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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situation in Palestine and other  
occupied Arab territories

## Implementation of Human Rights Council resolutions S-9/1 and S-12/1

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report, the thirteenth submitted by the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, covers the period from 1 November 2019 to 31 October 2020. It provides an overview of the human rights situation in the Occupied Palestinian Territory and focuses, in particular, on the realization of the human rights of women and girls by all duty bearers, namely Israel, the State of Palestine and the authorities in Gaza.

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\* The present report was submitted after the deadline so as to include the most recent information.



## I. Introduction

1. Submitted pursuant to Human Rights Council resolutions S-9/1 and S-12/1, the present report covers the period from 1 November 2019 to 31 October 2020.
2. The report is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, governmental sources and information collected by other United Nations entities and non-governmental organizations. It should be read in conjunction with other relevant reports of the Secretary-General and the High Commissioner to the Human Rights Council and the General Assembly.<sup>1</sup> In the present report, the High Commissioner draws on trends and cases documented by OHCHR to illustrate how Palestinian women are subjected to multiple layers of violence and discrimination, in the public and private spheres, stemming from the Israeli military occupation, prevailing patriarchal norms and practices and gender-based violence. Owing to space constraints, the High Commissioner does not address all issues of concern, nor does it address all cases documented during the reporting period.
3. Following the publication in February 2020 of a report to the Human Rights Council on a database of business enterprises involved in activities linked to Israeli settlements,<sup>2</sup> the Government of Israel publicly announced a freeze in relations with the High Commissioner and OHCHR, in particular in the Occupied Palestinian Territory. That freeze was extended to cover the issuance or renewal of visas, resulting in international OHCHR staff being obliged to leave Ramallah and Gaza and in new staff being unable to deploy. On 26 October 2020, the Special Coordinator for the Middle East Peace Process, addressing the Security Council, urged Israel to facilitate the return of international staff members to the Occupied Palestinian Territory.<sup>3</sup>

## II. Legal framework

4. International humanitarian law and international human rights law apply concurrently in the Occupied Palestinian Territory.<sup>4</sup> Under international human rights law, the Convention on the Elimination of All Forms of Discrimination against Women – to which Israel and the State of Palestine are parties – provides the broadest framework for the protection of women’s rights in times of peace and conflict alike. The Convention sets out clear obligations to eliminate all forms of discrimination against women, direct and indirect, including violence against women and gender-based violence.<sup>5</sup> Discrimination against women can take multiple forms, including gender-based violence, namely violence directed towards a woman because she is a woman or that affects women disproportionately.<sup>6</sup> In certain circumstances, gender-based violence, including domestic violence, child marriage and harmful practices, may amount to torture.<sup>7</sup> The prohibition of gender-based violence is viewed as having evolved into a norm of customary international law.<sup>8</sup> In addition to affording to women the general protection afforded to all civilians, international humanitarian law provides that the specific protection, health and assistance needs of women must be respected and addresses specific conflict-related forms of violence against women.<sup>9</sup>
5. The Convention on the Elimination of All Forms of Discrimination against Women applies to the Occupied Palestinian Territory in its entirety, namely to Gaza and the West

<sup>1</sup> A/75/336, A/HRC/46/22 and A/HRC/46/65.

<sup>2</sup> A/HRC/43/71.

<sup>3</sup> See [https://unsco.unmissions.org/sites/default/files/security\\_council\\_briefing\\_-\\_26\\_october\\_2020.pdf](https://unsco.unmissions.org/sites/default/files/security_council_briefing_-_26_october_2020.pdf).

<sup>4</sup> A/HRC/34/38.

<sup>5</sup> Arts. 1–2, 5, 7, 9–11 and 16.

<sup>6</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017), para. 1.

<sup>7</sup> *Ibid.*, para. 16. See also A/HRC/31/57, paras. 11 and 55.

<sup>8</sup> General recommendation No. 35 (2017), para. 2.

<sup>9</sup> See, e.g., Fourth Geneva Convention, art. 27.

Bank, including East Jerusalem.<sup>10</sup> Israel and the State of Palestine bear obligations under the Convention, as well as other human rights treaties, to the extent of their jurisdiction or effective control. The de facto authorities in Gaza also bear human rights responsibilities, given their exercise of government-like functions and territorial control.<sup>11</sup>

### **III. Implementation of Human Rights Council resolutions S-9/1 and S-12/1**

6. The human rights situation in the Occupied Palestinian Territory remained dire. During the reporting period, 67 Palestinians (48 male, 3 female), including 16 children, were killed and 3,678 injured by the Israeli security forces. One Israeli soldier was killed and 90 Israelis were injured by Palestinians.<sup>12</sup> Most incidents monitored by OHCHR raised serious concerns about excessive or unwarranted use of force by the Israeli security forces, in some cases possibly amounting to arbitrary deprivation of life, including extrajudicial execution. Lack of accountability for unnecessary or disproportionate use of force and other violations by all duty bearers remained of great concern, as detailed by the High Commissioner in a separate report.<sup>13</sup>

### **IV. Violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory by all duty bearers**

#### **A. Israel**

##### **1. Obligations of the occupying Power under international humanitarian law**

7. The land, sea and air blockade of Gaza, which amounts to collective punishment,<sup>14</sup> entered its fourteenth year. Three times during the reporting period Israel imposed punitive closures of crossings and the fishing zone and halted the entry of fuel and other essential supplies, further aggravating the suffering of the civilian population. Israeli officials cited the launch of rockets, mortars and incendiary balloons as reasons for the closures.<sup>15</sup> Frequent fuel and electricity shortages have a devastating impact on women and girls, who are, due to sociocultural norms, mainly charged with household tasks. Shortages also greatly hamper their access to basic health and education services, including schooling and psychosocial services, which have mostly been provided remotely during the coronavirus disease (COVID-19) pandemic.<sup>16</sup>

8. International humanitarian law expressly prohibits the punishment of protected persons for acts they have not committed.<sup>17</sup> Under international human rights law, collective punishment violates several rights, notably the presumption of innocence and the right to a fair trial, and may violate the prohibition of torture and ill-treatment.<sup>18</sup>

9. Israel withheld the bodies of 18 Palestinian males, including 2 boys, killed in the context of alleged attacks during the reporting period. As of 31 October 2020, Israel held the bodies of 67 Palestinians.<sup>19</sup> On 2 September 2020, the Israeli cabinet formally expanded its

<sup>10</sup> A/HRC/35/30/Add.2, para. 8.

<sup>11</sup> *Ibid.*, para. 11. See also A/HRC/34/38, paras. 5–9.

<sup>12</sup> Office for the Coordination of Humanitarian Affairs of the Secretariat (OCHA).

<sup>13</sup> A/HRC/46/22.

<sup>14</sup> A/HRC/37/38, para. 4; A/HRC/34/36, para. 36; and A/HRC/24/30, para. 22.

<sup>15</sup> See [www.timesofisrael.com/liveblog-august-12-2020/](http://www.timesofisrael.com/liveblog-august-12-2020/).

<sup>16</sup> See [www.ochaopt.org/sites/default/files/sitrep-16-covid-19.pdf](http://www.ochaopt.org/sites/default/files/sitrep-16-covid-19.pdf).

<sup>17</sup> Fourth Geneva Convention, art. 33. See also the Regulations annexed to the Convention respecting the Laws and Customs of War on Land of 1907, art. 50.

<sup>18</sup> A/74/468, para. 21.

<sup>19</sup> Jerusalem Legal Aid and Human Rights Center. This number does not include the 253 bodies of Palestinians killed in hostilities and buried in graves marked only by numbers.

policy of withholding bodies as a tool for bargaining and stated that the bodies of all alleged attackers should be retained, regardless of their political affiliation.<sup>20</sup> On 25 September 2020, the Israeli security forces returned the body of Nayfeh Kaabneh. Ms. Kaabneh had been killed on 18 September 2019 by private security personnel (contracted by the Israeli security forces) while holding a knife but not posing any concrete threat at Qalandia checkpoint. In respect of that incident, OHCHR pointed to concerns of excessive use of force and failure to provide first aid to an injured person. Withholding bodies punishes the families of the deceased and thus amounts to collective punishment. It could also violate the prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the obligations of Israel under article 27 of the Fourth Geneva Convention.<sup>21</sup>

10. Thirteen Palestinian structures, including nine homes, were punitively demolished or sealed by the Israeli security forces, resulting in the displacement of 40 Palestinians, including 13 women and 16 children, in the West Bank, including East Jerusalem.<sup>22</sup> While upholding the overall practice of punitive demolitions, the High Court of Justice of Israel cancelled two demolition orders during the reporting period. In one case, the Court held that the punitive demolition of the family home would not be “proportional” since it would mostly harm the innocent wife and eight children of Nazmi Abu Bakar, accused of killing an Israeli soldier with a brick during a raid by the Israeli security forces in Ya’bad, on 10 May 2020.<sup>23</sup> The Court authorized instead the sealing of one room in the three-bedroom home, which the forces filled with concrete on 21 October 2020, as the trial was still ongoing. Punitive demolitions are a form of collective punishment, forbidden under any circumstances.<sup>24</sup>

11. Settlement plans and construction continued unabated during the reporting period.<sup>25</sup> Despite the COVID-19 pandemic, the Israeli authorities demolished 726 Palestinian structures in the West Bank, including East Jerusalem, which resulted in the displacement of 1,028 Palestinians, including 255 women and 523 children.<sup>26</sup> Settler violence against Palestinians continued at high levels in what the Secretary-General has called a prevailing climate of impunity.<sup>27</sup> In previous reports, OHCHR has documented that women and girls have been particularly targeted by settler attacks in their homes when men were absent and that the constant risk of attacks has kept women confined to the domestic environment, thus compounding negative aspects of traditional gender roles.<sup>28</sup> The Committee on the Elimination of Discrimination against Women has stated that forced evictions and home demolitions, including punitive demolitions, disproportionately affect Palestinian women and girls, particularly female heads of households, and have a devastating impact on their physical and psychological well-being.<sup>29</sup>

## 2. Civilian casualties in the context of hostilities

12. In Gaza, Palestinian armed groups launched 580 rockets and 213 mortars towards Israel and Israel fired 591 missiles and 140 tanks shells in recurrent escalations of hostilities.<sup>30</sup>

13. The Israeli security forces killed 36 Palestinians during three escalations of hostilities with Palestinian armed groups in Gaza and injured 103 (77 male, 26 female).<sup>31</sup> At least 16 of the Palestinians killed were civilians, including 8 boys and 3 women. In several instances,

<sup>20</sup> The decision updates a previous decision of 1 January 2017 by which only the bodies of alleged attackers affiliated with Hamas and those who allegedly committed acts of exceptional gravity should not be returned. In practice, the Israeli security forces were already withholding the bodies of all alleged attackers regardless of their affiliation.

<sup>21</sup> A/HRC/43/70, para. 9; and A/75/336, para. 35.

<sup>22</sup> OCHA.

<sup>23</sup> High Court of Justice, *Abu Baher et al. v. Military Commander of the West Bank Area et al.*, HCJ 4853/20, judgment, 10 August 2020.

<sup>24</sup> Fourth Geneva Convention, arts. 33 and 53.

<sup>25</sup> A/HRC/46/65.

<sup>26</sup> OCHA.

<sup>27</sup> A/75/376, para. 26.

<sup>28</sup> *Ibid.*, para. 21; and A/74/357, para. 42.

<sup>29</sup> CEDAW/C/ISR/CO/6, paras. 32–33.

<sup>30</sup> Department of Safety and Security of the Secretariat.

<sup>31</sup> OCHA.

strikes by the Israeli security forces on or near residential buildings rendered women and children particularly vulnerable to death and injury. On 14 November 2019, Israeli Air Force missiles struck two houses in Deir El-Balah, killing nine members of an extended family: two married couples and five children. Thirteen other children who survived the attack, of whom seven were girls, remained under the sole care of their 70-year-old grandmother.<sup>32</sup> During another escalation, following the launch of dozens of incendiary balloons from Gaza that caused extensive fire and damage to farmlands in Israel, the Israeli security forces struck open areas close to residential buildings on 14 and 21 August 2020, injuring four Palestinian children (two boys, two girls). These air strikes raised serious concerns about respect for the international humanitarian law principles of distinction, precaution and proportionality.

14. Serious concerns also remained regarding the indiscriminate launching of rockets and mortars by Palestinian armed groups towards Israel. Forty-three Israeli civilians were reportedly injured in those attacks.<sup>33</sup> At least 29 rockets and mortars dropped short in Gaza,<sup>34</sup> resulting in the killing of an 18-year-old Palestinian man on 12 November 2019. The indiscriminate launching of rockets is illegal under international law.

## **B. Recurring human rights violations**

### **1. Violations of the right to life and physical integrity**

15. In line with international law, law enforcement officials should use firearms only as a measure of last resort, in response to an imminent threat of death or serious injury and always in such a manner as to minimize damage and injury and preserve human life.<sup>35</sup>

16. Serious concerns of unnecessary or disproportionate use of force against Palestinians persisted, although at the Gaza-Israel fence the number of casualties significantly dropped as Great March of Return demonstrations were suspended from 27 December 2019. Three Palestinian males, including two boys aged 16 and 14,<sup>36</sup> were killed by the Israeli security forces in the context of the demonstrations. Some 673 Palestinians were injured (644 male, 29 female), including 126 with live ammunition, of whom 50 were children.<sup>37</sup> In the vast majority of cases monitored by OHCHR, Palestinians were killed or injured by the Israeli security forces while appearing to pose no imminent threat of death or serious injury.<sup>38</sup>

17. Women were also victims of unnecessary or disproportionate use of force at demonstrations. On 6 December 2019, east of Al Boureij, a 20-year-old woman was struck in the face by a rubber-coated bullet fired by the Israeli security forces, causing permanent loss of eyesight in her right eye. When she was hit, the woman was standing about 100 metres from the fence in a group of women holding Palestinian flags and not posing any threat to the Israeli security forces. The independent international commission of inquiry on the protests in the Occupied Palestinian Territory found that, although fewer women than men participated in the demonstrations due to the prevailing cultural norms, the protests at the fence provided women and girls in Gaza, who had little access to public spaces, to participate in cultural and social activities.<sup>39</sup> Women and girls represented 7.1 per cent of the 36,142 Palestinians injured during the Great March of Return demonstrations.<sup>40</sup> While injured or disabled women are often expected to continue to fulfil their domestic duties, they may experience reduced decision-making power and their access to medical treatment may be limited by social norms.<sup>41</sup> Reports also highlight the impact on women and girls of the killings and injuries of male family members, such as the increase in female-headed

<sup>32</sup> A/75/336, para. 5.

<sup>33</sup> OCHA.

<sup>34</sup> Department of Safety and Security.

<sup>35</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>36</sup> A/75/336, para. 8.

<sup>37</sup> OCHA.

<sup>38</sup> A/75/336, paras. 6–7.

<sup>39</sup> A/HRC/40/CRP.2, paras. 592–598.

<sup>40</sup> Injuries were inflicted on 36,143 persons, including 2,040 women and 552 girls (OCHA).

<sup>41</sup> OCHA.

households, in pressure on women as the main caregivers to the injured and in domestic violence.<sup>42</sup>

18. In the West Bank, including East Jerusalem, the Israeli security forces killed 23 Palestinian males, including 5 children and 1 man with autism. Three Palestinians were killed during demonstrations, 8 during search-and-arrest operations and 12 in the context of attacks or alleged attacks against the Israeli security forces or settlers. In several incidents, the Israeli security forces may have resorted to unnecessary or disproportionate use of force resulting in arbitrary deprivation of life, including extrajudicial execution.<sup>43</sup>

19. Excessive use of force by the Israeli security forces and generalized violence pose a constant threat to the rights to life and physical integrity of civilians, including women and girls. On 22 February 2020, the Israeli security forces injured with live fire a 43-year-old woman during an alleged stabbing attack in the Old City of Jerusalem. The woman told OHCHR that she saw a man being chased by the Israeli security forces. The man had stopped while holding a knife with his back against the wall, a few metres away from the woman, when the Israeli security forces shot him, first with one bullet and then with dozens of bullets from different directions. One of them passed through the woman's left thigh causing serious injury.

20. In another incident, on 7 August 2020, a 23-year-old woman was killed by live ammunition while shutting the windows of her home to prevent teargas from entering during an operation of the Israeli security forces and ensuing clashes with Palestinian residents in Jenin. There were contradictory claims over responsibility for the shooting, with the Israeli security forces and local residents denying the use of live ammunition.

21. United Nations experts have pointed to the severe impact on women and girls of raids and search operations, including night-time home incursions, routinely conducted by the Israeli security forces.<sup>44</sup> Even when they are not directly victims of physical violence, women experience extreme psychological violence leading to sleeping disorders, anxiety and depression. A study conducted by the organization Yesh Din, which monitored over 158 raids by the Israeli security forces, showed that 88 per cent of home incursions occurred between midnight and 5 a.m. and that in 74 per cent of such incursions homes were invaded by 10 or more soldiers, in 25 per cent violence was used and in 30 per cent property was damaged. In none did the Israeli security forces have a search warrant.<sup>45</sup> On 23 August 2020, at 3 a.m., some 50 soldiers raided Deir Abu Mashal village and entered the house of a 21-year-old Palestinian to arrest him. The Israeli security forces pepper-sprayed the father, the mother and the grandmother, all of whom resisted the arrest of the young man because he had a medical condition resulting from a previous injury caused by the Israeli security forces. As documented in a video, the soldiers were not wearing surgical masks notwithstanding the COVID-19 outbreak.<sup>46</sup> For three days, the family remained unaware of the whereabouts of the young man, who was released with no charges or conditions on 26 August 2020.

22. Three Palestinian males, including a 14-year-old boy, were killed and several others were injured in law enforcement operations carried out by Palestinian security forces in the context of a surge in crime and violence in the West Bank and to enforce COVID-19 restrictions. On 23 May, in Ad Duheisha refugee camp, during clashes with residents after attempts to forcefully implement COVID-19 precautions, a Palestinian officer fired several live bullets and injured two persons in the legs in an incident raising concern of unnecessary or disproportionate use of force. On several occasions, Gaza security forces used force to

<sup>42</sup> See <https://www2.unwomen.org/-/media/field%20office%20palestine/attachments/publications/2020/12/d7-gmr%20report-271120.pdf?la=en&vs=2457>, pp. 12–13 and 17–20; <https://www2.unwomen.org/-/media/field%20office%20palestine/attachments/publications/2020/10/gender%20alert%20analysis%20august%202020%20unw.pdf?la=en&vs=5731>, pp. 7–12; and <https://palestine.unfpa.org/sites/default/files/pub-pdf/Situation%20Report%20Gaza%20-%202018%20June%202018%20-%20Great%20Return%20March%20-%20final.pdf>.

<sup>43</sup> A/75/336, para. 8.

<sup>44</sup> CEDAW/C/ISR/CO/6, para. 30 (b); and A/HRC/35/30/Add.1, para. 61.

<sup>45</sup> See [https://life-exposed.com/wp-content/uploads/2020/11/Exposed\\_Life\\_EN\\_FINAL.pdf](https://life-exposed.com/wp-content/uploads/2020/11/Exposed_Life_EN_FINAL.pdf), p. 15.

<sup>46</sup> See also A/75/336, para. 42.

implement COVID-19-related curfews and movement restrictions, resulting in the injury of Palestinians, including women. In one case, on 4 September, security forces raided several houses in Khan Younis to find individuals who had thrown stones in protest at the use of force in the enforcement of the night curfew and beat a 34-year-old woman in the head, after which she required stitches.

23. Courts in Gaza issued 10 death sentences, 3 of which by military courts. Five other death sentences previously issued were confirmed on appeal, two of them by military courts. Those sentences raise serious concern about due process and fair trial guarantees, including in respect of the sentencing of civilians by military courts.

## 2. Discrimination and gender-based violence

24. Gender-based violence is a form of discrimination against women and a human rights violation. Moreover, it jeopardizes women's enjoyment of several fundamental rights, including the rights to life and physical integrity, liberty and security of the person.<sup>47</sup> Under the Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties, authorities have the obligation to prevent, prosecute and provide reparations for acts of gender-based violence committed by public officials and in the private sphere.<sup>48</sup>

25. The occupation compounds women's vulnerability to gender-based violence and can pose critical obstacles to the prevention of and punishment for acts of violence against women and girls, particularly in East Jerusalem and in Area C, where the occupying Power, Israel, exercises exclusive jurisdiction over security.<sup>49</sup> As has been pointed out by United Nations experts, this situation does not exonerate the Palestinian authorities in the West Bank and Gaza from fulfilling their due diligence obligations in areas under their effective jurisdiction and control.<sup>50</sup> In this regard, the multiplicity of authorities, security forces and legal systems poses additional challenges. Women also suffer from violence emanating from patriarchal social norms.<sup>51</sup>

26. Six years after accession by the State of Palestine, the Convention on the Elimination of All Forms of Discrimination against Women has not been published in the official gazette, a precondition for its domestic application. Very limited progress was made during the reporting period towards repealing laws discriminating against women in the areas of legal capacity and personal status, criminal and family law and passing legislation to protect women from violence. Violence against women is both a cause and consequence of gender inequality.<sup>52</sup> Despite very high literacy levels, Palestinian women remain severely underrepresented in the workforce (18.1 per cent), national and local government (14 per cent) and areas such as the police (4.9 per cent), the judiciary (18 per cent) and the public prosecution (20 per cent).<sup>53</sup>

### *Gender-based violence against women and girls*

27. In November 2019, the Palestinian Central Bureau of Statistics found that the 38 per cent of currently married or ever married women in Gaza and 24 per cent of currently married or ever married women in the West Bank had experienced domestic violence, and that only 1 per cent of women who had suffered domestic violence sought psychosocial support or legal counselling or report to the police.<sup>54</sup> Despite efforts to strengthen the national referral system, the scarcity of gender-sensitive services and mistrust in the system remained major reasons why gender-based violence was underreported.<sup>55</sup> Stigma, lack of privacy and

<sup>47</sup> General recommendation No. 35 (2017), para. 15.

<sup>48</sup> *Ibid.*, para. 24 (b). See also A/HRC/31/57, paras. 11 and 55.

<sup>49</sup> A/HRC/35/30/Add.1., para. 58.

<sup>50</sup> *Ibid.*, para. 15.

<sup>51</sup> A/HRC/35/30/Add.2, para. 23.

<sup>52</sup> *Ibid.*, para. 92 (a).

<sup>53</sup> See [www.pcbs.gov.ps/Downloads/book2528.pdf](http://www.pcbs.gov.ps/Downloads/book2528.pdf).

<sup>54</sup> See [www.pcbs.gov.ps/Downloads/book2480.pdf](http://www.pcbs.gov.ps/Downloads/book2480.pdf), pp. 20 and 22.

<sup>55</sup> United Nations Population Fund, *Seeking Protection: Survivors of Sexual Violence and Their Access to Services in Palestine* (2020), p. 16.

confidentiality, and the frequent dismissal by law enforcement officials of gender-based violence claims remained obstacles to accessing services. In addition, women with disabilities and other groups most vulnerable to violence, such as drug users, sex workers, those accused of criminal offences and members of the lesbian, gay, bisexual, transgender and intersex community, remained excluded, either by law or de facto, from protection such as shelters.<sup>56</sup> Discriminatory laws and the criminalization of adultery, incest, abortion and, in Gaza, the broadly defined “moral misconduct” continue to deter women from reporting gender-based violence for fear of further victimization. A 19-year-old separated woman from the West Bank reported to OHCHR that, in February 2020, the Palestinian Authority police refused to accept her complaint of rape. When the woman refused to stay in a shelter for battered women, the police reportedly detained her under adultery charges.

28. The outbreak of COVID-19 since March 2020, and related movement restrictions, increased the vulnerability of women and girls to domestic violence, while almost all in-person services were halted. Government and civil society service providers recorded a spike in cases of domestic violence in the following months reported through the emergency hotlines that were rapidly established to provide remote services.<sup>57</sup> The total or partial closure from March to May 2020 of the sharia and family courts dealing with cases of alimony, custody and divorce in the West Bank and Gaza also disproportionately affected vulnerable women.<sup>58</sup> Government-run shelters in Gaza stopped accepting new cases. In the West Bank, quarantine requirements further reduced access to these life-saving services.

29. Women’s organizations demanded once again that the Government of the State of Palestine immediately adopt legislation to protect women from domestic violence. On 10 May 2020, the Cabinet adopted in first reading a draft family protection bill that had been pending since the early 2000s but the process for the adoption of anti-violence legislation did not advance further. Furthermore, a strong campaign against both the bill and the Convention on the Elimination of All Forms of Discrimination against Women was carried out by sharia lawyers, judges, scholars and religious groups on social and other media platforms.

#### *Gender-related killings or femicides*

30. The high number of femicides indicates a failure of the authorities to fulfil their obligations to prevent this extreme manifestation of violence against women and to punish those responsible.<sup>59</sup>

31. The Women’s Centre for Legal Assistance and Counselling recorded 35 cases of gender-related killings, suicide and death in suspicious circumstances in the West Bank (20) and Gaza (15), including cases involving two pregnant women and six girls, one of whom was 11 years old and had been beaten to death by her father in Gaza on 19 July 2020.<sup>60</sup> There was a dramatic increase from the 22 cases recorded during previous reporting period.<sup>61</sup> In several cases, women were reportedly killed purportedly in the name of “honour”, that is, for challenging prevailing patriarchal social norms and traditions.

32. Inadequate responses and impunity for gender-related killings persisted and contributed to a widespread social acceptance of those crimes. The Office of the Attorney

<sup>56</sup> Ibid., p. 19.

<sup>57</sup> See [https://www2.unwomen.org/-/media/field%20office%20palestine/attachments/publications/2020/5/fianl%20rapid%20assessment%20on%20covid-19%20\(003\).pdf?la=en&vs=5745](https://www2.unwomen.org/-/media/field%20office%20palestine/attachments/publications/2020/5/fianl%20rapid%20assessment%20on%20covid-19%20(003).pdf?la=en&vs=5745) and <https://palestine.unfpa.org/sites/default/files/pub-pdf/Impact%20of%20COVID19%20outbreak%20and%20lockdown%20on%20family%20dynamics%20and%20domestic%20violence%20in%20Palestine.pdf>.

<sup>58</sup> See [www.wclac.org/files/library/20/07/aoazpvvqscgipswyhc3fqr.pdf](http://www.wclac.org/files/library/20/07/aoazpvvqscgipswyhc3fqr.pdf) and <https://aisha.ps/public/files/1602012326.pdf>.

<sup>59</sup> A/71/398, para. 27. Despite being a growing phenomenon in the Occupied Palestinian Territory, there is no agreed criteria among governmental and non-governmental entities on how to classify gender-related killings.

<sup>60</sup> See [www.unicef.org/sop/press-releases/unicef-and-un-human-rights-office-call-greater-protection-domestic-violence-children](http://www.unicef.org/sop/press-releases/unicef-and-un-human-rights-office-call-greater-protection-domestic-violence-children).

<sup>61</sup> Women’s Centre for Legal Assistance and Counselling.

General in the West Bank, where a specialized unit addresses violence against women, indicated that in eight of the cases mentioned above an indictment for homicide was filed against the suspects and that three cases were under investigation. In Gaza, no information was available on the status of the cases. There is concern that cases of reported suicides and deaths in mysterious circumstances are not further investigated.

33. Despite the abrogation by Presidential decree in 2011 of specific legal provisions condoning so-called “honour” killings,<sup>62</sup> a range of mitigating circumstances – among them the possibility for the victim’s family member to waive the right to prosecution, including following informal justice “reconciliation” – are frequently granted by judges in cases of gender-related killings, resulting in reduced sentences for perpetrators.<sup>63</sup> Judicial rulings in these cases, which sometimes take several years to be issued, are often influenced by gender stereotypes that subordinate women to men.<sup>64</sup> A further challenge to the prosecution of perpetrators of gender-based violence, including killings, was the reported inability of the Palestinian security forces to carry out law enforcement in areas under exclusive Israeli security control, particularly following the suspension of coordination in mid-2020.

34. On 29 May 2020, 21-year-old Madleen Jaraba was brought to hospital in a serious condition, with signs of violence on her body, and died after allegedly having been beaten by her father in Deir El-Balah, Gaza. The father was arrested but then released on 10 July and has remained at large since then, despite new arrest warrants against him.

35. On 17 September 2020, 21-year-old Nawal Hathalin, her fiancé and his sister were shot dead with M16 rifles near Bethlehem. Ms. Hathalin had been hosted in a government shelter fearing for her safety after reportedly having had a relationship with a 21-year-old man from Salfit whom she wished to marry. The woman was killed as she left the shelter, under police escort, to go to her wedding. As at the end of the reporting period, the police had not arrested the suspects from the bride’s family, who were reportedly hiding in Area C.

#### *Child, early and forced marriage*

36. Child, early and forced marriage are forms of gender-based violence that violate the rights of children, particularly girls, to enter into a marriage with their full consent and has a detrimental impact on their education and on their physical and psychological health.<sup>65</sup> Despite some positive developments, the protection against this harmful practice remained fragmented and inadequate, including due to the application of different legal regimes.

37. On 3 November 2019, the President of the State of Palestine issued a law by decree (No. 21 of 2019) raising to 18 years the minimum age of marriage for both sexes while also permitting the chief justices of sharia and other family courts to allow marriages below the age of 18, “if required in the interest of both parties”. The decree is not applied in East Jerusalem, where the minimum age for marriage remains 15 years for girls and 16 years for boys, pursuant to the Jordanian Personal Status Law of 1976.

38. Since the entry into force of the decree on 29 December 2019 until 31 August 2020, the sharia courts in the West Bank received 1,304 applications for exceptions and granted 459 (35 per cent) of them; in most of those cases, the bride was reportedly 17 years old.<sup>66</sup> International standards stipulate that child marriage is a form of forced marriage, given that one or both parties have not expressed full, free or informed consent.<sup>67</sup>

39. In Gaza, the Egyptian Family Law of 1954, which stipulates that the minimum age for marriage is 18 years for men and 17 years for women, continued to be applied, despite the 2019 Decree. Of some 7,200 marriages registered by the sharia courts from 1 November

<sup>62</sup> A/HRC/28/80, para. 49.

<sup>63</sup> See [www.wclac.org/files/library/19/08/wlqwzwcncrxgtgwq3yrlwo.pdf](http://www.wclac.org/files/library/19/08/wlqwzwcncrxgtgwq3yrlwo.pdf), pp. 2–3.

<sup>64</sup> *Ibid.*, p. 5.

<sup>65</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 22.

<sup>66</sup> Sharia courts in the West Bank.

<sup>67</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 20.

2019 to 30 April 2020, 1,279 (17.7 per cent) involved children, with 94.4 per cent of them being girls.<sup>68</sup>

*Violence against lesbian, gay, bisexual, transgender and intersex persons*

40. Palestinian members of the lesbian, gay, bisexual, transgender and intersex community continued to be subjected to different forms of violence in the public and private spheres. They also faced obstacles in accessing justice, including non-investigation of complaints or breaches of confidentiality, which could expose their sexual orientation and place them at risk of further violence. Palestinian security forces reportedly also questioned and threatened persons detained under criminal charges about individuals and their affiliation to organizations in the West Bank promoting the rights of lesbian, gay, bisexual, transgender and intersex persons, raising concerns regarding the right to privacy and intimidation of human rights defenders.<sup>69</sup>

**3. Violations of the right to freedom of movement and impact on other rights**

41. Israel continued to maintain full control and severely restrict the movement of Palestinians between the West Bank and Gaza, access to Jerusalem and travel abroad through a multilayered system of physical, administrative and bureaucratic obstacles, including an arbitrary identification and permit system.<sup>70</sup> These restrictions violate the right of Palestinians to freedom of movement and prejudice the enjoyment of several other rights. Movement and travel restrictions hinder women's access to health services, education and employment opportunities, which are key factors inhibiting their equal participation in the workforce and public life.<sup>71</sup>

42. The outbreak of COVID-19 in March further compounded this situation. While in November 2019 the monthly average of Palestinians exiting Gaza through Erez was 19,404, it dropped to just 278 in March 2020.<sup>72</sup> Rafah crossing, which operated regularly until 8 March 2020, remained closed until the end of the reporting period, except for seven days.

43. In addition, the suspension by the Palestinian Authority of coordination with Israel in May, after Israel threatened to annex the West Bank, left Palestinians with no formal mechanism to channel applications for medical exit permits until 6 September, when the World Health Organization set up a temporary coordination mechanism. Thousands of patients requiring referrals for specialized medical treatment not available in Gaza had their access to life-saving treatment further reduced. From November 2019 to March 2020, 7,733 applications for medical exit permits were submitted, 5,058 (65 per cent) of which were approved. Due to COVID-19, the new criteria introduced by Israel on 12 March allowing only urgent medical referrals to be processed and the suspension of coordination, the number of applications dropped by 91 per cent to 159 in April and 160 in May.<sup>73</sup> OHCHR recorded four cases of Palestinians, including two male infants with heart conditions and a 6-year-old girl with cancer, who died in Gaza between May and September 2020 while waiting for medical care outside Gaza.

*Residency rights and family unification*

44. The Israeli permit system continued to impose arbitrary restrictions on family unifications between Palestinians from different parts of the Occupied Palestinian Territory. This separation policy<sup>74</sup> particularly affects women, as they are usually the ones who move for marriage.

<sup>68</sup> High Council of Sharia Courts in Gaza.

<sup>69</sup> A/HRC/43/70, paras. 35–36 and 49.

<sup>70</sup> A/HRC/31/44 and A/HRC/34/38.

<sup>71</sup> See [https://gisha.org/UserFiles/File/publications/Discrimination\\_by\\_Default\\_EN.pdf?mc\\_cid=a4c5f70336&mc\\_eid=28f586c7f9](https://gisha.org/UserFiles/File/publications/Discrimination_by_Default_EN.pdf?mc_cid=a4c5f70336&mc_eid=28f586c7f9); E/CN.6/2019/6, para. 3; and CEDAW/C/ISR/CO/6, para. 46 (b).

<sup>72</sup> General Authority for Civil Affairs.

<sup>73</sup> Ibid.

<sup>74</sup> A/75/336, para. 27.

45. Palestinians from East Jerusalem have the status of permanent residents. That status is not automatically extended to their children or spouses. Palestinians from the West Bank married to East Jerusalemites cannot receive permanent residence or citizenship, but can apply for temporary permits, subject to lengthy and restrictive family unification procedures. The Citizenship and Entry into Israel Law (Temporary Order), violates the obligations of Israel under several human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women,<sup>75</sup> and compounds women's vulnerability to domestic violence. According to the organization HaMoked, which assists Palestinians in family unification procedures, as women depend on their husbands for their residency status, those in abusive relationships are trapped, choosing to remain in the relationship in order not to be deported and separated from their children. Without an Israeli permit, women cannot access health and social security services and are at risk of arrest and deportation. In a case monitored by HaMoked, the Ministry of the Interior of Israel refused in July 2020 to grant residency status to a Palestinian woman with West Bank identification and her 2-year-old twins born in Jerusalem, after their father had passed away pending family unification application. The woman gave her husband's family official guardianship of the children to resubmit the application, which was again rejected.

46. Palestinians from Gaza are prevented from unifying with their families in the West Bank, including East Jerusalem. On the other hand, Palestinians are encouraged to leave the West Bank to unify with their families in Gaza. The organization Gisha monitored and legally challenged an increasing number of cases involving women from the West Bank who were required by Israel, in order to move to Gaza following marriage, to sign forms on "settlement in the Gaza Strip", thereby waiving indefinitely their right to return to live in the West Bank, raising concerns of forcible transfer.<sup>76</sup>

47. By suspending its coordination with Israel, the Palestinian Authority stopped communicating information to update the Palestinian population registry controlled by Israel, further affecting the travel of Palestinians. Several women were prevented from leaving the West Bank to go to Jordan with their newborns holding Palestinian and foreign passports because the babies were not registered in the Israeli population registry. On 26 July 2020, a woman from Ramallah and a woman from Nablus were stopped at the Allenby crossing by the Israeli security forces and prevented from travelling with their babies to the United Arab Emirates where they resided with their husbands. The women were able to register their babies directly with the Israeli authorities with the help of human rights organizations and left the West Bank.

48. Israel, the occupying Power, has the obligation to facilitate freedom of movement of the protected population, including entry and exit from the occupied territory, regardless of the policies of the Palestinian Authority.

#### **4. Restrictions of the rights of freedom of expression, association and peaceful assembly**

49. The Israeli security forces continued to systematically use force and other means to suppress demonstrations,<sup>77</sup> including those protesting Israeli threats of annexation and the blockade of Gaza. Palestinian Authority security forces invoked emergency regulations prohibiting gatherings due to COVID-19 to violently disperse and detain protesters demonstrating in Ramallah against corruption on 19 July 2020 and, in a different instance, against the application of the Convention on the Elimination of All Forms of Discrimination against Women. Palestinian security forces in the West Bank and the security forces of the de facto authorities in Gaza summoned and detained journalists and social media activists, including women, on multiple occasions, for posting statements and videos criticizing the authorities and for allegedly spreading misinformation about COVID-19. Violence in public spaces by all three duty bearers, coupled with the prevalent patriarchal norms, has a

<sup>75</sup> CCPR/C/ISR/CO/4, para. 21; CRC/C/ISR/CO/2-4, para. 49; CERD/C/ISR/CO/17-19, paras. 24–25; E/C.12/ISR/CO/4, paras. 40–41; and CEDAW/C/ISR/CO/6, para. 41.

<sup>76</sup> See [https://gisha.org/UserFiles/File/publications/Discrimination\\_by\\_Default\\_EN.pdf?mc\\_cid=a4c5f70336&mc\\_eid=28f586c7f9](https://gisha.org/UserFiles/File/publications/Discrimination_by_Default_EN.pdf?mc_cid=a4c5f70336&mc_eid=28f586c7f9) and A/75/336, para. 28.

<sup>77</sup> A/HRC/43/70, paras. 23–24; and A/75/336, paras. 6–9.

particularly deterrent effect on the participation of Palestinian women in public and political life.

50. Journalists continued to face attacks by the Israeli security forces while at work, leading to 95 persons being injured, including 1 woman,<sup>78</sup> as well as arrests and detentions by all duty bearers. The Israeli security forces arrested 32 journalists, including 10 women. The Palestinian Authority arrested 27 journalists, breaking the positive trend seen in May–October 2019.<sup>79</sup> The de facto authorities in Gaza arrested 16 journalists, some of them repeatedly. All were released without charges.

51. The Israeli security forces intensified the crackdown on Palestinian political figures in East Jerusalem.<sup>80</sup> Israeli authorities pressured East Jerusalem human rights defenders, activists and journalists by revoking or threatening to revoke their residency rights and limiting their freedom of movement.<sup>81</sup> Palestinian women documenting violations of the status quo at Al-Aqsa compound were also targeted. Hanadi Halawani, a 40-year-old Palestinian teacher, was detained six times by the Israeli security forces for her activism on social media and at Al-Aqsa and for violating previous orders barring her from the compound. For several months, she was barred from accessing the Al-Aqsa compound and from travelling abroad. In addition, her home was searched, her electronic equipment was confiscated and she was fined.

*Human rights defenders, including women's human rights defenders*

52. Arbitrary arrests and detentions of human rights defenders by all duty bearers continued,<sup>82</sup> including cases of alleged ill-treatment by the Israeli security forces and the de facto authorities in Gaza. The Israeli authorities also continued to hold human rights defenders under administrative or extended pretrial detention to pressure them to accept convictions based on plea bargains.

53. Women's human rights defenders continued to face distinct and additional challenges. Individuals demanding that the Government of the State of Palestine intervene to stop violence against women became the target of systematic attacks and smear campaigns in the West Bank by non-State actors, including religious and conservative groups, whereas providers of services to victims of gender-based violence reported increasing difficulties in carrying out their work due to community stigma, particularly in rural areas. Increasingly, State and non-State actors targeted women's human rights defenders for their online activities. Those attacks, including arrests of women because of their online activities, further reduced the space available to defenders to carry out their work and restricted their freedom of expression.

54. For example, in June 2020, four women's human rights defenders – a male doctor from the Human Rights and Democracy Media Centre, a female presenter at Ma'an News, a member of Women and Media Development and a member of the Women's Study Centre – received death threats and threats of sexual violence on social media directed at them and their family members after participating in a Palestine TV programme on violence against women. Four of them filed official complaints to the prosecutor's office in the West Bank. Two reported that there had been no substantive developments in their cases by the end of the reporting period. In one case, a man was charged for threatening rape and, in another case, the complainant did not pursue the complaint further. Apart from a few interventions, Palestinian officials did not publicly address expressions of sentiment against the Convention on the Elimination of All Forms of Discrimination against Women or dispel intimidation against women's human rights defenders.

55. In Gaza, on 11 April 2020, the security forces arrested a 22-year-old Palestinian woman for participating, together with seven other activists from the Gaza Youth Committee, in an online meeting between Israelis and Palestinians to promote peaceful coexistence. She

<sup>78</sup> As reported by the Palestinian Centre for Development and Media Freedoms.

<sup>79</sup> A/HRC/43/70, para. 40.

<sup>80</sup> A/75/336, para. 48.

<sup>81</sup> Ibid., paras. 46–47.

<sup>82</sup> A/HRC/43/70, paras. 3, 55–58 and 61.

was detained for 82 days, 15 of which she reportedly spent in solitary confinement, and was prosecuted by the Gaza military public prosecution, despite being a civilian, for “damaging the prestige of the revolution”. The woman, who had been released on bail in June 2020, was convicted with two other activists on 26 October 2020 and sentenced to time already served.

56. In occupied East Jerusalem, Palestinian cultural and non-governmental organizations, several of them headed by women, continued to be targeted with raids, arrests, confiscation of equipment and closure orders. On 17 May 2020, the organization Volunteer for Hope, which was headed by a woman, was closed by the Israeli authorities for allegedly carrying out activities on behalf of the Palestinian Authority.<sup>83</sup> On 29 June 2020, the Israeli security forces arrested the director of the Women’s Association for Development and Empowerment in Beit Hanina and her 18-year-old son, and interrogated them about funding by the Palestinian Authority. The woman was summoned and interrogated four more times, without being charged.

## 5. Arbitrary detention, torture and ill-treatment

57. According to the Palestinian Prisoner Society, 4,577 Palestinians were arrested by the Israeli security forces during the reporting period, including 133 women and 587 children. As of 30 September 2020, 4,184 Palestinians (31 women, 157 children) were detained on security-related charges by the Israel Prison Service. The vast majority were held in Israel in violation of international humanitarian law. Of the total, 373 Palestinians were held in administrative detention without having been charged or tried, including 2 boys and 1 woman. Visits by lawyers and family members were suspended from March to June 2020 under COVID-19 emergency regulations;<sup>84</sup> afterwards, they were strictly limited. Restrictions on the time and duration of lawyers’ visits, delays and restrictions on the number of detainees that could be visited greatly hampered the right to legal counsel. Human rights and prisoners’ organizations repeatedly expressed concern about the lack of preventive measures to protect Palestinian prisoners from COVID-19.<sup>85</sup> The Palestinian Prisoner Society reported that, as of 31 October 2020, about 40 Palestinian prisoners had tested positive for COVID-19.

58. The Israeli security forces detained dozens of Palestinians after the attack near the Dolev settlement in August 2019, many of whom reported severe ill-treatment possibly amounting to torture.<sup>86</sup>

59. University students, including female students, appear to have been arbitrarily detained and allegedly ill-treated by the Israeli security forces in relation to student activities. Shetha Hassan, the 22-year-old head of the Birzeit University student union, was arrested by the Israeli security forces on 12 December 2019 and held in administrative detention without charge or trial until 21 May 2020 under allegations of student activism tied to the Islamic Bloc student association. Samah Jaradat, a 22-year-old university student, was arrested at her home during the night of 7 September 2019 and imprisoned for nine months. For 21 days she was held incommunicado and subjected to physical and psychological violence possibly amounting to torture, including lengthy interrogations, sleep deprivation, being shackled in stress positions, forced to listen to Palestinian detainees under “military interrogation” and threatened with the same treatment. She also reported sexual harassment by male interrogators. As her colleague Mays Abu Ghosh was,<sup>87</sup> Ms. Jaradat was convicted of membership in the Progressive Democratic Students Pole, a student association, declared on 21 October 2020 a terrorist organization by military order.<sup>88</sup> This conviction raises significant questions with regard to the respect of the principle of legality.

<sup>83</sup> A/75/336, para. 48.

<sup>84</sup> *Ibid.*, para. 13.

<sup>85</sup> *Ibid.* See also [www.alhaq.org/cached\\_uploads/download/2020/09/03/200820-hrc45-written-submission-on-prisoners-final-1599123626.pdf](http://www.alhaq.org/cached_uploads/download/2020/09/03/200820-hrc45-written-submission-on-prisoners-final-1599123626.pdf).

<sup>86</sup> A/75/336, paras. 14–18.

<sup>87</sup> *Ibid.*, para. 16.

<sup>88</sup> From 1967 to July 2019, the Ministry of Defense of Israel classified 411 organizations as “hostile”, “unlawful” or “terrorist” associations, including all major Palestinian political parties and the ruling Fatah party. See [www.hrw.org/sites/default/files/report\\_pdf/palestine1219\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf), pp. 37–38.

60. Arbitrary arrests and detention by the Palestinian security forces and the de facto authorities in Gaza, including on political grounds, continued. According to the Independent Commission for Human Rights, 92 Palestinians were administratively detained under Governor's orders. Widespread disregard for basic fair trial guarantees, such as undue restrictions on detainees' access to lawyers and the non-implementation of court release orders, continued.

61. In June 2020, Gaza security forces summoned and detained dozens of Fatah members and supporters across the Gaza Strip in relation to their participation in an event to mark the killing of a Fatah leader by Hamas in 2007. Some of them alleged physical ill-treatment. On 19 July 2020, Palestinian security forces arrested 22 Palestinians involved in a peaceful demonstration in Ramallah against alleged corruption by the Palestinian Authority. They were detained for participating in illegal demonstrations and violating COVID-19 emergency regulations. Most were released at the end of July, reportedly after pledging not to hold demonstrations during the state of emergency and not to publish allegations of corruption on social media without prior consultation with the relevant authorities.

62. The Independent Human Rights Commission received 195 complaints of torture and ill-treatment, including 110 (one of which by a woman) against the Palestinian Authority security forces in the West Bank and 85 (two of which by women) against the security forces of the de facto authorities in Gaza. OHCHR documented extremely worrying cases of ill-treatment, several of them possibly amounting to torture, by Palestinian security forces in the West Bank and by the security forces of the de facto authorities in Gaza. Reported forms of ill-treatment included the regular, prolonged use of solitary confinement, beating, shackling and suspension to extort confessions or as punishment. In two cases, male victims alleged sexual violence, including rape, and threat of sexual violence. In several instances, the victims were threatened into withdrawing complaints of ill-treatment against security forces in the West Bank, in some cases as a condition for release.

63. In January 2020, the Palestinian Civil Police arrested a Palestinian man in Ramallah accused of robbery. For four consecutive days, he was beaten, shackled with metal chains and suspended for long hours, causing a fractured arm. The man reported that police officers undressed him, put a heater between his legs close to his genitals causing burns. They covered his head, nose and mouth with a hood and poured liquids over his face simulating suffocation. In Gaza, allegations of ill-treatment and torture were often linked to drug-related offences, assumed collaboration with Israel or "moral misconduct", and the alleged affiliation with Fatah and Salafist groups. In April 2020, a 25-year-old man arrested by the Gaza police for drug trafficking was transferred to hospital with bruises on his body and a fractured hand shortly after his arrest. He had reportedly been beaten with an iron pipe while at the police station.

64. The detention of women for sexual offences such as adultery, incest, prostitution and other sexual or "moral misconduct" raised serious concerns of arbitrary detention. Of the 70 female detainees, 14 per cent were held in the West Bank on adultery charges and 49 per cent were held in Gaza on "moral misconduct" charges, including adultery. Laws criminalizing adultery and other "moral misconduct" offences directly or indirectly discriminate against women, thus giving rise to arbitrary detention.<sup>89</sup> In the West Bank, for example, the law envisages heavier punishments for women accused of adultery, and complaints of adultery can only be filed by men. Many complaints of adultery are made to blackmail or exploit women, for example during divorce proceedings.

65. The detention of pregnant women and mothers with infants was also cause of concern. During the reporting period, at least four pregnant women and four mothers with infants were detained in the Palestinian detention centres of the West Bank and Gaza, in most cases in pretrial detention, including on misdemeanour charges. OHCHR observed that pregnant women and mothers with infants were held in unsuitable conditions, including in overcrowded cells lacking access to outdoor space.

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<sup>89</sup> A/HRC/36/38, para. 8 (e); A/HRC/31/57, para. 14; and [www.ohchr.org/Documents/Issues/Women/WG/AdulteryasaCriminalOffenceViolatesWomenHR.pdf](http://www.ohchr.org/Documents/Issues/Women/WG/AdulteryasaCriminalOffenceViolatesWomenHR.pdf).

66. A 34-year-old woman who had left her violent husband was detained under adultery charges in Ramallah, from 8 March to 3 September 2020, while heavily pregnant. In order to be released, the woman agreed to divorce her husband and to waive all her rights under sharia law, including the dowry and visiting and custody rights over her four children. Upon release, the woman had nowhere to go and would not be accepted in a shelter.

67. Recognizing that prisons are not designed for pregnant women and women with children, international standards prescribe that custodial measures in such cases shall be considered as a last resort, when the offence is serious or violent and the woman represents a continuing danger, and subject to the best interests of the child.<sup>90</sup>

## V. Conclusions and recommendations

68. **The High Commissioner recommends that the Government of Israel:**

(a) **With the occupation remaining the main driver of human rights violations in the Occupied Palestinian Territory, immediately end all human rights violations and abuses perpetrated against women and girls in the Occupied Palestinian Territory and affecting women disproportionately, including and in particular the unnecessary or disproportionate use of force, home raids not in compliance with international standards, demolitions and forced evictions, settler violence and restrictions to freedom of movement and family life;**

(b) **Ensure that the rules of engagement of the Israeli security forces and their application are fully in line with international standards and, in particular, that in law enforcement activities firearms are used only in cases of imminent threat of death or serious injury;**

(c) **Conduct prompt, thorough, independent, impartial and effective investigations into all incidents of use of force by the Israeli security forces that have led to the death or injury of Palestinians, and ensure that perpetrators are held accountable and victims provided with redress;**

(d) **Ensure respect for international humanitarian law and conduct prompt, thorough, independent and impartial investigations into allegations of violations related to past and recent escalations of hostilities, hold those responsible accountable and provide redress for victims;**

(e) **Immediately end all practices of collective punishment, including by lifting the blockade and the punitive closures imposed on Gaza and ending punitive demolitions and the policy of withholding the bodies of Palestinians;**

(f) **End practices of administrative detention and any form of arbitrary detention, ensure that all detainees are promptly charged or released and fully guarantee the right to a fair trial;**

(g) **Ensure that conditions of detention are fully in accordance with international human rights law, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and immediately end all practices that may amount to torture or ill-treatment, ensuring that violations are promptly, impartially and independently investigated, perpetrators are held accountable and victims have access to an effective remedy;**

(h) **Introduce the offence of torture in domestic law and provide for its absolute prohibition, in line with international standards;**

(i) **Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that journalists and civil society actors, including women's human rights defenders, are allowed to conduct their professional activities safely, freely and without harassment;**

<sup>90</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 64.

69. **The High Commissioner recommends that the Government of the State of Palestine:**

(a) **Uphold its obligations to protect the rights of all Palestinians without discrimination, including discrimination based on gender, sexual orientation or gender identity, and immediately cease any measures that violate those obligations or worsen the humanitarian situation in Gaza;**

(b) **Announce immediately a formal moratorium on executions while taking steps to give full effect to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty;**

(c) **Publish human rights treaties it has acceded to, including the Convention on the Elimination of All Forms of Discrimination against Women, in the official gazette, and amend legal provisions discriminating, directly or indirectly, against women and girls;**

(d) **Take all measures necessary to prevent all forms of gender-based violence, and ensure that perpetrators, including of gender-related killings, are prosecuted and appropriately sentenced;**

(e) **End all practices amounting to arbitrary detention and fully guarantee fair trial rights;**

(f) **Immediately end all practices that may amount to torture or ill-treatment, ensure that all violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee that victims have access to an effective remedy;**

(g) **Introduce the offence of torture in domestic law and provide for its absolute prohibition, in line with international standards, establish urgently a national preventive mechanism and apply the Bangkok Rules;**

(h) **Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that journalists and civil society actors, including women's human rights defenders, are allowed to conduct their professional activities safely, freely and without harassment.**

70. **The High Commissioner recommends that the authorities in Gaza:**

(a) **Ensure, along with armed groups in Gaza, respect for international humanitarian law, particularly the principles of distinction, proportionality and precaution, and ensure accountability for all violations;**

(b) **Announce and implement an immediate moratorium on the use of the death penalty and cease trying civilians before military courts;**

(c) **Take all measures necessary to ensure that the rights of persons deprived of liberty are respected, immediately end all practices that may amount to torture or ill-treatment, ensure that all allegations of such violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee that victims have access to an effective remedy;**

(d) **Take all measures to prevent all forms of gender-based violence and ensure that perpetrators, including of gender-related killings, are prosecuted and appropriately sentenced;**

(e) **Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that journalists and civil society actors, including women's human rights defenders, are allowed to conduct their activities safely, freely and without harassment.**