



Shared Prosperity **Dignified Life**



Country matrix – State of Palestine 2024

The country matrix adopts and adheres to the coding standards adopted in the “Gender Justice and the Law” initiative.

General framework of the State

Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?

The State of Palestine unilaterally ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) pursuant to Presidential Decree No. 19 of 2009, and it joined the Convention in 2014 without any reservations after the United Nations recognized Palestine as a State.

Does the Constitution refer to gender equality and non-discrimination?

Article 9 of the Basic Law stipulates that Palestinians shall be equal before the law and the judiciary without distinction based on race, sex, colour, religion, political views or disability.

If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?

Customary law is not a valid source of law pursuant to the Palestinian Basic Law. Article 4 stipulates that Islamic Shariah principles are the principal source of legislation. Articles 101 to 104 provide for the various types of courts which include religious, Shariah, administrative

and constitutional courts as well as the Supreme Court. No mention is made of tribal law or tribal courts.

If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?

Article 101 of the Basic Law stipulates that personal status matters come under the jurisdiction of Shariah and religious courts, but it does not address the validity of the Personal Status Law if it conflicts with the constitutional courts.

Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?

The law does not define the mandate and jurisdiction of informal (unofficial) justice systems. In 2019, a presidential decree was issued disbanding the Higher Committee for Tribal Affairs of the northern governorate in Gaza. A secondary source points out that the police and other authorities cooperate with these courts and sometimes ask them to help in their work. Women are one of the constituencies that are harmed by these courts. Moreover, the 1954 Prevention of Crime Law granted the governor, who in practice is in

contact with the tribal leaders, the authority to maintain communal peace and security.

Is there a law on discrimination that prohibits both direct and indirect discrimination against women?

Article 9 of the Basic Law stipulates the following: "Palestinians shall be equal before the law and the judiciary without distinction based on race, sex, colour, religion, political views or disability." But no normative law exists that prohibits direct and indirect discrimination against women.

In 2023, the State of Palestine amended the three Penal Codes applied to all of its territories, which now include a definition and prohibition of discrimination on the basis of sex in the political, economic, social, cultural, civil or any other field. However, it did not distinguish between direct and indirect discrimination.

Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?

The National Strategy to Combat Violence Against Women in Palestine has been adopted for the years 2023-2030, under the supervision of the Ministry of Women's Affairs.

Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?

In 2009, the Council of Ministers issued a decision on adopting gender-sensitive budgets and thus integrating gender into public budgeting. The Council of Ministers also decided to form the National Committee for Gender-Sensitive Budgets.

Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary,

human and administrative resources allocated for its implementation?

The National Reproductive and Sexual Health Strategy (2018–2022) includes different aspects of sexual and reproductive health rights but it does not guarantee a budget for the implementation of these rights.

Are there laws that explicitly require the production and/or dissemination of gender statistics?

The law does not include or mention gender statistics and data.

Is legal aid mandated and guaranteed in criminal matters?

Article 14 of the Basic Law stipulates that any person accused of a crime must have a lawyer for their defence. In addition, Law No. 3 on the organization of the legal

profession provides under article 12 that the Palestinian Bar Association organizes the provision of legal aid to citizens who cannot pay. Under article 44, it states that the President of the Palestinian Bar Association shall defend any individual who is unable to pay any of the lawyer's fees. Legal aid is not explicitly mandated in the law, which remains ambiguous.

Is legal aid mandated and guaranteed in civil/family matters?

Law No. 3 on the organization of the legal profession provides under article 12 that the Palestinian Bar Association organizes the provision of legal aid for citizens who cannot pay. Under article 44, it states that the President of the Palestinian Bar Association shall defend any individual who is unable to pay any of the lawyer's fees.

Legal capacity and public life

Do women and men have equal rights to apply for passports?

Neither the Personal Status Law nor the passport application form includes any restrictions for women.

Do women and men have equal rights to obtain an identity card?

Article 43 of the Personal Status Law stipulates that every Palestinian who has reached the age of 16 is entitled to obtain a personal identity card. The provisions for this section are

gender neutral. In addition, the application form does not impose any restrictions on women.

In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

Women are equal to men in terms of legal capacity and in the right to make claims, present a defence, provide evidence,

appeal, claim compensation as well as in all other legal procedures followed at any level of court. The Civil Code provides that any person who has reached the age of 18 can exercise their civil rights in full.

In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

The Personal Status Law provides that an adult woman

requires the consent of her male guardian (articles 10 to 13) to get married so long as the guardian does not raise an illogical objection to the marriage.

Does a woman's testimony carry the same evidentiary weight in court as a man's?

Article 16 of the Personal Status Law stipulates that for the validity of a marriage contract two male witnesses, or one male and two female witnesses, must be present. However, Law No. 4 of 2001 on Evidence in Civil and Commercial Matters does not impose any restrictions on a woman's testimony.

Can a woman enter into a contract the same way as a man?

Articles 53 and 54 of the Civil Code stipulate that any person, male or female, who has reached the age of 18 can exercise their civil rights. Book II of the Civil Code (starting from article 428) regulates in a gender-neutral way the right to enter into a contract and does not impose any restrictions on women. In addition, both the Commercial Companies Law and the Commercial and Civil Procedures Law use gender-neutral language.

Does the law allow for women to register businesses the same way as men?

Articles 53 and 54 of the Civil Code stipulate that any person,

male or female, who has reached the age of 18 can exercise their civil rights. In addition, both the Commercial Companies Law and the Commercial and Civil Procedures Law use gender-neutral language and do not impose any restrictions on women owning or registering companies.

Do women and men have equal rights to own, access, and control or use property?

There are no legal provisions that prohibit women from access and control and use of property.

Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?

Article 26 of the Basic Law provides that the right to participate in political life is guaranteed, including the right to hold public office and positions on the basis of the principle of equal opportunities. In addition, article 5 of the Electoral Law guarantees the representation of women on electoral lists. No laws exist that prevent women from holding political office. However, there are no positive measures to assert this right.

Are there quotas for women (reserved seats) in the national parliament?

There are no quotas for seats reserved for women in the parliament.

In 2005, Electoral Law No. 9 was passed, establishing a mixed electoral system which brings together the simple majority system (areas/governorates) and the proportional representation system (lists). Pursuant to this law, 66 out of 132 members were elected on the basis of proportional representation, with the remaining members elected using the simple majority system.

This clause was amended by Decree Law No. 1 of 2021, which repealed paragraph 3 of article 5 of the original law (Decree Law No. 1 of 2007 on public elections). Paragraph 2 of article 5 of the original law was amended to become "Every four names following that" instead of five.

Following this amendment, the quota of seats reserved for women became 26 per cent instead of 20 per cent, out of a total of 132 seats in the Legislative Assembly.

Is there a law that explicitly prohibits violence against women in politics and elections?

There is no legislation that prohibits violence against women in politics and elections.

Protection from violence against women and girls in the public and private spheres

Is there legislation on domestic violence that includes all forms of physical violence?

There is no law on domestic violence which provides protection from physical violence. The criminal provisions of the Penal Code may be relied upon to prosecute some acts of violence against women.

Is there legislation on domestic violence that includes all forms of sexual violence?

There is no law on domestic violence which provides protection from sexual violence. The criminal provisions of the Penal Code may be relied upon to prosecute some acts of violence against women.

Is there legislation on domestic violence that includes all forms of psychological/emotional violence?

There is no law on domestic violence which provides protection from psychological/emotional violence. It may be possible to rely on the criminal provisions of the Penal Code to prosecute some acts of violence against women.

Is there legislation on domestic violence that includes all forms of financial/economic violence?

There is no law on domestic violence which provides

protection from financial/economic violence. It may be possible to rely on the criminal provisions of the Penal Code to prosecute some acts of violence against women.

Does the law criminalize marital rape?

National legislation does not criminalize marital rape.

Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?

There are no provisions for enforcing protection orders.

Does the law allow mitigating circumstances for femicide?

The laws which permitted mitigation of the punishments enforced for what are known as "honour" crimes were repealed in the West Bank in 2011, 2014 and 2018. However, the Government in Gaza has not implemented these reforms. In 2018, article 99 of the Penal Code in the West Bank was amended to remove the authority provided to the courts to mitigate punishments in cases of honour crimes and cases of killing another woman (the mitigating measures were removed for crimes and misdemeanours committed against women and children).

Does the law criminalize female genital mutilation (FGM) or cutting if practised?

There is no legal impediment.

Does the law criminalize adultery?

Article 282 of the Penal Code applicable in the West Bank criminalizes adultery and the act is also considered a crime in Gaza.

Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?

Rape is criminalized under article 152 of the Penal Code of 1936, which is in force in Gaza, and article 292 of the Penal Code of 1960, which is in force in the West Bank.

Does the law include exoneration if the offender marries his victim?

Article 308 of the Penal Code in force in the West Bank previously exonerated the rapist from criminal responsibility if he married his victim. Decree-Law No. 5 of 2018 repealed this article. There are no provisions exonerating the rapist if he marries the victim in the Penal Code of 1936 in force in Gaza.

Is sexual harassment defined in any legislation?

There is no law that criminalizes sexual harassment, but articles 305 and 306 of the Penal Code

prohibit some forms of sexual harassment. The violations include any inappropriate acts or attempts or assaulting women in a public space inappropriately.

Is there a provision in the law that criminalizes cyberviolence against women and girls?

There are no provisions in the law that specifically criminalize cyberviolence against women. But some provisions relate to cybercrime and consequently may apply. For example, article 15 of the Cybercrime Law stipulates that “[a]ny person using the Internet or social

media to threaten another person or to blackmail them to force them to do or stop doing an act will be punished.”

Article 16 stipulates that “[a]ny person who sends via the Internet or a social media channel pornography without the consent of the other person or elements related to sexual exploitation of minors, male or female, shall be punished.”

Are sex work and prostitution criminalized?

Sex work is prohibited pursuant to articles 309 to 318 of the Penal Code in force in the West Bank

and articles 161 to 166 of the Penal Code of 1936 in force in Gaza.

Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?

There is no comprehensive legislation in the State of Palestine to combat human trafficking. However, some provisions of the Jordanian Penal Code apply to human trafficking in the West Bank.

Employment and economic benefits

Does the law mandate non-discrimination against women in employment?

Article 2 of the Labour Law stipulates that “equal opportunities must be available, and all forms of discrimination shall be prevented.” Article 16 provides that “[d]iscrimination between workers in working conditions and circumstances is prohibited.” Article 100 includes the following explicit provision on gender discrimination: “Discrimination between men and women is prohibited.”

Does the law mandate equal pay for the same work as men?

Labour Law No. 7 of 2000 prohibits discrimination in the workplace between men and women. However, the law does not explicitly guarantee equal pay.

Does the law mandate equal remuneration for work of equal value?

Article 16 of the Labour Law provides that “[d]iscrimination between workers in the State of Palestine in working conditions and circumstances is prohibited.” But it does not define sex as grounds for such discrimination. Article 100 includes an explicit provision on gender discrimination.

Does the law allow women to do the same jobs as men?

Article 101 (1) of the Labour Law provides that women are prohibited from performing dangerous and arduous work as defined by the Minister of Labour.

Does the law allow women to work the same night hours as men?

Article 101 (3) of the Labour Law provides that women are prohibited from working night hours with the exception of those jobs defined by the Minister of Labour.

Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?

Article 2 of the Pensions Law states that the law’s provisions apply to both the public and private sectors. Article 27 (1) provides in gender-neutral language that retirement is mandatory at the age of 60.

Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?

In 2023, the General Retirement Law was amended, allowing a woman to grant her pension to her widowed husband without any other conditions, similarly to men. The General Retirement Law is considered as the unified law applicable to retirement systems in both the public and private sectors in Palestine.

Does the law prohibit dismissal during pregnancy and maternity leave?

Pursuant to the Labour Law of 2000, employers may not dismiss a woman during her maternity leave.

Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?

Pursuant to the Labour Law, women have the right to 10 weeks of paid maternity leave from their employer but this is less than the ILO standard of 14 weeks.

In 2022, the Civil Service Law was amended, increasing maternity leave from 70 days to 90 days. However, this period still does not match the International Labour

Organization standard of 98 days.

Does the law provide for paid paternity leave available to fathers?

The amendment to the Civil Service Law in 2022 provided for a symbolic paternity leave of 3 days with full salary. However, the Labour Law governing the private sector still does not grant paternity leave.

Does the State provide or subsidize childcare facilities?

No childcare services, provided or subsidized, are available in either the public or private sector.

Does legislation tackle sexual harassment in the workplace?

Neither the Labour Law nor any other law criminalizes sexual harassment. However, the Penal Code criminalizes unwanted sexual behaviour (articles 305 and 306) which covers some types of sexual harassment.

Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?

The Labour Law provides that if a worker has been assaulted or humiliated by the employer or a person representing their employer at work, he/she may leave their employment, after notifying the employer, while retaining their legal rights, including the end of service payment and other resulting rights.

But the law does not contain any provisions relating to civil claims and remedies in regard to sexual harassment in the workplace.

Does the Labour Law provide protection for domestic workers?

The Labour Law does not apply to domestic workers. One of the decisions from the Council of Ministers provides some protection to domestic workers in regard to the number of hours of work, their right to rest, their pay, rights after retirement and compensation.

Is there a public entity that can receive complaints on gender discrimination in employment?

Other than the Labour Courts, there is no public entity that can receive complaints on gender discrimination in employment.

Family matters (personal status)

Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?

Despite the fact that article 1 of Law No. 7 of 2004 on Palestinian Children stipulates that a child is

any person who has not reached the age of 18, article 5 of the Personal Status Law in force in the West Bank defines the minimum legal age for marriage as 15 for girls and 16 for boys.

In 2019, the President issued a decree to raise the marriageable age for both sexes to 18. Article 2 of the decree stipulates that the court with jurisdiction can permit marriage to someone under the age of 18 if the

marriage was necessary and in the interests of both parties, after the consent of the trial judge and the religious authorities related to other sects.

Is marriage under the legal age void or voidable?

Article 34 of the Personal Status Law in the West Bank stipulates that marriage is voidable if one or both of the contracting parties have not met the eligibility conditions at the time of the contract. Article 5 provides that the age requirements are considered a condition for eligibility.

Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?

Women do not have equal rights in marriage and divorce. The legal duty of obedience to her husband falls on the shoulders of women (articles 38 and 48). A Muslim husband has the right to divorce his wife without needing to provide an explanation and without a legal licence (article 85). A woman may request a divorce (*khula*) when both spouses consent to divorce in return for the woman renouncing her dowry (*mahr*) and any right to financial payment (articles 103 to 108). Likewise, a woman requires the consent of her guardian to get married (articles 10 to 13 of the Personal Status Law of 1976), unless she has been previously married and is over the age of 18.

Does the law prohibit polygamy?

The law permits polygamy.

Do women and men have equal rights to be legal guardian of their children during and after marriage?

Male parents are considered to be the sole guardians of children.

Does the law grant women and men equal custody rights of their children?

A divorced woman has the right to custody of her children until they reach the age of majority (article 162 of the Personal Status Law), but she automatically loses this right if she is an apostate or if she marries someone who is not a close blood relative (*mahram*) of the children (article 155).

Do women and men have equal rights to choose where to live?

Women do not have equal rights to choose where to live. Article 37 of the Jordanian Personal Status Law applicable in Palestine provides the following: "After receiving her average dowry the wife must take up residence in her legal husband's house and move with him anywhere the husband chooses even if it's outside of the Kingdom on condition that it is safe for her and that there is no condition in the [marriage] contract that states otherwise. If she refuses, she forfeits her right to alimony."

Do women and men have equal rights to choose a profession?

With the exception of the restrictions on working night hours and in dangerous jobs, under article 101 of the Labour Law, there are no other

restrictions on women's choice of profession.

In addition, the Personal Status Law requires the husband's permission for the woman to work outside the house; otherwise, she might lose her right to alimony.

Do women and men have equal rights to own, access, and control or use of marital property including upon divorce?

The Personal Status Law does not include provisions preventing women from controlling their property and/or property registered in their name including upon divorce.

Where rights to inheritance are enshrined by law, do women and men have equal rights?

The Shariah laws apply to inheritance for Muslims. A woman has a right to inheritance but in many cases her share is less than the man's share. Girls receive half the share of boys.

Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?

Article 101 of the Basic Law provides that personal status matters are included within the jurisdiction of the religious courts but it does not guarantee equal rights of men and women.

Do women have equal rights as men to pass their nationality to children?

There is no Palestinian law on nationality and the Israeli

occupation prevents the State's institutions from granting nationality. Identity cards are issued to Palestinians registered in the Register of Palestinian Residents subject to the control of the Israeli army pursuant to the law on the occupation. The Palestinian Authority can confirm the residency status of Palestinians under the Palestinian Personal Status Law No. 2 of 1999. Palestinian

women can pass residency to their male and female children.

Do women have equal rights as men to pass their nationality to a foreign spouse?

As stated above, there is no Palestinian law on nationality and the Israeli occupation prevents the State's institutions from granting nationality.

Identity cards are issued to Palestinians registered in the Register of Palestinian Residents subject to the control of the Israeli army pursuant to the law on the occupation. The Palestinian Authority can confirm the residency status of Palestinians under the Palestinian Personal Status Law No. 2 of 1999. Palestinian women can pass residency to their children.

Sexual and reproductive health and rights

Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?

Article 5 of the Public Health Law stipulates that the Ministry of Health shall provide preventative, diagnostic, therapeutic and rehabilitative services for the health of the mother and child, including:

- The law focuses on married couples and does not include access for single women to care services.
- A pre-marriage medical test to confirm that the spouses are not carrying any diseases which would threaten the life and health of their offspring.
- Care for women, in particular during pregnancy, childbirth and breastfeeding and to encourage natural breastfeeding.
- Monitor the child's growth and development.
- Raise awareness among families and society about

how to care for and protect children, and how to look after them during their different development and growth stages.

Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?

It appears from Ministry of Health reports that contraceptive services are offered under the umbrella of "family planning services." The Government also offers pregnancy prevention methods to young men, although it is unclear if unmarried women are offered access to these services.

Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?

No law(s) or regulation(s) address emergency contraception services.

Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?

Articles 321 and 322 of the Penal Code provide that abortion is a crime committed by the woman who consented to the act and any other person who helped her. Article 324 stipulates that the woman who undergoes an abortion to protect or preserve "her honour" will receive a lesser punishment along with any person who helped her perform it. However, article 8 of the Public Health Law provides that the exception to the State's policy of no abortions is if the abortion was necessary to save the woman's life, on the

condition that she gives her consent and that there are two specialized doctors as witnesses.

Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?

No law(s) or regulation(s) exist that address abortion or post-abortion services.

Do law(s), regulation(s) or national policies exist that

make comprehensive sexual health education a mandatory component of the national school curriculum?

Despite the existence of a special programme for sex education in schools, it is not mandated in the national school curriculum by any law or regulation.

Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?

The State of Palestine is one of the countries that provides a group of policies to prevent AIDS but it is unclear if access is guaranteed for all women and girls.

Does the law criminalize consensual same-sex sexual conduct?

The Penal Code of 1936 in force in Gaza criminalizes consensual same-sex sexual conduct between adults and punishes it with a prison sentence of up to 10 years. However, the Penal Code of 1960 in force in the West Bank does not contain any such prohibition.