



OCCUPIED PALESTINIAN TERRITORY

MENA Gender Equality Profile

Status of Girls and Women in the
Middle East and North Africa

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1. BACKGROUND

Demographics	Value	Year
Total population (000)	4,277	2009
Total adolescent (10-19) population (000)	1,023	2009
Total under-18 population (000)	2,204	2009
Total under-5 population (000)	708	2009
Population annual growth rate (%)	3.8	2000-2009
Total fertility rate (births per woman)	4.9	2009
Under-five mortality rate (per 1000 live births)	30	2009
Life expectancy at birth (years), male	72	2009
Life expectancy at birth (years), female	75	2009
Singulate mean age at marriage, male	27	2000
Singulate mean age at marriage, female	22	2004
Economic indicators		
GNI per capita (current US\$)	1,250	2005
% share of income held by lowest 20 %	-	
% share of income held by highest 20 %	-	
<p>Sources: UNICEF, The State of the World's Children 2011. Life expectancy and economic indicators from The World Bank, Data Catalog, http://data.worldbank.org/, [accessed in August 2011] Marriage data from UNPD, World Marriage Data 2008, www.un.org/esa/population/</p>		

Gender Gap Index 2010		
For overview of the region, occupied Palestinian territory is not included		
Rankings of MENA countries with available data	Score	Rank
United Arab Emirates	0.6397	103
Kuwait	0.6318	105
Tunisia	0.6266	107
Bahrain	0.6217	110
Lebanon	0.6084	116
Qatar	0.6059	117
Algeria	0.6052	119
Jordan	0.6048	120
Oman	0.5950	122
Iran (Islamic Republic of)	0.5933	123
Syrian Arab Republic	0.5926	124
Egypt	0.5899	125
Morocco	0.5767	127
Saudi Arabia	0.5713	129
Yemen	0.4603	134
<p>Source: World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries)</p>		

2. LEGAL FRAMEWORK

Legal system. The Palestinian Authority was established in 1994. Since 2007 two different authorities have governed the occupied Palestinian territory (oPt) with Hamas in control in Gaza and the Palestinian Authority in the West Bank. The laws in oPt have multiple sources including Egyptian and Jordanian law, British Mandate law, Israeli law and Islamic law (Shari'a).¹ The Palestinian Basic Law, ratified in 2002, acts as a temporary constitution before the establishment of a Palestinian state. The personal status laws that regulate matters related to inheritance, marriage, divorce and child custody are based on Islamic law. Shari'a courts hear cases related to personal status. In the West Bank the Jordanian personal status law of 1976 is applied while in Gaza the Egyptian personal status law of 1954 is in effect. Although both Jordan and Egypt have amended their personal status laws since these times to eliminate some of the provisions that discriminate against women, the laws applied in the West Bank and Gaza remain mostly unchanged. The testimony of a woman is worth only half of that of a man in cases related to marriage, divorce and child custody. The different Christian communities apply their own rules with regard to matters of personal status.²

Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Rights of the Child. Palestine is not an independent state and is therefore not eligible to ratify United Nations international conventions. Yet, in a symbolic act, President Mahmoud Abbas signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 2009, on the occasion of International Women's Day. According to a situation analysis conducted by UNICEF in 2010, the Palestinian Authority is assessing the situation of children in oPt in accordance with the CRC with hopes to brief the CRC Committee on the findings. As the occupying power, Israel is responsible for reporting on the situation of children in oPt to the CRC Committee and on the situation of women to the CEDAW Committee, but so far has failed to do so. The CRC and CEDAW Committees

¹The World Bank, Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse, 2010

²Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

have both expressed regret that Israel has not reported on the situation of Palestinian children and women in its periodic reports.³

Nationality rights. Citizenship rights are still governed by the laws that were in effect before the 1967 Israeli occupation. In the West Bank the Jordanian nationality code is applied and in Gaza the Egyptian nationality code is applied. In both cases it is men that have the right to pass their nationality to their children and spouses. Women do not have this right. Palestinian women and men are also subjected to discriminatory Israeli laws on residence and citizenship. Palestinians from the occupied territory that are married to Palestinians who are Israeli citizens or are permanent residents of Israel (such as Palestinian residents of East Jerusalem) are not allowed to obtain Israeli citizenship nor residency, and many Palestinian families end up living separated from each other.⁴

Divorce rights. According to the personal status laws that apply to Muslims (the Jordanian law in the West Bank and the Egyptian law in Gaza), a man can divorce his wife for any reason, while women can request divorce only under certain specific circumstances. A woman can also seek divorce without the burden of evidence, but then she will give up any financial rights and must return her dowry. The latter type of divorce is only possible if the husband concedes.⁵

Guardianship and custody rights. The father is the legal guardian of his children.⁶ Upon a divorce women may be granted custody of their sons until they reach 10 and their daughters until they reach the age of 12.⁷

Inheritance rights. The Jordanian inheritance law, which is based on Islamic law, is applied in the whole Palestinian territory. Women have the right to inherit, but will in general inherit a smaller share than men. For example, a daughter has the right to a share that is half of her brother's share.⁸

Freedom of movement. Palestinian women's and men's freedom of movement is restricted in many ways. Israeli checkpoints and other barriers to movement such as the separation wall, affect all Palestinians in the West Bank. In Gaza, the closed border crossings restrict everyone's movement. In addition to these restrictions, women in oPt face additional barriers to free movement. Although there is no such legal requirement (it was removed in 1996), government officials often require women to show proof of permission from their male guardian before they can obtain a passport. Another principle allows a husband to force his wife to return to the marital home if she has left without his consent and a husband can bar his wife from leaving the territory, through court order.⁹

Protection from child marriage. In the West Bank, the minimum age of marriage is 15 for girls and 16 for boys. In Gaza the minimum age is 17 for girls and 18 for boys.¹⁰ According to a survey conducted by the Palestinian Central Bureau of Statistics in 2004, 19 per cent of young women aged 20-24 were married before the age of 18. Polygyny is legal, but it is rarely practiced according to the Freedom House report Women's Rights in the Middle East and North Africa 2010.

Protection from gender-based violence. There is no specific law against domestic violence in oPt, nor is there a law against spousal rape.¹¹ The Jordanian and Egyptian laws in effect in the West Bank and Gaza, respectively, contain similar provisions with regard to gender-based violence, which fall short of offering sufficient protection. Although rape is a crime, a perpetrator of rape can avoid punishment by marrying his victim. Both the Jordanian and Egyptian Penal Codes allow a lenient sentence for a man who kills his wife on the grounds of her committing adultery. The Jordanian Penal Code also stipulates that if a girl wants to file a complaint for violence or abuse, a

³ See UNICEF, The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon, 2010 (available at www.unicef.org/oPt/PALESTINIAN_SITAN-final.pdf) and Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women on Israel's fourth and fifth periodic reports, CEDAW/C/ISR/CO/5, 2011

⁴ Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

⁵ Ibid.

⁶ Information provided by UNICEF oPt

⁷ Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Human Rights Watch, A Question of Security – Violence against Palestinian Women and Girls, 2006 (report, online version, www.hrw.org)

male relative must file the complaint on her behalf. Instead of reforming discriminatory provisions, Hamas drafted a new “unified penal code” in 2008 that would allow the punishment of “death by stoning” for adultery, as well as punishments such as whipping and amputation in Gaza.¹² According to the 2010 Freedom House report, these parts of the law change did not pass.

It is well-known that the Israeli-Palestinian conflict leads to rights’ violations and violence against boys; however, it is less known that girls too are victims of grave violations of their human rights because of the conflict. The monitoring and reporting mechanism that has been established documented the killing of two girls and the injuring of 40 girls during the first 6 months of 2011.¹³ According to the report *Palestinian Women Political Prisoners - Systematic Forms of Political and Gender-based State Violence (2010)* by Addameer Prisoner Support and Human Rights Association, Palestinian women are held as political prisoners in Israeli prisons under conditions that violate their basic rights and that constitute a form of gender-based violence.

3. INSTITUTIONS AND MECHANISMS

Governmental response. The Ministry of Women’s Affairs, which was established in 2003, is the main governmental body responsible for promoting and protecting women’s rights in oPt. The ministry’s goal is to integrate gender, democracy and human rights into the policies and programmes of the various ministries and to promote reform of discriminatory laws. Gender units have been established in each ministry.¹⁴

Strategies and services responding to gender-based violence. In February 2011 the Palestinian Cabinet endorsed the National Strategic Plan to Combat Violence against Women for the period 2011-2019. The National Committee on Combating Violence against Women is responsible for following up and monitoring the implementation of the strategic plan. The committee is led by the Ministry of Women’s Affairs. The strategy will provide a general framework for the work on violence against women and coordinate the work of partners.¹⁵ With regard to available services, according to the 2010 Freedom House report, there are only three shelters for women who are victims of domestic violence in the West Bank and none in Gaza.

4. WOMEN’S POLITICAL PARTICIPATION

Political representation. Equal voting rights and equal rights to stand for election are guaranteed under the Palestinian Basic Law. Women were able to exercise this right for the first time under the Palestinian Authority in the first election to the Palestinian Legislative Council (PLC) in 1996. Following the 2006 elections to the PLC, women occupied 14 per cent of the seats in the PLC (an increase from 6 per cent following the 1996 elections). Local elections were held in the Palestinian territory in 2004 and 2005 and thanks to a quota system, women’s representation in local councils increased.¹⁶

Representation in the legal system. Women are present in the judiciary, but they are few in number. Only 12 per cent of the judges and 11 per cent of the prosecutors-general are women.¹⁷

Civil society. After the establishment of the Palestinian Legislative Council, women’s rights groups lobbied intensively for gender equality and the reform of discriminatory laws. Women’s organisations came together and formed Women’s Affairs Technical Committee (WATC), which has been very active. Women rights groups have also advocated for quotas to increase women’s representation in decision-making bodies and have organised training

¹² UNFPA, *Gender-Based Violence in Occupied Palestinian Territory, A Case Study, 2005*, and Freedom House, *Women’s Rights in the Middle East and North Africa 2010* (report, online version, www.freedomhouse.org)

¹³ Information provided by UNICEF oPt

¹⁴ UNFPA, *Gender-Based Violence in Occupied Palestinian Territory, A Case Study, 2005*

¹⁵ Palestinian Authority, *Strategic Plan for Combating Violence against Women (VAW) 2011–2019* (brief, available at UN Women website, <http://www.unwomen.org/2011/01/palestinian-cabinet-endorses-first-national-strategy-to-combat-violence-against-women/>)

¹⁶ Freedom House, *Women’s Rights in the Middle East and North Africa 2010* (report, online version, www.freedomhouse.org)

¹⁷ The World Bank, *Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse, 2010*

for women to support them in their political participation. The reality of the current situation in oPt with a volatile security situation and domestic political tension, as well as a deteriorating economic situation, have led some women's rights groups to focus more on national unity, peace and security, than on equal rights.¹⁸

5. EDUCATION AND ECONOMIC PARTICIPATION

Education. The youth literacy rate is 99 per cent for both young women and young men. The net enrolment ratios in primary school are equal for girls and boys (75 per cent for both sexes). Girls' net enrolment ratio in secondary school is higher than that of boys (87 per cent compared to 82 per cent for boys).

Access to financial credit. Women in oPt have access to bank loans and other forms of financial credit without legal discrimination.¹⁹ There are many microcredit schemes that specifically target women with the objective to encourage their economic participation and alleviate poverty. According to the World Bank report *Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza* (2010), the results of these lending schemes have been mixed and some women take out loans upon request of their husbands since men are not eligible for many of the programmes.

Participation in the labour market. The restrictions on movement in the West Bank and the blockade on Gaza, as well as the political tensions between Fatah and Hamas, have affected both men's and women's employment opportunities in recent years. Despite a high female enrolment rate in secondary education and a literacy rate among female youth of 99 per cent, Palestinian women's labour force participation rate is among the lowest in the world. Only 17 per cent of women aged 15 and above are actively engaging in the labour market either by working or looking for work, compared to 68 per cent of men. Globally, the labour force participation rate of women is 52 per cent.²⁰ While 43 per cent of young men (aged 15-24) engage in the labour market, only 10 per cent of young women of the same age group participate in the labour market. According to the 2010 World Bank study, a small increase in women's labour force participation rate has occurred in recent years. According to this study women have taken on jobs that men often are unprepared to do, out of economic necessity. These are generally low-status jobs in unprotected sectors such as domestic work or agricultural work. Women are also active in informal economic activities.²¹ The unemployment rate is high for all women (39 per cent) and particularly high for young women between 15-24 (47 per cent).

6. REPRODUCTIVE HEALTH

Maternal health. Data from 2006 show high coverage of important interventions for safe motherhood: antenatal care coverage (at least once) is 99 per cent and skilled attendance at birth is also 99 per cent. Maternal mortality estimates by the Maternal Mortality Estimation Inter-agency Group (comprised of WHO, UNICEF, UNFPA and The World Bank) are not available for oPt.

Early childbearing. The occupied Palestinian territory has a high total fertility rate (4.9 according to 2009 estimates). The adolescent birth rate is 60 births per 1,000 adolescent girls aged 15-19, which is linked to the incidence of child marriage²².

¹⁸ Freedom House, *Women's Rights in the Middle East and North Africa 2010* (report, online version, www.freedomhouse.org)

¹⁹ Ibid.

²⁰ United Nations, DESA, *The World's Women 2010*, p. 76

²¹ The World Bank, *Checkpoints and Barriers*, 2010

²² Information provided by UNICEF oPt.

7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

MATERNAL AND NEWBORN HEALTH	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
Contraceptive prevalence (%)	2006	50	-	-	-	-	UNFPA, UNPD, MDG database http://unstats.un.org [accessed in August 2011]
Antenatal care coverage at least once by skilled personnel (%)	2006	99	-	-	-	-	UNICEF global database/ Palestinian FHS 2006
Skilled attendant at birth (doctor, nurse or midwife) (%)	2006	99	-	-	-	-	UNICEF global database/ Palestinian FHS 2006
Adolescent birth rate (number of births per 1,000 girls aged 15–19)	2006	60					UNFPA, UNPD, MDG database http://unstats.un.org [accessed in August 2011]
Maternal Mortality Ratio (adjusted) (maternal deaths per 100,000 live births)		-					
Lifetime risk of maternal death, 1 in:		-					

EDUCATION	YEAR	MALE %	FEMALE %	GENDER PARITY INDEX (F/M)	SOURCE
Net enrolment ratio primary school (%)	2009	75	75	0.99	UIS, online database, http://stats.uis.unesco.org [accessed in August 2011]
Net enrolment ratio secondary school (%)	2009	82	87	1.06	UIS, online database, http://stats.uis.unesco.org [accessed in August 2011]
Youth (15-24) literacy rate (%)	2009	99	99		UIS, online database, http://stats.uis.unesco.org [accessed in August 2011]
	YEAR	TOTAL			SOURCE
Share of females among teaching staff (%) in primary education	2008	67			UNESCO, Education for All Global Monitoring Report 2011
Share of females among teaching staff (%) in secondary education	2008	49			UNESCO, Education for All Global Monitoring Report 2011

CHILD PROTECTION	YEAR	TOTAL	URBAN	RURAL	POOREST 20%	RICHEST 20%	SOURCE
% of women aged 20-24 who were married/ in union before the age of 18	2004	19	-	-	-	-	UNICEF global database/ PCBS, Palestinian DHS 2004
Female genital mutilation/cutting among women 15-49 (%)			-	-	-	-	
	YEAR	TOTAL	MALE	FEMALE			SOURCE
% of children aged 5-14 engaged in child labour		-	-	-			

ATTITUDES TOWARDS DOMESTIC VIOLENCE	YEAR	% WHO AGREE WITH AT LEAST ONE SPECIFIED REASON	SOURCE
Women (15-49) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	
Adolescent girls (15-19) who think that a husband is justified in hitting or beating his wife under certain circumstances (%)		-	

HIV/AIDS	YEAR	TOTAL	MALE	FEMALE		SOURCE
HIV prevalence among young people (15-24)		-	-	-		
% of young people (15-24) who have comprehensive knowledge of HIV		-	-	-		

USE OF ICT	YEAR	TOTAL		SOURCE
% of young women (15-24) who used a computer during the last 12 months		-		
% of young women (15-24) who used the internet during the last 12 months		-		

WOMEN'S POLITICAL PARTICIPATION*	YEAR	TOTAL		SOURCE
Number of women in parliament (single/ lower house)		-		
% women in parliament		-		
Legislated quotas for women for single/ lower house (yes/no)		-		
Quota type		-		
Number of women in ministerial positions		-		
% women in ministerial positions		-		

*oPt is not included in the global databases that compile information on women's political participation

WOMEN'S ECONOMIC PARTICIPATION	YEAR	TOTAL		SOURCE
Labour force participation rate (%), male 15+	2009	68		ILO, Key Indicators of the Labour Market (KILM), 6th Edition http://kilm.ilo.org Table 1a (ILO estimates), [accessed in August 2011]
Labour force participation rate (%), female 15+	2009	17		
Labour force participation rate (%), male 15-24	2009	43		
Labour force participation rate (%), female 15-24	2009	10		
Total unemployment rate (%), male 15+	2009	18		ILO, KILM, 6th Edition, Table 8a, [accessed in August 2011]
Total unemployment rate (%), female 15+	2009	39		
Youth (15-24) unemployment rate (%), male	2008	39		ILO, KILM, 6th Edition, Table 9, [accessed in August 2011]
Youth (15-24) unemployment rate (%), female	2008	47		

MATERNITY LEAVE*	YEAR		SOURCE
Maternity leave duration	2004-2009	-	
% of wages paid in covered period	2004-2009	-	
Provider of benefit	2004-2009	-	

*oPt is not included in the UN Statistics Division database on maternity leave benefits. However, there is legislated maternity leave in oPt. The duration of maternity leave is 10 weeks (see Freedom House, Women's Rights in the Middle East and North Africa 2010)

Notes:

The UNICEF global databases are available on www.childinfo.org

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles"

n/a = not applicable

