must take all appropriate measures to modify or abolish existing laws, customs and practices which constitute discrimination against women. Yet, in many fields,

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<sup>13</sup> See for example, Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by State Parties: Third periodic report of Israel, 685<sup>th</sup> and 686<sup>th</sup> meetings, 6 July 2005, paragraph 243 of Committee's report.

<sup>14</sup> Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 136.

Palestinian women face discrimination as a result of the State Party's discriminatory laws and practices. While the laws discriminate against Palestinian women and men alike, Palestinian women are often particularly and uniquely affected.

4.2 The number of settlers has reached about 500,000 in the West Bank, about 200,000 of whom live in East Jerusalem.<sup>15</sup> The annual growth rate of the settler population in the West Bank (excluding East Jerusalem) is 3.7 percent, which is significantly higher than the population growth inside Israel.<sup>16</sup> The settlement project results in the creation of two parallel and unequal societies in the OPT. An Israeli settler society benefits from superior living conditions, greater protection under Israeli civil (as opposed to military) law, greater access to the resources of the OPT, including water, the freedom of movement and the enjoyment of all other human rights.<sup>17</sup> Meanwhile, the disadvantaged Palestinian society living in the same territory, by contrast, is denied many of its basic human rights as a result of the furtherance of the settlement project.

4.3 Palestinian women living in towns and villages across the OPT face discrimination in the fields of land, housing, property and water rights as a result of discriminatory laws and practices by the State Party. This discrimination impacts on the development and advancement of Palestinian women and on their enjoyment of human rights and fundamental freedoms.

## **Area C**

4.4 Section Eight at pages 44-46 of this report sets out the discriminatory planning and building system in Area C and the impact on rural Palestinian women.

4.5 This section focuses on the violations of housing and land rights in East Jerusalem and in Gaza. During 2009, 271 structures were demolished in East Jerusalem and Area C, displacing or otherwise affecting 1377 people, including 730 children.<sup>18</sup> As of mid-September 2010, UNOCHA documented the demolition of 320 Palestinian-owned structures in East Jerusalem and Area C. 1700 Palestinians, including over 700 children, have been forcibly displaced or otherwise affected owing to extensive damage of property or destruction of livelihoods during 2010.<sup>19</sup>

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<sup>15</sup> B'Tselem, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010, p.5

<sup>16</sup> Haim Levinson, "Civil Administration Report: Rate of Population Growth in 66% of Settlements Higher than in Israel," *Haaretz*, 2 February 2010 (in Hebrew).

<sup>17</sup> Whilst Palestinians throughout the OPT are denied freedom of movement through a system of a "road apartheid", settlers are given preferential treatment over Palestinians in respect of movement (major roads are reserved exclusively for settlers) and can enter the closed zone between the Wall and the Green Line (the 'Seam Zone') without permits; See, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor John Dugard, A/HRC/7/17, 21 January 2008, para. 30.

<sup>18</sup> Demolition Summary Table produced by UN OCHA for the OPT Displacement Working Group, updated December 2009.

<sup>19</sup> UNOCHA, "Protection of Civilians Weekly Report", (1-14 September 2010), page 2, available at

4.6 The Human Rights Committee, after reviewing Israel's compliance with the ICCPR in July 2010 stated:

*[T]he Committee is concerned at frequent administrative demolition of property, homes, as well as schools in the West Bank and East Jerusalem due to the absence of construction permits, their issuance being frequently denied to Palestinians... **The State party should further review its housing policy and issuance of construction permits with a view to implementing the principle of non-discrimination regarding minorities, in particular Palestinians and to increasing construction on a legal basis for minorities of the West Bank and East Jerusalem. It should further ensure that municipal planning systems are not discriminatory.***<sup>20</sup>

4.7 As the Human Rights Committee stated, the State Party is responsible for the frequent administrative demolition of homes in the West Bank and East Jerusalem. In many cases the forced eviction<sup>21</sup> of Palestinian families takes place prior to the demolition of their home. In other cases, such as those in the Sheikh Jarrah neighbourhood of East Jerusalem, families are forcibly evicted in order to make way for Israeli settlers to move into their homes. Both situations usually involve the presence of armed soldiers and police and the use of violence.

## **East Jerusalem**

4.8 In East Jerusalem, many Palestinian women are affected by forced evictions and displacement and in many cases by the subsequent demolition of their home. Poor and inadequate housing conditions also hamper the advancement and development of women.

4.9 The demolition of Palestinian homes is usually ostensibly justified for administrative reasons, that is, because a permit has not been obtained. In East Jerusalem, one third of the land area has been expropriated for the construction of illegal Israeli settlements, while only 13 percent is currently zoned by the Israeli authorities for Palestinian construction.<sup>22</sup> However, even in this area, much of this land is already built up, the permitted construction density is limited and the application process for construction permits or land zoning changes is complicated and expensive. Those

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[www.ochaopt.org](http://www.ochaopt.org), accessed October 15, 2010.

<sup>20</sup> Concluding Observations of the Human Rights Committee, 99<sup>th</sup> Session, 12-30 July 2010, CCPR/C/ISR/CO/3, para.17

<sup>21</sup> The term "forced evictions" has been defined by the Committee as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection Committee on Economic, Social and Cultural Rights, *General Comment 7 - The Right to Adequate Housing (article 11(1)): Forced Evictions*, 05/20/1997, para. 3.

<sup>22</sup> UN OCHA, "The Planning Crisis in East Jerusalem: Understanding the phenomena of "Illegal" construction" in Special Focus, (April 2009), p. 2.

who go through this process will commonly be refused. As a result there is a serious housing shortage caused by Israel's failure to provide adequate housing and many Palestinians risk building on their land without a permit and face forced eviction and the demolition of their homes.<sup>23</sup> Others live in overcrowded, unsuitable and unsanitary conditions, unable to build larger accommodation, to build extensions to existing homes or even in many cases, to make any structural repairs or improvements to their homes.

- 4.10 The contrasts are stark: since 1967 the Israeli authorities have constructed approximately 50,000 residential units in Israeli settlements in East Jerusalem, while constructing only 600 residential units for Palestinian residents – the last of which were built over 30 years ago.<sup>24</sup> According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA):

*Since 1967, Israel has failed to provide Palestinian residents of East Jerusalem with adequate planning to meet natural population growth. While Palestinians face significant obstacles to legal building on the 13 percent of East Jerusalem designated for Palestinian construction, Israeli settlements have flourished on the 35 per cent of land expropriated for them, in contravention of international law.*<sup>25</sup>

- 4.11 WCLAC's documentation testifies to the trauma experienced by women in the period prior to a demolition or eviction. The process of waiting: sometimes for many years with the threat of demolition or eviction hanging over them leads to anxiety, depression and trauma. This distress can also manifest itself in physical symptoms with some women describing stomach cramps, chest pains and high blood pressure. Economic consequences are severe with families having to deprive themselves of essentials to pay high court fees, fines and legal fees. The documentation also highlights the disproportionate force used in the process itself: demolitions and forced evictions being carried out by tens, and sometimes hundreds, of armed Israeli soldiers and police. The brutality of the process can result in injury or arrest, adding to the trauma of losing a home.

- 4.12 FD lives in the Al-Isawiya neighbourhood and had built a new home together with her sister and family; it was demolished on 18 November 2009:

*"The Israeli soldiers and police were positioned around the house...There were so many soldiers around, I had many of them around me, preventing me from going any nearer to the house. I had guns aimed at me and my children. I was trying to keep my son Mohamed<sup>26</sup> and my sister Maisa's son Khalil from going near to the soldiers. They wanted to do something and I was trying to hold them back. The soldiers were*

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<sup>23</sup> *Ibid.*

<sup>24</sup> Ir Amin, State of Affairs – Jerusalem 2008, December 2008, p.30.

<sup>25</sup> UNOCHA, "The Planning Crisis in East Jerusalem: Understanding the Phenomenon of "illegal" construction", p18

<sup>26</sup> The family's names have been changed

*also taking pictures of us, including the boys as we stood there watching them. My son started shouting and cursing at the soldiers, he was so angry. He wanted to do something to stop them but I was holding him back to stop him from running at the soldiers or the house. I couldn't hold onto Maisa's son and he was able to free himself and went running into the middle of the soldiers and got into a fist fight with one of them who started beating him....*

*Then, about an hour after I had arrived, they started to demolish the house with a huge bulldozer. They even destroyed the wall that separated the house from the neighbour's land. It was all over by 12.30. The house was completely destroyed, left in a huge pile of rubble.”<sup>27</sup>*

- 4.13 MK lives in the Old City of Jerusalem with her husband and three children. After moving into an almost uninhabitable house, she and her husband made necessary improvements with the approval of the landowner, the Greek Orthodox Church.

*“The roof had to be replaced anyway and so we put in a second floor, without having to extend the height of the building by much. This gave a lot more space – it meant we had two bedrooms and a bathroom upstairs and the kitchen and sitting room downstairs. The Greek Orthodox Church approved our plans to renovate and extend, they had rules regarding the height of the building so that it did not go over the height of the wall to the church, but it didn't so they were happy with what we were doing and the Patriarch gave us a permit.... But a few months after we moved in, we received a demolition order for the upper floor of the house. We were taken to court and the demolition order was postponed and we were fined 25,000 shekels for building without a permit.*

*This was really hard for us, but we always paid – if we missed a month we would have to pay double the amount. My husband is working, he works for a hotel in the Old City but he doesn't earn a lot and we had to take money from what we would spend on basics – electricity, food, milk, diapers - to pay the fine. It was particularly hard for me because I had to try and make sure there was enough food and that the children had clothes. We couldn't afford to buy furniture and borrowed a couch from my parents house. ...Just before we were due to pay off the fine, 3 years later; the court imposed another fine on us. This time it was for 10,000 shekels and again we had to pay it each month.”*

- 4.14 The documentation collected by WCLAC evidences that the particular relationship that women have with their homes means that forced eviction or the threat of being forced from their home has an acute and distinct impact on their lives.<sup>28</sup>

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<sup>27</sup> Annex B, Case Number 1.

<sup>28</sup> COHRE, “Violence: the impact of forced evictions on women in Palestine, India and Nigeria”, p.4 available at <http://www.cohre.org/store/attachments/COHRE%20Women%20Forced%20Evictions%202002.pdf>



- 4.15 Amani S's home in Jabal Al-Mukabber was demolished by her husband in May 2009, after the Israeli authorities ordered that the family had to demolish it themselves or face paying the costs of the demolition to the municipality.<sup>29</sup> She is now living with her parents-in-law in their home:

*So I am living in one small room in my parents in law's home. We share a kitchen a bathroom with them and my husband's brothers and their families live in an apartment upstairs and are often downstairs with us. They are four adults and five children living up there and they also usually eat and spend their time down with us. I've lost my independence and I've lost my privacy. I used to wear short sleeves in the house and go without my headscarf. Now I always have to worry about what I am wearing because I'm living with other people. I used to cook for my family, cook meals for them all. Now I don't do this, others in the house do the cooking. I have no privacy or time or space to myself at all. Its also hard for the children to sleep at the times they need to because there is so much noise.*

- 4.16 Our documentation confirms the known data which testifies to the severe lack of housing for Palestinians in East Jerusalem and the near impossibility of obtaining a building permit.<sup>30</sup> Women are therefore forced into poor living conditions, particularly as a result of overcrowding as their families grow. Women have described the difficulties of moving in with their parents-in-law and the consequent lack of privacy and private space and the impact this has had on their state of mind. The psychological and emotional impact of forced eviction on women has been documented by WCLAC: the women describe anxiety and distress.<sup>31</sup> The women interviewed expressed particular concern about the impact on their children, who they saw as being disturbed and unsettled by the eviction and by the consequent move into overcrowded living conditions. Women are often the emotional centre and stabilising force in the family, and so they find themselves having to cope with their own anxiety whilst caring for others as well. If they are not able to overcome the trauma, their children will also suffer. Our findings are supported by a study by Save the Children UK, which concluded that children's psychological health is closely associated with the parents' health.<sup>32</sup>

## **Gaza**

- 4.17 In Gaza, the closure is having a devastating impact on all Palestinians. Since 2007, the United Nations Refugee and Works Agency (UNRWA) has been unable to

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<sup>29</sup> Annex B, Case Number 2.

<sup>30</sup> See The Civic Coalition for Defending Palestinian Rights in Jerusalem, "Aggressive Urbanism: Urban Planning and the Displacement of Palestinians from within and from Occupied East Jerusalem", December 2009 and UNOCHA, "The Planning Crisis in East Jerusalem: Understanding the phenomena of "Illegal" construction. Special Focus, (April 2009)

<sup>31</sup> A study by Save the Children UK, "Broken Homes", 2009 found trauma related deterioration in parents' mental health, while one-third of the parents interviewed for the study were in danger of consequentially developing mental health disorders. (p38)

<sup>32</sup> *Ibid*, p.39

complete any of its construction projects, including those projects meant to re-house 14,200 people, many of whom had their homes destroyed by Israeli military operations between 2000 and 2004. During Operation Cast Lead alone, 2,114 houses (comprising 2,864 housing units) were completely destroyed, affecting 19,592 individuals. In addition, 3,242 houses (5,014 housing units) were partially destroyed, i.e. rendered uninhabitable, affecting 32,250 individuals. A further 16,000 houses suffered partial damage. While limited amounts of construction materials have been allowed in post June 2010,<sup>33</sup> this has been wholly insufficient with respect to the needs of Gaza's civilians, as they relate to both natural growth, and the repair/rebuilding of structures targeted during military operations; PCHR has estimated that the Gaza Strip needs a further 86,000 homes.<sup>34</sup> The overwhelming majority of construction and repair is rendered impossible by the ongoing illegal closure of the Gaza Strip.

- 4.18 The Israeli human rights organisation B'Tselem interviewed Nawal al-'Athamneh, 59, who is married and has fifteen children, and lives in 'Izbat Abed Rabo, in the northern Gaza Strip.<sup>35</sup> Nawal's three storey home and their olive groves were destroyed during the Israeli attack on Gaza in January 2009. She described what she found when she returned to the house:

*Everything was destroyed: the houses, the furniture in the five houses, the clothes, household items, as well as the three Mercedes taxis and the olive trees that provided our livelihood. The land and the houses had been torn up by heavy machinery. We were left with the ruins in the cold, without electricity and water, and without the minimum needed to live in dignity, like we had previously.*

- 4.19 Almost a year after the State Party attack on Gaza, when she was interviewed in December 2009, Nawal was facing her second winter in a tent, the family unable to rebuild their home because of the difficulty getting building materials into Gaza. She described the hardships of living in the tent, living for five months without electricity and with a makeshift shower and bathroom. Here she describes how her life is affected by living in a tent:

*I have a very hard time working in the kitchen. Rain falls on the utensils and food, and when it hits the sand floor, it ends up dirtying everything. This means that I have to wash the utensils two or three times a day. This is very tiring, and takes lots of time, which takes me away from doing other things that have to get done. We have a constant feeling of dirtiness and poor hygiene because of the sand floor. Flies and insects are all around us and the food. The dust gets over us and our things. We feel we're living like animals, and not like human beings in 2009. We don't know how to*

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<sup>33</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_special\\_focus\\_2010\\_05\\_27\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_05_27_english.pdf) p.5

<sup>34</sup> PCHR, "Position Paper on the Easing of the Closure of the Gaza Strip", 1 July 2010, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>35</sup> Testimony available at: [http://www.btselem.org/english/testimonies/20091201\\_nawal\\_al\\_athamneh\\_still\\_in\\_a\\_tent\\_almost\\_a\\_year\\_after\\_castlead.asp](http://www.btselem.org/english/testimonies/20091201_nawal_al_athamneh_still_in_a_tent_almost_a_year_after_castlead.asp)

*live in a tent. Our life has become like tar. It is hard and awful living without anything pretty. Everything is black.*

### **Suggested Recommendation**

**The Committee is concerned at frequent administrative demolition of property, homes, as well as schools in the West Bank and East Jerusalem due to the absence of construction permits, their issuance being frequently denied to Palestinians. Furthermore, it is concerned at discriminatory municipal planning systems, in particular in Area C of the West Bank, as well as East Jerusalem, disproportionately favouring the Jewish population of these areas. The Committee is also concerned about the continuing blockade on Gaza which is preventing construction materials from entering Gaza. The Committee is particularly concerned by the impact of these policies on the development and advancement of Palestinian women and on their enjoyment of fundamental rights and freedoms.**

**The State Party should repeal policies allowing for and desist from the practice of forced eviction and house demolitions, and its policy of blockade on Gaza, where they interfere with the development and advancement of Palestinian women in violation of article 3 of the Convention. The State party should further review its housing policy and issuance of construction permits to Palestinians to ensure that Palestinian women can enjoy all their fundamental rights and freedoms particularly their right to adequate housing and to family and private life.**

## **5. Articles 9, 15 and 16 - Family Unification and Residency Rights**

5.1 CEDAW General Recommendation Number 21 emphasises that “Nationality is crucial to full participation in society... Without status as nationals or citizens, women are deprived of the right to vote or to stand for public office and may be denied access to public benefits and a choice of residence” and further that “Nationality should be capable of change by an adult woman.”<sup>36</sup> Yet the State Party is routinely, through practice and policy, denying many thousands of Palestinian women the opportunity to enjoy their rights as citizens or nationals and their fundamental right to enjoy their private and family life by living together.

5.2 This section will provide information to the Committee on the ways in which the State Party denies these rights to Palestinian women through a complex system of

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<sup>36</sup> CEDAW General Recommendation No.21 (13<sup>th</sup> Session, 1994) comment para.6

civil laws, military orders, permits, and bureaucracy. The section is divided into four sections:

- (i) Family Unification in East Jerusalem: The Nationality and Entry into Israel Law (Temporary Order);
- (ii) Revocation of permanent residency in East Jerusalem;
- (iii) Prohibition on family unification in the West Bank and Gaza Strip;
- (iv) Residency Rights in the West Bank and Gaza Strip: Israeli Military Orders 1649 and 1650;

5.3 Many of the issues in these sections are cross-cutting and illustrate the wide ranging way in which Israeli practices and policies violate the rights of Palestinian women to a family and private life and to a nationality. They are all relevant to articles 9, 15(4) and 16 of the Convention and also intersect with many other rights contained within the Convention such as rights to health, education, employment and freedom of movement.

### ***Family Unification in East Jerusalem: The Nationality and Entry into Israel Law***

5.4 When the Committee last reviewed Israel in 2005 it stated:

*The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has been extended until the end of August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.*

*...It calls on the State party to bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention. It requests the State party to provide, in its next periodic report, detailed statistical information and analysis of the short- and long-term impact of this Order on affected women.<sup>37</sup>*

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<sup>37</sup> CEDAW Committee, Concluding Observations: Israel, Thirty-third session, 5-22 July 2005, CEDAW/C/ISR/CO/3, paras. 33 and 34

- 5.5 The State Party in its Fifth Periodic report has failed to respond to the Committee's request on this issue and has provided no information, statistical analysis or analysis on the short and long term impact on affected women.<sup>38</sup>
- 5.6 The Nationality and Entry into Israel Law (2003) (temporary order)<sup>39</sup> (hereinafter the 'Law'), notwithstanding prompt criticism, remains in place severely impairing the family life of tens of thousands of persons, citizens and residents of Israel and residents of the OPT.<sup>40</sup> The State Party continues to violate articles 9 and 16 of the Convention and has failed to comply with the recommendations of the Committee.
- 5.7 The Law prohibits the granting of Israeli citizenship to 'a resident of the region'<sup>41</sup> intending to stop family unification, and the granting of permanent residence, where one spouse is a resident of the OPT. It therefore prevents the Palestinian husband or wife of a permanent resident in Jerusalem or citizen of Israel, from acquiring permanent residency in the city. In comparison, Israelis who marry foreigners who are not Palestinian residents of the OPT may submit on their behalf requests for family unification, and the foreign spouse can obtain a status in Israel. The law discriminates on the basis of ethnic origin and nationality.
- 5.8 Only Palestinian women over 25 and men over 35 married to residents or citizens of Israel may receive a temporary permit to remain in Israel, which grants no civil status or social benefits. But the law further provides for the denial of applications for such a permit, if there is a claim that the resident of the OPT, applicant or anyone from his extended family (including spouses of siblings) might be considered a security risk.<sup>42</sup>
- 5.9 As stated by Israeli human rights organization, B'Tselem, the argument that the law is required for security reasons is baseless:

*The state argues that the law is needed for security reasons, contending that the entry of residents of the Occupied Territories – as such – endangers Israeli citizens. This argument is baseless and was only recently raised to cover-up the real reason: Israel is seeking to prevent the further increase of the Arab population in Israel in order to preserve the Jewish character of the state. The state's attempt to avoid relying on demographics as the stated reason for the law is a result of its understanding that such a reason is racist and illegal, and would be nullified upon judicial review.*<sup>43</sup>

- 5.10 Israelis, permanent residents or citizens who married residents of the OPT continue to be affected by this law, and are not able to live with their spouse or are

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<sup>38</sup> Fifth Periodic report of State Parties, Israel, CEDAW/C/Isr/5, 24 March 2010, paragraphs 335, and 621-647.

<sup>39</sup> English translation of the Nationality and Entry into Israel Law (Temporary Order) available at [http://www.hamoked.org/items/5727\\_eng.pdf](http://www.hamoked.org/items/5727_eng.pdf)

<sup>40</sup> See [http://www.btselem.org/English/Family\\_Separation/East\\_Jerusalem.asp](http://www.btselem.org/English/Family_Separation/East_Jerusalem.asp)

<sup>41</sup> Nationality and Entry into Israel Law (Temporary Order), paragraph 2

<sup>42</sup> Nationality and Entry into Israel Law (Temporary Order), paragraph 3D

<sup>43</sup> See [http://www.btselem.org/English/Family\\_Separation/East\\_Jerusalem.asp](http://www.btselem.org/English/Family_Separation/East_Jerusalem.asp)

forced to live together illegally. While the State Party has not documented the impact of this Law on women, WCLAC has documented cases of women affected which illustrate the devastating short and long term impact. Couples who choose to violate the law and live together in the occupied Palestinian territory (including East Jerusalem) find it impossible to live normal lives and are in constant fear of being caught. If a couple decides to live in the OPT, the spouse will be considered a lawbreaker, unless he or she received a special permit. Palestinian permanent residents of Jerusalem risk losing their status as residents of Jerusalem if their ‘centre of life’ is no longer in Jerusalem.<sup>44</sup> The documentation reveals the social, economic and cultural impact of this Law.

- 5.11 Rimaz, a Palestinian woman from a village near Jenin, lives with her husband in Jerusalem but without the right papers, cannot live a normal life. She described how the policy impacts on almost every aspect of her life:

*It became more and more difficult for me to go to my work or to get anywhere in Jerusalem. I couldn't do my shopping, I couldn't visit my friends, I couldn't take my children to school or to a doctor or a hospital. During the summer holidays, my children and I could not go anywhere together. I couldn't take them to summer camps where other children their age went. I was completely dependent on my husband who was very busy.*<sup>45</sup>

- 5.12 WS, who has lived with her husband in East Jerusalem for 20 years was told in May 2010 that her temporary permit to live in Jerusalem was going to be cancelled because of security checks on her brothers and brother in law. She described the impact of this on her life:

*I feel anxious and worried all the time. It has been 20 years since I got married and I still am not allowed to live with my husband and children. It has been too long, I don't think I can take it any longer. Moving to another place in the West Bank is not an option. If we move to the West Bank the Israeli authorities will cancel my husband's residency rights and that of our children. I feel I am stuck. The situation is impossible. In about a month I will again be living illegally in Jerusalem with my husband and children. I will be under house arrest.*<sup>46</sup>

- 5.13 The third case appended to this report as illustrative of the rights violations faced by women because of the State Party's policies, is that of Manal Zeitoun who lives in the area of Silwan in East Jerusalem.<sup>47</sup> She herself has permanent residency in Jerusalem, but married a man who has Palestinian West Bank Identification. His second application for family unification has been refused, meaning that he is unable to live in Jerusalem with his wife and six daughters. Her husband risks arrest and

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<sup>44</sup> For an overview of the impact of the ‘centre of life’ policy, see the following section on revocation of permanent residency.

<sup>45</sup> Annex B, Case Number 5.

<sup>46</sup> Annex B, Case Number 4.

<sup>47</sup> Annex B, Case Number 3.

imprisonment were he to be found in Jerusalem, and so cannot work in Jerusalem or live with his family; leaving Manal to bring up her daughters alone. The patriarchal nature of Palestinian society leaves Manal facing cultural discrimination and social marginalisation.

- 5.14 The documented impact of the denial of the rights illustrates the intersection of the denial of rights under articles 9 and 16 with the denial of other Convention rights. Women's right to access health care, employment, education and social benefits and to freedom of movement under this Convention are all affected. Palestinian women married to Jerusalem residents, even if they have a permit, are not entitled to work in Jerusalem, they are not entitled to health care and they are not permitted to drive a car.

### **Suggested Recommendation**

**Recalling its previous recommendation in paragraphs 33 and 34 of its preceding concluding observations, the Committee reiterates its concern at the Citizenship and Entry into Israel Law (Temporary Provision), as amended in 2005 and 2007, remains in force and has been declared constitutional by the Supreme Court.**

**The Committee reiterates that the Citizenship and Entry into Israel Law (Temporary provision) should be revoked and that the State party should review its policy and facilitate family reunifications of all citizens and permanent residents without discrimination.**

### ***Revocation of Permanent Residency in Israel***

- 5.15 When Israel occupied the West Bank and the Gaza Strip in 1967 it gave the Palestinians living in East Jerusalem the status of permanent residents. This status lays the practical and legal grounds to allow the Israeli Ministry of Interior to cancel residency rights of thousands of Palestinians if certain conditions could be proved. For example:

5.15.1 Any Palestinian resident of East Jerusalem who leaves the country for seven years or more will lose his or her residency right in Jerusalem. For this purpose, a person living in the rest of the West Bank or in the Gaza strip (in Ramallah or Nablus, for example) is considered to be living abroad.

5.15.2 Any Palestinian resident of Jerusalem who obtains citizenship or permanent residency in any other country will lose their residency right in Jerusalem.

- 5.16 Over the years Israel has cancelled the residency of thousands of Palestinians who were studying, working or living abroad, meaning they cannot return to live in Jerusalem. Since 1995 there has been a significant increase in the revocation of

residency rights.<sup>48</sup> While overall from 1967 to November 2009 the Israeli Ministry of Interior revoked the status of more than 13,115 residents of occupied East Jerusalem, as many as 10,683 were revoked from 1995.<sup>49</sup> Between 2005 and 2007, 1,869 permanent residents of Jerusalem had their residency revoked, including 91 minors.<sup>50</sup> In 2008, the Ministry of Interior of the State Party revoked the residency rights of 4,672 residents of East Jerusalem<sup>51</sup> – including 99 minors. This is equal to approximately one half of the entire total of residency revocation cases between 1967 and 2007.<sup>52</sup> This policy comes hand in hand with Israel’s aim to limit the number of Palestinians living in Jerusalem, as evidenced by the introduction of the ‘centre of life’ policy by the Ministry of the Interior in 1995. This policy requires that Palestinian Jerusalemites prove their constant residence in the city, in order to maintain residency rights.

5.17 The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, stated in relation to a recent move by Israel to revoke the right of residence of three East Jerusalem residents: *“Those responsible could be liable for war crimes for forcibly transferring these persons, as well as for violations of a wide range of international human rights, rights that protect the family and family life, freedom of expression, freedom of assembly and association, non-discrimination, and political participation.”*<sup>53</sup> He further stated: *“Forcibly transferring these individuals would constitute serious violations of Israel’s legal obligations. At the same time, the current threats should be viewed as part of a larger, extremely worrying pattern of Israeli efforts to drive Palestinians out of East Jerusalem – all of which are illegal under international law”*.

5.18 The impact of this policy on Palestinian women is devastating, denying them their right to their nationality and depriving them of the right to enjoy a family life.<sup>54</sup> The State Party has provided no information to the Committee on this issue, including no disaggregated data on the number of women affected and the short and long term impact of these policies.

5.19 WCLAC has documented the cases of women affected by this policy which illustrate its long term impact. Many, once their residency rights are revoked, are

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<sup>48</sup> Al Haq, “The Jerusalem Trap: The Looming Threat Posed by Israel’s Annexationist Policies in Occupied East Jerusalem”, October 2010, page 4, available at [www.alhaq.org](http://www.alhaq.org).

<sup>49</sup> B’tselem, available at [www.btselem.org/english/Jerusalem/Revocation\\_Statistics.asp](http://www.btselem.org/english/Jerusalem/Revocation_Statistics.asp).

<sup>50</sup> See Hamoked Update of 12.04.09, available at [http://www.hamoked.org/Document.aspx?dID=744\\_update](http://www.hamoked.org/Document.aspx?dID=744_update)

<sup>51</sup> Figures provided by the Jerusalem Center for Social and Economic Rights, JCSE, available at [www.jcser.org](http://www.jcser.org), accessed October 15, 2010.

<sup>52</sup> See letter from the Israeli Ministry of Interior dated 5 November 2009 in response to a request for information submitted in April 2009 by Hamoked. English translation available at [http://www.hamoked.org/items/110587\\_eng.pdf](http://www.hamoked.org/items/110587_eng.pdf)

<sup>53</sup> Israel must avoid further violations of international law in East Jerusalem – UN human rights expert, press release of 29.06.10 available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10189&LangID=E>

<sup>54</sup> Concerns about Israeli violations of the right of Palestinians to family life have been raised by the UN CESCR, in E/C.12/1/Add.90, Para 18, available at [www.unhcr.ch](http://www.unhcr.ch).



unable to return to live in East Jerusalem or in Israel. One Palestinian woman, NB, from Silwan in East Jerusalem, chose to live in the West Bank after her Jerusalem Identification had been revoked and described her life:

*I live here without a visa. Without a valid permit or visa to be here, I am always worried about being picked up by Israeli soldiers or police. I see police cars or army jeeps and think that they will stop me and I will be arrested. I shrink inside, worrying that they will stop me and ask to see my ID.*

*Everything about my life is affected. Being separated from my daughter is terrible. But I also can't go into Jerusalem to see my family there because I would have to pass through a checkpoint and I can't do that without any ID. Three members of my family died, two uncles and an aunt, and I couldn't go to Jerusalem to their funerals. My aunt who lives in Jerusalem has leukemia and I can't even go to visit her. One of my sisters is in Amman in Jordan and I can't travel to visit her.*

### **Suggested Recommendation**

**The State Party should review and revise its policies relating to the cancellation of the Permanent Residency status of Palestinians living in East Jerusalem. Such revocation has left many Palestinian women stateless. In accordance with Article 9 of the Convention, the State Party should cease the revocation of the residency of Palestinian women living in East Jerusalem.**

### ***Prohibition on Family Unification in the West Bank and Gaza Strip***

5.20 Despite the State Party's denial that it is responsible for the implementation of the rights contained in the Convention in the OPT, both the registration of persons in the population registry and the granting of visitor's permits for the occupied territory remain under Israeli control.<sup>55</sup> This means that while Israel refuses responsibility for the implementation of rights, the State Party in practice makes decisions that engage rights under articles 9 and 16 of the Convention. The State Party must therefore be held accountable under the Convention by the Committee for violations of these articles.

5.21 A person who is not registered in the population registry and wishes to live lawfully in the OPT must apply for family unification. Many families consist of one spouse who is a resident of the OPT and the other who is considered a "foreigner," reflecting the strong ties between residents and the Palestinian Diaspora, as well as

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<sup>55</sup> Al Haq, "Al-Haq's Legal Analysis of Israeli Military Orders 1649 and 1650: Deportation and Forcible Transfer as International Crimes", p.5. See <http://www.alhaq.org/pdfs/legal-analysis-of-new-israeli-military%20Orders.pdf>

the results of Israeli policies that have driven Palestinians to work, study, and build families overseas.<sup>56</sup>

5.22 All applications are subject to approval by the State Party. A request for family unification may be submitted only by a first-degree relative of an applicant who holds residency status in the Occupied Territory. Shortly after the outbreak of the second intifada on 29 September 2000, Israel decided not to process requests submitted by Palestinian residents for family unification with their spouses and family members living abroad, and not to issue visitor's permits to these non-residents (hereafter: the freeze policy).<sup>57</sup> In October 2007, the media announced that the then Israeli Prime Minister Ehud Olmert had decided to grant residency status to 3,480 persons who live in the West Bank with their families as a “gesture”.<sup>58</sup> Thus indicating that the State Party regards the grant as an act of charity rather than a human right. Tens of thousands more await Israel’s approval and routine processing is not taking place. For example, as of 2007, more than 120,000 requests for family reunification in the West Bank and the Gaza Strip were still pending.<sup>59</sup>

5.23 This policy and refusal to process family unification applications is a direct violation of the right to family life and is discriminatory as it only applies to residents of the OPT, and violates articles 9 and 16. As stated by Israeli human rights organisation, Hamoked which submitted a petition to the Israeli High Court on this issue: *“the same people to whom Israel denies a shared life with their spouses in the Territories would have been **eligible for citizenship in Israel** (even under the current restrictive provisions) had their spouses been Israeli citizens rather than residents of the Territories.”*<sup>60</sup>

5.24 The impact of this policy, as with the other cases set out above is wide-ranging and draconian and is illustrated by the documentation collected by WCLAC. Spouses are unable to live together under one roof. Children grow up in one-parent families. Residents refrain from going abroad for medical treatment out of fear that they will not be allowed to return to their families. Families are often left with no choice but to emigrate to the spouse’s country.

5.25 An illustrative case documented by WCLAC is the case of Zarifeh from Deir Dibwan in the West Bank. An application for family unification for her husband, a Palestinian born in Brazil, has not been processed despite its submission in 1997, meaning she has had to bring up her children largely alone and they can only meet in third countries. Her husband was denied entry in 2006, detained for 15 days and then

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<sup>56</sup> Hamoked and B’Tselem, ‘Perpetual Limbo’, 01.07.06 available at [http://www.hamoked.org/items/13000\\_eng.pdf](http://www.hamoked.org/items/13000_eng.pdf)

<sup>57</sup> For further information see B’Tselem, ‘The Prohibition on Family Unification in the Occupied Territories’, available at [http://www.btselem.org/English/Family\\_Separation/Index.asp](http://www.btselem.org/English/Family_Separation/Index.asp)

<sup>58</sup> B’tselem, “Human Rights in the Occupied Territories”, 2007, Annual Report, page 41 available at [http://www.btselem.org/download/200712\\_annual\\_report\\_eng.pdf](http://www.btselem.org/download/200712_annual_report_eng.pdf)

<sup>59</sup> *Ibid*, p.40

<sup>60</sup> Hamoked update of 24.07.07, available at [http://www.hamoked.org/Document.aspx?dID=334\\_update](http://www.hamoked.org/Document.aspx?dID=334_update)

deported. She faces difficult social and economic consequences as well as the social marginalisation resulting from the patriarchal nature of Palestinian society. Zarifeh told WCLAC:

*It hasn't been easy for me. I think my husband and I were separated for a total of 9 years during our 17 years of marriage. Our relationship is not the same anymore; we have been living apart for too long. I worry about the future; I worry about my teenage girls who grew up without a father. It is not easy to be a single parent in my society. I feel anxious, I don't know what the future is holding for me.*

### **Suggested Recommendation**

**The Committee is concerned about the continuing failure by the State Party to routinely and fairly process applications for family unification between Palestinians and spouses and family members living abroad. The State Party should ensure that existing cases are processed and fairly determined and that all future applications are determined routinely.**

### ***Residency Rights in the West Bank and Gaza Strip***

5.26 Article 15(4) of the Convention provides that: "State Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile." Yet, again in relation to women living in Gaza and the West Bank, the State Party is denying them these rights.

5.27 Since 2000, the State Party has forcibly transferred Palestinians from the West Bank to the Gaza Strip solely on the basis of their registered address. The State Party refuses to correct and update these individuals' addresses, declaring them in Israel's registries as "living in Gaza Strip". The consequence of this is that Palestinians who have, in many cases, lived in the West Bank for many years, established their lives in the West Bank, married, had children, and provide for their families are at risk of deportation and losing everything.<sup>61</sup>

5.28 The issuing of Israeli Military Orders 1649 and 1650 on the 13th April 2010 has further entrenched this practice and increased the fear and anxiety of those potentially affected. The Military Orders cement the previous restrictions of movement for Palestinians travelling between Gaza and West Bank as well as restrictions which exposed people to the risk of deportation for not having the identity papers deemed necessary by the Israeli authorities. These Orders allow for any person in the West Bank, including a resident of Jerusalem, to be termed as an 'infiltrator' liable to transfer, deportation, criminal charges, fines, and/or imprisonment. This order is

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<sup>61</sup> Hamoked, 'Stop Immediately the expulsion of Palestinians from the West Bank to the Gaza Strip', (press release), 25.05.10 available at <http://www.hamoked.org/Document.aspx?dID=Updates1027>

applicable to anyone who has entered the area ‘unlawfully’ or who does not carry an Israeli issued permit. The phrasing of these Orders is suitably vague to enable the Israeli authority to apply them arbitrarily.<sup>62</sup>

5.29 WCLAC has documented the impact of these restrictions on women who are originally from Gaza and are living in the West Bank, unable to return to Gaza. All of them are denied their rights under article 15(4). They have been denied the right to choose their residence in the West Bank, they are unable to return to Gaza to visit their families there and are unable to travel freely in the West Bank for fear of arrest and deportation. Two illustrative cases are included as full testimonies in Annex B, that highlight the short and long term impact of these policies and practices, including Military Orders 1649 and 1650.

5.30 In Case Number 9, WCLAC has documented the case of Faiza from the village of Kifil Hares near to the West Bank city of Nablus. Faiza was born in the Gaza Strip but has lived in the West Bank since she married a man from the West Bank in March 2005. She has not returned to Gaza since then, fearing she would not be able to return to her husband and children in the West Bank. She says: *“In the summer of 2007 my brother had a heart attack and died unexpectedly He was not ill. He was 36 years old. I could not go to Gaza to attend his funeral and be with my mother during this difficult time.”* Equally, her family in Gaza have been unable to visit her and have never seen her children. Moreover, Faiza is unable to travel within the West Bank, fearing that her Gaza ID will be discovered at a checkpoint. She is even more fearful of travelling now because of Military Orders 1649 and 1650 that term her as an ‘infiltrator’ and confirm that she can be deported to Gaza at any time.<sup>63</sup> Faiza, like many women in her position, is left a virtual prisoner in her home.

5.31 AAS moved from Gaza to Ramallah in 2005, because as a qualified civil engineer she found it difficult to find work because of the situation there. Her ID card identifies her as being from Khan Younis in Gaza and therefore technically according to the State Party’s policies, living in the West Bank illegally. She described the impact on her life:

*It’s very hard being separated from my family. My mother and two of my brothers are still in Gaza. I haven’t seen them since I left in 2005. They can’t leave Gaza and I can’t visit them there, because if I do I won’t be allowed to leave Gaza and come back to Ramallah... My mother is 60 years old and she fell sick soon after I left. I should be there to look after her... I also have a brother in Germany who I haven’t seen for years. He is not permitted to visit the West Bank and I can’t leave... I feel caged in a prison. My family are all planning to meet up in Egypt if my family in Gaza get permits to leave. I’ll be the only one who can’t be there.<sup>64</sup>*

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<sup>62</sup> Al Haq, “Al-Haq’s Legal Analysis of Israeli Military Orders 1649 and 1650: Deportation and Forcible Transfer as International Crimes”. See <http://www.alhaq.org/pdfs/legal-analysis-of-new-israeli-military%20Orders.pdf>

<sup>63</sup> See Annex B , Case Number 6.

<sup>64</sup> See Annex B, Case Number 7.

## Suggested Recommendation

**The Committee is concerned about the impact on Palestinian women of the policies of forcibly transferring Palestinians from the West Bank to the Gaza Strip. The State party should therefore refrain from expelling Palestinians to the Gaza Strip based on their former addresses in the Gaza Strip. In light of the State Party's obligations under articles 3, 9 and 15(4), the State Party must ensure that it facilitates the process for Palestinian women to change their registered address within the OPT based on changed circumstances.**

## 6. Article 10 – Education

6.1 The policies and practices of the State Party have resulted in many Palestinian girls and women being unable to enjoy equal rights to education as provided for in article 10 of the Convention. This section focuses on four particular policies which result in restricted access or denial of Palestinian girls and women to education: the demolition of schools; the impact of the Wall; settler violence; and the closure of the Gaza Strip.

### ***Demolition of Schools***

6.2 The State Party is carrying out policies of demolishing schools for Palestinian children in the West Bank. These practices are having a negative effect on Palestinian students, reducing the number of classrooms available and generally making access to education more difficult for Palestinians.

6.3 On 10 January 2010, Israeli occupying authorities demolished a primary school, along with 17 other structures, in the village of Khirbet Tana in Nablus governorate. This was the second time the village had been affected by demolitions. In 2005, many buildings in the town had been demolished because the Israeli military claimed they were built in a closed military zone and the residents did not have the required building permits. The villagers launched a petition to the Israeli High Court challenging the demolition. On 26 January 2009, the High Court issued a decision sanctioning the demolition. Almost a year later, the demolition was carried out without prior notice to residents of the village:

*Immediately the bulldozer driver started the demolition process, which lasted ten minutes. In the company of several patrols, the bulldozers, including the one which demolished our place of residence, moved on to demolish many other makeshift houses belonging to residents of the Khirbet Tana village. These included houses built of zinc plates and bricks as well as tents. Furthermore, the bulldozers demolished the village's primary school, which consisted of four rooms. In about*

*three hours, approximately 18 makeshift houses, barracks, tents and the school were pulled down.*<sup>65</sup>

6.4 On 4 May 2010, workers building a new school in Qabatya, north of Jenin, were handed demolition orders by the Israeli Civil Administration. Located in Area B, the school was being built on land that had been registered and licensed by the Palestinian Authority. A lawyer succeeded in temporarily stopping the demolition through a court order, but another hearing is pending. The building was completed in July 2010, but the principal, Husni Dalbah, is afraid to open the school to students in case the demolition is ordered.<sup>66</sup>

6.5 On March 12, 2009, the Jerusalem Municipality issued a demolition order for the Al-Huda school in East Jerusalem, on the basis that a wing that had been added 15 years ago did not have the proper permit. Despite a court injunction that has temporarily halted the demolition, the school is still at risk, and 130 students could be affected.<sup>67</sup>

### ***Impact of the Wall***

6.6 In order to access education, many Palestinian children travel long distances, and often must pass through physical barriers such as checkpoints or wall gates. Such restrictions on freedom of movement negatively impact Palestinian access to education, particularly for girls. JD is a resident of Al Khaleyleh, an area of Al-Jib that has been cut off from the rest of the West Bank by the Wall. JD describes the impact of the Wall on her family:

*My daughter Su and my son S's children go to school in Al-Jib. Every school day they have to go through the checkpoint. If I could I would send them to the school further away in Beit Iksa so they wouldn't have to go through this checkpoint but I can't afford the money for transportation. They and I are afraid on a daily basis having to walk around an hour to get to school and pass through the checkpoint. I have encouraged all my daughters to marry young to try and end the situation so they don't have to do it anymore. My daughter Niama married when she was 16 years old.*<sup>68</sup>

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<sup>65</sup> Al-Haq Affidavit No. 5232/2010.

<sup>66</sup> Al-Haq Affidavit No. 5495/2010.

<sup>67</sup> "Court temporarily halts demolition of East Jerusalem school", *Ma'an*, 14 March 2009, available at <http://www.maannews.net/eng/ViewDetails.aspx?ID=209215>; and Palestinian Centre for Human Rights (PCHR), "PCHR Weekly Report on Israeli Human Rights Violations in the OPT", 1 April 2009, available at [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=5796:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory&catid=84:weekly-2009&Itemid=183](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=5796:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory&catid=84:weekly-2009&Itemid=183).

<sup>68</sup> Annex B, Case Study 9.

6.7 Jamila Diab Misbah, also from Al Khaleyleh, describes the impact of the Wall on her children's education:

*I no longer send my children to school in Al-Jib where they used to go because I don't like them to pass through the checkpoint. The soldiers used to joke with the girls and this is not good. So I transferred Bayan and my son Hamdan from the school in Al-Jib to Beit Iqsa. She now has to pass through the Ramot checkpoint where there is a co-ordinated arrangement for the school bus to pass through. It is much further for them to go. My older daughter Ilham was in Class 9 when I transferred Bayan but instead of transferring schools with just one year to go, she left school early. Me and her father did not want her to have to go through the checkpoint every day and were afraid for her of the soldiers. I would not let my daughters go alone through the checkpoint.<sup>69</sup>*

## **Settler violence**

6.8 Settler violence continues to be a general problem across the West Bank, resulting in a number of violations of human rights, and particularly affects the right to education for many Palestinians. Incidents of settler violence take many forms, including damage and destruction of property and physical assaults on Palestinians. Many of these situations are rarely investigated or prosecuted by the Israeli authorities, resulting in a situation of impunity.<sup>70</sup> The impact on Palestinian girls is particularly profound, causing trauma and distress. Cultural discrimination can also mean that girls are more likely to be withdrawn from school as a result of these incidents, with parents particularly fearful for the safety of their daughters.

6.9 On two occasions in January 2010, Muhammad Dweikat witnessed settlers breaking into the school adjacent to his home in Balata village, Nablus governorate. The settlers caused significant damage to the school, breaking locks on the doors and destroying objects inside.<sup>71</sup> In another grave incident in the village of As Sawiya (Nablus), on 20 October 2010, a group of Israeli settlers set fire to the storage room in the girls' secondary school, destroying sports equipment inside. The settlers also vandalized one of the school's walls with graffiti. According to the Israeli media, the Israeli Police suspect that both attacks were perpetrated by Israeli settlers in the context of efforts to prevent a 'renewal of a freeze' on settlement building.<sup>72</sup>

6.10 In 2004, the Israeli Knesset arranged for a military escort to accompany Palestinian children on their daily route to school in the village of at-Tuwani, in the South Hebron Hills, to protect them from attacks by settlers from the nearby settlement of Ma'on and the settlement outpost of Havat Ma'on. Despite the arrangement, the

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<sup>69</sup> Annex B, Case Study 11.

<sup>70</sup> Yesh Din, "A Semblance of Law: Law Enforcement Upon Israeli Civilians in the West Bank", June 2006, p. 6, available at <http://www.yesh-din.org/report/ASemblanceofLaw-Eng.pdf>.

<sup>71</sup> Al-Haq Affidavit No. 5303/2010.

<sup>72</sup> UNOCHA, "The Humanitarian Monitor", October 2010, p.6

children remain vulnerable due to the fact that the escort often does not show up on time or at all.<sup>73</sup> The children must wait for the Israeli military in an area controlled by the Israeli settlers, a location where settlers have attacked the children many times in the past.<sup>74</sup>

6.11 On three occasions since May 2009, Thamina El-Haq has been harassed and assaulted by settlers and soldiers while on her way from her home in Qusra village to her university in Salfit. Most students from Qusra go to university in Nablus, because travelling there is much easier. To reach her university, Thamina must wait for transportation at Za'tara checkpoint, which separates Nablus and Salfit. Israeli settlers and soldiers are often present at the Za'tara junction, as it is close to many settlements in the area. To continue her studies in Salfit, Thamina has no other choice but to travel through the Za'tara junction. She describes two of her experiences below and contends that despite the continued attacks, the situation has not improved:

*On 26<sup>th</sup> May 2009, I was badly beaten up by a settler at Za'tara checkpoint.<sup>75</sup> I made a complaint to the Israeli police and went to the police station in Ariel settlement. I described the man who did it to them, but they then just showed me pictures of men who looked completely different – all religious looking men. I was rushed to look through the pictures, they only gave me two minutes to look at each page of eight pictures. After this nothing happened, there was no further investigation.*

*On a Monday at the end of December 2009, it was 7 am and I was traveling to Salfit to university as usual...I noticed a Israeli military vehicle – a hummer – about 3 metres from where I had got out of the car. I was walking away along the roundabout, when one of the soldiers called out at me from the hummer. He called “Talli hun” which is Arabic for “Come here”. I called back “No, I don't want to.” Then the two soldiers got out of the vehicle and came towards me. One of the soldiers grabbed my bag which I was carrying my books, pencils and pens for university. He held it upside down and emptied my things onto the ground and threw the bag onto the ground. I started to cry and was going to pick it up but the soldier called for one of the young Palestinian men standing round and told him to pick the things up from the floor.*

*Then one of the soldiers took my identification document, my hawiyyeh and tore its green cover. He shouted at me “If you come here again, I'll stamp your hawiyyeh to say you can't come back and I can't tell you what might happen to you.” I was still crying but wanted to get away, and took my bag and hurried away to wait for the Salfit taxi. I didn't make a complaint about the soldiers' behaviour, there wouldn't be*

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<sup>73</sup> Right to Education Campaign, “Several settler attacks on children in South Hebron Hills in July.” 31 July 2008, available at: <http://right2edu.birzeit.edu/news/printer560>

<sup>74</sup> See regular updates and testimonies from international observers in Tuwani at <http://www.cpt.org/work/palestine/tuwani>

<sup>75</sup> Documented in WCLAC Affidavit RT0903.



*any point and I was tired of having to deal with the whole process which I had to go through before which ended with nothing.*<sup>76</sup>

## **The closure of the Gaza Strip**

- 6.12 In the Gaza Strip, the closure imposed by Israel continues to have devastating effects on the right to education. In September 2010, 40,000 children were turned away from UNRWA schools because the agency requires 100 new schools to meet enrolment demands. Despite Israel's declared easing of the closure, the building materials UNRWA requires for the construction of the schools have not been allowed into the Gaza Strip.<sup>77</sup> Due to the shortage of classroom space, children in some UNRWA schools attend classes in oversized metal shipping containers and study in two shifts, with up to 50 students per classroom.<sup>78</sup>
- 6.13 The closure imposed by Israel also affects the ability of Palestinians resident there to leave the Gaza Strip to study. Since 2000, Israel has enforced a comprehensive ban that prevents Palestinians from Gaza from studying at universities in the West Bank. In 2007, the Israeli High Court determined that Palestinians from Gaza who wished to attend university in the West Bank would only be permitted to do so only in humanitarian cases.<sup>79</sup> According to Gisha, an Israeli human rights organization, since this judgment, Israel has not issued a single entry permit to a student from the Gaza Strip to study in the West Bank.<sup>80</sup> In the summer of 2008, Israel refused to allow 12 students from the Gaza Strip to study at Bethlehem University.<sup>81</sup>
- 6.14 On 29 October 2009, Berlanty Azzam, a 22-year-old student at Bethlehem University was apprehended, handcuffed and blindfolded before she was forcibly transferred to the Gaza Strip. Originally from the Gaza Strip, Berlanty is not considered a security threat by Israel, but was removed from the West Bank to the Gaza Strip two months before the completion of her degree for the stated reason that the address listed on her identity card is in Gaza.<sup>82</sup> Berlanty was able to complete her degree in Gaza, despite having been denied permission to return to Bethlehem by the Israeli military.<sup>83</sup>
- 6.15 On 7 July 2010, the Israeli High Court denied Fatma Sharif, a 29-year-old lawyer from the Gaza Strip, permission to travel to the West Bank to pursue a

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<sup>76</sup> WCLAC Affidavit RT1002

<sup>77</sup> Gisha, "Due to Gaza closure, 40,000 students refused from UNRWA schools" 15 September 2010, available at <http://www.gisha.org/index.php?intLanguage=2&intItemId=1871&intSiteSN=113>.

<sup>78</sup> *Ibid.*

<sup>79</sup> Gisha, "Press Release: At Gisha's Request: High Court to hold additional hearing – with Berlanty in Attendance", 26 November 2009, available at <http://www.gisha.org/index.php?intLanguage=2&intItemId=1647&intSiteSN=113>

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> Bethlehem University, "Gaza Student Completes Her Bachelors Degree from Bethlehem University", 12 January 2010, available at: [http://www.bethlehem.edu/archives/2010/2010\\_003.shtml](http://www.bethlehem.edu/archives/2010/2010_003.shtml).

master's degree in democracy and human rights at Birzeit University. The ruling affirmed the State's official position that the situation did not constitute a humanitarian case, with the judges stating "We are not convinced that under the present political and security situation, the personal circumstances [of the petitioner] justify intervention in the decision of the respondent [the defense minister]."<sup>84</sup> In his arguments to the Court, the deputy state prosecutor argued that it was dangerous to allow students like Fatma into the West Bank because Israel had to stop the set up of "branches of the Gaza terrorist infrastructure."<sup>85</sup> As a result of the ruling, Fatma, who works for Al-Mezan Center for Human Rights – an independent NGO that regularly criticises the Hamas government – will be unable to complete the course, as there is no equivalent program available in the Gaza Strip.

### **Suggested Recommendation**

**The Committee is concerned about certain practices and policies which impact on the education of Palestinian girls, particularly: the demolition of schools; the existence of the Wall separating Palestinian girls from educational institutions; settler violence against Palestinian girls and women travelling to school and university; and the closure of the Gaza Strip which prevents many Palestinian girls and women from leaving to access education. The Committee requests the State Party to refrain from such practices which negatively impact on the education and development of Palestinian girls and women.**

## **7. Article 12 – Health**

The Committee's General Recommendation 24 states that "The obligation to *respect rights* requires States parties to refrain from obstructing action taken by women in pursuit of their health goals."<sup>86</sup> Yet the practices and policies of the State Party, particularly the Wall, checkpoint, other obstacles to movement and the policies of blockade on the Gaza Strip specifically obstruct women from accessing health treatment and services.

### ***The Impact of the Wall, Checkpoints and Permit Regime***

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<sup>84</sup> Amira Hass, "Israel bans Gaza woman from studying human rights in West Bank", *Ha'aretz*, 12 July 2010, available at

<http://www.haaretz.com/print-edition/features/israel-bans-gaza-woman-from-studying-human-rights-in-west-bank-1.301372>.

<sup>85</sup> Donald MacIntyre, "The lawyer who hopes Baroness Ashton can free her from Gaza", *The Independent*, 17 July 2010, available at

<http://www.independent.co.uk/news/world/middle-east/the-lawyer-who-hopes-baroness-ashton-can-free-her-from-gaza-2028697.html>.

<sup>86</sup> CEDAW Committee General Recommendation 24, paragraph 14

7.1 The route of the Wall, which is contrary to international law, as affirmed by the International Court of Justice,<sup>87</sup> particularly impacts on the right to health. As stated in a recent report by UN OCHA:

*“As the single largest barrier to Palestinian movement within the West Bank, including to and from East Jerusalem, the Barrier constrains Palestinians from accessing health facilities and health providers from servicing the Palestinian population. The Barrier, with its associated permit and gate/checkpoint regime directly infringes the right to health of the Palestinian population as a whole, as it isolates East Jerusalem from the remainder of the OPT.”*<sup>88</sup>

7.2 East Jerusalem has six hospitals with 624 beds, providing 12.4% of the total available in the OPT. They also provide specialist care unavailable elsewhere in the West Bank and the Gaza Strip.<sup>89</sup> The permit regime means that Palestinians without residency rights in East Jerusalem have to apply for a permit to access Jerusalem. The UN OCHA report confirms the difficulties faced by Palestinians requiring health treatment in Jerusalem:<sup>90</sup>

- All medical cases must use a complicated and time consuming process to obtain the relevant permit;
- Permits, especially for young men between 15 and 30 years old, are often refused;
- It is difficult for families of sick children or elderly relatives to obtain permits to escort patients to Jerusalem; and
- Permits are also invalid during times of general closure such as Jewish holidays: between April 2009 and March 2010, the Israeli authorities imposed general closure for a total of 50 days.

7.3 Women wanting to give birth in Jerusalem hospitals, which offer a higher standard of services than West Bank hospitals, are particularly affected. A.A, who was interviewed by WCLAC, was refused a permit to enter Jerusalem to give birth at the Al Maqassed Hospital.

*“Ten days before I gave birth to Ranin, I applied for a permit to enter Jerusalem to give birth to her at Al-Maqassed Hospital. I knew that I would need to have a Caesarean section because I had done with my other two children. I wanted to give birth in Al-Maqassed hospital because the hospital in Ramallah is very bad. My permit application was refused, again for security reasons. I cried a lot; I was afraid that I would have to give birth in the Ramallah hospital. So 2 days before the birth of my daughter, I secretly entered Jerusalem in a car. I left my first*

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<sup>87</sup> International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, 9 July 2004, para. 141.

<sup>88</sup> UN OCHA, “The Impact of the Barrier on Health”, Special Focus, July 2010, p. 13.

<sup>89</sup> *Ibid.* p. 9.

<sup>90</sup> *Ibid.*

*daughter with my sister in-law in Ayzariya and my son with my sister in Aysawiyya, on the other side of the wall. I cried a lot at having to be separated from them; my son cried too, he found this very difficult.”*<sup>91</sup>

- 7.4 Since the construction of the Wall, access to Jerusalem for medical care has become almost impossible for those without permits. Access for those with permits is limited to only three out of a total of 14 checkpoints: Qalandiya, Gilo and Zaytoun. These checkpoints are crowded, the procedures arduous, time consuming and stressful, particularly for those with health problems or disabilities.
- 7.5 Those requiring emergency treatment are particularly affected by delay in accessing Jerusalem through the checkpoints. Permission for emergency cases requires coordination between the Palestine Red Crescent Society (PRCS) and the Israeli DCO. They require authorization for the patient to cross a specific checkpoint, and the coordination of ambulances, as West Bank ambulances cannot enter Jerusalem. Often emergency cases are delayed at checkpoints – in 2009 PRCS recorded 440 delays and denials of ambulances throughout the OPT, two thirds of these occurring at checkpoints accessing Jerusalem.<sup>92</sup>
- 7.6 Documentation from Palestinian women living in the West Bank illustrate the difficulties that they have in accessing health care and the failure of the State Party to ensure this access in violation of article 12 of the Convention.
- 7.7 Another illustrative case is that of Hamza Jaradat, his wife Falastin, and their two-year-old son Anas, who on July 16 2009, were denied for the 15th time, the permit they require to travel to Jerusalem to seek medical examination and treatment for Anas, who has suffered from a chronic illness from the time he was six months old. After numerous visits to West Bank hospitals, doctors were unable to diagnose or effectively treat the illness, and the family was advised to take their son to al-Maqased hospital in Jerusalem. As a result of the travel restrictions imposed on the family, Anas is unable to receive the medical care necessary to improve his condition.<sup>93</sup>
- 7.8 IR, from the West Bank village of Beit Iksa is 72 years old and has had two heart bypass operations and requires regular treatment which she usually obtains at a specialist hospital, in Jerusalem. Up until June 2010, the Ramot checkpoint, close to her village allowed Palestinians with the correct permit to travel into Jerusalem, meaning only a ten minute journey to the hospital. Now the checkpoint and the road is closed to her and other West Bank Palestinians, risking her health and her life:

*“In June 2010 – after the checkpoint closed – I fell very ill. I woke and was feeling very dizzy. Because we couldn’t go to Jerusalem, my family took me to the Palestinian Red Crescent Hospital in Ramallah. They didn’t know my medical*

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<sup>91</sup> WCLAC Affidavit CJ1001.

<sup>92</sup> PCRS statistics cited in UN OCHA, “The Impact of the Barrier on Health”, Special Focus, July 2010, p. 10.

<sup>93</sup> Al-Haq Affidavit No. 5007/2009.

*history, even the fact that I'd had two heart bypass surgeries and made mistakes with my treatment. I was in the Intensive Care Unit (ICU) for 5-6 days, very ill before I was discharged. But I wasn't better and felt very sick while I was back home and felt like I was going to die. My skin was turning black and I was very sick. In fact, I told my family that I was going to die I felt so bad. I went back to Ramallah, but this time to see my regular doctor, who comes to Ramallah once a week on a Tuesday to see his patients who can't go to Jerusalem. He told me that I had internal haemorrhaging and immediately said that I had to go to the Augusta Victoria hospital in Jerusalem. He arranged coordination with the Red Cross and arranged for an ambulance. I was taken out on a stretcher to one ambulance which took me to the Qalandiya checkpoint, when I was taken out and transferred from one ambulance to another.*

*Once I was in the hospital in Jerusalem, I spent another two days in the ICU there. They transferred seven units of blood into my body and gave me the right injections that they hadn't done in Ramallah. My family couldn't come to visit me in hospital in Jerusalem because they don't have permits to visit Jerusalem. My brother got a permit for one day, but could only stay for the afternoon with me.”<sup>94</sup>*

## **The Closure of the Gaza Strip**

7.9 In respect of the Gaza Strip, it is acknowledged that the health care system is putting the lives of all Palestinians at risk.<sup>95</sup> The current illegal closure regime imposed on the Gaza Strip means that the health system has not recovered from damage inflicted during Operation Cast Lead. During the offensive, PCHR documentation indicates that Israeli forces damaged 15 out of 27 hospitals, 43 out of 110 health care centres and 29 out of 148 ambulances.<sup>96</sup> The International Committee of the Red Cross (ICRC) has described the health system in Gaza as follows: “almost completely isolated. There is chaos at even the most basic level of service delivery. Some specialized training not available in Gaza also cannot be obtained elsewhere because of very severe restrictions on the movement of people into and out of the territory.”<sup>97</sup>

7.10 One of the main causes for this, is the failure by the State Party to allow parts in for medical equipment, such as dialysis machines.<sup>98</sup> On 1 July 2010, Eileen Daly, who oversees health activities of the International Committee of the Red Cross in Gaza, stated:

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<sup>94</sup> Annex B, Case Number 11.

<sup>95</sup> The International Committee of the Red Cross, 'Gaza: ailing health-care system puts lives at risk', 1 July 2010, available at <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/palestine-interview-250610>

<sup>96</sup> PCHR, *Health Sector in the Gaza Strip*, Facts and Figures, 2 June 2010, page 1, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>97</sup> Ibid

<sup>98</sup> See PCHR, "Dialysis in Paralysis", Narratives under Siege, 6 July 2010, available at [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=category&layout=blog&id=65&Itemid=209](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&layout=blog&id=65&Itemid=209)

*Medical equipment can remain in disrepair for extended periods, because a thicket of bureaucracy has to be overcome to get the necessary spare parts into Gaza. To bring into the territory materials considered by Israel to be usable for other than medical purposes, it is extremely difficult to obtain approval. Anything electronic, such as laboratory blood analysers, falls into this category. It took the ICRC eight months to bring spare parts for a mammography machine into Gaza.*<sup>99</sup>

- 7.11 Patients requiring treatment outside of Gaza are regularly denied permission to leave by the State Party. For example, in 2009, 2,323 patients were denied permission to travel via Erez crossing by Israeli Forces<sup>100</sup>. From January to April 2010 764 patients were refused permission to travel through Erez crossing to obtain medical treatment unavailable in the Gaza Strip.<sup>101</sup> Even successful travel applications are often subject to extensive, often life-threatening delays. These delays and denials are responsible for the death of many civilians waiting at the own borders: at least 26 patients died under such circumstances in 2009.<sup>102</sup>
- 7.12 In a case documented by Al Haq, on 15 October 2009, a 52 year old woman from Gaza City suffering from a cartilage disorder was denied a permit to travel to a hospital in Jerusalem for medical treatment. After obtaining the necessary documents, Tharifa al-Katnani was instructed to travel to the Erez crossing. She was stopped for over eight hours, questioned, and sent home when an Israeli officer accused her of lying about the purpose of her travel.<sup>103</sup>

### **Suggested Recommendation**

**The Committee is concerned that the State Party's policies are obstructing Palestinian women accessing health treatment and policies (in contravention of the Committee's General Recommendation 24). The Committee recommends that the State Party refrains from all actions which prevent Palestinian women from accessing health treatment and services.**

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<sup>99</sup> *Ibid*

<sup>100</sup> PCHR, "Health Sector in the Gaza Strip", Fact Sheet, December 2009, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>101</sup> PCHR, "Health Sector in the Gaza Strip, Facts and Figures", 2 June 2010, page 3, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>102</sup> PCHR, "23 Days of War, 928 Days of Closure", December 2009, page 28, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>103</sup> Al-Haq Affidavit No. 5150/2009.

## 8. Article 14 – Rural Women.

8.1 This section will address article 14 of CEDAW, in relation to Palestinian women living in rural areas.

8.2 The State Party has an obligation under article 14 to take into account the particular problems faced by rural women. Rural Palestinian women are unable to enjoy many of their rights as set out in article 14(2) of CEDAW, and the case studies exhibited illustrate many of these problems and the restrictions imposed by the State Party. However, while almost all aspects of their lives are affected, this section will focus on the obligation on the State Party to ensure to rural women the right:

- (i) To have access to adequate health care facilities (article 14(2)(b));
- (ii) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications (article 14(2)(h)).

8.3 In its Concluding Observations from 2005, the Committee noted its concern about discrimination against Bedouin women and called upon the State Party to provide comprehensive information on their situation. We would urge the Committee to revisit these concerns but also consider the situation of other Palestinian women living in rural areas.

8.4 WCLAC is aware of women living in Area C and the seam zone in the West Bank and in rural areas of Gaza who are not granted the rights guaranteed to them under Article 14 of the Convention.

8.5 Many rural Palestinian women live in areas of the West Bank where much of their lives are controlled by the State Party. In Area C, certain civilian powers are held by the Palestinian Authority, but security and all land-related issues remain with the State Party. Area C makes up 60% of the West Bank, and is made up of mainly agricultural lands of Palestinian villages, with an estimated 150,000 Palestinian residents.<sup>104</sup> Of these 47,000 live in 149 small villages fully in Area C and more than 100,000 in villages that have part of their area in Area B or A, but their homes are located in those areas of the village included in Area C.<sup>105</sup> There are also 121 Israeli settlements and 100 outposts in Area C which, according to Israeli planning organisation Bimkom: “have long been the dominant factor in shaping and dividing this area.”<sup>106</sup>

8.6 The planning regime implemented by Israel excludes Palestinians from decision making in Area C. Israel has created a centralised planning system which consists of

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<sup>104</sup> Bimkom, Planners for Human Rights, ‘The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C’, June 2008, p.16

<sup>105</sup> *Ibid*

<sup>106</sup> *Ibid*, p17. And also see UNOCHA, Special Focus, ‘Restricted Space: The Planning regime applied by Israel in Area C of the West Bank’, December 2009

one institution, the Higher Planning Council (HPC), which is made up exclusively of Israeli employees of the Civil Administration.<sup>107</sup> In violation of article 14(2)(a) Palestinian women, are completely excluded from the elaboration and implementation of planning in Area C by the State Party. In contrast, there is a separate planning system for settlers, in which the settlers have their own local committees and are represented in sub-committees of the HPC.<sup>108</sup>

The settlements are all unlawful due to the prohibition in article 49 (6) of the Fourth Geneva Convention which prohibits the transfer of the population of an occupying Power to the occupied territory. As stated by Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: *“This provision prohibits the transfer of the population of an occupying Power to the occupied territory, particularly in this case where Israeli withdrawal to the 1967 borders (as legally prescribed by Security Council resolution 242) is gravely compromised by the extensive settlement development, its related network of Israeli-only roads and the ongoing construction of the separation barrier.”*<sup>109</sup>

8.7 Furthermore, while the responsibility for education and health was ostensibly transferred to the Palestinian Authority, the requirement for permits to build schools, hospitals and clinics to be obtained from the Israeli Civil Administration significantly impedes the fulfilment of this responsibility. Livelihoods are also undermined by the difficulty for farmers in obtaining permits for building sheds and shelters for animals.<sup>110</sup>

8.8 Many rural women, some of whom are also located in Area C now live in the Seam Zone. Due to the construction of the Wall inside the Green Line, many Palestinians have found themselves caged between the Wall and the Green Line, in an area called the "Seam Zone". Around 10 percent of the total area of the West Bank is located to the west of the Separation Wall and has been declared a closed military zone for Palestinians.<sup>111</sup> Palestinians who reside in the area have to obtain a special permit and those who have land inside the area have to obtain ‘visitor’ permits to access their farming land and water resources through a particular designated gate.

8.9 If the Barrier is completed as planned, approximately 33,000 Palestinians holding West Bank ID cards in 36 different communities, will be located between the Wall and the Green Line. Meanwhile according to UNOCHA figures, there are currently 7,800 Palestinians who live in the closed area.<sup>112</sup> Those aged 16 and above require a permit which specifies that they are permanent residents in the Seam Zone from the Israeli

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<sup>107</sup> *Ibid*, p44

<sup>108</sup> *Ibid* p44-45

<sup>109</sup> See A/HRC/13/53, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, 15.01.10

<sup>110</sup> UNOCHA, Special Focus, ‘Restricted Space: The Planning regime applied by Israel in Area C of the West Bank’, December 2009, p.3

<sup>111</sup> Bimkom, ‘The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C’, June 2008, p.19

<sup>112</sup> UNOCHA, ‘The Impact of the Barrier on Health’, Special Focus, July 2010, p.4



authorities to continue to live in their homes.<sup>113</sup> Family members without permits are not permitted to pass through the checkpoints into the area.

8.10 Palestinians living in the seam zone are largely disconnected from the major Palestinian cities and towns that provide vital services in health, education, employment and administration as well as from their extended families and communities. The impact on women in these areas is often particularly profound; women, not working outside the home, are often completely isolated in their homes and cut off from family, community and vital services.

8.11 Conversely, Israeli settlements are connected to Jerusalem and to Israel by new and modern roads and face few of the restrictions imposed on Palestinian communities behind the Wall. The Wall itself is being built in such a way so as to include most of the large settlements and the areas designated for settlement expansion. In the Ariel settlement area for example, the route of the Wall extends 22km east of the Green Line. Similarly it extends 13km east of the Green Line around the Ma'ale Adummim settlement.<sup>114</sup>

8.12 The built-up area of the settlements consists of less than 3 percent of the area of the West Bank, but the area under their municipal jurisdiction constitutes 9.28 percent of the West Bank.<sup>115</sup> In September 2009, the number of settlers reached about 500,000 in the West Bank, about 200,000 of whom live in East Jerusalem.<sup>116</sup> The annual growth rate of the settler population in the West Bank (excluding East Jerusalem) is 3.7 percent, which is significantly higher than the population growth inside Israel.<sup>117</sup> Many settlements exceed their jurisdictional area and gradually gain control over more land area of the West Bank. The total area controlled by settlements is about 42 percent of the West Bank.<sup>118</sup>

8.13 Since Israel began the implementation of its settlement policies in the OPT, the construction and expansion of settlements has been initiated, supported and financed by the state authorities in a systematic and institutional manner. Settlement expansion is further encouraged by state authorities through social benefits and favourable economic conditions afforded to settlers.<sup>119</sup>

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<sup>113</sup> UNOCHA, 'The Impact of the Barrier on Health', Special Focus, July 2010, p.6. Israeli citizens or settlers living in the area, tourists of persons of Jewish origin are exempt from this regulation.

<sup>114</sup> Bimkom, "The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C", June 2008, p.19

<sup>115</sup> B'Tselem Report, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010.

<sup>116</sup> *Ibid.*

<sup>117</sup> Haim Levinson, "Civil Administration Report: Rate of Population Growth in 66% of Settlements Higher than in Israel," *Haaretz*, 2 February 2010 (in Hebrew).

<sup>118</sup> B'Tselem Report, "By Hook and By Crook: Israeli Settlement Policy in the West Bank July 2010.

<sup>119</sup> The coercive nature of Israel's actions is implicit in the cumulative effect of the means of encouragement used by state authorities. Article 11 of the ILC Articles on State Responsibility for International Wrongful Acts, states "[c]onduct which is not attributable to a State...shall nevertheless be considered an act of that State under international law if and to the extent that the State acknowledges and adopts the conduct in question as its own."

8.14 In its Concluding Observations in 2010, the UN Human Rights Committee reiterated the recommendations that it made to Israel in 2003.<sup>120</sup> The Committee stated that:

“The State party should comply with its previous concluding observations and take into account the Advisory Opinion of the International Court of Justice and stop the construction of a “Seam Zone” by means of a wall, seriously impeding on the right to freedom of movement, as well as to family life. It should cease all construction of settlements in the occupied territories.”<sup>121</sup>

8.15 In Gaza, much of the agricultural land and rural areas lie along the perimeter of the Gaza border with Israel in the north and east. In these areas there is an Israeli declared and enforced “buffer zone” which extends 1 to 2 kilometres deep into the primarily agricultural land. Estimates indicate that, at a minimum, the buffer-zone<sup>122</sup> constitutes approximately 17,000 dunums of land, which equals 17% of Gaza’s territory and 35% of Gaza’s agricultural land.<sup>123</sup> The precise areas designated by Israel as ‘buffer zones’ are unknown, and Israeli policy is typically enforced with live fire. The population living here has been deemed by the humanitarian community, as living in a high risk area (HRA), and at high risk of displacement.<sup>124</sup> This renders 35% of agricultural land accessible only under high risk of being shot by Israeli border patrols. 75% of respondents living in the buffer zone, in a survey conducted by Save the Children UK, stated that their movement and access is directly impacted by the buffer zone. 55% of respondents stated that they could not reach their land within the “buffer zone” and 74% responded that they faced obstacles working their land.<sup>125</sup>

8.16 In June 2010, the International Committee of the Red Cross emphasised the impact of the State Party’s policies and practices on rural communities in Gaza:

*Fertile farmland located close to the border fence has been turned into a wasteland by ongoing hostilities, affecting people’s livelihoods in many rural communities. The buffer zone imposed by Israel extends in practice over one kilometre into the Gaza Strip, covering a total area of about 50 square kilometres that is host to nearly a third of Gaza’s farmland and a large share of its livestock. Agricultural activities in the area are hampered by security conditions. Israel’s enforcement of the buffer zone and frequent hostilities have resulted not only in*

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<sup>120</sup> Concluding Observations of the Human Rights Committee: Israel 21/08/03, 2003 (CCPR/CO/78/ISR of 21 August 2003), paragraph 19.

<sup>121</sup> Concluding Observations of the Human Rights Committee: Israel 29/07/10, 2010, CCPR/C/ISR/CO/3, paragraph 16

<sup>122</sup> PCHR, “The Buffer-zone in the Gaza Strip”, August 2010, Facts Sheet section, available at <http://www.pchrgaza.org/facts/factsheet-bufferzone-aug.pdf>.

<sup>123</sup> UNOCHA, “Between the Fence and a Hard Place”, August 2010, page 19, available at [www.ochaopt.org](http://www.ochaopt.org).

<sup>124</sup> Save the Children UK, ‘Life on the Edge: The Struggle to Survive and the impact of forced displacement in high risk areas of the occupied Palestinian territory’, October 2009, p.11-12

<sup>125</sup> Ibid, p46-48

*civilian casualties and the destruction of civilian property but also in the impoverishment and displacement of numerous families.*<sup>126</sup>

## **Access to adequate health care facilities**

8.17 Article 14(2)(b) of CEDAW provides that State Parties shall ensure to rural women the right to adequate health care facilities, including information, counselling and services in family planning. Section 6, above, addresses specifically the issue of access to health care and this section focuses on the specific issues faced by rural women living in the Seam Zone who are cut off from accessing health services by checkpoints and the Wall.

8.18 According to a comprehensive survey conducted by Save the Children UK, of those respondents living in Area C and the 'seam zone', 42% stated that health services were 'not available', 49% as 'somewhat available' and only 8% described health care services as 'available' to them.<sup>127</sup>

8.19 The requirement for 'visitor permits' to enter the Seam Zone largely prevents doctors from providing house calls, ambulances from collecting patients and mobile teams providing health services.<sup>128</sup> In the Barta'a enclave, a community of 5,600 inhabitants, UNRWA has had to suspend its mobile health team services as it has been unable to access the area since September 2007.<sup>129</sup> A UNOCHA report focusing on the issue of access to health records:

*In Barta'a, a doctor and midwife are on duty four and five days a week respectively during working hours. However, the main access point for the community, the Bart'a checkpoint closes at night between 2200 and 0530 hours. Emergency medical care during these night hours requires coordination with the Israeli authorities, leading to serious delays. As a precautionary measure, pregnant women often leave this community one month before delivery to avoid complications.*<sup>130</sup>

8.20 WCLAC has documented the cases of women living in the seam zone, and these cases illustrate the difficulties that women have in accessing health care and the failure of the State Party to ensure to rural women living in these areas the right of access to adequate health care facilities, in violation of article 14.

8.21 The case of JD is illustrative. She lives in Al-Khalayleh, a small village disconnected from its larger neighbouring village, Al Jib, by the Separation Wall,

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<sup>126</sup> ICRC, 'Gaza closure: Not another year!', 14 June 2010, available at <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/palestine-update-140610>

<sup>127</sup> Save the Children UK, 'Life on the Edge: The Struggle to Survive and the impact of forced displacement in high risk areas of the occupied Palestinian territory', October 2009, p.22

<sup>128</sup> UNOCHA, 'The Impact of the Barrier on Health', Special Focus, July 2010, p7

<sup>129</sup> *Ibid*

<sup>130</sup> *Ibid*

with access only through a checkpoint, restricted to those Palestinians registered in Al-Khalayleh.<sup>131</sup> She and her family, including her disabled son, have experienced considerable difficulty in accessing health care. Her daughters and daughters in law have to travel through the checkpoint for pre natal and post natal care, and for immunizations for their children as the nearest clinic is located on the other side of the Separation Wall. When she herself fell ill and needed medical attention she delayed seeking help because of the difficulties of getting to a doctor and the expense. Eventually she saw a doctor who told her she needed a hysterectomy, and recommended a hospital in Jerusalem:

*On the day I had to go to the hospital, my friend's son took me to the checkpoint at Givat Ze'ev and dropped me at the crossing. I then walked through the checkpoint and took public transport to Ramallah and then to the checkpoint at Qalandiya where again I had to walk through. I had to go to the hospital on my own because they did not give a permit for anyone to go but me and none of my family have permits for Jerusalem. I am now recovered but after the surgery every six weeks or so I would have to go back to the doctor in Ramallah for follow up. Travelling was very difficult.... At the hospital, I had no one, I was completely alone...*

## **Adequate Living Conditions**

8.22 Article 14 (2)(h) of CEDAW provides that the State Party shall ensure to rural women the right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply.

### **Housing**

8.23 Palestinian women living in Area C and in the seam zone are subject to the Israeli planning and zoning regime noted above. This means that Palestinian construction is prohibited in 70 per cent of Area C, while a range of restrictions mean that it is virtually impossible to obtain a permit to build in the remaining 30 per cent, and in practice UNOCHA states that the Israeli Civil Administration only allow construction in less than one percent of Area C, much of which is already built up.<sup>132</sup> Consequently, many Palestinian women living in Area C live either in inadequate and overcrowded housing conditions or build 'illegally and risk demolition of their homes and displacement. The State Party is failing to ensure for rural Palestinian women their rights to adequate living conditions as guaranteed under article 14(2)(b).

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<sup>131</sup> Annex B, Case Number 9.

<sup>132</sup> UNOCHA, Special Focus, 'Restricted Space: The Planning regime applied by Israel in Area C of the West Bank', December 2009, p.1, p.6. They include the following issues as reasons for this: lack of detailed plans for Palestinian villages, the Israeli Civil Administration's restrictive interpretation of outdated plans that do exist and difficulties Palestinians face in providing ownership of land.

8.24 During 2009, 191 structures were demolished, displacing 319 people including 167 children.<sup>133</sup> As of mid-September 2010, UNOCHA documented the demolition of 247 Palestinian-owned structures in Area C, resulting in the displacement of 293 people.<sup>134</sup>

8.25 WCLAC has documented the case of Waela Sultan, whose newly constructed home in the West Bank village of Hares in Area C was demolished by the State Party in March 2010.<sup>135</sup> She, her husband and their five children were living in overcrowded conditions, in just two rooms in the house they shared with her parents in law, three of her husband's brothers and their large families. So in 2006, they used their savings to start constructing a new home in the village so they could have more space and Waela herself more privacy. She described the day of the demolition.

*I was about three houses away from the house, when I couldn't go any further because about 10 to 12 Israeli soldiers were standing on the road and had blocked the way with an army jeep. I went over to the soldiers and begged them to allow me to pass but they refused. I could hear the bulldozers and there was dust in the air. There were only about three houses between me and our house and I could see that our house was being demolished. I felt so upset, I was crying and slapping myself in the face. My dream was being destroyed.*

8.26 The consequences of the demolition are that Waela and her family have to remain living in overcrowded and inadequate conditions, economically unable to finance an alternative. Waela's case and the impact on her is consistent with documentation of women affected by home demolitions in other areas, particularly East Jerusalem. This documentation shows that women are profoundly affected by home demolitions, with their lives usually revolving around the private sphere of the home where they raise their children and take care of the home. In other cases, the women that have been interviewed by WCLAC suffer from anxiety and depression during what can be a long and prolonged process that leads up to a home being demolished. After displacement women find themselves in overcrowded and unsuitable living conditions, further perpetuating anxiety and other psychological problems.

8.27 The effects of home demolitions on families have been documented in a study conducted by Save the Children and the Palestinian Counselling Centre. The report documents the displacement, long term instability and mental health disorders in both parents and children caused by the demolition of a family home.<sup>136</sup>

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<sup>133</sup> Demolition Summary Table produced by UNOCHA for the OPT Displacement Working Group, updated December 2009

<sup>134</sup> UNOCHA, "Protection of Civilians Weekly Report", (1-14 September 2010), page 2, available at [www.ochaopt.org](http://www.ochaopt.org), accessed October 15, 2010.

<sup>135</sup> Annex B, Case Number 10.

<sup>136</sup> Save the Children UK, "Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children and Families", (STCUK, April 2009)

8.28 In the seam zone, the State Party is failing to ensure adequate living standards for women, in particular in respect of their housing, water supply, transport and communications. All are impacted by the State Party's control and policies in the seam zone. The Palestinian Authority has no control over planning, zoning, or the availability of public transport in the seam zone. Palestinian communications networks and other service providers find it extremely difficult or impossible to operate in the area because of access restrictions.

8.29 Figures are unavailable for the number of women affected by inadequate or overcrowded housing conditions, but there is documentation that highlights the poor living conditions of women living in the seam zone and the impact on women and their families. It is impossible for women to get permits to extend their homes as their families expand or to make improvements to them. Jamila, is from the West Bank village of Al-Khalayleh, now located behind the Separation Wall and between the Israeli settlements of Givat Ze'ev and Gavon.<sup>137</sup> She lives in her husband's family home with her husband and their seven children. They cannot extend and cannot improve this home.

*Part of my husband's house was built more than 50 years ago and is built properly of cement but for many years it has not been possible to do any proper construction on the house and so the extensions have all got zinc roofs rather than cement. Even before the wall was built the area was designated as a green zone and we could not build and extend and had to use zinc. Now even that is not allowed, we can't do any work on the house, despite the fact that the houses of the settlements have been built all around us.*

8.30 JD also lives in the village of Al-Khalayleh, with her large and growing extended family in poor and overcrowded conditions.

*We built a small house next to our house which was meant to be for S, [her disabled son] his wife and their four children. They moved into it although it was not really finished but in 2005 the Israelis demolished it. They had to move back into the main house, but it's so crowded. They are six people living in one room in the house. There are 25 people living in the house altogether and we can't extend the house and build any extra rooms although we have a lot of land around the house and there are lots of new houses in the settlements of Givat Ze'ev and Givon just by our house. We have just five rooms and a kitchen and a bathroom. We're having to use the rooms that we used to use for sheep for people to sleep because it's so crowded.<sup>138</sup>*

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<sup>137</sup> Annex B, Case Number 11.

<sup>138</sup> Annex B, Case Number 9.

## Water

- 8.31 In relation to the issue of water, rural Palestinian women in Area C are also discriminated against, as against Israeli settlers living in the same areas. According to the WASH Cluster<sup>139</sup>, some 60,000 Palestinians currently living in 71 communities in Area C are not connected to a water network. In the southern West Bank, there are some 32 under served communities in Area C, which receive less than 60 litres per capita per day, well below the World Health Organisation standard of 100 litres per capita per day.<sup>140</sup> Amnesty International estimates that some 180-200,000 Palestinians living in rural communities have no access to running water.<sup>141</sup> Palestinian women, who will usually have responsibility for cleaning, washing, cooking and for the care of children, are particularly impacted by the lack of clean running water, often having to collect the water from wells and other sources.
- 8.32 The Palestinian Authority has no authority in the West Bank to make decisions regarding the drilling of new wells, upgrading existing wells or implementing other water related projects. Israel continues to control the amount of water that may be extracted from existing wells and springs in the OPT.<sup>142</sup> According to the World Bank, the Israeli Civil Administration is considered a “severe constraint” to implementing projects in Area C.<sup>143</sup>
- 8.33 For women living in the Gaza Strip, the Israeli blockade of Gaza, which has been particularly severe since 2007, has exacerbated what was already a dire situation in the water sector.<sup>144</sup> This situation was compounded by attacks perpetrated during Operation Cast Lead, during which water installations were deliberately and illegally targeted. In addition Operation Cast Lead specifically targeted water installations with the aim of inflicting unnecessary, unlawful and cruel suffering on the civilian population of Gaza.<sup>145</sup>
- 8.34 In relation to this situation in Gaza, the International Committee of the Red Cross stated that:

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<sup>139</sup> The Water, Sanitation and Hygiene (WASH) cluster consists of all emergency WASH actors, it is lead globally by UNICEF.

<sup>140</sup> Information taken from, UNOCHA, Special Focus, ‘Restricting Space: The Planning regime applied by Israel in Area C of the West Bank’, December 2009, p.12

<sup>141</sup> Amnesty International, 'Demand Dignity: Troubled waters - Palestinians denied fair access to water', October 2009, p 12.

<sup>142</sup> Ibid, p.21

<sup>143</sup> World Bank, Sector Note, Assessment of Restrictions on Palestinian Water Sector Development, April 2009, p.54-55 cited in UNOCHA, Special Focus, ‘Restricting Space: The Planning regime applied by Israel in Area C of the West Bank’, December 2009, p.12

<sup>144</sup> The impact of the blockade on water and sanitation in Gaza:  
[http://www.ochaopt.org/cluster/admin/output/files/ocha\\_opt\\_wash\\_cluster\\_fact\\_sheet\\_20090903\\_english.pdf](http://www.ochaopt.org/cluster/admin/output/files/ocha_opt_wash_cluster_fact_sheet_20090903_english.pdf) and also see Amnesty International, 'Demand Dignity: Troubled waters - Palestinians denied fair access to water', October 2009, p.29

<sup>145</sup> Report of the United Nations Fact-Finding Mission on the Gaza Conflict, U.N. Doc. A/HRC/12/48, 25 September 2009, §§962-989.

*The lack of proper sanitation and certain agricultural practices are polluting Gaza's aquifer. Only about 60% of the territory's 1.4 million inhabitants are connected to a sewage collection system. Raw sewage discharged into the river Wadi Gaza, which snakes through urban areas, jeopardizes the health of the communities living on its banks. ...The water is unfit for consumption, and the risk of contracting an infectious disease is high.*<sup>146</sup>

8.35 On 3 September 2009 UNOCHA expressed concern that “*equipment and supplies needed for the construction, maintenance and operation of water and sanitation facilities have been denied entry to Gaza, leading to the gradual deterioration of these essential services. Destruction caused during the Israeli military offensive in 2008/2009 exacerbated an already critical situation, leaving some services and facilities on the brink of collapse*”.<sup>147</sup> Maxwell Gaylard, the UN Humanitarian Coordinator for the OPT, stated on 3 September 2009, “*The deterioration and breakdown of water and sanitation facilities in Gaza is compounding an already severe and protracted denial of human dignity in the Gaza Strip. At the heart of this crisis is a steep decline in standards of living for the people of Gaza, characterized by erosion of livelihoods, destruction and degradation of basic infrastructure, and a marked downturn in the delivery and quality of vital services in health, water and sanitation*”.<sup>148</sup>

8.36 The situation described above persists to this day. Many water treatment facilities are in need of urgent repairs, and all continue to lack the quantity of fuel and electricity necessary to run waste treatment cycles. Excess untreated sewage from these plants is pumped directly into the sea, at a rate of approximately 80,000m<sup>3</sup> per day (approximately 40,000m<sup>3</sup> of partially treated water, and 40,000m<sup>3</sup> of completely untreated water).<sup>149</sup> This has significant health implications, for example, in some areas of the Gaza Strip nitrate levels in the water are seven times higher than WHO standards.<sup>150</sup> Only 10% of Gaza's water now meets international standards for consumption.<sup>151</sup>

### **Other Problems faced by Palestinian Rural Women**

8.37 Despite some improvements in access, families living in rural areas, especially around the seam zone, face increasingly onerous restrictions on accessing their agricultural land behind the Separation Wall. Farmers who used to be able to access

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<sup>146</sup> ICRC, 'Gaza closure: Not another year!', 14 June 2010, available at <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/palestine-update-140610>

<sup>147</sup> [http://www.ochaopt.org/documents/hc\\_aida\\_statement\\_gaza\\_watsan\\_20090803\\_english.pdf](http://www.ochaopt.org/documents/hc_aida_statement_gaza_watsan_20090803_english.pdf)

<sup>148</sup> Ibid.

<sup>149</sup> PCHR, “23 Days of War, 928 Days of Closure”, December 2009, p.34

<sup>150</sup> See PCHR, “Narratives Under Siege (5): There's Something in the Water: The Poisoning of Life in the Gaza Strip”, 5 August 2010, available at [www.pchrgaza.org](http://www.pchrgaza.org).

<sup>151</sup> UNOCHA, “Locked In: The Humanitarian Impact of Two Years of Blockade in the Gaza Strip”, August 2009, page 4, available at [www.ochaopt.org](http://www.ochaopt.org).



lands using a pre-coordination procedure, are now required to apply for visitors permits, resulting in a sharp decrease in the number of people accessing land in the seam zone.<sup>152</sup> Around Israeli settlements, access to agricultural land remains tightly restricted because of fences erected around land and settler intimidation.<sup>153</sup>

- 8.38 Statements collected from women living in the seam zone highlight how the Separation Wall, checkpoints and restrictions have affected their livelihoods. JD from the seam zone village of Al-Khaleyleh told WCLAC:

*We used to be farmers and make money from the land, and my sons used to work on the land. We used to make around 15-18,000 shekels a year from selling produce. This has all stopped since the wall was built. We would grow wheat and corn but this is not possible anymore because we cannot bring the machinery to do the harvest: we need to use a combine harvester and it can not come through to where we live. We also have olive trees and vines, but now it is all ruined – we are in shackles. We don't have the equipment to look after the land and can't take what we need through the checkpoint and also can't take anything out to sell. I also used to grow and sell vegetables; tomatoes and cucumbers but it's too difficult to transport them to sell now.*<sup>154</sup>

- 8.39 Mounira Amir is from Mas'ha, Bedyā in the central West Bank.<sup>155</sup> Her family had run a small plant nursery from their home, the business closed as a result of closures during the Second Intifada and then the building of the Wall, which cut the house off and made it impossible to do business. She now travels to and from her house via a small gate in the Wall which leads to the village and is monitored by the Israelis.

*Our financial situation is much worse now. We lost the business because of the closure and then the wall. My husband is now just working two days a week for a project digging wells in local villages. Things are very difficult for us. Before the Wall was built, our house was worth about 150,000 Jordanian Dinar (about \$210,000) now it is worth far less even if it were possible to sell it. We received no compensation for the land we lost to the Wall and the road – we used to have about 3.5 dunams of land, now we only have 1.5 dunams. I tried to make some money doing some work in the house; I would make tomato paste at home to sell in the village. But the soldiers would ask me about what I was carrying through the gate and in the end it was just too much trouble, and I don't do this anymore. It's very difficult to move things in and out of the gate; it's quite small and I have to use a small cart to transport things. We have some large pieces of rubbish in the garden – old metal frames and things, but we can't move them, they won't fit through the gate.*

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<sup>152</sup> UNOCHA, Special Focus, 'West Bank Movement and Access', June 2010, p.3

<sup>153</sup> *Ibid*

<sup>154</sup> Annex B, Case Number 9.

<sup>155</sup> Annex B, Case Number 12.

## **Suggested Recommendation**

**The Committee is concerned about the closure regime and related restrictions on movement in the West Bank, and how they impact on women living in rural areas of the West Bank, in particular persons residing in the “Seam Zone” between the Wall and Israel. Such rural women face restricted access to essential health services, to education, and to work. They are also cut off from their families and communities who cannot enter the Seam Zone. They are also affected by severe restrictions on planning, building resulting in poor and inadequate living conditions. Moreover, the Committee is concerned that despite the State party’s temporary freeze on the construction of settlements in the OPT, the settler population continues to increase, while facing none of the restrictions imposed on rural Palestinian women. The State party should take into account the Advisory Opinion of the International Court of Justice and stop the construction of a Seam Zone by means of a wall, seriously impeding on the right to freedom of movement, as well as to family life. It should cease all construction of settlements in the occupied territories.**

## **9. Article 15(4) Freedom of Movement**

- 9.1 Article 15(4) of CEDAW provides that States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile. Yet, Palestinian women, in contrast to Israeli settlers living in the West Bank and Israeli citizens, face regular and ongoing infringements to their right to freedom of movement, within the West Bank, particularly to East Jerusalem, and between Gaza and the West Bank, including East Jerusalem.
- 9.2 Since the early 1990s when Israel imposed a general closure on the West Bank and Gaza Strip, Palestinians from these areas have been required to obtain a permit from the Israeli authorities to enter Israel. Permits were for entry to East Jerusalem, despite the fact that East Jerusalem is part of the occupied West Bank. The permit regime is enforced through a series of Israeli military checkpoints established along the perimeter of the Gaza Strip, where a fence was constructed in the mid-1990s, and the West Bank, particularly around the Jerusalem periphery. The checkpoints controlling movement into East Jerusalem and Israel have been consolidated and made permanent by the Separation Wall, which Israel began constructing in 2002.
- 9.3 Palestinian movement is also controlled through Israeli military checkpoints and movement obstacles erected inside the West Bank and, prior to Israel’s 2005 disengagement, also inside the Gaza Strip. The number of internal checkpoints and closures expanded dramatically following the beginning of the Intifada in September 2000, particularly in the West Bank. At present, despite some easing of restrictions, there remain around 500 obstacles in the West Bank, including approximately 60 permanently staffed checkpoints, some 20 partially staffed checkpoints and over 420

unstaffed obstacles (roadblocks, earth mounds, earth walls, road barriers, road gates and trenches). These movement obstacles are augmented by ad-hoc or “flying” checkpoints; in the first four months of 2010, an average of 92 such checkpoints were erected each week.<sup>156</sup>

- 9.4 Women are affected in many and diverse ways by the movement restrictions. The checkpoints and the Wall impact on women’s ability to access health services, education, employment and religious sites as well as their families and communities. Sections 5 and 6 of this report address issues of accessing health services and education.
- 9.5 Palestinian women living in the seam zone are affected by a particular restrictive regime imposed by the State Party, as described in section 7 of this report. Women in the seam zone face severe obstacles in reaching health services, education and visiting their families and communities because of the Wall, checkpoints and a permit regime.
- 9.6 Women from Gaza and Palestinian women who have had their permanent residency revoked by the State Party are also particularly severely affected and often confined to their homes as a result of the practices and policies of the State Party. This is described in section 4 of this report.

#### **Suggested Recommendation**

**The Committee is concerned that the freedom of movement of Palestinian women is restricted by the Separation Wall, a stringent permit system and Israeli military checkpoints and movement obstacles erected inside the West Bank, and that women in Gaza face severe restrictions on exiting the Gaza Strip. The Committee recommends that the State Party dismantle the Wall in line with the opinion of the ICJ and other obstacles to ensure that Palestinian women are able to enjoy their rights under this Convention and under other international human rights treaties.**

## **10. Articles 2, 3, 12 – Palestinian Female Prisoners<sup>157</sup>**

- 10.1 Concerns were raised about Palestinian female prisoners held in Israeli detention in the 2005 submission to this Committee in advance of its review of Israel in July that same year. Although female prisoners are not directly referenced in CEDAW, several issues in connection with Israel’s detention of Palestinian female prisoners and Palestinian women who visit relatives held in Israeli detention are relevant for the Committee’s examination of Israel’s compliance with the Convention.

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<sup>156</sup> The information in paragraphs 7.2 and 7.3 is taken from UNOCHA, Special Focus, May 2010, Impeding Assistance: challenges to meeting the Humanitarian needs of Palestinians, p8

<sup>157</sup> This section was researched and prepared by Addameer Prisoner Support and Human Rights Organisation.

- 10.2 At present there are 36 Palestinian female prisoners and detainees being held in Israeli custody in HaSharon and Damon prisons inside Israel, of whom four are being administratively detained,<sup>158</sup> six are being held pending a trial, and 26 are held under sentences of imprisonment ranging from 10 months to multiple life sentences plus a term of 20 years. Seven of these women are mothers, with a total of 27 children between them.
- 10.3 In 2005 there were more than 100 women held in Israeli detention. Although current detention figures are considerably lower as many women have been released during intervening years after completing their sentences, arrests of Palestinian women by Israel do continue. Israeli authorities have arrested 20 women thus far in 2010, and, in recent years, have broadened the range of Palestinian women targeted for arbitrary arrest and detention, including elected political representatives and young girls. In 2006, for example, Israeli military authorities arrested and prosecuted female Palestinian Legislative Council (PLC) member Maryam Salah on charges related to her political opinions and associations. Mona Mansour, a PLC member from Nablus was arrested in July 2008, and Majeda Fidda, 50, an elected member of the Nablus municipality was arrested in August 2008 and held in administrative detention for 385 days after Israeli military prosecutors failed to prosecute her in the military courts. In addition, then 16-year-old cousins Salwa Salah and Sara Siureh were arrested by Israeli authorities in June 2008 and held under administrative detention for nearly six months, marking the first time Palestinian female children under age 18 were held as administrative detainees by Israel.

### ***The Israeli Military Court System***

- 10.4 CEDAW articles 2 and 3 bar discrimination of any kind against women, require State parties to codify legal protection for women in this regard and protect women's full and equal enjoyment of all fundamental human rights. However, Israel directly violates these provisions by subjecting Palestinian women resident in the OPT to the jurisdiction of its military judicial system, which features discriminatory provisions when compared to the Israeli civil court system, and which violates the human rights of every Palestinian brought before its courts.
- 10.5 The Israeli military court system has produced more than 1,650 military orders in the West Bank alone, orders that criminalize nearly all aspects of Palestinian civic life, including the enjoyment of fundamental human rights such as freedoms of

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<sup>158</sup> Administrative detention refers to a control measure whereby the Israeli military holds detainees indefinitely on secret information without charging them or allowing them to stand trial. In the occupied Palestinian West Bank, the Israeli army is authorized to issue administrative detention orders against Palestinian civilians on the basis of Military Order 1651. (Until 1 May 2010, administrative detention orders were based on Military Order 1591.) This order empowers military commanders to detain an individual for up to six month renewable periods if they have "reasonable grounds to presume that the security of the area or public security require the detention." On or just before the expiry date, the detention order is frequently renewed. This process can be continued indefinitely.

opinion, expression and association.<sup>159</sup> Issued by an Israeli military commander, these military orders are drafted broadly enough to facilitate the arbitrary arrest and detention of Palestinian men, women and children as young as 12. However, in practice, they also fail to safeguard Palestinians held under their tenets from torture and ill-treatment during arrest, interrogation and detention, extended detention periods without access to legal counsel and denial of due process and other fair trial rights during legal proceedings.<sup>160</sup>

- 10.6 Israeli men, women and children, by comparison, are subject to the jurisdiction of the civil court system, which is governed by laws and procedures legislated by the Israeli Knesset and contains protections for the accused more in line with fair trial requirements under Israeli domestic and international law.
- 10.7 Moreover, although Israeli settlers fall under the territorial jurisdiction of the military court system, in the rare instances in which they are prosecuted for their offenses by Israeli authorities, such prosecutions always occur before the Israeli civil court system. By contrast, Palestinian residents of East Jerusalem, who fall under the jurisdiction of the Israeli civil system, are frequently tried in the military courts by prosecutors seeking increased detention periods and lessened due process restrictions.

### **Visits to Female Prisoners**

- 10.8 Discriminatory treatment of Palestinian women by Israel, in violation of Article 2, can also be observed in connection to the unlawful detention of Palestinian women outside the OPT, and in the treatment of women who visit their relatives held in Israeli prison and detention facilities.
- 10.9 In 2004, Palestinian female prisoners imprisoned by Israel were moved from Neve Tirza Prison in the Ramleh Prison compound southeast of Tel Aviv to HaSharon Prison north of Tel Aviv. In 2008, some of the women were transferred to Damon Prison near Haifa. This practice of detaining Palestinian prisoners in facilities inside Israel contravenes international humanitarian law, namely Article 76 of the Fourth Geneva Convention, which states that an occupying power must detain residents of occupied territory in prisons inside the occupied territory.<sup>161</sup> This practice also obstructs regular family visits for Palestinians resident in the OPT, as family members of prisoners and detainees must apply for permits from the Government of Israel to visit prison facilities inside Israel. As a matter of policy,

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<sup>159</sup> See Joint NGO Submission on Israeli Suppression of Palestinian Human Rights Activism Against the Wall, 4 February 2010 (available at: <http://addameer.info/wp-content/images/joint-submission-israeli-suppression-of-palestinian-human-rights-activists.pdf>)

<sup>160</sup> See Addameer Prisoner Support and Human Rights Association, *Presumed Guilty: Failures of the Israeli Military Court System*, November 2009 (available at: <http://addameer.info/wp-content/images/addameer-report-presumed-guiltynove2009.pdf>).

<sup>161</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949 (GCIV), Art. 76.

these permits are denied to all individuals between the ages of 16 and 35, and, in practice, may be arbitrarily denied to any individual on alleged and undisclosed “security” grounds. Moreover, all prisoners from the Gaza Strip, of which there are currently 694, particularly suffer from the consequences of the ongoing blockade imposed on Gaza as all family visits from Palestinians residents in the Gaza Strip have been banned since June 2007.<sup>162</sup> One woman from Gaza, Wafa’ Sameer Al Bis, is currently among those detained.

10.10 Further, when such visits to female prisoners do take place, they are permitted no more than twice a month, and the women must remain behind glass windows for the duration of the visit, where no physical contact is permitted even between mothers and their children.<sup>163</sup> This situation is highly detrimental to both mother and child, particularly in the case of young children.

10.11 Najwa, a sister of former female prisoner Noura Al-Hashlamon, who was held from 17 September 2006 until 31 August 2008, said in an interview while her sister was still in detention: “*I am the only one allowed to visit her because I hold a Jerusalem ID card. Every time I find Noura waiting for me to hear news about her children, who were banned from visiting her lately.*” In another testimony, former prisoner Jihan Dahada said, “*Throughout the time of my detention, nobody was allowed to visit me from my family. First, I used to hear their news from the lawyer and see them in court. But after I was sentenced, I lost all contact with them other than news that I get from families of other prisoners when they come to visit them.*”

10.12 Palestinian women visiting relatives detained in prisons and detention centers inside Israel are also frequently subjected to numerous means of ill-treatment and harassment during their visits to these facilities, particularly including unnecessarily protracted waiting periods, insults and harassment by border and prison authorities and strip-searches at the prison facilities conducted in a manner so as to utterly humiliate the subject.

10.13 By comparison, Israeli women held in prisons and detention centers face no similar obstacles in receiving family visits, as permits and security checks are not required for their families to obtain permission to visit. Israeli female prisoners are permitted to receive family visits once a week, twice as often as Palestinian women, and have access to open visits, where they are permitted to have physical contact with their children.

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<sup>162</sup> The Supreme Court of Israel, sitting as the High Court of Justice, upheld the prohibition on Gaza family visits in a decision on 9 December 2009 in 5399/08, *Adalah et al. v. The Defense Minister et al.*

<sup>163</sup> On 13 April 2010, the Supreme Court of Israel held in H CJ 7585/04, *Hakeem Kana’ni, et al. v. The Israel Prison Service*, that children under the age of eight of individuals held by Israel as “security prisoners” – the overwhelming majority of whom are Palestinian – be allowed direct contact with their imprisoned parents for an undetermined number of minutes no less than once every two months. The ruling came into effect on 1 August 2010. According to information collected by Adalah in Hadarim and Gilboa prisons, the ruling appears to be generally implemented, although there is no dedicated monitoring mechanism in place to generate a complete picture of its application in all prisons.

## ***Torture and Ill-Treatment***

- 10.14 International human rights law, in particular the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unequivocally prohibits State use of torture or other forms of ill-treatment. However, the majority of Palestinian female prisoners and detainees report being subjected to some form of psychological or physical torture or ill-treatment by Israeli authorities at some or many points during their arrest, interrogation and detention. Beatings, insults, threats, sexual harassment and humiliation are all techniques frequently used during arrest and by Israeli interrogators to intimidate Palestinian women and coerce them into giving confessions. In prison, degrading and intrusive body searches often occur during transfers to court hearings and can sometimes take place in the middle of the night as a punitive measure.
- 10.15 Nelli Zahi As'ad Sa'id As-Safadi, 33, was arrested by Israeli authorities on 11 November 2009 and spent the next 48 days in interrogation where she was held in solitary confinement, barred from family visits and subjected to numerous means of physical and psychological torture and ill-treatment, including the use of painful stress positions, sleep deprivation, abusive language and continuous threats of violence against Nelli and her family. Israeli authorities carried out some of their threats against Nelli's family members as a means of applying psychological pressure against her, arresting five members of her immediate family, including her 64-year-old mother-in-law and her young nephew Sa'id, during her interrogation. Nelli currently remains in Israeli detention in HaSharon Prison inside Israel.
- 10.16 Palestinian women imprisoned by Israel also suffer when held in the same sections as Israeli criminal offenders, a situation that is common for women detained in the very beginning of the legal proceedings against them, when it is not yet determined whether or not they will be indicted under criminal charges. These women suffer from humiliation and abusive language levied at them by Israeli women prisoners, as well as discrimination in terms of the recreation time they receive and the conditions in which they are detained, which are similar to conditions of prisoners held in isolation. Some Palestinian women prisoners, particularly in 2009 and 2010, were held in such conditions for weeks at a time.

## ***Detention Conditions***

- 10.17 In addition to general provisions barring discrimination against women discussed above, Article 12(1) of CEDAW provides that "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning." However, in the context of Palestinian women held inside Israeli prison and detention facilities, clear

discrimination is shown in regards to the conditions to which they are subjected and the medical treatment available to them as compared to Israeli detainees.

- 10.18 Harsh imprisonment conditions characterize the facilities in which Israeli authorities detain and imprison Palestinian women; these facilities suffer from moisture in the winter, heat in the summer, the presence of insects, dirty and overcrowded cells, and a lack of fresh air and sunlight. These conditions, when combined with the stress, poor diet and isolation from families experienced by most Palestinian women detained by Israel all negatively impact the women's health, often leading to rheumatism, dermatological diseases and gynecological problems among female detainees.
- 10.19 A systematic policy of medical negligence is also in effect for Palestinian women prisoners and detainees, compounded by a lack of cultural and gender-sensitive medical treatment. A study conducted by Addameer in 2008 revealed that approximately 38 percent of Palestinian female prisoners at that time were suffering from treatable diseases, such as asthma, diabetes, kidney and eye diseases, sickle cell anemia, cancer and seizures, that were left untreated. Long delays characterize what little substandard medical treatment is provided, by medical personnel who typically do not speak Arabic. Further, to date there are no specialized gynecological services available for Palestinian women in Israeli detention.
- 10.20 Over the years, pregnant Palestinian women have also been imprisoned. Their cases are of utmost concern, as the incarceration of pregnant women poses a high risk not only to the woman herself, but also to the birth outcomes, posterior growth and development of the newborn. CEDAW Article 12 requires State Parties to "ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation". However, pregnant women do not enjoy preferential treatment in Israeli detention in terms of diet, living space or transfers to hospitals, which are carried out under strict security supervision with the woman's hands and feet shackled with metal chains. Pregnant prisoners transferred to the hospital to give birth are typically chained to their beds until they enter delivery rooms and shackled once again minutes after delivery. Between 2005 and the present, there were two cases of women giving birth under such conditions and with very limited pre and post-natal care, and four children under the age of two who remained in prison with their mothers. One female prisoner from the Gaza Strip, Fatema Younis Azzeq, 41, who was among the 20 Palestinian female prisoners released in October 2009 in exchange for a two-minute video of a captured Israeli soldier, described giving birth to her eighth child in detention in January 2008 while handcuffed: "*After Youssef's birth, one of my hands and one foot were tied to the bed. I stayed in a special room for a couple of hours, then moved to my room. On the second day they cuffed my feet and brought my child only twice a day for feeding.*"



## ***Other Applicable International Legal Standards***

10.21 Although Israel has suspended its obligations under Article 9 of the ICCPR, it is clear that even in times of emergency, Israeli policies of detention must still conform to international minimum standards of fair trial and be based on grounds and procedures established by law. In addition, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War also affords civilians in occupied territories with general protection against violence of any kind, adverse discrimination, coercion, corporal punishment and torture, and provides detained persons with fundamental guarantees of a fair trial and the rule of law.

### **Suggested Recommendation**

**The Committee is concerned that Israel’s policy of subjecting Palestinian women to the jurisdiction of the military judicial system fails to protect them from torture and ill-treatment and denies them fair trial rights. The Committee is also concerned that the detention of Palestinian women prisoners outside occupied territory obstructs regular family visits. Furthermore, the Committee is particularly concerned about the harsh detention conditions of Palestinian women prisoners and their treatment during detention, including their subjection to intrusive body searches, the prison authorities’ policy of medical negligence, and the lack of preferential treatment for pregnant Palestinian prisoners.**

**The State Party should completely desist from the practice of administrative detention of Palestinian women and should allow Palestinian women prisoners to receive family visits as often as Israeli women prisoners. The State Party should improve the detention conditions and treatment of Palestinian women during their arrest, interrogation and detention, in particular by ending the practice of body searches, ensuring that the gender-specific medical needs of Palestinian women prisoners are met, and immediately ending the practice of shackling pregnant Palestinian prisoners before and after giving birth.**

## **11. General Recommendation 19 – Violence against women**

11.1 International law provides that the Israeli Government, as the Occupying Power, is responsible for maintaining law and order in the OPT and ensuring the protection of civilians under its control.<sup>164</sup> The obligations imposed on the Israeli Government are not limited to the duty to avoid harming the protected population, but include the duty to ensure its well-being, including protection from violence at the hands of nationals of the Occupying Power.

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<sup>164</sup> See Articles 43 and 46 of the Hague Regulations (1907) and Article 27 of the Fourth Geneva Convention (1949).

- 11.2 The CEDAW Committee's General Recommendation Number 19 states that gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Further, that gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights include: the right to life; the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; and the right to the highest standard attainable of physical and mental health.
- 11.3 Paragraph 9 of General Recommendation 19 emphasises that discrimination under the Convention is not restricted to action by or on behalf of Governments and that under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.
- 11.4 Violence against women has very obvious health risks and implications for the physical or psychological health of the affected women. General Recommendation 24 regarding women's health, states that "The obligation to *protect rights* relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations."
- 11.5 However, in the West Bank, the Israeli Government has consistently failed to prevent settler attacks against Palestinians and to take adequate law enforcement measures against Israeli nationals who commit these crimes. Furthermore, state actors, notably the Israeli army have committed acts of violence against Palestinian civilians including women, and the State Party has failed to effectively investigate such incidents and take appropriate measures against those responsible. WCLAC documents cases of women affected by violence from Israeli settlers and Israeli state actors in the West Bank including East Jerusalem and found that frequently incidents include violence, harassment or intimidation from both Israeli soldiers and Israeli settlers.

## **Settler Violence**

- 11.6 General Recommendation 19 sets out that gender based violence is violence that is directed against a woman because she is a woman or that affects women disproportionately.<sup>165</sup> While there are many settler attacks and violent attacks committed against men, women and children living in the West Bank, the available documentation illustrates that women are often disproportionately affected by the violence. Women are often at home during the day caring for children, leaving them more vulnerable to these types of attacks and more severely impacted: anxious, scared, fearful of leaving the home and frightened for the safety of their children.

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<sup>165</sup> CEDAW General Recommendation 19, para.6

11.7 In November 2009, OCHA identified 22 Palestinian communities, with a total population of 75,900, as being ‘highly vulnerable’ to settler violence. A further 61 communities, with a total population of 172,800, are termed as being ‘moderately vulnerable’.<sup>166</sup> In May 2010, OCHA had recorded 114 incidents of settler violence, resulting in 42 Palestinian injuries and 1 child killed – this is double the number of incidents within the same period in 2009.<sup>167</sup> During the olive harvest, Palestinians and their property are particularly vulnerable to attack. During the month of October 2010, UNOCHA recorded that over 3,700 olive trees were burned, uprooted, killed with chemicals or otherwise vandalized.<sup>168</sup>

11.8 As noted by UNOCHA in a recent report, senior Israeli officers have expressed concerns about the increase in the phenomenon of settler violence. They quote the previous commander of the IDF Central Command, Major General Gadi Shamni:

*There has been a rise in Jewish violence in Judea and Samaria [i.e. West Bank]. In the past, only a few dozen individuals took part in such activity, but today that number has grown into the hundreds [...] These hundreds are engaged in conspiratorial actions against Palestinians and the security forces. It’s a very grave phenomenon. We have to divert our efforts to there from other issues. The margins [in the settler community] are expanding, because they are enjoying a tailwind and the backing of part of the leadership, both rabbinical and public, whether in explicit statements or tacitly.*<sup>169</sup>

11.9 The State Party holds the responsibility for the expansion of the settlements and the consequent increase in settler violence against Palestinians. Since 1967, successive Israeli governments have supported a policy of settlement building in the OPT in violation of international law. In September 2009, the number of settlers reached about 500,000 in the West Bank, about 200,000 of whom live in East Jerusalem.<sup>170</sup> In that year, the population of Israel increased at a rate of 1.6 percent. However, in the same year, the population of the settlements within the West Bank increased by 4.7 percent, of which 40 percent was attributable to immigration, from Israel and abroad.<sup>171</sup> Recent reports indicate that 2700 new houses will be built by the State Party in the West Bank as soon as the freeze ends.<sup>172</sup> **The expansion of settlements and growth of the settler population has brought a concurrent increase in settler violence against surrounding Palestinian communities.**

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<sup>166</sup> OCHA, *Israeli Violence In Light of Outpost Evacuation Plans*, November 2010. See [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_fact\\_sheet\\_2009\\_11\\_15\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf)

<sup>167</sup> OCHA, *Protection of Civilians Weekly*, 19.05.10-25.05.10, See [http://www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_2010\\_05\\_27\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_2010_05_27_english.pdf)

<sup>168</sup> OCHA, *The Humanitarian Monitor*, October 2010, p.1

<sup>169</sup> Cited in UNOCHA, *Israeli Settler Violence and the Evacuation of Outposts*, November 2009, p.5

<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*

<sup>172</sup> Chaim Levinson, ‘2700 new homes to be built as soon as West Bank settlement freeze ends’, Haaretz, 5 July 2010, <http://www.haaretz.com/news/national/2-700-houses-to-be-built-as-soon-as-west-bank-settlement-freeze-ends-1.300114>

11.10 Many of the documented cases are concentrated in the Hebron area and in the villages around Nablus where settlers subscribe to fundamentalist and extremist ideologies and are more likely to use violence against the local Palestinian population and to damage Palestinian property. Women are particularly vulnerable to attacks from settlers, usually remaining in the home during the day when the men leave for work, caring for children and taking care of the home.

11.11 Reflecting WCLAC's findings, the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (hereinafter 'Special Committee') noted in its 2009 Report<sup>173</sup>:

*Settler related attacks are reported to be particularly common in the areas around Nablus and Hebron, both of which have experienced significant and rapid expansion of Israeli settlements. **Children and women are particularly exposed to violence as they often appear as the most vulnerable and are frequently alone during the day.*** [emphasis added]

11.12 WCLAC documented the case of Ahlam R from Hebron.<sup>174</sup> She was at home with her children aged eight, seven, five and four on 4 December 2008 when she noticed that armed settlers had gathered outside her home. She was scared for herself and her children and tried to keep her children safe by taking them to her bedroom and putting them on the floor. She later heard shooting coming from outside and also cursing and abuse in Hebrew and heard stones being thrown against her windows. Later at around 4pm she heard the sound of burning fire and smoke entered the house. She realised the settlers had set fire to the woodpile outside her house. She and her children were able to escape and seek refuge in the home of a neighbour. When she returned to the house later that evening she found that the fire had destroyed the water tanks, and the entire area around the house was burnt, including a woodpile; the house smelled of smoke and windows were broken.

11.13 The impact on women of this type of attack can be profound and troubling. WCLAC has found that aside from physical injuries, many of the women are left scared and psychologically affected, some feeling unable to leave their homes or carry on with their normal lives because of fears of repeat attacks. The testimony from IS, who lives in the village of Bureen in the north of the West Bank, close to the settlement of Yitzhar illustrates the ongoing impact of settler violence:

*I can't describe how much the settlers have affected my life. They are a constant presence and worry. Sometimes they come every other week; sometimes there is a month and we don't see them.... I'm not in control of my life, I can't leave my house or Buren because of the problems with the settlers. When I go somewhere I am always phoning my mother to check that everyone is alright and whether the settlers are around. I so badly wanted to go to university but that's not possible with all the trouble. I feel I lost my childhood because of what they do to us. They have killed our*

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<sup>173</sup> Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 9 September 2009, para. 41.

<sup>174</sup> Annex B, Case Number 13.

*animals, they have destroyed crops and trees we've planted and they've burnt our home. I feel like I'm 100 years old. Instead of looking to the future I am always thinking about the settlers and what they do to us. I don't have any hope for the future.*<sup>175</sup>

## **Impunity**

- 11.14 The presence of Israeli soldiers is not a reassuring one or a protective one for Palestinian women. In many of the cases of settler violence documented, the soldiers fail to protect women from attacks from settlers. As Khadra Ahmad, a mother of six living in Asira al-Qibliyeh told WCLAC: “...*the soldiers were standing beside the settlers, they did nothing to protect us.*”<sup>176</sup> The Palestinian authorities exercise no control over Israeli citizens and therefore this leaves Palestinian women almost entirely unprotected from violence and harassment. MA also from Asira al-Qibliyeh, told WCLAC: “*The situation is getting worse, but there is nothing anyone can do.*”<sup>177</sup> Women fear further harassment or reprisal attacks from settlers if they file complaints against them and fear exposing themselves to harassment and threats from the Israeli police when filing complaints.
- 11.15 The feeling amongst women that there is impunity for settlers, is reflected in the findings of a comprehensive monitoring project carried out by Israeli human rights organization Yesh Din into the investigations by the Israeli police in the West Bank (referred to as Samaria and Judea or SJ) into complaints by Palestinians against Israeli citizens. The study found that there was a general absence of law enforcement against Israeli settlers who commit offences against Palestinians in the West Bank. The report “A Semblance of Law: Law enforcement upon Israeli citizens in the West Bank” recorded that 90% of the complaints and files that were completed between 2005 and 2006 were closed without indictment. It concluded that: “[t]he results of Yesh Din’s monitoring reveal a total failure of the SJ District Police in investigating Palestinian complaints about Israeli civilians harming them and their property”.<sup>178</sup>
- 11.16 The State Party has consistently failed to prevent the settler attacks against Palestinians and to take adequate law enforcement measures against Israeli nationals who commit these crimes. A UNOCHA report notes the establishment of a new “rapid response security team”. Yet in not one of the cases that WCLAC have documented were the women aware of any investigation being conducted or any prosecution brought of any of the perpetrators. WCLAC’s documentation further reveals that women are reluctant to make complaints and even where complaints are made, no action is taken. There is no indication that there has been any improvement in the investigation of such incidents of violence.
- 11.17 An illuminating illustration of the impunity for Israeli settlers can be found in the recent closing of a case against a settler from the West Bank settlement of Kedumim. In

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<sup>175</sup> Annex B, Case Number 14

<sup>176</sup> WCLAC Affidavit RT0921

<sup>177</sup> WCLAC Affidavit RT0920

<sup>178</sup> Yesh Din, *A Semblance of Law: Law enforcement upon Israeli citizens in the West Bank*, (Yesh Din, June 2006), 124, <http://www.yesh-din.org/report/ASemblanceofLaw-Eng.pdf>

April 2010, an Israeli Court closed a case concerning a settler from Kedumim who was caught by police in the summer of 2009 fleeing a burning Palestinian orchard while holding a jerrican filled with flammable liquid, and with the smell of the liquid on his hands. The suspect refused to answer police questions during interrogation; and less than a year later, the courts dismissed the case for "lack of evidence." Michael Sfar, Yesh Din's legal advisor, described the court's decision as "scandalous." Neta Patrick, a Yesh Din lawyer said: "This incident proves the failure of law enforcement regarding crimes against Palestinians for ideological reasons. We can see that the failure is not just that of the "Judea and Samaria District police" but also of the "Central District Attorney's Office", which decided in a scandalous manner to close the case for lack of guilt."<sup>179</sup>

11.18 The CEDAW Committee in its General Recommendation 19 stated: "Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation"<sup>180</sup> and further, the Committee specifically recommended that: "Effective complaints procedures and remedies, including compensation, should be provided".<sup>181</sup>

11.19 Annex B includes three statements from women affected by violence, as illustrative of settler violence against Palestinian women.

### ***Violence from State Actors***

11.20 There are no comprehensive figures and statistics prepared by the State Party that document attacks and assaults on Palestinian women by Israeli state actors, or that document the short or long term impact on women. This is despite the formation in 2007 of the "Military Advocate for Operational Affairs", which is supposed to investigate the behaviour of IDF soldiers towards Palestinians.

### **West Bank**

11.21 The documented experiences of violence and harassment from Israeli soldiers against Palestinian women show a similar impact to that of settler violence. Women are frequently left traumatised by the experience, living in fear of repeat attacks. The case of Samah Abu Haikal is particularly concerning. She lives very close to the Israeli settlement in the old city of Hebron and experiences settler attacks and soldier violence. She has reported an incident of soldiers repeating sexual comments and a sexually suggestive gesture to her and her female relatives. This incident was accompanied by

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<sup>179</sup> See, Lisa Goldman, *Who will protect Palestinians from growing settler extremism*, Haaretz, 23.04.10 at <http://www.haaretz.com/news/diplomacy-defense/who-will-protect-palestinians-from-growing-settler-extremism-1.284772> and Dan Izenberg, *Yesh Din appeals closure of file on settlers suspected of arson*, Jerusalem Post, 06.04.10, available at <http://www.jpost.com/Israel/Article.aspx?id=172477>

<sup>180</sup> General Recommendation Number 19, Violence Against Women, 11<sup>th</sup> Session 1992, para.9

<sup>181</sup> *Ibid*, paragraph.24(i)

significant violence, including Samah being hit in the chest by a rifle and her cousin being hit by a rifle on the hand. She was prevented from reporting this incident on the day, but did so the next day. She says “*we continuously live in anxiety and tension, which is disabling our everyday life due to the frictions with settlers and the Israeli army.*”<sup>182</sup>

## Impunity

11.22 The experience of WCLAC is that, in the case of attacks from soldiers or other Israeli State actors, Palestinian women are reluctant to make a complaint. This is for the same reason women do not make complaints about settler violence: they lack confidence in the law enforcement system that affords little protection and allows soldiers to act with impunity. As stated by another woman interviewed by WCLAC, Fatima S who was subjected to sexually threatening behaviour and a physical assault by Israeli soldiers who entered her home: “*I haven’t filed a complaint with the Israeli authorities because I have no confidence that anything will be done about what happened to me.*”<sup>183</sup>

11.23 Statistics from the Israeli army provided to the Israeli human rights organisation Yesh Din, illustrate the low probability of a successful outcome to any complaint made. The Israeli army statistics, on results of Military Police investigations of criminal offences in which Israeli army soldiers harmed Palestinians and their property since the beginning of the second Intifada in September 2000 until the end of 2009, show that only 105 out of 1805 cases (6%) opened resulted in indictments. Between 2008 and 2009, only 4% of investigation files opened led to indictments, despite the establishment of the Military Advocate for Operational Affairs, in 2007, in order to focus on the behaviour of IDF soldiers towards Palestinian residents.<sup>184</sup>

## Gaza

11.24 According to the Goldstone Report, the 23 day war against Gaza by the State Party, in January 2008 and December 2009, killed 1,440 Palestinians, including 431 children and 114 women.<sup>185</sup> Additionally, 5380 Palestinians were injured, of whom 1870 were children and 800 were women, leaving behind 1800 bereaved parents, more than 800 new widows and more than 5000 injured family members who will have to be cared for.<sup>186</sup>

11.25 General Recommendation 19 sets out that gender based violence is violence that is directed against a woman because she is a woman or that affects women

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<sup>182</sup> WCLAC Affidavit IJ1003

<sup>183</sup> Annex B, Case No. 16.

<sup>184</sup> Yesh Din, *IDF Investigations of IDF offenses against Palestinians*, Feb 2010. See <http://www.yesh-din.org/sys/images/File/2000-2009%20Investigations%20and%20Indictments%20-%20Datashet.%20Feb%202010%20%5BEnglish%5D.pdf>

<sup>185</sup> See the Goldstone Report, “Data on casualties during the Israeli military operations in Gaza from 28 December 2008 to 17 January 2009”, paras. 352-363

<sup>186</sup> *Voicing the needs of Women and Men in Gaza: Beyond the aftermath of the 23 day Israeli military operations*, produced by UNIFEM (2009) p.9

disproportionately.<sup>187</sup> While the attacks on Gaza were directed at all the Palestinian people living in Gaza, the available documentation illustrates that women were often disproportionately affected by the violence.

11.26 As General Recommendation 19 also makes clear: gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.<sup>188</sup> The gender based violence arising from the war and the continuing blockade has had an inevitable and enormous impact on the enjoyment by Palestinian women in Gaza of other rights contained within the Convention. As stated by Richard Falk, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967:

*One year after Operation Cast Lead, the humanitarian situation in Gaza not only remains deplorable, but has worsened. The total blockade of the Gaza Strip remains in full effect, having lasted now for nearly three years, contributing to deteriorating physical and mental health for 1.5 million persons.*

11.27 The Palestinian Centre for Human Rights (PCHR) in Gaza has documented the gender specific impact of the 2008-2009 war on Gaza, highlighting the difficulties that women have faced as they attempt to come to terms with their grief and their injuries; the loss of their children, husbands and relatives; and the loss of their homes and livelihoods.<sup>189</sup> As a result of the higher deaths and injuries among the male population, the number of female-headed households and caregivers for disabled and ill family members and children has sharply increased. The patriarchal nature of Palestinian society has reinforced cultural discrimination and economic and social marginalization for widows, already affected by the trauma of the offensive<sup>190</sup>.

11.28 Many pregnant women were affected by the violence. Wafa Al-Radea was nine months pregnant when she was fired on by an Israeli drone during a temporary ceasefire. She gave birth while in a coma. She described the day.

*It was 10 January, it was a little quiet in this area, but life was still very difficult. I was very afraid. I was nine months pregnant. I asked my sister Ghada to come with me during the hudna so that I could visit my doctor; I felt that I was very close to delivering. We headed for Dr. Hamouda's clinic nearby, on the main street of Beit Lahiya...I never reached the clinic.<sup>191</sup>*

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<sup>187</sup> CEDAW General Recommendation 19, para.6

<sup>188</sup> CEDAW, General Recommendation 19, paragraph 7.

<sup>189</sup> Palestinian Centre for Human Rights, 'Through Women's Eyes: A PCHR report on the gender-specific impact and consequences of Operation Cast Lead', 2009

<sup>190</sup> PCHR, *Providing access to justice and supporting compensation claims for civilian victims of IDF operations in the Gaza Strip*, project approved for the 2011 OCHA-CAP; see also PCHR, "Genuinely Unwilling, an Update", August 2010, page 73, available at [www.pchrgaza.org](http://www.pchrgaza.org)

<sup>191</sup> Palestinian Centre for Human Rights, 'Through Women's Eyes: A PCHR report on the gender-specific impact and consequences of Operation Cast Lead', 2009, p.18



11.29 Masouda Al-Samouni was five months pregnant when her home was targeted by the State Party. She lost her husband and ten month old son in the attacks. She herself had to spend 10 days in hospital recovering:

*When I came out of the house, I was carrying Moatassem and Mousa [her sons]. I gave Mousa to a neighbour, I said 'take him and run, I can't run'. I gave Moatassem to my aunt. I couldn't run; I was bleeding and five months pregnant.*<sup>192</sup>

11.30 Many women are traumatized by the violence and the loss of children, husbands, relatives and homes. Leila Al-Ir's home came under attack and was then invaded by the Israeli military when she was two months pregnant. Shells killed her husband, three of her children and her daughter in law:

*I saw Ibrahim [interviewee's son], his body was covered with blood. He was 12 years old. I put my hand on his head. I felt his injuries and I realised he was dying...I held him when he took his last breath... I refused to leave my [dead] children. I couldn't. I tried to bring blankets to cover them. Iman was still alive, she had lost her legs and one arm. ... I took them all, one by one, and put them in the neighbour's house....I saw the bulldozer when it started to take over the land, when it took the bodies. I tried to go back but Nidaa said no, they are dead. I asked my children to forgive me, that I couldn't save them, that I couldn't bury them. I saw the bulldozers destroying everything, even there bodies. You cannot imagine the feeling.*

*It was a month before I was able to speak. I didn't want to see anyone or talk to anyone for a long time afterwards.*

11.31 Women are also suffering from the economic consequences of the attacks on Gaza. As noted, 800 women were widowed by the attacks, and in the Gaza Strip, where men are typically the breadwinners, widows suffer disproportionately from cultural discrimination and economic and social marginalization.<sup>193</sup> In the Gaza Strip, it is exceptionally difficult for a woman to live alone, and so widows are forced either to return to the family home, or to re-marry. Under the current legal system in the Gaza Strip, a widow may retain custody of her children, as long as she does not remarry;<sup>194</sup> at this point custody of the children would revert to the deceased husband's family. Masouda has no money and dreams of getting enough money to rebuild her home but says: "I have no hope, no future...I lost everything in the offensive"<sup>195</sup>

11.32 Three of Ghalya Nimr's children were killed in the attacks by the State Party including her son, Ibrahim, who was the breadwinner for the family due to her husband's illness. Without a source of income, they live in severe poverty with only help from UNWRA because they are refugees, but barely enough to meet their basic needs.<sup>196</sup>

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<sup>192</sup> *Ibid*, p58

<sup>193</sup> *Ibid*, p5.

<sup>194</sup> This modification to the law came was passed by the government of Gaza on 7 June 2009, and came into effect on 7 July 2009.

<sup>195</sup> Palestinian Centre for Human Rights, 'Through Women's Eyes: A PCHR report on the gender-specific impact and consequences of Operation Cast Lead', 2009, 59

<sup>196</sup> *Ibid*, p29

- 11.33 There has been no effective, independent investigations by the State Party,<sup>197</sup> meaning that the women affected have had no recourse to justice; a violation of both international humanitarian law and international human rights law. The State Party has released three reports, in July 2009, January 2010, and July 2010. These reports included sections on the procedures employed by Israel for reviewing allegations of misconduct by soldiers, and violations of international humanitarian law and international human rights law. However, these mechanisms fail to comply with international standards, and cannot be considered to constitute genuine investigations; rather, it is presented that they are conducted in order to shield alleged perpetrators from justice. Of principal concern are the reliance on operational debriefings in lieu of criminal investigations, the scope of incidents investigated, and the central role of the Military Advocate General in the decision to open or close an investigation, and to issue an indictment.<sup>198</sup> According to these reports, approximately 150 incidents have been subject to some form of analysis; in the most part through operational debriefings, which are non-criminal probes designed to improve the operational performance of the Israeli military. For the most part, details of those incidents being analysed have not been communicated. Only 47 military police investigations have been opened, the majority of which appear to have been closed.
- 11.34 These investigations have resulted in one conviction for the theft of a credit card. Two soldiers were also convicted of using a nine year old boy as a human shield, however, they were given a 3 month suspended sentence. The original indictment and the sentence fail to effectively address the gravity of this international crime, and must be regarded as indicative of a desire to shield the perpetrators from justice. A fourth individual has been charged with the killing of an unarmed woman carrying a white flag, however, the soldier has only been charged with manslaughter, and not the crime of wilful killing a grave breach of the Geneva Conventions. The case is still pending before the court.
- 11.35 The UN Committee of Independent Experts mandated to monitor and assess domestic investigations by Israel and the Palestinian side on alleged violations of international law committed during operation Cast Lead and documented by the Goldstone report<sup>199</sup> has concluded that Israeli investigations “fundamentally lacked transparency” and “impartiality”,<sup>200</sup> and that Israel has failed to investigate those responsible for designing, planning, ordering and overseeing the offensive.

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<sup>197</sup> Paragraphs 9.34-9.36 have been drafted by the Palestinian Centre for Human Rights.

<sup>198</sup> For further information see, Palestinian Centre for Human Rights, *Genuinely Unwilling: An Update, The Failure of Israel's Investigative System to Comply with the Requirements of International Law, with particular regard to Crimes Committed during the Offensive on the Gaza Strip (27 December 2008 – 18 January 2009)*, August 2010. Available at: <http://www.pchrgaza.org/files/2010/Genuinely%20Unwilling%20-%20An%20Update.pdf>

<sup>199</sup> Report of the United Nations Fact Finding Mission on the Gaza Conflict (the Goldstone Report), in A/HRC/12/46, available at [www.ohchr.org](http://www.ohchr.org)

<sup>200</sup> In A/HRC/15/50 of 21 September 2010, available at [www.ohchr.org](http://www.ohchr.org)

### **Suggested Recommendation**

**The Committee is concerned that Palestinian women continue to suffer from violent attacks from both state (Israeli soldiers) and non state actors (settlers). The Committee is further concerned that in contravention to the State Party's obligations under international law including under the Committee's General Recommendation 19, the State Party is failing to investigate, prosecute and punish the perpetrators of such actors leaving women unprotected, and perpetuating the lack of human security for Palestinian women.**

**The Committee recommends that the State Party take the necessary steps to effectively investigate, prosecute and punish those responsible for violent acts against Palestinian women and their property. The Committee further recommends that the settlements in the West Bank, including East Jerusalem, which are illegal under international law and the root cause of much of the violence against women, are dismantled.**

## **Annex A: List of Questions**

### **Article 2 - The applicability of the Covenant to the occupied Palestinian territory**

1. The Committee in 2005 regretted that the State party did not accept the applicability of the Convention to the Occupied Palestinian Territory. The Committee urged the State Party to give full effect to the Convention to all persons under its jurisdiction and provide all relevant information regarding women in the Occupied Territory in its next periodic report. Given that the State Party has failed to comply, when will the State Party provide all information relevant to Palestinian women in the occupied Palestinian Territory as requested?

### **Articles 9, 15 and 16 – Family Unification and Residency Rights**

1. In 2005, the Committee noted with concern the renewal of the Nationality and Entry into Israel (Temporary Order) Law, which remains in force suspending family unification between Israeli citizens and permanent residents and a person residing in the Occupied Palestinian Territory.
  - (i) When will the State Party provide detailed statistical analysis of the short and long term impact on affected women?
  - (ii) When will the State Party repeal the Nationality and Entry into Israel (Temporary Order) Law?
  - (iii) When will the State Party set up clear mechanisms to ensure that family unification applications of Palestinian family members are accepted and processed within a reasonable time frame?
  
2. In 2008, the Ministry of Interior of the State Party revoked the residency rights of 4,577 residents of East Jerusalem – including 99 minors, affected many Palestinian women, denying them their right to their nationality and depriving them of the right to enjoy a family life.
  - (i) Will the State Party provide disaggregated data on how many women have had their residency in Jerusalem revoked and the long and short term impact of this revocation?
  - (ii) When will the State Party cease the practice of revoking the residency of Palestinian residents of East Jerusalem?
  
3. Since 2000, the State Party has frozen requests submitted by Palestinian residents for family unification with their spouses and family members living abroad.
  - (i) Will the State Party provide statistical data on women whose application for family unification has been submitted, including length of time in processing.

- (ii) When will the State Party commence routinely and fairly processing applications for family unification?
4. Since 2000, the State Party has forcibly transferred Palestinians from the West Bank to the Gaza Strip solely on the basis of their registered address. The issuing of Israeli Military Orders 1649 and 1650 on the 13th April 2010 has further entrenched this practice and increased the fear and anxiety of affected Palestinian women.
  - (i) When will Israel cease the practice of forcibly transferring Palestinians from the West Bank to the Gaza Strip?
  - (ii) Will the State Party provide disaggregated statistical data on the number of Palestinian women deported to Gaza and the number of women potentially affected by Military Orders 1649 and 1650?
  - (iii) When will Israel repeal Military Orders 1649 and 1650?

### **Article 10 – Education**

- Please provide information on the number of demolition orders pending against Palestinian schools in East Jerusalem and Areas B and C.
- Please provide information on the number of permits requested, and the number granted, to Palestinian girls holding West Bank and Gazan IDs seeking access to education in East Jerusalem
- Please provide information on how access to educational institutions is facilitated for Palestinians living in the ‘seam zone’ and Area C.
- Will the State Party provide statistical data on the number of the number of permits granted and refused to Palestinian girls and women living in the Gaza Strip who have applied for permits to leave Gaza to attend educational institutions?
- When will essential supplies be allowed into Gaza to permit the rebuilding of schools there?

### **Article 12 – Health**

- Please provide information on the number of permits requested, and the number granted to Palestinian women seeking medical treatment in East Jerusalem and to their relatives wishing to accompany them.
- Provide information on when the State Party will comply with the International Court of Justice’s decision regarding the Wall to ensure that Palestinians can access health services in East Jerusalem?
- Will the State Party provide statistical data on accessible health services available to Palestinian women living in the ‘seam zone’ and Area C.
- Will the State Party provide statistical data on the number of Palestinian women living in Gaza who have applied for permits to leave Gaza seeking medical treatment, the number of permits granted and refused.

- When will essential medical equipment be allowed into Gaza to improve the current medical facilities there?
- When will the State Party cease to restrict residents of Gaza from accessing healthcare outside of Gaza strip?

#### **Article 14 – Rural Women.**

8. In 2003 the UN Human Rights Committee stated that the construction of the seam zone should be stopped. The seam zone continues to exist, violating article 14 and preventing rural women from accessing adequate health care facilities and from enjoying adequate living conditions. When will the Seam Zone cease to be constructed?
9. The State Party have through article 14(2)(b) guaranteed to rural women the right to access to adequate health care facilities.
- Will the State Party provide statistical data on accessible health services available to Palestinian women living in the seam zone and Area C.
  - Will the State Party provide statistical data on the number of Palestinian women living in Gaza who have applied for permits to leave Gaza seeking medical treatment, the number of permits granted and refused.
  - When will essential medical equipment be allowed into Gaza to improve the current medical facilities there?
  - When will the State Party cease to restrict Gaza women from accessing healthcare outside of Gaza strip?
- 12 In 2005, the Committee noted its concern about discrimination against Bedouin women and called upon the State Party to provide comprehensive information on their situation. Given that the state party has failed to provide such information on rural women within the occupied Palestinian territories, when will the State Party provide all information relevant to rural women in the occupied Palestinian Territory as requested?
- 13 Palestinian rural women are not provided with adequate living conditions, as should be guaranteed by Article 14(2)(h) of the Convention.
- Will the State Party provide disaggregated statistical data on the number of women who are affected by inadequate and overcrowded conditions as a result of Israel’s planning and zoning regimes in Area C and the seam zone?
  - When will the State Party cease its policies of house demolitions?
  - When will the State Party reduce its restrictions on construction and renovation in Area C and the Seam Zone?
  - When will the State Party ensure the provision of sufficient water supplies to Palestinian homes in Area C and the seam zone?
  - When will the State Party cease the closure on Gaza so that construction materials can enter the area, in order to build necessary structures?

### **Article 15(4) – Freedom of Movement**

14 The freedom of movement of Palestinian women is restricted by the Separation Wall, a stringent permit system and Israeli military checkpoints and movement obstacles erected inside the West Bank and, prior to Israel's 2005 disengagement, also inside the Gaza Strip. At present, despite some easing of restrictions, there remain around 500 obstacles in the West Bank. As a result of such restrictions, women's ability to enjoy other fundamental rights are restricted, including their rights to family life, enjoy adequate health care, education, work and unable to visit their families, reach health care, live with their husbands, or carry certain products to their homes.

- Please provide information with regard to all restrictions of movement in the OPT, including those arising from checkpoints, the imposition of travel permits for movement in, out and within the "Seam Zone" and the whole of the OPT, and the lack of access to roads for exclusive use by Israelis.
- Please provide information about any measures taken by the State party to comply with the recommendation of the Human Rights Committee in 2003 and the 2004 Advisory Opinion of the International Court of Justice.

### **CEDAW Articles 2, 3, 12 – Palestinian Female Prisoners**

15 Discriminatory treatment of Palestinian women by Israel, in violation of Article 2, can be observed in connection to the unlawful detention of Palestinian women outside the OPT, and in the treatment of women who visit their relatives held in Israeli prison and detention facilities:

- What kinds of measures are taken to preserve family ties, especially between mothers and their minor children?
- What kinds of measures have been taken to ensure access to quality health-care services for Palestinian female prisoners?
- How do the policies and measures developed towards Palestinian female prisoners fulfill women's health rights from the perspective of female needs? What kinds of measures have been taken to allow specialized doctors' visits?
- How is adequate nutrition during pregnancy and lactation ensured for women in prisons?
- How is the well-being of children remaining in prison with their mothers under the age of two being addressed?

## **CEDAW General Recommendation 19 – Violence Against Women**

16 According to UNOCHA, the number of incidents of violence from Israeli settlers against Palestinian citizens is increasing. During 2009 and up until the current time of reporting, WCLAC has documented the cases of 58 women affected by violence from Israeli settlers and Israeli state actors and the impact of this violence. Women suffer disproportionately from these incidents, experiencing fear, anxiety and are often afraid to leave their homes. Women do not report incidents because of lack of confidence in the system and fear of negative consequences;

- Will the State Party provide disaggregated statistical data on how many women have been affected by settler violence and by violence from state actors?
- Will the State Party provide reports on the findings of the Military Advocate for Operational Affairs, set up in 2007, which focuses on the behaviour of IDF soldiers towards Palestinian residents?
- When will the State Party ensure that there is an adequate level of law enforcement to prosecute settlers and soldiers who commit such acts?
- When will the State Party hold accountable those responsible for acts of violence that disproportionately affected women in Gaza during the 2008 offensive and subsequently?



## **ANNEX B – List of Evidence**

### ***Housing and Land Rights***

#### **Case Number 1**

**Name: FD**

**Location: Isawiya, East Jerusalem**

**Interviewed on: 23 November 2009**

My name is FD, I am 38 years old and I am from the Isawiya area of East Jerusalem. My house in Isawiya was demolished on Wednesday 18<sup>th</sup> November.

I married my husband in 1989 and we have six children.... When I first married, I moved in with my husband's family who are also from Isawiya. We had one room in the house and it was really damp. We were still living in the one room after I had had my first three children. It was very crowded and to make things worse I suffer from asthma and the dampness of the room made me very ill.

In 1994, my brother who is living in the United States sent some money over to me so that I could build a home for myself and my family and we managed to build a small place in Isawiya. It was completed in only 20 days because we got lots of people from around the area to help us get it done as quickly as possible. It was small, two rooms, a kitchen and a bathroom, but an improvement on the one room we had at my husband's family's place. For eight people, it's still a small place and we built an extension in 1999. We didn't have a permit for any of the building but in 2005 we were fined 88,000 shekels for the extension and have had to pay that off in 21 monthly installments of 750 shekels. This was very difficult, it's so much money just to pay the fine never mind the cost of applying for a permit.

With my sister Maisa, we made plans to build a bigger house for both our families so that we would have more space and also so my son could stay in the small house in Isawiya when he got married. Slowly, over the years we've been saving up to buy some land and to build this bigger house in Isawiya. Finally in 2006, we had saved up enough money to buy some land and to start building the house. Although it wasn't finished we moved into the house in January 2009. On one side of the house there were three rooms and a kitchen and a bathroom, and on the other side there were two rooms and a kitchen and bathroom. We applied for a permit for the house, but it was refused on the basis that the land is designated as a road.

On the morning of 18 November, I was with my husband visiting my son Mahmoud at the Muqassed Hospital, after having his appendix removed. While we were at the hospital, my husband had a phone call telling him that our house was going to be demolished. As we returned to Isawiya from the hospital, we saw many heavily armed soldiers and police with dogs around the area. Initially the police wouldn't let me through but eventually they did and I went down and stood in front of the house. They also didn't want to let my son Mohamed through, but I said I wanted him with me and they let him through.

The Israelis soldiers and police were positioned around the house. They were disconnecting the electricity and carrying things out of the house. I saw my sister Maisa's husband surrounded by soldiers. He was allowed to go into the house with another man and get some of our things out of the house. There were so many soldiers around, I had many of them around me, preventing me from going any nearer to the house. I had guns aimed at me and my children. I was trying to keep my son Mohamed and Maisa's son Khalil from going near to the soldiers. They wanted to do something and I was trying to hold them back. The soldiers were also taking pictures of us, including the boys as we stood there watching them. My son started shouting and cursing at the soldiers, he was so angry. He wanted to do something to stop them but I was holding him back to stop him from running at the soldiers or the house. I couldn't hold onto Maisa's son and he was able to free himself and went running into the middle of the soldiers and got into a fist fight with one of them who started beating him. It was terrible but fortunately the commander stopped the beating and I heard him saying "Where's the house that's going to be demolished? – All this for this house!" What he meant was that it was too much – all the police, soldiers and dogs for just one house in this obscure neighbourhood.

Then, about an hour after I had arrived, they started to demolish the house with a huge bulldozer. They even destroyed the wall that separated the house from the neighbour's land. It was all over by 12.30. The house was completely destroyed, left in a huge pile of rubble.

I cared about my home but what I was mainly worried about was the people. I just wanted the police and soldiers to get out of the area without hurting anyone.

I feel anxious and worried, and I'm not eating properly. I'm also really worried about my children and the effect on them. Mainly I'm worried about my son Mohamed. He received a phone call when he was at school to say that his house was being demolished. My biggest worry is that we didn't tell him about it. He now blames me and his father. He sees us as traitors because we didn't resist or stop the demolition. He and the other kids want to show that they can do something about it, that they can stop it. I now feel that Mohamed is punishing me for what happened and for holding him back on that day and not letting him do anything about it. I think he resents me for stopping him.

## Case Number 2

**Affidavit of Amani S**  
**Location: Jabal Al-Mukabber, East Jerusalem**  
**Interviewed on 12 July 2009 and 7 September 2009**

I am Amani S, I am 25 years old and I grew up in the neighbourhood of Jabal Al-Mukabber in East Jerusalem. I left school when I was in tenth grade and I married my cousin on 21 September 2001. We now have four young children including twins.

When I married my husband I moved in with him to a small house that he had built near to the home of his parents. My husband built this house himself on land belonging to his family. It was small, just one bedroom, a kitchen and bathroom but it provided a good home with private space for me and my family. I knew that it is very difficult for Palestinians to get permits to build homes but didn't know about any problems with my home when I first moved in.

Some time in 2005, we received a paper saying that we needed to pay a fine to the municipality for illegal building. I understand, although I wasn't aware of all the details that this paper was also a demolition order for my home. My father in law who owns the land on which the house was built dealt with the paper. He went to see a lawyer who sorted it out so that we could pay the fine in installments. The fine was 9000 shekels and we also had to pay another 9000 in legal costs and we paid this in monthly installments of 500 shekels. Although I didn't really know the whole situation, I believed that because we were paying the fine and because we paid the local municipality tax 'amona', that our home was safe and that everything was going to be ok.

Then in around May 2009 (I can't remember exactly when), my husband told me that the court had made a decision that the house would be demolished and that either we could demolish it ourselves, or the authorities would do it and we would have to pay the additional costs of the demolition. When my husband told me this, I was shocked, I said to him "Where are we going to go" and "where are we going to live". My husband was very sad and he told me that the municipality were determined to demolish the house although the fine had been paid. He said there was no alternative, that he would have to demolish the house, that this was it.

We then talked about where we could go and decided that we would have to move into the house of my father in law. We moved in May 2009, myself, my husband and our four children into one room in my father in law's home next to our home in Jabal Al-Makaber.

The night before our home was demolished, my husband told me that he was going to demolish the house before the municipality came to do it and charge us for it. I went to bed feeling very sad.

My husband started demolishing our home on 26 June 2009. It was a Friday.

On the first day, he removed the zinc roof from the house and the next day, Saturday, he used a heavy hammer to break down the walls of our house. While he was doing it, the children were asking me why – why is our dad demolishing the house? While he was doing it, I went back and forth between our room in the other house and outside where my husband was demolishing the house. The children were also backwards and forwards between him and their grandparents house watching what their father was doing.

We had moved out some of the furniture and our clothes and some other things before the demolition. But some things we left in the house. The beds were too big to move and so they were left them, they are still there now, in the open air. We also left the big closet but we've now moved that into the room in my father in law's house.

When he was done, my husband was shattered. I think he was exhausted physically and mentally, he was in despair. He had built the house with his own hands and then he had torn it down. I kept asking myself why was this happening to us, why us?

So I am living in one small room in my parents in law's home. We share a kitchen a bathroom with them and my husband's brothers and their families live in an apartment upstairs and are often downstairs with us. They are four adults and five children living up there and they also usually eat and spend their time down with us. I've lost my independence and I've lost my privacy. I used to wear short sleeves in the house and go without my headscarf. Now I always have to worry about what I am wearing because I'm living with other people. I used to cook for my family, cook meals for them all. Now I don't do this, others in the house do the cooking. I have no privacy or time or space to myself at all. Its also hard for the children to sleep at the times they need to because there is so much noise.

I so wish that we could get a permit for a house. My husband has to try but we have no money at the moment. My husband works as a skilled tiler, but he is a day labourer and work is irregular and so money is short.

I feel in a bad state psychologically. I feel sad about what has happened, the home we lost and I worry about my husband and the children. It has affected the children as well. My oldest child is in first grade and can't do his homework with all the noise and the lack of space. They fight amongst themselves and with their cousins and I'm unable to control their behaviour. Before they could have spent time in our own with some privacy to get away from the other children but now there is no private space and there's nothing I feel I can do.

## ***Family unification in East Jerusalem***

### **Case Number 3**

**Name: Manal Zeitoun**  
**Location: Silwan, East Jerusalem**  
**Interviewed on 29 April 2010**

My name is Manal Zeitoun and I live in the Silwan area of East Jerusalem. I am married and have six daughters. Things are very difficult for my family because my husband has West Bank ID and is not allowed to live in Jerusalem with us.

I married my husband 15 years ago, he is from a village called Hader near to Bethlehem and I am from Silwan in Jerusalem. We both have different ID cards so we applied for family unification shortly after we got married so that my husband would be able to live in Jerusalem but this process takes a long time to process. We lived in a rented house in Silwan but my husband hated it because he was illegal and was basically living under house arrest – he couldn't work, he couldn't drive a car or do anything. So we moved to live with his family in Hader.

We lived in Hader for 4 months, but because of this I lost my Jerusalem ID because I wasn't living in Jerusalem. I then got a lawyer who advised us to move back to Jerusalem and he then succeeded in getting my ID back and made sure that my daughters who were born then had Jerusalem ID. My husband has made two applications for family reunification but they have both been refused. The most recent was just a few days ago. They said that his application was refused because he had a police file that said he had been caught living in Jerusalem recently. This is true, my husband does come to Jerusalem but only to see me and our children. He still comes through to see us even though he knows that if he is caught he will be arrested and could be put in prison. He was once arrested and was put in prison for a month; they told him if he was caught again in Jerusalem he could be put in prison for three years and fined 3000 shekels. My husband comes through to visit us perhaps once a month, he has to sneak in to Jerusalem. What can I do? He lives in danger and is constantly at risk but he says "How can I leave you with six daughters alone?" He wants to be with us.

Things are very difficult financially. I work as a carer for two elderly people and receive child benefit for my daughters, but it is very hard. My husband doesn't really work – he can't work in Jerusalem and so can't support us financially, he just does some odd jobs here and there for little money. I don't want to move to live in Hader near to my husband's family, it would be very difficult for me and my daughters. It would mean that I and my daughters would lose my ID and would not be able to come to Jerusalem to see any of my family. My sister lives just down the hill from me in Silwan and my parents home is very close by. We are all very close and I rely on them for support in lots of ways. My husband's family are not supportive; they have basically disowned my

husband and me because we have had no sons and only daughters. They have cut my husband off from his inheritance which is another reason why things are so difficult financially for us.

## **Case Number 4**

**Name: WS**

**Location: Anata / East Jerusalem**

**Interviewed on: June 17<sup>th</sup>, 2010**

My name is WS. I am 42 years old and I live with my husband and children in Anata in East Jerusalem. I have five children. The eldest is 19 years old and the youngest is 10 years old.

I am originally from Bethlehem and I carry a Palestinian identity card. My husband is a Jerusalemite and carries a Jerusalem identity card. When we first got married in 1990 and I moved to live with him in Jerusalem we submitted a family unification application to the Israeli authorities in order for me to be able to live in the city legally. My application was rejected. In the beginning they even refused to receive the application claiming that my husband and brothers were politically active and were jailed in the past.

Finally, in 2004, and only after I appointed a lawyer, my husband received a letter from the Israeli authorities saying my application has been approved. They requested evidence that I was living in Jerusalem as a condition for proceeding my application. My husband and I had to submit copies of water and electricity bills, a house lease contract, evidence that our children went to schools in Jerusalem and proof that we paid the Jerusalem municipal tax, the Arnona. We provided everything they requested but for a whole year there was no answer from them.

During all this time and since I married and lived in Jerusalem I was almost under house arrest. According to Israeli laws it is illegal to be living in Jerusalem with a West Bank identity card. I could not visit my family in Bethlehem and they could not visit me. I was totally isolated from them. I could not go shopping, I could not take my children to school or attend their school activities, I could not visit friends or get on a bus or a taxi without risking being stopped by Israeli soldiers and arrested or forced to cross the checkpoint back to Bethlehem. Life was very difficult and not normal at all. I constantly felt as if I had committed something seriously wrong. I could not have a job although I very badly needed to work for financial reasons. I could not have an affordable health insurance.

One day, during the winter of 2006, I stepped out of the house with my husband to do some shopping for the house. An Israeli army jeep passed by, pulled over and asked to see our papers. When the soldier realized I did not carry a Jerusalem Identity Card he

confiscated my Bethlehem Card and asked me to follow him by foot to the nearest checkpoint. When I got there he told me to cross to the other side of the checkpoint and to go back to Bethlehem. I was terrified and refused to do as he told me. I panicked and thought I would never be able to return home. I told him I had young children at home and needed to be with them. I told him I was married to a person from Jerusalem and my application was being processed. I showed him the piece of paper that proved what I was saying.. He refused and insisted on me going back to Bethlehem. He even asked me to sign a piece of paper in Hebrew which I didn't understand. In the beginning I refused but then I realized I had no choice but to do as he was telling me. I signed the piece of paper and crossed to the other side of the checkpoint. But instead of going to my parent's home in Bethlehem I climbed the nearby hills and found my way back to Jerusalem through dirt roads. It took me about an hour to get home when I was less than ten minutes away from my home. It was dreadful. Since that incident I have confined myself to the house and hardly ever left. When one day my youngest daughter fainted at school and had to be rushed to the emergency room I could not be with her. It was awful not to be with my sick daughter at the hospital.

We asked the lawyer to intervene. He finally was able to overcome the obstacle which the authorities claimed was the reason for the delay in processing my application. We were told it had to do with my husband's imprisonment for political reasons before our marriage. Ten days later, at the court, the lawyer was able to have them issue a permit that allowed me to be in Jerusalem. The permit did not allow me to be present or travel to any other place in Israel. Still, I felt this was a good temporary solution because it meant I could at least move around freely within the city and do things with my family.

In 2007 I finally received the approval to reside in Jerusalem. This was not yet an approval for a Jerusalem Identity Card but a piece of paper, valid for one year, that allowed me to apply for a permit to be in Jerusalem including an overnight stay. I had to first apply for a magnetic card which had all my personal information including a palm print. On the basis of that I was finally able to obtain a permit to be in Jerusalem 24 hours a day. This permit is valid for six months which means I can have two such permits for the duration of the temporary residency permit. This was good but not enough. This permit did not allow me to drive a car, to have a job or to be eligible for an affordable health insurance. It restricted my ability to leave and enter the city at specified checkpoints where the palm-scanners are placed. Still, I was pleased.

Everything was working fine until last May when my husband went to renew the temporary residency permit which expires on August 3<sup>rd</sup>, 2010. He is supposed to ask for an appointment to renew it at least three months in advance which he did. He was told that my temporary residency permit has been cancelled. They explained the reason to be the imprisonment of my two brothers and my brother-in-law. I was devastated. Just when I thought everything was going fine things became worse.

My daughter is getting married in a couple of months and there is so much to do in preparation for the wedding. My daughter needs me to go shopping with her, to visit relatives and to invite people to the wedding but it doesn't look like I will be able to do it.

I don't understand the logic. What do I have to do with my brother-in-law? Why do they punish me for something he did before I even knew him? The same with my brothers. I am not responsible for what my brothers did in their lives. One of my brothers was interrogated for 20 days and was not found guilty of anything. He was released and was not jailed. My other brother was put under administrative detention without charge and without trial. They had no evidence against him. He was released without a charge. The absurd thing is that the Israeli authorities have recently issued permits for my brother to enter Jerusalem. I don't understand. They have no problem with him entering Jerusalem now but refuse to give me a permit to live with my husband and children because of him. It doesn't make sense.

I am very worried. I feel my life will come to an end on August 3<sup>rd</sup> when my current temporary residency permit expires. I feel it is going to be much worse for me now that I was able to move freely for nearly a year. It is a relapse.

My husband is very sick and sometimes loses consciousness all of a sudden. When that happens he needs to be rushed to the hospital and I am the only person who can take him to the hospital since he is always at home and does not have a job. If I have no valid permit I won't be able to accompany him.

I feel anxious and worried all the time. It has been 20 years since I got married and I still am not allowed to live with my husband and children. It has been too long, I don't think I can take it any longer. Moving to another place in the West Bank is not an option. If we move to the West Bank the Israeli authorities will cancel my husband's residency rights and that of our children. I feel I am stuck. The situation is impossible. In about a month I will again be living illegally in Jerusalem with my husband and children. I will be under house arrest.

## **Case Number 5**

**Name: Rimaz**

**Location: East Jerusalem**

**Interviewed on: 29<sup>th</sup> July 2009**

My name is Rimaz, I am 33 years old. I am from the village of Zababdeh in the north of the West Bank near Jenin. I am a holder of a Palestinian identity card. In 1996 I married my husband who is a resident of Jerusalem and holds a Jerusalem identity card. We now have three children.

After we got married we lived in a house owned by my husband's family in the neighborhood of Beit Hanina in East Jerusalem. My husband and I were aware of the fact that the process of obtaining a Jerusalem identity card for me through a family unification application was not going to be easy; we knew that the Israeli authorities were not processing such applications. That is why we did not submit an application until a few



years later. I cannot remember the exact year when we submitted the application. But when we did it took years for the Israeli authorities to process our application.

At the time when I got married, I was still a student at Al-Najah University and wished to continue my studies. It was possible for me to commute back and forth between our house in Beit Hanina and Nablus where the university was; our house was located before the checkpoint, on the side of the West Bank town of Ramallah, so I had no problem making the commute every day and I did not feel a need for a Jerusalem Identity Card.

After I graduated from university I found a job at one of the private schools in East Jerusalem. I was very happy to find a job very quickly. The problem was that I now needed to travel in the opposite direction and cross an Israeli checkpoint in order to get to my work. Over the years this became more difficult for me with my West Bank Identity Card which, according to Israeli law, doesn't allow me access to Jerusalem. This was in 2001.

It happened many times that the Israeli soldiers at the checkpoint would ask me to go back home because I did not have a Jerusalem Identity Card. The School then issued me a card saying I was employed by them. That did not help much. In order to avoid passing through the checkpoint I used to walk through dirt roads and climb over the hills. I rarely made it to school in time. In the winter I would arrive completely wet and cold. In the summer I would be hot and sweaty. I always carried extra clothes and an extra pair of shoes with me. It was difficult to carry all those things without a car.

In 2003 more rules were enforced by the Israeli authorities to prevent West Bankers from being in Jerusalem. For example it became illegal for taxi and bus drivers from Jerusalem to take passengers from the West Bank. Taxi drivers would ask each and every passenger about their identity card to make sure it was a Jerusalem Identity Card. If they didn't have a Jerusalem identity card they would not allow them on the taxi.

It became more and more difficult for me to go to my work or to get anywhere in Jerusalem. I couldn't do my shopping, I couldn't visit my friends I couldn't take my children to school or to a doctor or a hospital. During the summer holidays my children and I could not go anywhere together. I couldn't take them to summer camps where other children their age went. I was completely dependent on my husband who was very busy. This affected my children too. They couldn't understand why their friends' mothers took them places, drove them around and did things in the city with them while I couldn't. They were too young to understand. I sometimes felt they resented me. It was very difficult for all of us.

Very often I took risk, I had no other choice. One day I was going to school. It was 7:30 in the morning and I was 9 months pregnant with my daughter. I don't remember the exact date. I took a taxi to Jerusalem and didn't tell the driver I didn't have a Jerusalem Identity card. Suddenly an Israeli police stopped the taxi and asked for our identity cards. When the police found out I did not have the right identity card he asked the driver to pull over, took his name and license number and told him next he is caught with West

Bankers in his taxi the police would confiscate the taxi. The policeman then pulled me from my arm and wanted me to push me into the jeep. I refused and told him I was pregnant and didn't want to sit in a jeep. The policemen then asked the taxi driver to take me to the police station in the settlement of Neve Yacov. I was released two hours later after they checked my records and realized I was married to a person from Jerusalem. They made me sign a piece of paper pledging I will not move within the state of Israel, which of course according to their definition also includes East Jerusalem where I live.

In October 2003 I was caught again in a taxi. This time it was really horrible because the police punished the taxi driver by confiscating his taxi for three months and taking his driving license. This meant that the taxi driver could not work for three months. The taxi driver blamed me for this and asked me to pay him a large amount of money as compensation. He used to wait for me outside the school gate until it was time for me to go home and would verbally harass me saying if I didn't pay him the money I would be in trouble. I was afraid he would cause me harm. In the end and after the interference of some people from the community my husband paid him some money and he stopped harassing me.

After this incident I decided to quit my job. It was not possible for me to continue to go to work this way. I was very sad because I enjoyed my work. I also lost the income which I needed at that time.

Most taxi drivers in Jerusalem now recognize me and know where I live and refuse to take me in their taxis. I am not allowed to drive my husband's car without a Jerusalem Identity Card. I am confined to the house. I hardly ever leave except to go to walk to neighbors' house. It is very hard for me. I am not used to staying at home. My family cannot come to visit me because they carry West Bank identity cards and are not allowed to cross the checkpoint into Jerusalem.

Nearly three-and-a-half years ago the Israeli Ministry of Interior finally told me they accepted my application for family unification. They gave me a piece of paper which was valid for one year on the basis of which I could apply for a permit to enter Jerusalem. Although this did not mean I was a resident of Jerusalem yet, but still I was very happy. At least it meant I could take a taxi and go places.

I have repeated the process of renewing this piece of paper for three times now. Each time my husband and I had to provide evidence that we were living together in Jerusalem. We had to show that we paid water and electricity bills, that we paid municipal taxes and that our children went to schools in Jerusalem. It takes weeks sometimes months to just get through to the ministry of interior for an appointment. They don't pick up the phone.

The third such paper expired in December 2008. Although I requested an appointment in time and submitted all the evidence they requested, it took them months to get back to me. This meant that during this time I was once again confined to the house. They told me they were checking my security record and that of my family, including my parents, my brothers and sisters and their families and the family of my husband.

This has been very difficult for me. Without a permit I am unable to visit my parents in the West Bank because I won't be allowed back home into Jerusalem at the checkpoint. They cannot visit me either. My sister lives in Ramallah, just half an hour away from me and I cannot visit her for the same reason. My husband and I appointed a lawyer to try to speed up the process of getting a Jerusalem identity card. After we paid him a large amount of money he told us the Ministry of Interior is not approving any applications.

I have no idea how long this situation will go on for. My husband and I have been married for 13 years now and I am still unable to live a normal life with my husband and children. Many of my friends have the same problem. I still cannot apply for a job. Nobody will employ knowing that I am in Jerusalem on short-term permits which I have to renew every year. Everybody knows that renewing the permit is not guaranteed. It might happen again that I will spend months without a permit before the authorities process my request. I feel I am losing the best years of my life sitting at home.

## ***Residency Rights in West Bank and Gaza***

### **Case Number 6**

**Name: Faiza**

**Location: Hares**

**Interviewed on 22 April 2010**

My name is Faiza, I am 29 years old. I am married to my cousin and we have two daughters and one son. I was born in Gaza and that is why I carry a Palestinian identity card with a Gaza address in it. This has caused me many problems. I am currently living with my husband and children in Hares in the West Bank but the Israeli authorities consider that I am living here illegally. They refer to people like me as infiltrators.

Problems actually began five years ago when the Israeli authorities refused to issue me a permit to leave the Gaza strip to come to the West Bank for my wedding. I applied for a permit to exit Gaza but my application was repeatedly rejected. I made it very clear in my application that I was going to get married to a Palestinian from the West Bank and that it was the reason for my application. I provided all the information they needed and the supporting documents they requested including a copy of my wedding invitation card but all this did not help. I was distressed and felt my whole future was destroyed because I wasn't able to marry the person I wanted to marry. I applied more than 5 or 6 times over a period of 4 years, provided many papers and many details but my application was rejected.

As a last resort, my mother-in-law approached the Palestinian minister of civil affairs and begged him to intervene with the Israel authorities on my behalf. Finally I was given a permit to leave Gaza but for 9 days only. This was ridiculous, still I was very happy. The permit clearly said I needed to return back to Gaza within 9 days. Returning back within 9 days was not an option for me. I don't understand why they did this when I clearly told them I was going to get married. I haven't returned to Gaza, not even for a short visit, since I left on March 1<sup>st</sup> 2005.

Israeli authorities did not give a permit for my father and two of my brothers to attend my wedding. My other two brothers, my sister and her two daughters and my mother were the only members of my immediate family who were allowed to attend my wedding.

Living in the West Bank with an identity card that has Gaza as an address makes my life very difficult. It means I can not travel back to Gaza because if I do I will never be allowed to leave it again. It also means I can not travel freely within the West Bank, like going from my village to Ramallah or to Nablus or Hebron, because if I do I would expose myself to the risk of being arrested at any of the many checkpoints and immediately sent back to Gaza. Having an address in Gaza is a curse.

I can only dream about ever visiting Jerusalem which is less than two hours away from my village. Travelling abroad is impossible. I would love to go to Jordan or to Egypt, to accompany my husband and my children for a holiday but this is not possible. I would love to go to Saudi Arabia, for the religious ritual of Omra, but I cannot. I am living in a big prison.

Immediately after I got married my husband and I applied for a change of address for me. The application had to be approved by the Israeli authorities who have been refusing to change addresses from Gaza to the West Bank, not only for me but for everybody else. I think there are thousands of people with the same problem as me. We are all stuck. Three weeks ago I heard on the news that the Israeli authorities passed a new law which basically allows them to arrest and deport anyone with a Gaza address as if they have committed a crime. I have since been so worried that Israeli soldiers would come and arrest me or send me back to Gaza. I am worried that one day I will be separated from my husband and my children. My husband is also worried. He doesn't know whether one day he will find out he is unable to live with his own children.

When I applied to have my address changed I had to give all my personal details to the Israeli authorities. I had to give them my exact address in the West Bank, the name of my husband and where he lived and what he did. They have all the information they need to come and arrest me anytime. I no longer need to appear at a checkpoint for them to arrest me. They can come anytime and take me out of bed. This is a constant worry to me. It is affecting my life. I feel I cannot rest. I am constantly stressed. I heard that the Israeli authorities will deport 70,000 people back to Gaza. This scares me. It will be a disaster.

In the summer of 2007 my brother had a heart attack and died unexpectedly He was not ill. He was 36 years old. I could not go to Gaza to attend his funeral and be with my

mother during this difficult time. I was so angry that I felt I could have committed something stupid out of frustration. It is the worst thing that can happen to anyone; not to be able to mourn with family.

My parents have never seen my children and my children don't know their mother's side of the family. I so badly want my mother to see my children and to enjoy them with me. Every time I inquire about my application to change my address I am told there is nothing new. Israeli authorities have frozen the process of what they call internal family unifications.

My life is very restricted. I would like to have a job and to go out and work and meet people and to be productive and useful to others. I am educated and qualified for a good job. I cannot go to a hospital of my choice if one day I need one. When I had my youngest daughter I had to go to the hospital in Qalqilia not because it was the best hospital but because it was the only hospital I could access without having to go through a checkpoint.

I have been worried about my life since I got married but the new military order is making me feel even more worried. It is a frightening new order. I am not an infiltrator as they now refer to people like me. I haven't done anything wrong, I haven't committed a crime. I feel trapped. On the one hand they refuse to change my address to where I live now and at the same time threaten to send people like me back to Gaza without any hope of ever allowing us to leave again. I find this very strange and unacceptable.

My husband has a good job here and our economic situation is good. We own our own house and our children have a good future here. I just hope we will be able to live a normal life with our children and to fulfil our dreams.

## Case Number 7

**Name: AAS**

**Location: Ramallah**

**Interviewed on 10 March 2010**

My name is AAS and I am from Gaza but moved to Ramallah in 2005. I am trained as a civil engineer but currently work for an NGO in Ramallah on fundraising, communications and co-ordinating projects between the West Bank and Gaza.

I left Gaza in October 2005 because of the situation there. I had trained as a civil engineer and worked for four years in this profession but then lost my job because of the desperate economic situation. There was no work and I was unemployed but really wanted to work and further my career. This wasn't possible in Gaza and so I decided that the best thing to do was to go to Ramallah where there were more opportunities to find work. Two of my sisters were already living in the West Bank and so I also had family to stay with there.

So the situation is that I am living in the West Bank with an Identification card that says that I am from Khan Younis, from Gaza. I am therefore technically and according to the Israelis living in Ramallah illegally and if I am stopped and caught by them I will be sent back to Gaza and will not be allowed to return. Before 2000 it was easy to change the address on your ID card, and my sisters were able to do it, but after this the situation changed and it became almost impossible. The situation is getting worse and I regularly hear about people with Gaza IDs being picked up and sent back to Gaza.

I spent the first nine months without a job, I saw two jobs that I was qualified for but they both required travelling out of Ramallah. This is too risky for me, I could be picked up by soldiers at checkpoints and arrested and so I didn't apply for them. In the end I decided I would apply for any job that was available and didn't require me to travel even if it wasn't in the field that I had qualified.

I took a job with an NGO which has its headquarters in Khan Younis in Gaza and a branch in Ramallah. They needed someone to work in the Ramallah office to do fundraising and meet donors in Ramallah who can't go to Gaza. I have good English language skills and good communication skills and so the job suits me. I enjoy the job, I work on fundraising but also co-ordinate projects in the West Bank and co-ordinate the work between Gaza and the West Bank. It is very frustrating though; I can't travel at all to visit any of the projects outside of Ramallah or of course go to Gaza. Also, the staff in Gaza can't leave to visit the projects in the West Bank. I have also been invited to participate in conferences held overseas that it would be really useful to attend, but I can't go.

I've now been in the job for four years and would quite like a change and develop my skills and experience but it's very difficult when you can't travel, with all the restrictions on my movement.

It's very hard being separated from my family. My mother and two of my brothers are still in Gaza. I haven't seen them since I left in 2005. They can't leave Gaza and I can't visit them there, because if I do I won't be allowed to leave Gaza and come back to Ramallah. I also have a brother in Germany who I haven't seen for years. He is not permitted to visit the West Bank and I can't leave. I feel I need to get away; all my friends travel and my sisters travel, but I feel my horizons have narrowed. I need to travel to have my thoughts updated and to experience other places and people. I feel caged in a prison. My family are all planning to meet up in Egypt if my family in Gaza get permits to leave. I'll be the only one who can't be there.

My mother is 60 years old and she fell sick soon after I left. I should be there to look after her. She only has my two brothers to look after her, and they have their own families to look after and anyway, it's not the same as having daughters there. When she got sick, I felt that there couldn't be anything worse than being away from her. But I also know that the situation there is terrible, with the blockade, then the war and with Hamas in power. I know that I can't be myself there. There was a religious atmosphere in Gaza even before Hamas came to power but things are worse now. I am not religious and I don't cover my head and I am a single woman with a job and a social life – life would be very difficult for me there. If I went back I would have to sacrifice my life and who I am.

My mother doesn't ask me to return but from inside myself, I feel a responsibility to be there and take care of her. But the situation is like hell in Gaza, destroyed economically and structurally and the religious atmosphere. It is a terrible dilemma.

I don't know what will happen to me. What if they remove me from my home in the middle of the night? One day they could just come and get me. I save money in case this happens; in case I'm deported to Gaza and can't get a job, This means I can't buy a house or make any other big expenditures; I have to make sure I have savings in case I have to leave and everything I have is taken away.

In Ramallah I have friends, my sisters and a good job. I have the potential to be very successful and be anything but I feel I have no horizons because of the restrictions. I have to try and live a normal life and I present a face of normality. I don't want to admit to how I'm feeling and what I'm suffering. It is normal that I can't sleep because of anxiety about the situation; I feel nervous and stressed. I try different things like yoga and medication but it doesn't work.

I miss Gaza. I miss my family and seeing my nieces and nephews – I have eight that I've never seen and don't know when I'll get to see them. I miss my room, my things and the family home. I call my mother at least once a day and sometimes as much as five times a day because I feel guilty about not being there. We talk a lot but not about the main issue; that I'm not there. We skirt around it and I don't know whether she forgives me

for not being there. She knows I had to leave but that doesn't mean that she accepts the situation. She has her pride but I know she is sad that I and my sisters are not there and I know that her health is only going to get worse.

## ***Access to adequate healthcare facilities***

### **Case Number 8**

**Statement of: Imm Rashad**

**Location: Beit Ikksa**

**Interviewed on 20 September 2010**

My name is Imm Rasha, and I am 72 years old. I live in the village of Beit Ikksa, which is in the West Bank, and north of Jerusalem. It used to be very easy to travel to Jerusalem, only about 15 minutes in the car, but they closed the Ramot checkpoint at the beginning of June 2010 and so it's no longer really possible for me to get to Jerusalem.

I have a lot of health problems – in fact I've had two heart bypass operations – and so although I have West Bank Identification, I can get permits to go to Jerusalem for health treatment. My doctor is based at the Augusta Victoria Hospital on the Mount of Olives in Jerusalem, I've been seeing him regularly for 15 years. Before the checkpoint at Ramot closed, I could take a taxi or ambulance directly to the hospital to have treatment or in emergencies, now all that has changed and it is really hard to get to Jerusalem.

In June 2010 – after the checkpoint closed – I fell very ill. I woke and was feeling very dizzy. Because we couldn't go to Jerusalem, my family took me to the Palestinian Red Crescent Hospital in Ramallah. They didn't know my medical history, even the fact that I'd had two heart bypass surgeries and made mistakes with my treatment. I was in the Intensive Care Unit (ICU) for 5-6 days, very ill before I was discharged. But I wasn't better and felt very sick while I was back home and felt like I was going to die. My skin was turning black and I was very sick. In fact, I told my family that I was going to die I felt so bad. I went back to Ramallah, but this time to see my regular doctor, who comes to Ramallah once a week on a Tuesday to see his patients who can't go to Jerusalem. He told me that I had internal haemorrhaging and immediately said that I had to go to the Augusta Victoria hospital in Jerusalem. He arranged co-ordination with the Red Cross and arranged for an ambulance. I was taken out on a stretcher to one ambulance which took me to the Qalandiya checkpoint, when I was taken out and transferred from one ambulance to another.

Once I was in the hospital in Jerusalem, I spent another two days in the ICU there. They transferred seven units of blood into my body and gave me the right injections that they hadn't done in Ramallah. My family couldn't come to visit me in hospital in Ramallah because they don't have permits to visit Jerusalem. My brother got a permit for one day, but could only stay for the afternoon with me.



But thank God, I'm still here. Although if the checkpoint had still been open and I could have gone to Jerusalem, none of this would have happened.

## **Case Number 9**

**Name: JD**

**Location: Al Khalayleh, Al Jib, Ramallah**

**Interviewed on 13 May 2010**

My name is JD I am originally from Beit Iksa but when I married I moved to live with my husband's family in an area called Al Khalayleh in the village of Al Jib. The house is located inside the wall on the Jerusalem side, and the wall and checkpoints separates us from the village of Al Jib and the rest of the West Bank.

I married when I was 15 years old and I am now 50 years old. I have nine children aged between 33 years and 12 years old. All my children except my youngest daughter are married. My oldest son S is disabled, he can only walk with crutches now and has had to spend a lot of time in hospital getting treatment. He used to work but after the surgeries he can't anymore.

I live in the house of my husband's parents. I and the rest of my family have West Bank ID which means that although we are on the Jerusalem side of the wall we are not allowed to go into Jerusalem. To travel through the checkpoint to our home we have to be registered as living in the Al Khalayleh area and none of my extended family does and so they cannot visit me in my home. Before the Wall and the checkpoints my parents house was only five minutes away, now it takes me more than an hour if I go to visit them.

Our house also has a large area of land around it, about 40 dunams, although around 200 dunams was confiscated by the Israelis to build the wall. Our house is located around 300 metres down a rough track which is difficult to access. Until very recently there was no public transport around, now there are two cars we can use but they are for Palestinian workers who have permits to work in Israel. We can only travel in these West Bank Palestinian cars and only cars that are registered to a house in Al Khalayleh can be in our area. We can't afford to have a car ourselves so we usually have to walk everywhere or in difficult situations we will ask our neighbours for help.

I was very ill recently and had to go to the hospital for an operation on 4 August 2009. To be honest, for two or three months I put off going to the doctor and to the hospital because it is so difficult to get access to the doctor and expensive to get there. I just put up with the pain and took herbs and pain killers. Before the Wall it would have been very easy and would have only cost 10 shekels to go to Ramallah. Eventually my son persuaded me that I had to go. A friend of my son took me to Ramallah in his car because by this stage I couldn't walk, they took me through the Ramot checkpoint. The

doctor in Ramallah said that I needed a hysterectomy surgery and recommended the Macassed hospital in Jerusalem. The Doctor filled in a report for me and then my son went to the Israeli co-ordination office to get the permit. On the day I had to go to the hospital my friend's son took me to the checkpoint at Givat Ze'ev and dropped me at the crossing. I then walked through the checkpoint and took public transport to Ramallah and then to the checkpoint at Qalandiya where again I had to walk through. I had to go to the hospital on my own because they did not give a permit for anyone to go but me and none of my family have permits for Jerusalem. I am now recovered but after the surgery every six weeks or so I would have to go back to the doctor in Ramallah for follow up. Travelling was very difficult.

At the hospital, I had no one, I was completely alone with just foreigners around me. Nobody could visit me for the ten days that I stayed in hospital. During the bad moments I wished I was dead, I felt so alone. After I was discharged I was able to get a taxi from Jerusalem home – the taxi driver checked my permit before he would drive me back to my home.

When I got home, I was back with my husband and children but none of my sisters or brothers could come and visit me. I wasn't feeling well and really wanted to be able to see them.

It is very difficult when any of us need medical treatment and have to go to the doctor, hospital or clinic. Two days my daughter in law and her baby had to go to the clinic in Al Jib to have their vaccinations and I went with them with some of the other children. It is about a 3km walk from our house. We had walked about half of the way to the checkpoint, and I was walking a bit ahead, when one of the children started screaming that she was dead. I ran back and found that she had fainted because of the heat and the long walk.

It is very hard for my son S. He can only walk with crutches and has had to have a lot of medical treatment. He has had operations on both ankles and medical procedures on his bones and now has metal rods in his legs. He used to be able to work but after the surgeries he can't anymore. When he had to go for treatment we couldn't afford to pay for transport which is very difficult to get anyway, so when he had to go I would walk with him to the Givat Ze'ev checkpoint and I would carry a small stool so when he couldn't walk anymore he could stop and sit down on it and rest. On the other side of the checkpoint we would get in a small bus to go to the hospital in Ramallah. It is very difficult now for him to leave the house as we are about an hour walk away from Jib through the checkpoint and this is very hard for him.

We built a small house next to our house which was meant to be for S, his wife and their four children. They moved into it although it was not really finished but in 2005 the Israelis demolished it. They had to move back into the main house, but it's so crowded. They are six people living in one room in the house. There are 25 people living in the house altogether and we can't extend the house and build any extra rooms although we have a lot of land around the house and there are lots of new houses in the settlements of

Givat Ze'ev and Givon just by our house. We have just five rooms and a kitchen and a bathroom. We're having to use the rooms that we used to use for sheep for people to sleep because it's so crowded.

Only one person in the family has work, that's A my son. He works in a car wash in a settlement and earns \$700 a month. My oldest son is not able to work and the other's haven't been able to get permits to work in Israel: it is very difficult to get work in the West Bank.

We used to be farmers and make money from the land, and my sons used to work on the land. We used to make around 15-18,000 shekels a year from selling produce. This has all stopped since the wall was built. We would grow wheat and corn but this is not possible anymore because we cannot bring the machinery to do the harvest: we need to use a combine harvester and it can not come through to where we live. We also have olive trees and vines, but now it is all ruined – we are in shackles. We don't have the equipment to look after the land and can't take what we need through the checkpoint and also can't take anything out to sell. I also used to grow and sell vegetables; tomatoes and cucumbers but it's too difficult to transport them to sell now.

My daughter SR and my son S's children go to school in Al-Jib. Every school day they have to go through the checkpoint. If I could I would send them to the school further away in Beit Iqsa so they wouldn't have to go through this checkpoint but I can't afford the money for transportation. They and I are afraid on a daily basis having to walk around an hour to get to school and pass through the checkpoint. I have encouraged all my daughters to marry young to try and end the situation so they don't have to do it anymore. My daughter N married when she was 16 years old. Fortunately she can still visit the house here as we have made sure she has stayed registered here but her husband can't visit.

We can't bring meat and chicken and eggs through the checkpoint and we're also not allowed to bring gas cylinders through for cooking. We have to make do with cooking on fires.

I wish we didn't have the wall anymore. I want to be able to go back to how it was before: to be able to cultivate our land and have access to our families and for them to be able to come and see us. If we were able to cultivate our lands, our lives would be very different. This is not a life but I don't want to leave our home as we would be betraying the land and the people.

## ***Adequate living conditions***

### **Case Number 10**

**Name: Waela Sultan**  
**Location: Hares, Near Nablus**  
**Interviewed on 22 April 2010**

My name is Waela Sultan and I am 34 years old and live in the village of Hares which is in the north of the West Bank. I have five children, three boys aged 14 years, 12 years and 4 years and two girls aged 10 years and 8 years. I'm originally from the village of Kira and moved to this village when I got married when I was 18 years old. When I first moved I lived in the house of my parents in law and am still living there. We had been building a house for our family but this house has now been demolished by the Israeli authorities.

Over the years, the house I am living in has become more crowded. We share the house with my mother in law and my husband's brother who has mental health problems, my sister in law and her husband and their eight children and another of my husband's brothers and his wife and three daughters. When I was first married, we just had one room on the first floor but as I had my children, we started to use two rooms downstairs, which we had to fix up to make suitable to live in. Still the space is not enough for the family, my five children all have to sleep in one room and as they get older this is not good for them. The house is too crowded, the children are growing up and I also need more privacy.

In 2006, my husband started building a new house up the road in the village on a piece of land given to my husband by his extended family. I was so happy when my husband started building the house. We saved money and it isn't easy to do this when you have five children to provide for. I joined a co-operative, where I would put money in to help me save. I also sold my wedding gold to raise more money. Things were not easy for us.

The house was still not finished. We have been trying to build the house gradually bit by bit when we can afford it. The foundations were done and the outer and inner walls were all constructed but it still had no roof.

In March 2010, we received a demolition order for the house. I didn't see anyone deliver the order, a young man from the village gave it to my brother in law who lives next door to the house. He told us that soldiers had come to the village and took pictures of the house and then put notice in stones by the house. My brother in law then gave us the notice which was dated 11 March 2010 and stated that the house would be demolished because it was built illegally in violation of zoning laws and that we had three days to make objections to the inspection committee. But the notice did not have my husband's name on it, it had the name of Mohammed Mansour. We didn't know who this was. My husband's name is Maher Odeh Sultan. We were very confused about the notice and

didn't know what to do. But to be on the safe side we brought in a surveyor to draw up maps and the plans for the house which my husband then took to the Israeli District Co-ordination office in Tulkarem. There, he found out that the surveyor had not done a good job and so the surveyor had to re-do the work that he had done and then my husband took the documents back to the DCO.

On the same day that my husband went back to the DCO in Tulkarem, the 14 April 2010, the Israelis demolished the house.

I heard from my husband's niece who lives near the house at about 9am that the Israelis were around the house and were taking pictures and I feared the worst. I got myself ready and went up the road towards the house to find out what was happening. I was about three houses away from the house, when I couldn't go any further because about 10 to 12 Israeli soldiers were standing on the road and had blocked the way with an army jeep. I went over to the soldiers and begged them to allow me to pass but they refused. I could hear the bulldozers and there was dust in the air. There were only about three houses between me and our house and I could see that our house was being demolished.

I felt so upset, I was crying and slapping myself in the face. My dream was being destroyed.

My brother in law, Nitham lives next to the house told me that he had talked to the soldiers saying, "What are you doing?" and they had just said: "It doesn't have a permit." My brother in law told me that he went into the house and tried to stay in there to stop them bulldozing it, but that the soldiers told him that they were only going to demolish the top floor. He said that they then forcibly removed him from the house and then demolished the whole house despite what they had said to him.

Nitham called my husband and he said that he was still in the DCO trying to sort out the documents, he told my husband to come back because they were demolishing the house. It only took the Israelis about half an hour to demolish the house, and so when my husband arrived back after 1 -2 hours it was demolished. We all went up there to look at what they had done and saw our destroyed house.

The Governor of Salfit came to visit us and so did the Red Cross and they said they would help us to fill in forms to try and get compensation for the house. I hope we'll be compensated and hope that we'll be able to build a house again.

My children were at school when it happened and they were shocked when they saw the house was gone. I am still in shock, I can't believe what happened. Yesterday I went up to where the house was – it is now just a pile of rubble and metal – and cried. I used to go up there and sit by the house and enjoy the peace and quiet and now it has all gone.

## Case Number 11

**Name: Jamila Diab Misbah**  
**Location: Al Khalayleh, Al Jib, Ramallah**  
**Interviewed on 13 May 2010**

My name is Jamila Diab Misbah and I am 45 years old. I am from the village of Judeira but moved to Al-Jib when I married my husband. We have seven children, four boys and three girls.

My home is situated in a part of Al Jib called Al Khalayleh which is now located behind the Wall and we can only get to it through a checkpoint. Our house is only about 50 metres from the settlement of Gavon and also near the larger settlement of Giv'at Ze'ev; we have about 2 dunams of land for our property and then on the edge of the land there is a barbed wire fence with the settlement behind it.

Our house belongs to my husband and when I first moved there when I married, his parents were also living there. My father in law died a few years ago, but my mother in law still lives in the house with us. The house has three rooms, one for the girls, one for me and my husband, one for my mother in law and the boys sleep in the living room. There is also a kitchen and a bathroom. Part of my husband's house was built more than 50 years ago and is built properly of cement but for many years it has not been possible to do any proper construction on the house and so the extensions have all got zinc roofs rather than cement. Even before the wall was built the area was designated as a green zone and we could not build and extend and had to use zinc. Now even that is not allowed, we can't do any work on the house, despite the fact that the houses of the settlements have been built all around us.

I only go through to the village when I have to, so I don't have to go through the checkpoint. But we are so cut off from our family, none of my family can visit me. Even my sisters in law who grew up in this house are not allowed to visit now they are living away from the house with their husbands. When my daughter got married, I wanted to have the wedding at my home but this wasn't possible because nobody could come. I wanted it to be a happy occasion for her but it's just not possible with the situation.

My father in law died three years ago at home and none of the family or friends from the village could visit to pay their last respects. We hired a car to bring him to Al-Jib but they wouldn't let the car through at Givat Ze'ev and we had to go all the way round through Ramot and Beit Iqsa so his family could see the body.

There is no public transport that we can use in the area that we live, and it takes about half an hour to walk to the checkpoint and then another fifteen minutes on the other side of the checkpoint to get to the shops and services on the other side. It usually takes about an hour altogether to go through when I need to go shopping or go to the clinic. It's also

forbidden to bring through eggs or chicken or meat through the checkpoint, they usually check our bags when we pass through the checkpoint. This happened to me a few weeks ago – I was taking through 6 chickens and 2 kilos of meat and I begged them to let me through with it, after 30 minutes of me begging them and telling them that I wouldn't do it again they let me through with it.

We also can't take the gas cylinders we use for cooking and heating through the Givat Ze'ev checkpoint, we can only take it through the checkpoint at Ramot after co-ordinating with the Israelis and this is very difficult to do. When I go through this checkpoint I have to rent a car from one of my neighbours for 100 shekels an hour to go here as it's a long way from our house. Palestinian cars can only come through the Ramot checkpoint if they are registered in our area, otherwise it is prohibited so we have to rent a car from our neighbours. Some of our Palestinian neighbours have Jerusalem ID and have yellow plated cars – I and my husband can't use these cars because we have West Bank ID and we also can't go into Jerusalem even though we are on the Jerusalem side of the wall and cut off from the West Bank. We can only use a West Bank car registered in Khalayleh.

A few years ago the soldiers used to regularly ridicule and humiliate the Palestinians going through the checkpoint. One time 2 years ago when I was going through, I had forgotten my ID card and asked my son to come and bring it to me. When he arrived the soldiers grabbed my son and one of them kicked him so he fell to the ground. I then went and got between my son and the soldiers to stop them hurting him anymore, when they moved forward I pushed them both backwards and away from my son. After this incident the police came to my house and they investigated what had happened, but they decided not to follow up with it.

I no longer send my children to school in Al-Jib where they used to go because I don't like them to pass through the checkpoint. The soldiers used to joke with the girls and this is not good. So I transferred Bayan and my son Hamdan from the school in Al-Jib to Beit Iqsa. She now has to pass through the Ramot checkpoint where there is a co-ordinated arrangement for the school bus to pass through. It is much further for them to go. My older daughter Ilham was in Class 9 when I transferred Bayan but instead of transferring schools with just one year to go, she left school early. Me and her father did not want her to have to go through the checkpoint every day and were afraid for her of the soldiers. I would not let my daughters go alone through the checkpoint.

My children get frustrated that none of their friends can visit. None of my family have been allowed even one visit. My husband's sisters have not even been allowed to visit their sick mother in our home. I wish I could have my life without the wall and could go back to sharing my life with my family and loved ones. We have no life at all here.

## Case Number 12

**Name: Mounira Amir**  
**Location: Mas'ha, near Bedyā**  
**Interviewed on 22 April 2010**

My name is Mounira Amir. I am 46 years old and I have six children: four sons and two daughters. I have been married for 28 years now and I have a son who is 27 years old who is married and lives away from home. My other children, sons aged 21 years, 18 years and 10 years and daughters aged 19 years and 12 years old, all live at home. I live in a house in the village of Mas'ha, which is totally enclosed – on the side by my village there is the eight metre high Israeli wall, on two sides are fences and on the other side is the Israeli settlement of Elqana. There is a gate in the fence next to the wall which I have to use to get to my house.

I live in Mas'ha, which is very close to the larger village of Bedyā and is in the north of the West Bank. When I first married, in April 1983 and moved into my home, it was the last house in the village. My husband had spent 10 years building the house on land that he had bought. His family were originally from a village called Kufr Kassem which is inside what is now Israel, and came to Mas'ha as refugees. It felt very special to move into the house with my husband and for us to have our own home and not live in the house of his parents. This was a very happy time for me.

But in 1985 or 1986, things began to change. Israeli settlers began to build the settlement of Elqana on land that belonged to the village, and right next to our house. Nothing was ever said to us or to anyone in the village as far as I know, they just started building. It started with one house and then slowly it started to get bigger. I began to feel worried about what was going to happen to us, to my family, to the village. The settlers never greeted us or spoke to us when they started building and then moving in although they did use the shops and services in the village. We had started a small business on the grounds of the house, a nursery selling plants, and the settlers used to buy things from us.

The economic situation for us improved and we bought another house in the village in about 1998 and moved to live there and ran the business from the other house at the end of the village. But this all changed in 2000 with the Second Intifada, the Israeli army erected a barrier on the road before our house, which was the last house before the settlement and blocked access to the house. For two weeks we were unable to go to the nursery which meant that most of the plants died and we lost a lot of money. When we were able to go back, we found that the plants had died, pots and storage units had been destroyed and fertilizer and other things had gone. Overnight our main source of income was destroyed. Since then, the business has been closed.

At the beginning of 2003, we heard that the Israelis had started to build the Wall near to Jayyous in the north and began to worry about what was going to happen in our village. I



was very concerned about what would happen to our house and we moved back to the house and stayed there for three months. My husband and I made some inquiries with the Israelis about the wall and whether we would be affected, but we were assured that we were not at risk. Nonetheless, we rented out the house so that it wouldn't be left empty.

On 1 August 2003, someone from the Israeli army notified us in writing, and they also spoke to us, that the wall was going to be built right next to our house. As soon as we heard that, we moved back into our home and the tenant moved out. Then they told us that our house would be demolished, but we refused to leave and in effect, they said ok, then we will leave your house on the other side of the wall. Shortly after this, they started to build the Wall. They confiscated a lot of land from our house to build the wall and for a road for military vehicles that is in between the wall and our house. In most of the sections near us the wall is a metal wire fence but just in front of our house, they have built a nine foot high concrete wall. It's just a small section, maybe 50 metres long just next to our house. It felt like a punishment for refusing to leave, to cut us off completely from the village so we couldn't see our neighbours or the village any more and force us to leave. But we knew that we wanted to stay in the house and didn't want to lose it.

After about three months, and by December 2003, they had finished building the wall. At this time, the Israeli soldiers would allow us to pass through the gate to the village twice a day – once in the morning and once in the evening. They would unlock the gate to allow us to pass through and then lock it again behind us. At this time we had a lot of support from activists including Israelis and from the UN, the Red Cross and human rights organisations. We also used to have lots of television companies come to visit us to see our situation. A tent was built nearby and people would sit in it 24 hours a day showing their support for us. Some of them used to block the way of the bulldozers and one day the soldiers locked us in the house and then two buses, one was full of soldiers and the other one they used to take away the activists.

But they gave us a lot of support and the Israelis didn't like the fact that the house was famous for all the wrong reasons and they were being made to look bad. So the soldiers granted us better access by giving us the key to the gate, I take great care of the key because my whole life depends on it! The soldiers said we couldn't have guests, but we ignored it and would have people come to visit. But we found out they must have cameras on the gate, because every time we had guests, soldiers would come, I think that there must be electronic sensors on the gate. We have never obeyed the orders – it is up to me to decide who is allowed in the house and I will let anyone in who wants to visit. One time probably in 2005, the UN came to visit and a soldier who was by the gate asked me what I was doing. I told him "I am opening the gate for my guests from the UN." For an hour and half the UN then negotiated with the soldiers before they were allowed through.

There's been lots of incidents since then – for example one time, my son was locked out on the other side of the gate for two days and the soldiers wouldn't allow him through. Another time, a group of activists came to visit; the soldiers kicked them out and then locked the gate and took the key and left.

We are now a bit more used to it, but I wish we didn't have to live like this. I worry because I don't feel comfortable leaving my daughters on their own. If I go out then I will take everyone with me. If I need to go to the village, I will make arrangements with everyone, I make sure I know where everyone is.

My life has changed a lot since the wall was built. It's the small things that I miss a lot. For example, I used to be able to talk to my neighbour in the next house; I would shout and she would come over and have a chat and a cup of tea. I would have liked to have had my son's wedding in the house, and parties for the children's graduations but this isn't possible. My 12 year old daughter's friends won't come to the house because of the situation and neither will my 10 year old son's friends.

My children are affected by the situation. They don't want to live like this. After school, they want to hang out with their friends but I say no, they have to come home because they need to come back through the gate. My youngest son has grown up only knowing the gate and the wall. He knows no different. He used to refused to go home because of the wall and still doesn't want to come straight home from school. He wants his friends round but they won't come.

My older daughter is studying at An-Najah university in Nablus. Every morning I let her out through the gate and every evening she shouts to say she is back, and I go out and let her back in. Last year, she rented a flat in Nablus and I was happier that she didn't have to go through the gate every day, but she wanted to stay at home this year.

Our financial situation is much worse now. We lost the business because of the closure and then the wall. My husband is now just working two days a week for a project digging wells in local villages. Things are very difficult for us. Before the wall was built, our house was worth about 150,000 Jordanian Dinar (about \$210,000) now it is worth far less even if it were possible to sell it. We received no compensation for the land we lost to the wall and the road – we used to have about 3.5 dunams of land, now we only have 1.5 dunams. I tried to make some money doing some work in the house; I would make tomato paste at home to sell in the village. But the soldiers would ask me about what I was carrying through the gate and in the end it was just too much trouble, and I don't do this anymore. It's very difficult to move things in and out of the gate, it's quite small and I have to use a small cart to transport things. We have some large pieces of rubbish in the garden – old metal frames and things, but we can't move them, they won't fit through the gate.

We also have trouble from the settlers who are right next to our house. When they come and throw stones, I think I'll leave. But then, I calm down and say I'll stay. There used to be more incidents, but there is still stone throwing, during the day it's mainly kids of about 14-15years old who throw stones at the house. They've broken the glass in the solar heating several times and broken windows in the house. The last incident was ten days ago – on Saturday 10<sup>th</sup> April. It was about 5pm and I heard the sound of stones hitting the roof and I saw a group of settlers outside throwing stones. There was no

damage thankfully on that day. We don't bother making complaints any more. My husband used to go and make a complaint each time, but then the Israeli co-ordination office told him not to make the complaints any more. The soldiers also bother us – the army jeeps drive up and down the road in front of the house, and they squeak their tyres and speak loudly as they go past us.

The settlers do it to drive us out of this place. The settlers curse us and say bad words, I can't repeat what they say but it's often cursing our religion and our prophet. We're the only Palestinian house on their side of the wall and they want us to go.

## ***Settler Violence, West Bank***

### **Case Number 13**

**Name: Ahlam R**  
**Location: Hebron**  
**Interviewed on April 12<sup>th</sup>, 2009**

I live with my family, my husband Fadel A and my children O who is 8 years, H who is 7 years, N, a girl who is 5 years and M, a boy who is 3 years, in our house in the Wadi Al-Husein neighbourhood located about 20 meters away from the fence that separates Kiryat Arba from Wadi Al-Husein, in the same area where the Rajabi building is located. This building was taken over by settlers and the owner raised a case against them in the Israeli High Court. The court ordered that the building be evacuated from the settlers pending the final ruling. The army evacuated the settlers who carried out a number of attacks against the people living in the area.

On December 4<sup>th</sup>, 2008 at around 1:00 o'clock in the afternoon I was at home. I noticed that the settlers had gathered. I took precaution since I was alone with my children. I took them inside the house and locked the doors and windows. At around 1:30 p.m. I started to hear voices. I looked through the side of the window and saw tens of settlers. One of them was carrying a gun in his hand which looked like a machine gun. I was scared. I didn't know where to hide my children. I took them to my bedroom and put them on the floor between my bed and my younger son's bed. A short while later I heard the settlers talking in Hebrew. I understood they were cursing. I heard them say "Arabi meken" which I know in Hebrew means "Arab prostitute". I also heard shooting and voices of women shouting.

My husband was trying to get to us but he later told me the army did not allow him. He called me to make sure we were ok. He was not too far from the house. I remained at home and heard the sound of stones that the settlers threw at our windows. At around 4:00, my husband called me and asked me to take the cooking gas canister out of the kitchen. I asked why but he did not reply. Indeed, I went to the kitchen, and while I was

unscrewing the gas canister I heard the sound of burning fire. I then understood that the settlers had put the wood we used for heating next to the house, on fire. Smoke entered the house and I did not know what to do with my children. They could suffocate. All I was able to do was to keep them in the room and close the door tightly and make them smell perfume, maybe it will help.

Half an hour later my husband called and told me our neighbor Um Walid will come to take me to her house, since he had asked her husband. I heard her voice telling the soldier "there are children in the house with their mother". The soldier told her "go back, go, I will check on them". He spoke in Arabic and kicked the door with his foot. I said "who is it?" He said "the army" I asked "are there settlers with you?" He replied sarcastically "open the door, there are no settlers". I carried my son and the soldier carried Nada, the youngest, and I went up to the neighbors' house a few meters away. During this time the settlers were throwing stones at us, but thank God no one was hurt.

When I reached the neighbors' house there were about 20 other people all women and children, but I felt safer, because I was no longer on my own, although the stone throwing at the house continued. At around 6:00 p.m. my husband was able to get to us and also foreign journalists, among them a Jewish journalist. They were the ones who called the police who then surrounded the settlers at around 8:00 p.m. and the situation was quiet again.

At around 8:30 I went back to my house with my husband. The settlers had already destroyed the water tanks, and the entire area around the house was burnt down, windows were broken and the wood was burned. The house smelled smoke. I was scared, that is why I refused to sleep in the house. I asked my husband to take me to his brother's house to spend the night there, and indeed I spent the night at their house. My husband stayed at home.

I think the army could have protected us by preventing the settlers from doing everything they did. They did not make any attempt to protect us. There were only three soldiers trying to prevent tens of settlers from attacking us, and every now and then they threw a tear gas canister at the groups of settlers. This was not enough. I later found out that the shooting was at our elderly neighbor Abdel Hai Matariyeh who was injured.

This incident greatly affected my psychological state of mind and my energy level. I used to do my house work energetically. Now my energy level is very low. When I open the window I worry that the same thing might happen again. I always think to myself that they will come back again and the same incident might be repeated. The slightest sound now scares me, scares me a lot. I often dream at night that the settlers are back and that they burned down my house.

## Case Number 14

**Name: IS**

**Location: Buren, near Nablus**  
**Interviewed on 11 February 2010**

My name is IS and I am 22 years old. I was born in the village of Buren and live in the family house there with my mother and my brothers and sisters. Our house is located on the hillside opposite the village of Buren and close to the Israeli settlement of Yitzhar.

At around 2pm yesterday, the 10 February I looked through the window and saw a large group of settlers moving down the hillside towards the house. I saw my brothers on the hill where they were shepherding sheep and goats and shouted at them to come down to the house because there were settlers nearby. They didn't hear me because they were too far away, but they saw the settlers themselves and started to run down the hill towards the house. At this point, I could see about 12 settlers but then they seemed to call to some others who joined them and I could see about 30 in total.

There is a small Israeli army base near our house, but the soldiers do nothing to stop the settlers. Some soldiers did come out when they saw what was happening but all they did was prevent Palestinians who were coming up from the village coming near to the house. The soldiers all took position with their guns though – it looked like a picture or a film.

The settlers then came down closer to the house and I could see that they were carrying sticks or metal objects that were which looked flat and sharp. The settlers split up, some came down near to the house and some dispersed around the hillside. In the group of settlers that I could see about 100 metres from the house, all of them were wearing masks except for one. The settlers were triumphant that my brothers had left and moved away back to the house as if they had scared them off – and were shouting “We won”. They were about 20-25 years old, the one without the mask was probably the oldest and looked about 25.

I was filming what was going on through the window with a camera that I've been given by B'Tselem. I felt nervous but held myself together to film because I want to be able to prove what we go through. I also get a rush of adrenaline which makes me overcome any fear that I have of the settlers.

I could see the settlers throwing stones at the house using their hands and using sling shots. Some of my family were still outside, mainly the men. The women were inside the house. Fortunately though nobody was hit or hurt by the stones and no damage was done. We have metal grills over the windows to protect the house from the settlers and to stop them getting through the windows.

The whole thing was over in 45 minutes. There was an argument outside between the soldiers and the settlers. Two soldiers stood between the house and the settlers and after the argument, the settlers then walked off.

My mouth felt dry when it was all over. I had a glass of water, and my tongue stuck to the top of my mouth. We were all talking about what had happened and about how the army doesn't do anything to protect us. That night I dreamed about the settlers and them coming and surrounding my brothers.

I can't describe how much the settlers have affected my life. They are a constant presence and worry. Sometimes they come every other week; sometimes there is a month and we don't see them. When they do something big they usually don't come back for a while. Its unpredictable and we don't know when or why there coming, sometimes it's because something has happened to a settler somewhere, other times there is no reason.

I'm not in control of my life, I can't leave my house or Buren because of the problems with the settlers. When I go somewhere I am always phoning my mother to check that everyone is alright and whether the settlers are around. I so badly wanted to go to university but that's not possible with all the trouble. I feel I lost my childhood because of what they do to us. They have killed our animals, they have destroyed crops and trees we've planted and they've burnt our home. I feel like I'm 100 years old. Instead of looking to the future I am always thinking about the settlers and what they do to us. I don't have any hope for the future.

## **Case Number 15**

**Name: Hana Abu Haikal  
Tel Rumeida  
Interviewed on October 20<sup>th</sup>, 2009**

I am Hana Abu Haikal, I am 51 years old. My husband and I got divorced in 1992 after a very short marriage which lasted for 40 days only. I have one daughter, who is 19 years old. I own my own hair salon in Hebron, which also sells clothes and beauty products. I set it up in 1983 when I was working as a hairdresser, now I mainly manage the salon and provide beauty treatments for customers. My daughter and I live together with my mother who is 70years old and my sister who is 42years old. We all live in Jabal Al-Rahma neighborhood in the centre of Hebron.

In August 1984 the Jewish settlement outpost of "Ramat Yishai" was built alongside our house, on the Western side. An Israeli roadblock was placed on the only paved road leading to our house and the only way for us to go in and out of our house was to go through the settlement. In the beginning it wasn't that difficult for us or our guests to move, but gradually things became more difficult and three roadblocks were placed on the street leading to our house.

Things got even worse during the first Intifada. During the second Intifada we were no longer allowed to use the road at all, we were not allowed to drive or walk on it. This meant that we had to take dirt roads, through fields, in order to get to our house. We had

to carry our shopping through this dirt road. We were not allowed to bring in large pieces of furniture or electric equipment or even construction materials to repair and maintain the house except with prior coordination with the Israeli authorities through the Red Cross. This still is the case until today. This means that the house is in a bad state of disrepair and we cannot bring in the materials to repair things. We have to have special coordination for our guests every time someone wants to visit us. We are asked to provide justifications for the visits.

Soldiers at the roadblock are a constant source of fear for us. They repeatedly search the house whenever they please and stop to inspect us as we walk by. I used to park my car in a far away place among olive trees but the settlers deliberately damaged it many times and even set it on fire.

My family and I have submitted many complaints to the police but nothing has happened. We feel the Israeli police side with the settlers and say things against us. We went to the Israeli High Court of Justice and received a judgement from the Court that we were allowed to use the only paved road leading to our house again. This was a fraction of what we were hoping to get. The settlers have since then intensified their assaults against us. They prevent anyone from visiting us and they harass us as we walk past our house especially at night.

We know very well that all this is to make our lives so unbearable that we would decide to leave our house so that the settlers could take it over. It happened many times in the past that settlers offered to buy our house for a large amount of money. One of the settler leaders once offered my father a blank cheque and told him he could fill out the amount he wanted. They offered to help us obtain residency anywhere in the world, but we refused these offers.

The situation is particularly difficult for my elderly mother who suffers from chronic diseases and is in need of frequent medical care. She has diabetes, heart problems and high blood pressure and as a result of her age and medical condition, her mobility is limited. Because cars cannot get to our house, the only way to take my mother to visit a doctor or to go to the hospital is by ambulance. Even then, an ambulance is allowed to get to our house only after we submit a request via the Red Cross to obtain the necessary coordination. This process takes hours and it is not always guaranteed that an approval will be granted. It is not unusual for settlers to attack the ambulance. All this puts my mother's life in danger.

On April 11, 2009 my mother was at the hospital. She had been admitted on an emergency basis because she had very high blood sugar levels and was receiving treatment for this. On that day doctors told us her condition was improved and she could return home. I called the Red Cross and informed them. They know my mother's condition very well and as usual, I asked them to obtain the necessary coordination for the ambulance. I waited at the hospital until I received a phone call back from the Red Cross employee who assured me that the coordination with the authorities was all done and that the ambulance was on its way to take my mother from the hospital to the house.

The ambulance arrived on time and my mother was taken out of the hospital into the ambulance. It was 3:20 in the afternoon. I sat in the back of the ambulance where my mother was and a paramedic sat in the front seat next to the driver. The ambulance drove in the direction of our house. Israeli soldiers at the entrance to the “Shuhada” street stopped us to do the necessary checks and then let us pass without any problems. The ambulance drove for about 200 meters. At this point I heard a soldier say in Hebrew “stop...stop”. The driver stopped and the soldier approached us with a gun in his hand. He asked the driver “who gave you permission to pass?” He said this in broken Arabic. The driver explained that coordination had been obtained and that the soldiers at the first checkpoint had already checked and everything was fine.

Meanwhile, I saw through the back window a group of settlers, perhaps ten or fifteen of them gathered on the side of the road. One of the settlers’ children, who was about 14years old, was walking toward the ambulance. While the soldier talked to the driver I saw the boy lean down to pick up a stone. The soldier looked at the boy as he continued to talk to the driver. At this point the boy threw the stone at the back window of the ambulance and broke it. The stone landed near me and my mother. I was frightened and yelled at the soldier. I told him “my mother is in serious condition, take this boy away”. I spoke to him in Arabic and I am not sure how much he understood what I was saying. The soldier didn’t move and didn’t do anything. The boy then picked up another stone and threw it at the same window which caused whatever was left of the broken glass to fall down. When this was happening I leaned over my mother to protect her and to prevent stones and broken glass from falling on her. I then lifted my head up and saw a number of other settler children approaching us. The soldier didn’t do anything to prevent the settlers from attacking us.

The soldier then told the driver to go back where he came from. The driver did so while the settler children chased us until we got to the other roadblock where the soldiers stopped us. The settlers followed us and threw more stones at us. I was terrified although I tried hard not to show my fear; I didn’t want my mother to collapse. I felt deep despair when I realized the soldiers showed no concern, I felt everything was useless, even the coordination.

I heard the settlers curse us in Arabic. They were saying very bad words to us like “fuck you and fuck your mother”. I am too embarrassed to repeat some of the words they yelled at us. I began to cry as I bent over my mother to protect her while the settlers kept throwing stones at us from all directions. My mother was crying too. I was very worried about her and didn’t know what to do. I heard the driver speak to the soldier asking him to either protect us or to let us get out of the area.

In the end the ambulance left Al-Shuhada street and drove back. When we got to the area under the control of the Palestinian Authority the driver stopped for a few minutes to inspect the damage to the ambulance. It was badly damaged with a lot of broken glass. I heard the driver speak to his boss, and I felt my mother became very tense. She started to look different. The driver then continued to drive until we arrived at the Red Crescent



hospital, which was the nearest hospital to us. My mother was treated there and given first aid.

My mother was not able to return home that day. We took my mother in an ambulance to my cousin's house where she stayed for three days and I went home by foot. I visited her each day and she was in very bad condition. She so badly wanted to be at home and saw no end to this on-going ordeal.

I and my sisters and mother all suffer from different illnesses which I believe are a result of the difficulties we suffer on a daily basis. Our choices are very limited: either we accept to live like this or we leave our house and go live somewhere else and let the settlers take over our house.

Three days later we submitted another request for coordination to transfer my mother by ambulance to our house. We got the necessary coordination and my mother arrived home without any problems. I was with her. My mother feels that her condition has deteriorated after this incident. She cannot stand on her feet easily. She is scared each time she hears noise around the house. She probably is more worried about us and the young children than about herself, especially since she feels helpless and unable to protect us. She doesn't sleep well at night. She often wakes up in the middle of the night feeling restless. When I ask her what the problem is I realize she has been having bad dreams. We rarely leave my mother alone anymore.

We feel very lonely in our struggle with the settlers. The complaints we submitted to the police have not made any difference to our lives. I did submit a complaint about what happened on 11 April 2009 and gave a statement to the Israeli police at the Kiryat Arba police station but nothing has happened.

## ***Violence from State Actors***

### ***Case Number 16***

**Name: Fatima S**  
**Location: Kufr Eddikin**  
**Interviewed on July 11<sup>th</sup>, 2009**

I am Fatima S, I am 45 years old. I am married to H and I live in the village of Kufr Eddikin the north of the West Bank, near the town of Salfit . We live in a house on the side of the village facing the Israeli settlement of Zahav.

One day in September 2008, around 9:00 p.m., about 200-300 settlers attacked the village. They started to throw stones at our house and to curse us. They were shouting "death to the Arabs". They also started to break our windows and to throw sound

grenades at us. I suddenly felt severe pain in my stomach, and blood started to come out of my belly button. I also could not make it to the toilet in time and I wet myself from fear. Since that day, every time I feel I am afraid, even from a loud sound, I wet my pants uncontrollably. I went to see a doctor and described what happened but he couldn't tell me what was wrong or prescribe me any medication for my symptoms.

A short while after this incident, nearly a month later in October 2009. Israeli soldiers came to the house. It was around 9:00 p.m. My husband and son were not at home at the time. I was alone with my daughters, N who is 20years old, K who is 23years and H who is 27years old. We suddenly heard loud banging at our door that sounded like it was being made by feet and by weapons, and I told the girls to get dressed and then I opened the door.

When I opened the door I saw that it was a group of Israeli soldiers, six of them in total. The commander looked to be an Israeli druze and was round faced with a moustache, he was wearing military uniform and a helmet. He spoke good Arabic and asked me in Arabic about the village Chief [*mukhtar*], he wanted to know if I knew where he was. I told him we don't have a Chief in this village. He then pushed me away in the chest and entered the house with the other soldiers. I told him there wasn't anyone else in the house except me and the girls. They were carrying guns and aiming them at us. The Commander asked me again about the Chief and told him again there is no Chief. He then threatened me and told me "*if you don't tell him where the Chief is I will open up your daughters*" and pointed at my daughters. I was horrified, understanding him to mean he would rape or sexually assault my daughters. I shouted at him and told him the girls have nothing to do with anything. He then aimed his gun at me and put it against my chest. I shouted at him again and told him "shut up and leave". I was trembling from inside, I was very scared and I was worried about the girls.

He told me again that if I didn't tell him where the Chief was he would break the glass in the cupboard. I told him to go ahead and break whatever he wanted but not to touch the girls or speak to them. He laughed at me and came closer to me and pushed me with his hands on my chest against the wall. I felt my back was about to break. He put his hands on his belt as if he was going to un-tie it. I screamed at him and told him to get out. The other soldiers who were with him started to laugh. I was terrified but tried not to show it.

The soldiers then slowly started to leave the house. Each time I see soldiers or hear loud sounds I panic. I feel I want to leave our house and go live somewhere else. I can no longer bear to have settlers and soldiers breaking in. Each week there is one attack at least and there is shooting around the house. The situation is unbearable. I live in constant fear.

I haven't filed a complaint with the Israeli authorities because I have no confidence that anything will be done about what happened to me.