



مركز الدراسات النسوية
Women's Studies Centre

Harassment and Violence against Women in the World of Work "Palestinian Case"



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Foreword

By the Center for Women's Studies

The prevailing societal culture continues to perpetuate traditional gender roles that trap women in the exercise of their domestic role which they perform as part of their traditional tasks. The same culture opens opportunities for men to exercise the productive and political roles, which are related to the production of goods and services in return for a financial return, making various policies at all levels, starting from the home and up to the highest positions in the state, including controlling the development of laws and legislation, how to enforce those laws, and defining the references from which those laws and legislations must be derived. Consequently, we live in a society that is characterized with the following phenomena:

- 1) Low percentage of women participating in the labor market compared to the that of men, with few opportunities available to women compared to men.
- 2) The areas of work available to women are limited.
- 3) Women in the labor market suffer gender based discrimination in terms of salaries, wages, and policies that provide protection for women.
- 4) The high rate of poverty in families headed by a woman or those that depend on only one breadwinner.
- 5) The spread of child labor phenomenon among children who work in the streets to sell things, to beg for money, to work because of their own need, or to work through brokers who take advantage of the needs of their poor families, which ultimately endangers their lives and contributes to increasing the dropout rate from schools and exposing them to violence and exploitation. The traffic car accident that took place on January 2022 and led to the killing of eight children whose ages ranged from 14 to 17 years old, is an indicator to the seriousness of this phenomenon, which requires an in-depth study of its link to poverty resulting from the restrictions on women's work and their work conditions which should not compromise their right to live in dignity and to choose their roles and job opportunities that suit them.
- 6) Women are excluded and their energies are not invested in developing policies and legislation.
- 7) Moreover, there are challenges faced by the Palestinian society resulting of the continued occupation, and the escalation of its policies aimed at destroying the Palestinian society, and the besieging of human resources through restrictions on movement and confiscation of land and natural resources and its reflection on the decline in economic development, and the increase in the poverty percentage and rates in Palestine, which makes women's entry into the labor market a development requirement that cannot be waived.

As a feminist organization concerned with advancing the reality of women in particular and the family and society in general, we have chosen to work on analyzing the prevailing societal culture in terms of its impact (negative or positive) on the reality and lives of women in particular and on the family and society in general. Therefore, we focused on studies that consider this reality and analyze it based on our belief that the "logical" approach that relies on studies that simulate



logic and proceeds in developing solutions is one of the important approaches of change. The results of these studies and research are used as basis for programs that we develop to address the negative aspects of the reality we live in and enhance its positives.

In this study, it was important to focus on an important factor that affects women in terms of their entry into the labor market or their withdrawal from it. There were many indications that point out the stereotypical view of women through which they are weakened, and there is even tolerance to those who cause their vulnerability as a result of a culture that dealt with women by confining them to a specific space within their nuclear family or the extended family. This culture even considered that if women left these frameworks, it may endanger them for being “weak”. Even worse, it considered that when women leave their homes then this is a “rebellion” on what is not permissible, and therefore if women are exposed to any dangers in the external space bears its then their responsibility because they rebelled against the traditional framework. Such framework did not address the importance of women leaving the public space, qualifying for work and entering the labor market with the aim of improving women’s conditions and their effective participation in development, which is irreplaceable, since human resources represent the most important input for development, where women and girls represent about half of these resources.

What is striking is that despite the acceptance of women’s entry into the labor market as a result of the spread of poverty on the one hand, and the success of the enlightenment currents that called for the importance of giving women their rights, which includes choosing their roles, and despite the successes that have been achieved in this direction, there are still practices that hinder or violate women’s rights. These practices include “bullying” women in the labor market, in particular “working women” in factories and companies, within the society’s tolerance of this phenomenon and considering it either a natural phenomenon that men have the right to practice in light of societal “leniency” or “acceptance” given that this is what the women who “breached” the permissible boundaries deserve if they went out into the men’s space.

We have noticed the leniency of the authorities responsible for developing and enforcing laws when they did not deal with this phenomenon seriously enough, especially in light of the growth of extremist currents that call for trapping women and not allowing them to rely on themselves in response to agendas aimed at destroying our society. Moreover, there is fear among many women of the real confrontation, given that they are always “to blame” for this, and the resulting withdrawal of many female workers from the labor market, or forcing them to do so by the decision makers in the family, which leads to the following:

- 1) Depriving women of choosing their roles and the increasing poverty, especially in families that depend on women.
- 2) The failure of development plans that depend mainly on human resources.
- 3) A decline in societal values.
- 4) Increasing reliance on foreign aid.

Accordingly, and because of our belief that the advancement of women’s situation in particular, and the family and society in general, cannot be achieved without paying attention to the productive role of women and enabling them to break all the restrictions that hinder their entry into the labor market, and so as not to make assumptions that are not based on scientific grounds, we have decided to conduct to clarify things and to invite concerned parties to develop solutions to what women suffer from in the labor market, out of respect to the right of women



in particular and families headed by women to live in dignity, and to advance the developmental reality in general.

Finally, as we deliver this study for you to read, we cannot but thank the researchers, Mr. Nasser Al Rayes, Ms. Afaf Ghatasha, and all the female and male volunteers who worked with us to collect data, and the project coordinator, Ms. Sireen Hoso, for following up on this work. Our role however, won't stop once we publish the research, rather we will proceed with developing interventions and programs and in coordination with all human rights organizations to advance the reality of women in the labor market. Such advancement could be realized through the provision of safe work spaces and the development of a societal culture that values and respects the role of women in development on the one hand and their right to live in dignity on the other hand, and holding the legislative and executive authorities responsible for improving the reality of women in particular and society in general.

Sama Owaida

General Manager





Introduction

Violence against women throughout history is a manifestation of the unequal power relations between men and women, which was the product of a societal culture based on gender discrimination, a culture that gave men one of the tools of control over women, legitimized discrimination against women and prevented them from enjoying equal rights, freedoms and opportunities for participation. Moreover, and based on that culture, gender-based violence against women has become one of the legitimate social means that are used and was used to perpetuate women's subordination to men and consequently restrict and devote women's role to the stereotypical roles that society has drawn for them.

Despite the widespread of this phenomenon in various countries around the world, the international and local community did not notice its seriousness and repercussions as a human rights issue until the end of the last century, when the global feminist movement succeeded in pressing and influencing to consider gender-based violence against women and girls, a human rights issue that should be considered. Such issue should be dealt with in this context without limiting and defining it as an abstract social problem related to concepts, roles and behaviors produced by social contexts.

There is no doubt that violence against women is a human rights issue that falls within its civil, economic, social and cultural dimensions and components. Rather, the right to protection from violence in its various forms is one of the enabling rights which denial results in emptying many rights of their content and meaning. The right to the sanctity of the body, the right to security and safety, the right to equality and dignity, and to the enjoyment of the highest standard of physical and mental health, the right to non-discrimination, the right to protection from persecution and protection from torture, has no meaning if the right to protection from violence is absent. Moreover, there is no sense to talk about human rights and freedoms in light of the permissibility of some countries for religious, ideological or social reasons for violence and the recognition of the right and legality of its practice and commission.

Undoubtedly, one of the most important reasons for the spread of violence against women and girls is the patriarchal culture that has been established by customs, traditions, beliefs and religions in various nations. Such culture aims to enhance the dominance and subordination of women to men and to reinforce patriarchal tendency based on the systematic control of men over women and the right of men to possess the power of violence and discipline for women and girls in the event of women and girls transgressing their traditional roles or challenging masculine roles as defined by society. Such culture's philosophy and approach in many societies has reflected into the structure and philosophy of legislation, so that its legislation and policies reflected this discriminatory approach against women. This is evident whether in their denial of the legal personality of women or in their refusal to recognize their right to full equality, or in defining and limiting the role and status of women with stereotypical roles, whether at the level of work, at the level of jobs or property, at the level of their permissible and possible behaviors, in terms of their right to access justice, or in terms of their right to movement and other rights whose content, scope of enjoyment, and practice have been formulated by the legislator from a stereotypical perspective of the role of women.



The same applies to the Palestinian society, in which the prevailing patriarchal culture, the absence of a human rights approach in the formulation and construction of Palestinian legislation and the absence of protection legislation, had an impact on the growing phenomenon of violence against women. Data of the Gender Based Violence (GBV) Survey in Palestine in 2019 showed that 27.2% of women were subjected to violence in its various forms. Nearly one third of married or previously married women with disabilities were subjected to violence by their husbands, while the results of the survey showed that 29.45% of married women were subjected to violence by their partner.

The Central Bureau of Statistics surveys on violence against women have revealed and warned of a worrying and dangerous phenomenon that must be considered to discuss its causes and ways to confront it. Moreover, the international community's adoption of the International Labor Organization Convention on the Elimination of Violence and Harassment in the World of Work (190) and the organization's recommendation on violence and harassment No. (290) highlighted the importance of research of this aspect, to find out the status and reality of GBV in the world of work in Palestine.

Therefore, this exploratory preliminary study of GBV and harassment in the world of work, was conducted, whether due to the novelty of the topic, which did not have any international legal framework before 2019, or because of the absence of Palestinian literature and statistical surveys related to this aspect. This is why it was necessary to conduct the research, whether for the purposes of revealing the extent to which the labor legislative system in Palestine responds and legalizes the issue of gender-based violence in the world of work, or to reveal formal and informal policies and measures in this field, in order to alert to the gaps and challenges that may prevent the establishment of a safe work environment free from violence. It is also important to promote working on the preventive dimension, i.e. setting policies, measures and procedures that prevent this behavior from occurring in the world of work. It will also help in developing policies and solutions that address this phenomenon and protect female workers from its risks and repercussions, to promote a decent work environment and to ensure and preserve the dignity and rights of female workers in confronting any behavior that may fall within the scope of violence and its various forms.

Chapter One:

GBV against women in the International Context



The Concept, and International Policies and Strategies to confront it

Addressing the issue of violence and harassment in the world of work requires considering the international context of gender-based violence against women and girls, especially since violence and harassment in the world of work is an extension and development of the human rights context of how the international community deals with this issue.

Methodology

First: The general objective of studying violence and harassment against women in the world of work in the West Bank aims to:

- a) Assessment of gender-based violence and its various forms in the world of work to shed light on this phenomenon and its magnitude in the world of work.
- b) Obtaining data and information on gender-based violence and sexual harassment in the world of work in Palestine.
- c) Identifying the gaps in the Palestinian Labor Law No. 7 of 2000 as well as the applicable penal laws, and the policies of the government sector, trade unions and the private sector, regarding violence and harassment in the world of work, and the negative impact of these gaps on creating a decent, safe and non-violent work environment.

Second: The Methodology

Given the absence of studies and surveys on violence against women in the world of work, and the absence of analysis and study of the system of labor legislation and governmental and non-governmental policies related to this aspect, we felt the need to work in building our work approach according to the following methodology:

1. Forming a field research team to collect data and information according to a form that was prepared with its content determined based on a lengthy discussion. Thus, the questions of the form were chosen with a methodology that might answer what we are looking for in terms of information, whether in terms of policies, patterns and forms of violence, obstacles and challenges of protection, and impediments to filing complaints, or to know if female workers are aware of policies, legislation, and governmental and non-governmental agencies competent to intervene and follow up in these cases.
2. Interviews: We conducted more than twenty interviews at the level of civil society, including eight professional and trade unions, companies, academic institutions and civil society organizations to find out the existing policies of these institutions regarding violence and harassment in the world of work.
3. Holding meetings with the relevant governmental entities, where we met with the Ministry of Labor, the Ministry of Women's Affairs, the Legislation Harmonization Committee and government agencies to find out the government's policies and directions in this regard.



4. Reviewing documents, literature, research, reports and surveys conducted by the International Labor Organization and other international institutions on gender-based violence in general and those related to the world of work in particular.
5. Reviewing reports, studies and surveys carried out by the Palestinian Central Bureau of Statistics.
6. Reviewing Palestinian legislation related to violence and harassment in the world of work.
7. Review of sectoral and national strategies on women.
8. Reviewing government instructions, resolutions and policies, whether taken by the Council of Ministers or approved by the relevant ministers (specifically on: employers and women).
9. Reviewing the international and regional literature on violence and harassment, and in this regard we have tried as much as possible to rely on modern references so that the data and information are relevant and close to the lived reality.
10. Gathering and reviewing sector-relevant codes of conduct for the government and the private sector regarding decent work environment, violence and harassment.
11. Gathering and reviewing the policies approved by the various trade unions, institutions, companies and federations.

Third: Challenges and Difficulties.

The research team faced a number of challenges that included the following:

- a. Difficulty to access female survivors of violence, as the majority of the female survivors refused to be interviewed, for reasons that we believe are justified, like to maintain the confidentiality and privacy of what they were exposed to, and because some did not want to talk about what they were exposed to as a result of the pain and psychological suffering caused by this experience. In order to overcome this difficulty, we decided that the interviews should be conducted with the providers of psychological support and counseling services for female survivors of violence, so that through these interviews we obtained information that serves the context of the research without entering into any details that may violate the desire and privacy of the survivors.
- b. The other challenge we faced was related to filling out the forms, as it was bureaucratic and some employers asked to see them to know the details of their content, thus linking the approval of filling them out with the employers consent. In addition, some female workers avoided filling out the form because they felt it may affect their work or cause them trouble, which prevented us from obtaining some forms from some places that access to was very important to us.
- c. Among the difficulties and challenges in this regard is also that this study has been developed on the basis of the International Labor Organization Convention 190 relating to the elimination of violence and harassment in the world of work, which is a relatively recent agreement as it was adopted in the second half of 2019 and entered into force months ago, which reflected on the lack of relevant literature and references.
- d. Among the challenges that the study faced is also the lack of statistics and data on violence and harassment in the workplace in particular and gender-based violence in general, due to the silence of many female survivors and victims and not reporting or turning to the relevant authorities for psychological or legal support and assistance.

Fourth: Study Components:

We divided this study into five main sections. In the first, we dealt with the concept of gender-based violence in the international and regional context. In this section, we reviewed the concept of violence at the level of international conventions, declarations, United Nations rapporteurs, and the Committee on the International Convention on the Elimination of All Forms of Discrimination against Women, since these entities are the reference in setting international standards and principles and in interpreting the meaning and purposes of the texts and provisions of international agreements.

We also discussed in this section the mechanisms for addressing gender-based violence against women, as we reviewed and diagnosed the international references for the causes of violence and the policies to be adopted nationally to combat and eliminate it. In addition, we addressed the regional reality, whether in determining the causes of violence or in identifying regional policies and strategies to confront it.

In the second section, we have reviewed gender-based violence against women in the Arab and Palestinian context. Here we covered the Arab literature related to GBV against women, and the Arab analysis for the reasons of GBV in the region. We also tackled the GBV in Palestine, as we reviewed GBV indicators in Palestine based on surveys carried out by the Central Bureau of Statistics. We also studied the causes of violence based on what was revealed by relevant studies and reports. Then, we touched on Palestinian national policies and strategies to combat and reduce violence, and how the legislation in force addressed the issue of violence and harassment.

In the third section (on violence and harassment in the world of work), we dealt with violence and harassment in the world of work in the international context. Given that the only international reference in this field is the International Labor Organization Convention No. 190 on the elimination of violence and harassment in the world of work, we reviewed the most important provisions and content of this agreement and the nature of the obligations imposed on states to eliminate violence and harassment, whether in terms of legislation or procedures and measures. We also visited Recommendation No. 206 regarding violence and harassment since this recommendation is an applicable action plan for the provisions and texts of the convention. This section also covered the Palestinian Labor Law to discuss the compatibility and consistency of its content with the Convention of the International Labor Organization.

In the fourth section of this study, we dealt with violence and harassment in the world of work in Palestine, where we reviewed the Palestinian policies and legislation related to this issue, whether at the level of labor law, civil service law, or disability law. We also reviewed Governmental and non-governmental policies in this aspect.

The fifth section is devoted to reviewing and analyzing the results of the forms, data and interviews that we conducted. We analyzed the reality of violence in the world of work, clarifying and identifying the patterns of violence revealed by the forms, as well as the problems that these forms revealed in the field of work environment, complaints, and knowledge of female survivors of violence of the procedures and references that they may resort to.

At the conclusion of this study, we have identified a set of recommendations that we found important to build and develop a Palestinian legislative system responsive to gender, justice, protection and equity in the field of protection from violence and harassment in the world of work.



1. The Concept of GBV against Women

1.1 The Concept of GBV in the International Context

Article 1 of the Declaration on the Elimination of Violence against Women, issued by the United Nations General Assembly in 1993, defined violence against women as (any violent act motivated by gender bias that results in, or is likely to result in, harm or suffering to women, whether from physical, sexual or psychological aspect, including threats of such acts, coercion or arbitrary deprivation of liberty, whether this occurs in public or private life).

The second article of the declaration clarified that violence against women includes, but is not limited to, the following:

- a) Physical, sexual and psychological violence that occurs within the family, including beating and sexual abuse of female children of the family, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b) Physical, sexual and psychological violence that occurs within the public community, including rape, sexual assault, sexual harassment and intimidation in the workplace, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs^{1*}

This definition is considered the starting point and the basis for all international literature on women and girls in their work, whether at the level of the Committee on the Elimination of All Forms of Discrimination against Women, at the level of the concerned rapporteur on the issue of violence against women, or within the work of mandate-holders or special ^{2**} procedures “United Nations Rapporteurs”.

There were additions to the concept of violence against women by international work that followed the declaration. The International Committee on the Elimination of All Forms of Discrimination against Women replaced the term violence against women with the term gender-based violence against women, for being a more precise term and explicitly refers to the violence's causes and effects of a gendered nature. This term also reinforces the understanding of the nature of violence against women as a social problem, not an individual one, limited to the female victim or survivor of violence³.

The Special Rapporteur on the issue of torture included domestic violence against women within

1 * The same definition was adopted and stipulated in the Beijing Declaration and Platform for Action in accordance with Section 113 of the Declaration.

2 ** The Special Procedures of the Human Rights Council is composed of a group of independent experts in the field of human rights with mandates to report and advise on human rights from a thematic perspective, i.e. related to rights or groups with specific human rights issues, such as violence, torture, the right to water, arbitrary detention, or a territorial-geographical perspective such as the Special Rapporteur on the occupied Arab territories, the Special Rapporteur on Myanmar and the Special Rapporteur on Somalia. Today, at the level of the Human Rights Council, there are 44 thematic mandates and 11 country mandates, of which three are dedicated to women, namely, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Discrimination against Women and Girls.

3 Committee on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 35 on gender-based violence against women, an update of its General Recommendation No. 19, Document No. CEDAW/C/GC/35, dated July 16, 2017, item 9.

the scope of the crime of torture as one of its forms where he considered that domestic violence against women may amount to torture or cruel, inhuman or degrading treatment or punishment in some circumstances, specifically when it is exercised for the purpose of punishment or intimidation or obtaining information, and when the state accepts this prohibited behavior by not protecting victims⁴.

The Special Rapporteur on the issue of violence against women added to the types of violence identified in the Declaration, two other types, namely, gender-based violence against women in the means of information and communication technology ICT, and electronic sexual harassment.

The Special Rapporteur has defined gender-based violence against women in the means of information and communication technology ICT as (any act of violence against women that uses to perpetrate, aided by or exacerbate, partially or completely, information and communication technology, such as mobile and smart phones, the Internet or social media platforms and email that targets a woman because she is a woman or affects women disproportionately)⁵.

She also defined electronic sexual harassment as (any form of unwanted electronic, verbal or non-verbal behavior of a sexual nature that aims or may lead to violating the dignity of a person, particularly by creating an intimidating, hostile, humiliating, degrading or enraging environment)⁶.

1.2 The Concept of GBV in the Regional Context

With regard to how the issue of violence was dealt with on the international and regional level, we refer to the adoption of regional and international human rights conventions in American, African, European and the Arab region countries for this issue. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) concluded in 1994, is the first multilateral international agreement to be drawn up in this regard.

In Article 1, the American Convention defines violence against women as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.”

Article 2 of the American Convention states:

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place, or that is perpetrated or condoned by the state or its agents regardless of where it occurs.

4 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Document No. A/HRC/31/57, January 5, 2016, paras. 56 and 57, pp. 22 and 23.

5 Report of the Special Rapporteur on violence against women, its causes and consequences, on violence against women and girls on the Internet, from a human rights perspective, Document No. A/HRC/38/47, June 18, 2018, p. 8.

6 Same source above, pg. 13.

According to the Special Rapporteur, violence against women over the Internet has led to 28% of women and girls reducing their use, as well as social isolation, withdrawal from public life, anxiety and tension, and high suicidal tendencies for some, as well as the fall of many women and girls as victims of extortion and threats to force them on trafficking cases

It is worth noting that the inclusion of the American Convention on the issue of sexual harassment in the workplace within the context of its handling to the concept of violence and its forms, may be perceived as the first international act to legalize and address this issue. None of the general or regional international agreements before this date referred to the issue of harassment and violence in the workplace, within the context of the gender-based violence against women.

With regard to the African Union, in 2003 the Protocol on Women's Rights in Africa was added as an appendix to the African Charter on Human and Peoples' Rights. The second article of this protocol defines violence against women as (all acts committed against women that cause or are likely to cause physical, sexual or psychological suffering or economic harm, including the threat of carrying out such acts or imposing arbitrary restrictions on women or depriving them of basic freedoms in public or private sphere, whether in times of peace, conflict or war).

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011 "Istanbul" defined, under Article 3, violence against women as a violation of human rights and a form of discrimination against women, and that it means all acts of gender-based violence that cause, or that may cause physical, sexual, psychological or economic harm or pain to women, including threats to carry out such acts, coercion or arbitrary deprivation of liberty, whether in public or private spheres.

In the Arab region, the system of Arab conventions is still devoid of any agreement or declaration on the protection of women from violence. There are only drafts that are discussed, such as the draft of the Arab convention to combat violence against women and girls and domestic violence, and the draft of the Arab declaration to combat all forms of violence against women and girls, which is scheduled to be placed on the agenda of the Permanent Arab Committee for Human Rights in February 2022.

The Arab reference that can be relied upon in this regard is the Arab Strategy to Combat Violence against Women (2011-2020), developed by the Arab Women's Organization (a governmental organization working within the framework of the Arab League), which defined violence against women as (any act that falls on women and results in physical, sexual and psychological harm and any form of suffering such as threats of such acts, coercion, force or deprivation of all rights, whether they occur within the framework of family, social or professional relations).

Finally, we can say that the internationally adopted definition and concept of violence is the concept developed by the International Declaration on the Elimination of Violence against Women, and the additions attached to it that were developed by the Committee of the International Convention on the Elimination of Forms of Discrimination against Women in accordance with its general recommendations specifically recommendations No.19 and No. 35. Thus, we believe this is the due concept and definition that should be adopted and relied on because it represents the global standard and concept of the issue of violence.

2. The International Context to address the issue of GBV against women and girls

Gender-based violence in its various forms is considered one of the most serious violations facing women and girls in the world. Statistics issued by the Special Rapporteur on violence against women and its consequences indicate that one woman/girl out of every three women and girls

is subjected to violence in its various forms in the world, which is around 736 million women and girls. One girl out of every ten girls is raped⁷, which indicates the extent and seriousness of this phenomenon, which has become the most important challenge and obstacle facing women. Violence, threats of using it, or fear of its occurrence have affected the ability of women and girls to enjoy and exercise their civil, political, economic, social and cultural rights⁸.

The success of feminist organizations and movements around the world in the 1990s was to pressure the countries participating in the Vienna Conference through their campaign, which was awarded with half a million signatures collected from 128 countries, to demand global recognition that violence against women constitutes a violation of women's human rights and therefore the international community must recognize violence against women and girls as a human rights issue⁹. Such success had an impact on changing the nature and content of the international community's handling of violence against women. Thus, violence has become one of the human rights issues that requires placing obligations and responsibilities on states towards it, both in terms of their role and responsibility in working to address and confront it and punish it for its perpetration, to intervene to protect women and girls from its occurrence, or to work to create a protective and equitable legislative and judicial environment for its victims and survivors, as well as holding states accountable for their failure to implement these obligations¹⁰.

The issuance by the United Nations' General Assembly of its declaration on the elimination of violence against women, pursuant to its resolution No. 48/104 on December 20, 1993, marks the actual beginning of serious international dealing with the issue of violence against women and girls. This was the first international document and reference that defines violence against women and identifies the nature and content of the obligations and measures those countries must take to address this phenomenon.

In continuation of this international trend regarding violence against women, in 1994 the issue of violence against women was added to the special procedures approved by the Commission on Human Rights, which was later succeeded by the Human Rights Council, where the mandate of the Special Rapporteur on violence against women was established in 1994.

In 1995, the Fourth World Conference on Women, held in Beijing during the period from 4 to 15 September 1995, adopted the Beijing Declaration and Program of Action, which included in its articles the subject of violence against women among the objectives, procedures and strategies to be adopted in the policies and actions of states to empower, promote and achieve equality and development for women¹¹.

7 Report of the Special Rapporteur on violence against women, its causes and consequences, Document No. A/HRC/47/26, June 21, 2021, Item No. 8 p. 3.

8 See paragraphs 113-122 of the Beijing Declaration and Platform for Action, issued by the Fourth International Conference on Women held in Beijing during the period 4-15 September 1995.

9 This situation was adopted at the International Conference on Human Rights held in Vienna during the period from 14 to 25 June 1993, which led to issuing the Vienna Declaration and Program of Action, which stipulated in Article 18 that (the human rights of women and the girl child are an inalienable part of universal human rights, and an integral and inseparable part of these rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the basis of sex, are among the relevant goals of the international community priority. Gender-based violence and all forms of sexual harassment and sexual exploitation, including those arising from cultural prejudice and international trafficking, are contrary to human dignity and worth and must be eliminated...).

10 On the impact of considering violence against women and the girl child a human rights issue, see: The Secretary-General of the United Nations, In-depth study on all forms of violence against women, prepared by the Division for the Advancement of Women in the Department of Economic and Social Affairs of the United Nations Secretariat, Document No. A/61/122/Add.1, July 2006, pp. 18 et seq., p. 24 et seq.

11 The Beijing Declaration and Platform for Action, adopted by 189 countries, addressed the issue of violence against women and the strategies and policies to be adopted to eliminate it in items 112-130

In the same context, the UN Security Council has strengthened protection measures for women against violence to include their protection in times of international conflict and occupation, through its issuance of Resolution (Women, Peace and Security) No. 1325 issued on October 31, 2000 in session No. 4213. This resolution's content affirmed supporting the implementation by the United Nations of a strategic action plan aimed at increasing the participation of women at all levels of decision-making in conflict resolution and peace-building processes. The resolution also called on states to work on:

1. Calling upon all parties to armed conflict to take special measures to protect girls and women from gender-based violence in situations of armed conflict, in particular rape and other forms of sexual abuse.
2. Emphasizing the responsibility of all states to end impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those related to sexual and other forms of violence against women and girls. It also stresses, in this regard, the need to exclude those crimes from the provisions of amnesty and related legislation, where possible¹².

The issue of violence against women is still the subject of attention and discussion about its causes, consequences, and ways and means of addressing it. The debate that is taking place today is about the adequacy of international policies approved on violence against women, and whether there is a normative gap in international policies or in the implementation of policies related to violence against women, and whether there is a need for a separate treaty on violence against women that is legally binding and has its own monitoring body.

The Special Rapporteur on the issue of violence against women raised a question to the international community, with its formal and informal components, i.e., international community organizations and local organizations, about the need to draft a new international convention on violence against women or to append an additional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. This protocol should be concerned specifically with the issue of violence, to strengthen international and national mechanisms concerned with the protection of women from violence and also to strengthen and activate the commitments of states that were approved by international conferences and United Nations work on eliminating violence¹³.

This question is perceived important because the Special Rapporteur on the issue of violence against women received a wide range of responses that showed the divergent situation at the level of the international community and its division into two directions. The majority of countries considered that the international policies and measures put in place in this regard are sufficient measures and achieve the goal, while the majority of civil society organizations and the rapporteur concerned with the issue of violence against women supported the importance of having an international convention on violence. Most international and local organizations consider it necessary and obligatory to remedy the shortcoming in the International human rights and women's rights system by adding a special protocol to the Convention on the Elimination of All Forms of Discrimination against Women or by the international community's development

12 In addition to this resolution, the Security Council has issued several relevant resolutions, including (Resolution 1612 in 2005, 1674 in 2006, 1820 in 2008, 1882, 1889 and 18894 in 2009, 1960 in 2010, 2006 and 2122 in 2013, 2242 in 2015 and 2467 in 2019).

13 See the report of the Special Rapporteur on violence against women, its causes and consequences, entitled "Adequacy of the legal framework on violence against women", UN Doc. A/72/134, Item No. 14, p. 7.

and issuance of an international convention on violence against women and ways to protect them^{14*15}.

In this regard, we can say that the position of international organizations is the most accurate and worthy of support, for several reasons, the most important of which are:

- There is practically no binding international agreement on violence against women in the international community, as all international actions are considered recommendations and directions that lack legal force to hold states accountable.
- The need to have a binding international legal framework that requires states to amend and harmonize their legislation and policies with this agreement, and thus contribute to strengthening the legal framework that protects women and girls in the face of violence.
- Undoubtedly, states do not want a binding legal framework that may allow the international and local community to build on and hold them accountable and pressure on states. Therefore, this approach must represent one of the strategies and directions that must be adopted and followed by international and local organizations to remedy the flaws and loopholes in the human rights system in this area.

3. Causes of GBV against Women and Girls

Violence against women is considered a manifestation of unequal power relations throughout history between men and women, and one of the tools of men's control over women, their discrimination against them and preventing their advancement and enjoyment of equal rights, freedoms and opportunities for political participation and participation in decision-making. GBV against woman is one of the basic social means that is used to perpetuate the situation of women's subordination to the man and to limit their role to the stereotypical roles that have been drawn for her¹⁶.

Undoubtedly, identifying and limiting the causes of this violence is the first step to confront and address it. Thus, the work of international organizations has focused on stopping and listing these causes¹⁷, which we can summarize and present as follows:

- 1- The patriarchal culture that has been established by customs, traditions, beliefs and religions at the level of different nations in terms of the domination and subordination of women to men and the reinforcement of patriarchal tendency based on the systematic

14 *It should be noted that the first international demand for an international convention on the protection of women from violence was made by the Economic and Social Council at the United Nations, which demanded by virtue of Resolution No. 18/1991, dated May 30, 1991, that the international community should establish a framework for an international convention that explicitly addresses the issue of Violence against women, which led the United Nations General Assembly to issue its Declaration on the Elimination of Violence against Women in 1993.

15 Same source above, p. 9 et seq.

16 Recommendation No. 35, previous source, p. 4.

17 Consider these reasons:

- Secretary-General of the United Nations, In-depth study on all forms of violence against women, previous source, p. 37 et seq.
- World Health Organization, Prevention of Violence against Women, 2020 p. 6.
- Arab Women's Development Report 15, Arab Women and Legislation, issued by the Arab Women's Center for Training and Research "Kawthar", Tunisia, 2015 p. 16 et seq.
- Report of the Special Rapporteur on violence against women, its causes and consequences, rape as a serious, systematic and widespread violation of human rights, a crime and a manifestation of gender-based violence against women and girls and ways to prevent it, UN Doc. A/HRC/47/26, 21 June 2021, p. 14 et seq.
- Nazra for Feminist Studies, Egyptian NGO, Gender-Based Violence Against Women and Girls in the Middle East and North Africa Region, undated p. 2 et seq.
- Regional Action Plan on gender-Based Violence, In The Middle East and North Africa, International Bank for Reconstruction and Development/The World Bank, 2021, P18 et seq.



control of men over women and the right of men to have the power to abuse and discipline women and girls if they transcend traditional female roles or challenge their masculinity.

- 2- Customs, traditions and culture that are based on the low social status of women compared to men and the low status granted to women in the family, the workplace and society as a whole.
- 3- Vulnerability so that poor women, women with disabilities, female migrants, refugees, displaced women, those deprived of education, female domestic workers and female workers in general are vulnerable and targeted with violence because they are unable to confront it or face it.
- 4- Discriminatory legislation against women and girls, which enhances their inferior status and inequality, and consequently enhances the culture, status and control of men, as is the case in legislation related to marriage, not granting women equal rights with men to conclude marriage or terminate marriage, legislating the marriage of young girls and labor legislation and other legislation that provides for differences in status between men and women.
- 5- Women's lack of access to legal information, assistance or protection, the lack of laws that effectively prohibit acts of violence against women, and the lack of reform of existing laws.
- 6- Inadequate efforts by public authorities to raise awareness of existing laws and enforcing them and to promote effective protection and accountability for perpetrators of violence.
- 7- Impunity through the exceptions that the law may make to exempt the perpetrators of some crimes, such as exempting the rapist from accountability if he marries the victim, immunizing the husband and not being held accountable for violence committed within the family, granting him the right and authority to discipline his wife and family members, giving general and private amnesty, and stipulating procedures specific to file complaints.
- 8- Stereotypical images of women and girls promoted by the media, especially those depicting the use of women and girls as sexual objects or stereotyped images that reinforce the inferiority of women and the dominance of men.
- 9- Deprivation of rights and lack of economic empowerment as a result of women not obtaining the right to own property, land, economic resources and wages.
- 10- The lack of sufficient data and statistics disaggregated by sex on the extent of violence, which makes it difficult to develop programs and monitor changes and hampers efforts made to design specific strategies to intervene to confront it.
- 11- The silence of the survivors of violence to disclose violence and their reluctance to file complaints and seek help, which enhances the feeling of the perpetrators of these crimes of impunity from accountability and punishment, since the majority of women, about 55-95% of the survivors of violence, do not disclose their exposure to violence and do not seek to obtain any kind of services¹⁸, while some statistics indicated that 6 out of 10 women who have experienced violence do not tell anyone that they have been subjected to violence, especially their family and friends¹⁹.

18 The Special Rapporteur on violence against women stated: Rape has been criminalized in many countries, yet it is still one of the most widespread crimes, as most perpetrators enjoy impunity because the majority of women do not report the crime.

Report of the Special Rapporteur on violence against women, its causes and consequences, rape as a serious and systematic violation, previous source, p. 8.

19 <https://e3arabi.com/?p=565242>



4. International strategies and policies to eliminate GBV against women

The Secretary-General of the United Nations summed up the policies and strategies that countries should follow to eliminate violence against women by saying: "Violence against women cannot be eliminated without the political will and commitment at the highest levels to make this a priority at the local, national, regional and international levels, in a way that expresses a political will in different ways. These include legislation, national action plans, allocating sufficient resources, establishing mechanisms to address violence against women at the highest levels, efforts to overcome impunity, and creating an environment conducive to the effective performance of NGOs working on this issue, and cooperating with them"²⁰.

In terms of international actions in this regard, the international community has identified a set of policies and directions that countries must adopt to eliminate violence against women in accordance with the Declaration on the Elimination of Violence against Women, the Beijing Program and Platform for Action of 1995, and the Strategy Model law on practical measures to eliminate violence against women in the field of crime prevention and criminal justice adopted by the United Nations General Assembly in its resolution 52/86 of 12 December 1997. In addition to the recommendations of the Secretary-General of the United Nations, recommendations of the Commission on the Judiciary on all forms of discrimination against women No. 19 issued in 1992, its recommendation No. 35 issued in 2017, and the effective measures approved by the United Nations Office on Drugs and Crime Prevention in the field of crime prevention to address violence against women.

Based on these documents, we can list and define the policies and measures to be adopted as follows:

a. In terms of legislation

- Reviewing domestic legislation to abolish all discriminatory texts against women that permit, encourage, facilitate, justify or tolerate any form of gender-based violence, including customary and religious laws.
- Stating in domestic laws about criminal, civil, work-related or administrative penalties, and/or aggravating these penalties in order to punish for the harm that women and girls who suffered from any form of violence are subjected to, whether it occurs at home, in the workplace, in the community or in society in general, and compensation for this harm.
- Adopting and/or implementing laws to eliminate violence against women, that focus on the prevention and prosecution of violence, and periodically reviewing and analyzing such laws in order to ensure their effectiveness; take measures to ensure the protection of women who suffer from violence, and access to just and effective remedies, including compensation and insurance against harm, treatment of victims and rehabilitation of perpetrators.

b. In terms of National Judiciary

- Creating and strengthening institutional mechanisms that enable women and girls to report acts of violence against them, and to file complaints in a safe and secure environment, free from fear of punishment or reprisals.
- Empowering women who are suffering from violence to access justice mechanisms, as stipulated in national laws, and to just and effective remedies that redress the harm they have suffered, and to inform them of their rights to seek redress through these mechanisms.
- Adopting a system of free or low-cost for legal aid to enhance access to justice for female survivors of violence.

20 The Secretary-General of the United Nations, In-depth study on all forms of violence against women, previous source, p. 36.



• c. Strengthening violence prevention policies and measures

- Encouraging, supporting and implementing measures and programs aimed at increasing knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, including law enforcement officials, police officials, and those working in the judicial, medical and social fields.
- Taking all appropriate measures, especially in the field of education, to modify the patterns of social and cultural behavior of men and women, to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of one of the two sexes, and on the roles of men and women that are perpetuated by intellectual stereotypes.
- Providing well-funded shelters and providing relief support for girls and women subjected to violence, as well as providing medical, psychological and other counseling services, free or low-cost legal aid, wherever they are needed, and providing appropriate assistance to enable them to have decent livelihoods.
- Organizing, supporting and financing community educational and training campaigns to raise awareness of violence against women as a violation of women's enjoyment of human rights and mobilizing communities to use traditional and innovative approaches based on gender awareness to resolve disputes.
- Provide, finance and encourage counseling and rehabilitation programs for perpetrators of violence, and encourage research to enhance efforts related to these counseling and rehabilitation services in order to prevent the recurrence of violence.
- Developing programs to counsel, treat and support girls, adolescent girls and young women who were or are still involved in abusive relationships, especially those who live in homes or institutions where abuse occurs.
- Establishing a national observatory to collect data and statistics on violence against women and girls and to evaluate the implementation of procedures and measures related to eliminating violence against women.
- Strengthening the role and participation of civil society organizations in working to eliminate violence against women and in building national policies and strategies²¹.

Based on the above, we can define the internationally adopted concept of violence as the concept developed by the International Declaration on the Elimination of Violence against Women, and its additions made by the Committee on the Elimination of Forms of Discrimination against Women in accordance with its general recommendations specifically Recommendation 19 and Recommendation No. 35. This definition as we believe is the concept and definition that must be adopted and relied on, since it represents the standard and the global concept of the issue of violence, and the policies and strategies developed by international entities undoubtedly constitute a working methodology on which countries can rely in building their policies, interventions and strategies to confront this phenomenon to limit its aggravation and then combat and eliminate it.

21 About these policies, see:

- Beijing Declaration and Program of Action Items 124-129.
- Recommendation of the Committee on the Elimination of Discrimination against Women, No. 19 issued in 1992.
- Recommendation of the Committee on the Elimination of Discrimination against Women, No. 35 issued on July 26, 2017.
- Report of the Special Rapporteur on violence against women, its causes and consequences, United Nations Document No. A/HRC/41/42, issued on June 20, 2019, p. 19 et seq.
- Study of the Secretary-General of the United Nations, an in-depth study on all forms of violence against women, previous source, p. 139 et seq.

Chapter Two:

GBV in the Arab and Palestinian Context



1. GBV in the Arab context

United Nations statistics indicate that the percentage of women in the Arab region who have been subjected to physical or sexual violence during 2020 reached 37%²². Statistics also indicated that one out of every three married women (between the ages of 15 and 49) has been subjected to physical or sexual violence²³, while 40-60% of women in a survey conducted in Egypt, Morocco, Lebanon and Palestine reported that they had been harassed²⁴.

The issue of spousal violence spread widely in the Arab world, as indicators showed that at least 37% of women have been subjected to violence by their husbands, while this percentage reached about 55% during the Corona pandemic based on surveys conducted by the United Nations Office for Women in the Arab Region with 220 civil society organizations²⁵.

Almost half of Internet users in the Arab countries, namely 49%, expressed their insecurity because of online harassment²⁶. The statistics and data for the Arab region are important because they show the percentage of those who justify violence against the wife, and demand that it should be tolerated in order to protect the family, as 60% of men in Morocco say that wives must endure violence to preserve the family, and the figure rises to 90% in Egypt. The percentage of men who agreed with this opinion in Palestine reaches 63%, while this percentage in Lebanon reaches 26%²⁷.

The Arab region lacks surveys of gender-based violence against women. According to the World Bank, since 2015 only three surveys related to gender-based violence have been issued by countries in the region. A survey was issued in the Republic of Egypt in 2015, another survey was issued in the Hashemite Kingdom of Jordan in 2018, and three surveys were conducted in Palestine in 2005, 2011 and 2019 ²⁸.

In terms of the reasons for the spread of gender-based violence against women in the Arab region, the reasons can be identified as follows:

- 1- The patriarchal culture prevailing in the region, which is the culture that social customs and traditions have entrenched in the control and subordination of women to men, and the reinforcement of patriarchal tendency based on men's control over women and the right of men to have the authority to use violence and to discipline women and girls.
- 2- Social customs and traditions that perpetuate the low social status of women compared to men and the low status granted to women in the family.

22 <https://arabstates.unwomen.org/ar/what-we-do/ending-violence-against-women>

World Health Organization, Regional Office for the Middle East, COVID-19 and violence against women in the Eastern Mediterranean Region.

<https://blogs.worldbank.org/ar/abvoices/mena-must-take-bold-action-against-gender-based-violence-gbv>

23 Economic and Social Commission for Western Asia "ESCWA", International Rules Concerning Shelters for Women Survivors of Violence, First Symposium - 25 August 2020.

24 Gender Justice and Equality before the Law Report, Regional Analysis of Progress and Challenges in the Arab States Region, United Nations Development Program in Partnership with the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women, and the Economic and Social Commission for Western Asia (ESCWA), November / November 2019, p. 48.

25 UN Women, The Impact of the COVID-19 Pandemic on Violence against Women and Girls in the Arab Countries, from the Perspective of Women's Civil Society Organizations, 2020, p. 4 et seq.

26 UN Women, Summary of Violence against Women in the Digital Space, Insights from a Multi-Country Study in the Arab Countries, May 2020, p. 3.

27 <https://arabstates.unwomen.org/ar/what-we-do/ending-violence-against-women>

28 Regional Action Plan on gender-Based Violence, In The Middle East and North Africa, International Bank for Reconstruction and Development/The World Bank, 2021, P16.

- 3- Discriminatory legislation against women and girls in personal status legislation, penal laws, and laws that enhance their inferior status and inequality, and thus enhance the culture, status and control of men, as is the case in marriage legislation and the failure to grant women equal rights with men to conclude marriage or terminate marriage. In addition to the legislation of child marriage, unequal guardianship and denial of the legal personality of the mother²⁹.
- 4- Women's lack of access to legal information, assistance or protection, and the lack of laws that effectively prohibit acts of gender-based violence against women, or that criminalize violence between spouses. In the Arab region, violence between spouses is criminalized except in the Algerian Penal Code, and there are still Arab countries whose legislative system does not include special laws to protect women from violence, as is the case with (Egypt, Iraq, Palestine, Libya) ³⁰.
- 5- Impunity through the exceptions that the law may put to relieve the perpetrators of some crimes, such as relieving the rapist from accountability if he marries the victim, immunizing the husband and not holding him accountable for violence committed within the family, or granting him the right and authority to discipline his wife and family members, and granting general and private amnesty, and stipulating specific procedures to file complaints.
- 6- The silence of the female survivors of violence and their reluctance to disclose and to complain and seek help, for reasons related to the societal view of the female survivors of violence and holding them responsible for the crime, or the fear of losing work and the stigma that haunts them. In addition to the social rejection and its refusal to the idea of the wife's accountability to the husband or the daughter to her father for his violent behavior, and thus put pressure on the female survivor of violence to withdraw the complaint^{31*}
- 7- Lack of confidence in the official procedures in force in cases of violence, whether in terms of confidentiality or the way law enforcement officials deal with these cases, or lack of conviction of the penalties prescribed for this crime³².

There is no doubt that the reality of gender-based violence against women in the Arab region is a worrying reality, especially since its indicators are on the rise, which means the spread and exacerbation of this phenomenon, and that it cannot be confronted or

29 On Arab legislation in this regard, see:

- Gender Justice and Equality before the Law Report, A Regional Analysis of Progress and Challenges in the Arab States Region, previous source, p. 47 et seq.
- Arab Women's Development Report 15, Arab Women and Legislation, issued by the Arab Women's Center for Training and Research "Kawthar", Tunisia, 2015 p. 16 et seq.
- Report on the status of Arab women of 2017, prepared by the Economic and Social Commission for Western Asia ESCWA, in partnership with the United Nations Entity for Gender Equality and the Empowerment of Women and the Institute for Women's Studies in the Arab World of the Lebanese American University, ESCWA Publications 2017, p. 27 et seq.

30 Regional Action Plan on gender-Based Violence, P 18

Article 266 bis 1 of the Algerian Penal Code: Anyone who commits any form of aggression or verbal or psychological violence against his wife that puts the victim in a state of harm to her dignity or affects her physical or psychological integrity shall be punished by imprisonment from one to three years.

31 * It is rare for women in Egypt subjected to abuse by their husbands to report it to the police. In one study of 100 cases of abused women, only 13 of them went to the police. Another study indicates that even in cases of reporting, an estimated 44% withdraw the complaint after a few days of registration. The Egyptian Center for Women's Rights also reports that out of 2,500 cases who reported being sexually harassed to the center, only 12% filed a complaint with the police.

Source, Report of the National Council for Women, Violence against Women in Egypt, previous source, p. 22.

32 Report on the Status of Arab Women of 2017, prepared by the Economic and Social Commission for Western Asia ESCWA, previous source, p. 37 et seq.



addressed in light of the existing tools, legislation and policies. Moreover, and despite this reality, Arab countries are still far from adopting an Arab convention on gender-based violence against women, and their national legislation is still far from responding to women's right to protection from violence, as a result of the discriminatory texts and denial of women's legal personality and their unequal rights with men. The Arab personal status legislation and their penal legislation reflect this gap and show the blatant contradiction in their texts.

2. GBV in the Palestinian Context

The Palestinian reality is a sophisticated and complex reality, as we are still a nation under occupation, and therefore all Palestinians suffer from the policies and practices of the occupier, its settlers and daily violations of all their rights and freedoms, starting from the right to life and ending in psychological violence, anxiety and tension experienced by members of Palestinian society. Given that our study is related to violence and harassment in the world of work in Palestine, we have limited the components and content of this study to the Palestinian issue and according to Palestinian law, and therefore we did not address the practices and violations of the occupier related to violence or harassment of Palestinian workers inside Israel or in the settlements established on the occupied Palestinian land.

2.1 Indicators of GBV against Women in Palestine

During the past two decades, the Palestinian Central Bureau of Statistics has carried out three national surveys related to violence against women (2005, 2011, 2019), which indicates the extent of which the Bureau is interested in monitoring and documenting data related to this phenomenon. On the other hand, these surveys are supposed to make a change in the Palestinian reality as a result of the intervention of the decision maker to transform the results and numbers of these surveys into legislation, policies and national action programs to overcome these surveys gaps and negative data.

The data of the Gender Violence Survey in 2019 showed that 27.2% of women were subjected to violence in its various forms, where the percentage of psychological violence was about 52.2%, the percentage of economic violence was 36.2%, followed by the percentage of social violence at 27.6%, the percentage of physical violence was 17.4%, and the percentage of sexual violence has reached 6.7%³³.

Approximately one third of women with disabilities who are married or have been married were exposed to violence from their husbands. The data indicated that 37.1% of women with disabilities who are currently married or who have been married were subjected to violence by their husbands at least once during the year, while 20.1% of women with disabilities experienced physical violence within families³⁴.

The indicators of the violence survey of 2019 also show that the percentage of married women who were subjected to violence by the partner "husband" reached 29.45%, of which 56.6% of were subjected to psychological violence, 17.8% to physical violence, 8.8% to sexual violence.

33 Palestinian Central Bureau of Statistics Report, Women and Men in Palestine, Issues and Statistics, 2020, Ramallah Palestine, July 2020, p. 100.

34 Same source above, pp. 70 and 105.

and 41.1% of economic violence³⁵. While according to the 2011 survey, this percentage amounted to 37.0% of women who were exposed to violence in its various forms, 58.6% were subjected to psychological violence, 55.1% were subjected to economic violence, 54.8% to social violence, 23.5% to physical violence, and 11.8% to sexual violence³⁶. This shows a slight decrease in the level of partner violence, where in 2011 one out of three women was subjected to spousal violence, while in 2019 one out of four women was subjected to violence, which is a high and alarming percentage for the level of violence within the family.

One of the paradoxes recorded in the surveys carried out by the Palestinian Central Bureau of Statistics is that the percentage of complaints to police stations remains similar. The percentage of those who submitted complaints to police stations about their exposure to violence was about 1% according to the 2011 survey, and this percentage in 2019 was also 1%, which indicates the reluctance of female survivors of violence to go to the official authorities.

On the other hand, the surveys showed the silence of women and that they did not report to anyone what they were exposed to. The rates of silence and non-reporting of violence in 2019 amounted to 60.6% of abused women, compared to 66.3% in 2011³⁷. The surveys also showed that 60% of abused women do not know about the existence of assistance and protection Centers³⁸, while some sources indicated that only 2.9% of the women interviewed were aware of the existence of a helpline as a source of support for survivors of gender-based violence³⁹.

It is clear from all the data provided by the Palestinian Central Bureau of Statistics that:

- The high rates of gender-based violence against women in Palestinian society, particularly violence committed by the partner.
- The high rate of the prevalence of violence against women with disabilities, particularly physical violence, knowing that this category was not mentioned in previous surveys and did not receive any special attention in the national strategy to combat violence against women. Moreover, Palestinian safe houses do not have the means of rehabilitation that enable them to deal with these cases, which also means depriving this category of safe houses services⁴⁰.
- The high rates of silence and the failure to report crimes of violence or file complaints at the official authorities.
- A large percentage of battered women are not aware of the existence of protection and shelter centers, which represents a significant gap that requires intervention by all concerned parties to raise awareness for women and members of society about the mechanisms of protection against gender-based violence against women and the role of governmental and non-governmental agencies in this field.

35 State of Palestine, Palestinian Central Bureau of Statistics, Preliminary Results of the Violence Survey in Palestinian Society 2019, November 2019, p. 20.

36 Report of the Palestinian Central Bureau of Statistics, Survey of Violence in Palestinian Society 2011, March 2012, p. 25.

37 For an analysis of the content of the Palestinian Statistics Report on Violence 2011, see:

Dr. Muhammad Hajj Yahya, Violence against Women in Palestinian Society, Analytical Presentation of the Results of the Violence Survey in Palestinian Society 2011, Publications of the Palestinian Initiative to Deepen Global Dialogue "Miftah" 2013, p. 84 et seq.

38 Report of the Palestinian Central Bureau of Statistics, Women and Men in Palestine, Issues and Statistics, 2020, Ramallah Palestine, July 2020, p. 100.

39 Report of the Economic and Social Commission for Western Asia "ESCWA", The Social and Economic Situation of Palestinian Women and Girls, July 2018 - June 2020, Beirut 2021, p. 40

40 Same source above, pg. 40. According to the report, "In general, shelters in the West Bank and Gaza Strip do not accept women and girls with disabilities, with the exception of one shelter in the West Bank that receives women with mild disabilities who have been abused, and health facilities do not have adequate equipment for women and girls with disabilities."



2.2 The Causes of GBV in Palestine

Most of the Palestinian literature, including the National Strategy to Combat Violence against Women, the Central Bureau of Statistics and reports related to monitoring and studying gender-based violence against women, point to several reasons behind the spread of this phenomenon in the Palestinian society, the most important of which are:

- 1- The prevailing patriarchal culture that has been entrenched by social customs and traditions in controlling and subordinating women to men, strengthening patriarchal tendency based on men's domination over women and the right of men to have the power to abuse and discipline women and girls.

The growth and spread of this culture is concerning. A survey conducted by Birzeit University showed that about 80% of surveyed men and 60% of surveyed women said that "the most important role for women is managing the affairs of the house," which showed adherence to the stereotypical role enshrined in traditions and customs and the position of women in society. Moreover, there is an approval and acceptance of the idea of hitting women, through the support and affirmation of 34% of men and 26% of women who reported that a woman may deserve to be beaten at certain times, and that she should tolerate violence in the family as 63% of men and 50% of women stated. This indicates the extent of the prevalence of patriarchal culture and authority in society, and the extent of acceptance and support for the idea of gender-based violence against women⁴¹.

- 2- Social customs and traditions that perpetuate the low social status of women compared to men and the low status granted to women in the family.
- 3- Discriminatory texts against women and girls in personal status legislation, penal laws, and laws that reinforce inequality, and the superiority, status and control of men⁴². The recommendations of the International Convention on the Elimination of Discrimination against Women Committee, which stipulated on the necessity of the State of Palestine to amend its penal legislation, personal status legislation, labor legislation and civil service legislation to include a definition of discrimination against women and dropping discriminatory texts between men and women in the Penal and Labor Code. It also demanded the State of Palestine to work on adopting special legislation for protection against violence. This confirms the incompatibility of these legislations with international trends related to equality, the prohibition of discrimination and protection from violence⁴³.

41 Eileen Kuttub and Brian Hellman, The Concept of Masculinity, Results of the International Survey on Men and Gender Equality - Middle East and North Africa, Palestine, joint research carried out by the Institute of Women's Studies, Birzeit University, Palestine, Promundo, United States, United Nations Women, 2017., p. 26.

See also:

- Muhammad Hajj Yahya, Violence against Women in Palestinian Society, an analytical presentation of the results of a survey of violence in Palestinian society, previous source, p. 243 et seq.
- 42 Fact Sheets on the Status of Palestinian Women and Legal Protection Mechanisms, 2019. Several studies have dealt with this topic, including:
Prepared by Alaa Salama and others, Policies to Combat Sexual Harassment via the Internet, The Palestinian Center for Policy Research and Strategic Studies "Masarat", December 2021, p. 5 et seq.
- ESCWA, Analysis of the status of the response to violence against women and girls in the State of Palestine within the framework of technical cooperation between the Ministry of Women's Affairs in the State of Palestine and the Economic and Social Commission for Western Asia (ESCWA) 2021, p. 15 et seq.
- Dr. Nidaa Abu Awad, Reintegration of Women Survivors of Gender-Based Violence, Birzeit University, November 2016, p. 24.
- National Cross-Sectoral Strategy for Promoting Justice, Gender Equality and Empowering Women 2017-2023.
<https://www.hrw.org/ar/news/2018/05/10/317698>
- Human Rights Watch, The issue of violence against Palestinian women and girls, 2006.
<https://www.hrw.org/sites/default/files/reports/opt1106arwebwcover.pdf>
- 43 Concluding observations on the initial report of the State of Palestine, Document No. CEDAW/C/PSE/CO/1, 25 July 2018, see items (10, 11, 14, 15, 26, 27, 36 and 37).

- 4- The absence of laws that effectively prohibit acts of gender-based violence against women, or that criminalize violence between spouses, as the Law on the Protection of the Family from Violence has not been approved in Palestine to date, although the national strategic plan adopted this law since 2011, while the Palestinian Penal Code, which has been developed since 2003 is not endorsed yet.
- 5- The silence of the survivors of violence and their reluctance to disclose the violence and to complain and seek help, for reasons related to the societal view of the female survivors of violence and holding them responsible for the crime, or fear of losing their job, the stigma that haunts them, or the fear of being exposed to domestic violence.

2.3 Palestinian Policies to Eliminate GBV against Women

The State of Palestine has adopted a set of policies and interventions related to the elimination of violence, which include the following:

- Palestine adopts a national strategy to combat violence against women (2011-2019), which includes prevention, protection and effective enforcement of laws.
- The President's issued Law by Decree No. (5) of 2018 regarding amending Penal Code No. (16) of 1960 and its amendments, dated 14/03/2018, according to which Article (99) of the law was amended by adding a new paragraph that excludes crimes against women and children from the mitigating excuse^{44*}, and the text of Article (308) of the original law, which exempted perpetrators of sexual assault from prosecution if they married the victim, was repealed.
- Palestine adopted the national cross-sectoral strategy to promote gender equality and women's empowerment 2017-2022, and to mainstream gender perspectives in all sectors. It aims to establish gender equality, women's empowerment, protection from violence, and women's access to decision-making positions.
- Palestine launched a national action plan in 2016 to implement Security Council Resolution (1325) for the period 2017-2019. It seeks to increase the participation of women in peacekeeping and conflict resolution, integrate the perspective of women in peace agreements, address the impact of conflict on women, and protect them from sexual abuse while criminalizing sexual violence, and was included in the 2018 general budget.
- In 2017, the Council of Ministers established a permanent committee to monitor and follow up on reports of violence against women (Violence Against Women Observatory) consisting of governmental and non-governmental representatives including (Ministry of Women's Affairs, Ministry of Social Development, Office of the President, National Council of Ministers, Civil Police and the Independent Commission for Human Rights Human Rights, Women's Center for Legal Aid and Counseling, The Working Woman Society for Development, Sawa Organization, and the Safe Home Shelter.

44 * Article 98 of the law states that: The perpetrator of the crime who committed it in the form of intense anger resulting from an unjust and dangerous act of the victim benefits from a mitigating excuse.

1. While Article 308 states: 1- If a valid marriage is concluded between the perpetrator of one of the crimes mentioned in this chapter and the victim, the prosecution shall be suspended, and if a judgment is issued in the case, the execution of the punishment imposed on the convict shall be suspended.
2. The Public Prosecution shall restore its right to pursue the public lawsuit and to implement the penalty before the lapse of three years for the misdemeanor and five years for the felony, if the marriage ends with the divorce of the woman without a legitimate reason.



- The Family and Juvenile Protection Units were established within the Police Department to follow up on cases of domestic and family violence and sexual assault.
- In 2016, the Attorney General issued a decision to establish a specialized public authority to protect families from violence. Its mandate includes violence against women, child victims of domestic violence, persons with disabilities and the elderly.
- The State of Palestine ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in November 2018,
- Providing five safe houses (shelters) to receive female survivors of violence in Palestine.
- Despite the importance of these policies and interventions, they undoubtedly remain ineffective and useless policies in achieving the desired state for Palestinian society in combating gender-based violence against women, because the root of the problem and undoubtedly one of its most important causes is the Palestinian legislative system. Therefore, failure to amend or harmonize these legislations with international principles and standards, specifically criminalizing gender-based violence and harassment, will not put an end to the problem, and consequently the suffering of Palestinian women resulting from discrimination, violence and inequality will remain too.

2.4 Gender Based Violence in the Palestinian Legislative System

The issue of criminalization and punishment in the Palestinian territories is regulated by the Jordanian Penal Code in force in the West Bank 1960, and the British Mandate Penal Code of 1936, in force in the Gaza Strip. These are legislations that are far from the concepts and developments that have occurred in rights and freedoms as a result of the development of the international situation in the field of human rights and freedoms that are guaranteed by international conventions and declarations on human and women's rights. Both of the Jordanian and British Penal codes were issued before the international community develop the International Covenant on Civil and Political Rights of 1976, the International Covenant on Economic, Social and Cultural Rights of 1976, the International Convention on the Elimination of All Forms of Discrimination against Women of 1981, the Declaration on the Elimination of Violence against Women of 1993, the Convention on the Rights of the Child, and other international codes, charters and declarations regulating human rights and freedoms.

2.4.1 Gender-based Violence against Women in the Context of Punitive Legislation in Force in Palestine

The provisions of the British Mandate Penal Code of 1936 and the Jordanian Penal Code of 1960 are devoid of any provision relating to gender-based violence or harassment. These two laws did not specifically address the issue of violence against women with the legal concept of this crime in accordance with the references and standards of international conventions and declarations. However, an exception was made in some forms of sexual violence and physical and sexual crimes that may be committed in the public space or within the family (incest), or the crime of contempt in accordance with Article 190, which states that contempt is any act of contempt or insult directed to the victim face to face with words, gesture, writing or drawing that was not made public, or by telegram, telephone, or blunt treatment.

The British Penal Code, pursuant to Article 158, provides for indecent acts, whether verbal or by gesture, the indecent act of using force under Article 157 and the indecent act in a public place.

It also stipulates on sexual exploitation under Article 171, the crime of rape under Article 152, and the crime of harm pursuant to Article 238.

The same is true of the Jordanian Penal Code, as it touched upon the crime of rape under Article 292, the crime of indecent assault according to Article 296, the crime of sexual exploitation in Articles 311 and 315, the crime of indecent act by word or gesture under Article 320, and beating and harm under Article 333.

The Jordanian Penal Code and the British Mandate Penal Code have limited their provisions and reduced all manifestations of violence that may occur to persons, in a crime of harming or beating, i.e., physical assault. This reflects a deficiency and defect in these legislations, especially since beating is the most common type of violence in such crimes, however, undoubtedly does not include all the components of the crime of abuse or violence, which concept extends today to include not only beatings, but all types of behavior based on threats of beatings, abuse, sexual, verbal and economic violence, arbitrary deprivation of rights and other forms of abuse, including insults, humiliation, and other forms of unlawful exploitation of the husband's power to pressure and influence his wife or his descendants.

2.4.2 Gender-based Violence in the Draft Palestinian Penal Code

The draft Palestinian Penal Code was drafted in 2003, and later there were efforts to prepare a second version of the draft in 2011, the same version that was announced for review and revision in 2019.

It is clear from the content of the draft penal code, according to the version approved by the Penal Law Committee headed by the Palestinian Ministry of Justice in 2011, that the draft criminalizes gender-based violence against women, in the text of the proposed article (458) that states

1. Whoever commits a crime of violence against women shall be punished with imprisonment from six months to one year."

Violence against women means any violent act that is motivated by gender bias and that results in, or is likely to result in, harm or suffering to women, whether in terms of physical, sexual or psychological aspects, including threats of such acts, coercion or arbitrary deprivation of liberty whether in public or private life.

Despite the comparison between this definition and the international concept of gender-based violence, it still needs a new formulation to include all other forms of gender-based violence, such as verbal violence and economic violence.

The draft also defines the crime of sexual harassment in Article (403) as follows:

1. Anyone who commits an act of sexual harassment shall be punished by imprisonment for a period of no less than six months and a fine of three hundred dinars.
2. Sexual harassment means any persistence in harassing others by repeating actions, words, or signs that undermine their dignity or offend their modesty, with the aim of compelling them to respond to his sexual desires or the sexual desires of others, or by exerting pressure on them that weakens their will to confront those desires."



Article (456) criminalized discrimination, as it stipulates:

1. Discrimination is punishable by imprisonment for a period not exceeding two years, and a fine not exceeding one thousand dinars or one of these two penalties.
2. For the purposes of this law, discrimination means any distinction between natural persons on the grounds of national origin, social origin, color, sex, family status, health status, disability, political opinion, union affiliation, or because of affiliation or lack of real or presumed affiliation to a race, nation, or for a particular race or religion.”

“Any distinction between persons because of the origin of its members or some of its members, their gender, family status, health condition, disability, political opinions, union activities, or because of their real or supposed affiliation or non-affiliation to a particular race, nation, dynasty or religion is also considered moral discrimination.”

The concepts and definitions of the crime of harassment and violence against women mentioned in this version are a development that can be built upon in the adoption of international concepts and standards regarding many crimes against human and women's rights.

It is clear from the content of these definitions that the draft penal code adopted the concept of violence and discrimination in accordance with what was stated in international agreements and declarations, specifically the 1993 Declaration on the Elimination of Violence. However, these definitions and the criminalization included in the draft remain, nevertheless, mere proposals that can be modified and dropped, or having their content changed which means that they cannot be adopted and built on, until the issuance of the final approved and endorsed version.

It is important in this regard for the Penal Code Draft Committee to include in the draft law the criminalization of violence and gender-based harassment in the world of work, as well as the expansion of these crimes to include gender-based violence in the world of technology, communication and electronic gender-harassment. The protection of victims of harassment requires to drop the phrase of repetition that the draft stipulated in the crime of harassment, so that the material element of this crime is achieved if the act is committed only once.

1.3.3 Gender-based violence in the Draft Law on Protecting the Family from Violence^{45*}

In its first article, the draft family protection law defines domestic violence as “every act or failure to act by a family member against other family members that results in physical or psychological harm, and includes physical, psychological, sexual abuse, sexual or economic exploitation, or the threat of these acts, whether the act or threat took place inside the family home or outside it.”

It also defined physical violence as any form of physical or sexual abuse inflicted by a family member on another family member, regardless of the degree of gravity of the act.

This article defines the crime of sexual harassment as “every harassment of others through direct speech or touching or the practice of actions or signals that undermine the victim's dignity, infringe her modesty, her privacy or her feelings with the aim of making her respond to the desires of the perpetrator of sexual violence or the sexual wishes of others, or putting pressure on her to weaken her will to prevent her from confronting these desires, with the exception of people who have marital relations.

45 *The draft of this law was referred from the General Secretariat of the Council of Ministers to the members of the government for opinion on December 8, 2021.

The draft defines the crime of psychological violence as “the use of obscene words or the practice of threats, slander, insults, intimidation, libel, defamation, or smearing.”

While the draft defines economic violence as “preventing some from work or forcing him/her to work or controlling his/her returns to affect property and inheritance rights, concealing money, controlling any common movable or immovable property, or preventing its use or disposal.”

The note that should be taken care of in this regard is the need to reformulate the concepts contained in the provisions of this draft, specifically harassment, and drop the exception on persons related with marital relations. Since the act of harassment may be intended to pressure the victim by the husband to make her respond to the wishes of the perpetrator of the crime of harassment or the sexual desires of others. Therefore, excluding the parties to the marital relationship from this means that the husband will not be held accountable if he commits this crime to fulfill the sexual desires of others.

Chapter Three:

Violence and Harassment in the World of Work in the International Context

The 1995 Beijing Declaration and Platform for Action focused on the issue of promoting and ensuring the protection of women from gender-based violence and harassment in the workplace. The Declaration is considered one of the first international acts that focused and emphasized the need for punitive legislation to adopt explicit provisions criminalizing these acts. It demanded in item 124 (c) “ Enact and/or reinforce penal, civil, labor and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether at home, the workplace, community or society”

There is no doubt that this international concern, whether at the level of the Special Rapporteur on the issue of violence against women, in the work of the United Nations General Assembly or at the level of the Economic and Social Council or at the level of the International Labor Organization, is justified, since violence and harassment are among the most important challenges and obstacles that prevent interaction and integration of women into the labor market and thus participation in the national development process. Moreover, violence and harassment are among of the most important reasons behind women abandoning and leaving work⁴⁶, and thus depriving them of many rights due to the loss of their livelihood. Violence and harassment also cause health, psychological and social damage on their female victims and survivors, that may go beyond the victim and survivor to extend and include women’s family, children and social environment⁴⁷.

Therefore, one of the most important requirements for decent work for women is to work in a safe environment free from violence and harassment, which the International Convention on the Elimination of Violence and Harassment in the World of Work No. 190 sought to guarantee and promote^{48*}.

ILO Convention 190 and its Recommendation No. 206 are considered the first international convention in this field. The Convention and its recommendation are perceived as a development and qualitative shift in how to address, define and identify the concept of the world of work, the worker and the means and tools of protection that ensure addressing these practices and strengthen mechanisms to ensure justice and redress for the victims of these practice and its survivors.

Given that the Convention and the Recommendation have captured in its content the summary of international policies and trends to be adopted as an approach to eliminating violence and harassment in the world of work⁴⁹, we will review the most important principles, directions and policies contained in the Convention and Recommendation.

46 On the rates and reality of violence and harassment in the world of work, see:

- Report of the International Labor Organization, Harassment and violence against women and men in the world of work, the perspective of trade unions and their work in this field, 2017, p. 25 et seq.

47 On the harms of violence and harassment, see:

Dr. Haifa Abu Ghazaleh, The Arab Framework for Action to Protect Women from Violence, Arab Women Organization, Cairo 2013, p. 26 et seq.

- Hand book Addressing violence and harassment against women in the world of work, UN Women 2019 p8,9.

48 *Convention 190 on eliminating violence and harassment in the world of work No. 190 was adopted by an almost unanimous majority of ILO members, government representatives, trade unions and unions, and employers, on June 21, 2019.

49 Hand book Addressing violence and harassment against women in the world of work, UN Women, Op cite, p 23-25

1. ILO Convention on the Elimination of Violence and Harassment in the World of Work No.190

1.1 The Content of ILO Convention No. 190

The preamble to the Convention affirmed the right of every human being to a world of work free from violence and harassment, including gender-based violence and harassment. It also considered that the phenomenon of violence and harassment in the world of work constitutes a violation or abuse of human rights, a threat to equal opportunities and an unacceptable phenomenon that is incompatible with decent work.

The preamble also affirmed that member states of the Convention have an important responsibility to promote a general environment in which there is zero tolerance for violence and harassment in order to prevent such behavior and practices, and that all actors in the world of work must refrain from resorting to the phenomenon of violence and harassment, prevent and stop it.

Article 1 of the Convention defines violence and harassment in the world of work as follows:

- (a) In the world of work, the term “violence and harassment” refers to a set of associated unacceptable behaviors, practices or threats, whether it happened once or was repeated, that aim, lead or are likely to result in physical, psychological, sexual and economic harm, and includes violence and harassment on gender basis
- (b) the term gender-based violence and harassment means violence and harassment directed against persons because of their sex or gender, or that disproportionately affects persons of a particular sex or gender, and includes sexual harassment.

The concept of harassment, as stated in the convention, is an advanced concept, since it suffices to consider an incident as harassment a criterion of a one-time act. Thus, according to the text of the article (1), it is sufficient for the unacceptable behavior and practice to occur only once to fulfill the condition for the occurrence of the crime of violence and harassment, not as stipulated by many legislations, including the draft Palestinian Penal Code. These legislation stipulated the criterion of repetition, that is, the repetition of the act more than once by the perpetrator against the victim to have the description of this act as harassment.

Article (2) of the convention identified the categories to whom the provisions of the convention apply, namely:

- 1- Workers and employees as defined in national laws and practices.
- 2- Working persons regardless of their contractual status, whether permanent, seasonal or daily work workers.
- 3- Persons involved in vocational training, including persons involved in training and students of schools and industrial institutes.
- 4- Workers whose employment has been terminated.
- 5- Volunteers, job seekers and applicants
- 6- Individuals who exercise the authority, duties or responsibilities of the employer.

The convention's identification of the categories subject to its provisions is comprehensive, as it includes all those who work, whether permanent or temporary, seasonal, domestic, agricultural workers, and female and male workers whether they are contracted by the employer or are employed without a contract. Moreover, the convention included the category of job seekers, those who leave or quit work, and male and female apprentices in industrial schools and training institutes, for the purposes of ensuring that the scope of protection extends to all groups. This actually means that the agreement extends its protection to include all male and female workers of different categories, methods of contracting with them, and the nature and patterns of their work⁵⁰.

Adding the category of researchers and job seekers, and the category of those whose work contract or their work relations have ended for any reason among the protected categories under the convention, is a substantial development within the convention because this group may be the most vulnerable and exposed to exploitation, violence and harassment.

Article (3) sets the spatial criterion for its validity and applicability. Thus, this convention applies to the phenomenon of violence and harassment in the world of work, which occurs at work, is related to work, or results from it in the following places and areas:

- a. In the workplace, including public and private places once they constitute a place of business.
- b. In places where the worker receives a wage, takes a break, eats a meal, or uses sanitary, washing and changing clothes facilities.
- c. During excursions, travel, training, or work-related social events or activities.
- d. Through work-related communications, including those made possible by information and communications technology.
- e. In the accommodation provided by the employer.
- f. When going to work and returning from it.

It is clear from the foregoing text the extent of the expansion brought about by the convention in the content of the world of work, so that the workplace extends to any place designated for work, whether it is available to everyone or to a worker or workers defined by themselves, and whether it is a public place for workers or a private place where the employer meets the worker. Thus, every place where the worker can carry out the work is a place of work (offices, clinics, shops, factories, workshops, home, farms, vehicles) since according to the concept of the convention any place where the employer meets with the worker or where the worker spends his time to complete the work is considered a workplace⁵¹.

The most important obligations that the Convention demanded states to adopt and work on, include the following:

- That national laws should include a definition of violence and harassment in the world of work, including gender-based violence and harassment.
- Legal prohibition and criminalization of violence and harassment, so that the state's national legislation includes clear provisions on the prohibition of violence and harassment in the world of work.

50 See: International Labor Organization, Summary Report, ILO Convention on the Elimination of Violence and Harassment, 2019 No. (19) 12 How to support response and recovery from COVID-19, May 2020 issue, p. 2.

51 See: International Labor Organization, Summary Report, International Labor Organization Convention on the Elimination of Violence and Harassment, 2019, previous source, p. 2.



- The explicit legal obligation of employers to adopt policies related to violence and harassment in the world of work.
- Adopting legal aid legislation for victims of violence and harassment in the workplace.
- Developing legislative texts that guarantee the protection of complainants, victims, whistleblowers, and witnesses of violence and harassment in the world of work from harm or reprisals.
- Ensuring that labor inspectorates and other relevant bodies, as appropriate, have the power to address violence and harassment in the world of work, including the power to issue orders requiring measures that have the power of immediate enforcement.
- Establishing monitoring mechanisms to ensure follow-up and monitoring of the extent to which employers respect and implement policies, trends and laws on violence and harassment in the world of work.
- Employers should develop policies that address violence and harassment and assess risks.
- Cooperating with male and female workers in designing, implementing and monitoring workplace policies, including policies prohibiting violence and harassment, in addition to establishing prevention programs and providing information, complaints and investigation procedures.
- Avoid taking any action or retaliatory action against those who file reports and complaints related to violence and harassment in the workplace.

1.2 Recommendation of the ILO General Conference on the Elimination of Violence and Harassment in the World of Work (206)

ILO Recommendation No. 206, which the General Conference of the International Labor Organization decided to adopt, is considered complementary proposals to the provisions of ILO Convention 190, on violence and harassment in the world of work (Violence and Harassment Recommendation).

This recommendation included a set of guiding principles for countries regarding translating and implementing the obligations contained in the Convention, and what must be taken into account regarding violence and harassment against women in the world of work. The most important recommendations include the following:

- States disseminate gender-sensitive guidelines and training programs to assist judges, labor inspectors, police officers, prosecutors and other government officials to fulfill their mandate regarding violence and harassment in the world of work. These are also meant to assist employers and workers in public and private sectors, and their organizations to prevent violence and harassment in the world of work and address them.
- States develop codes of exemplary practices and tools for assessing risks regarding violence and harassment in the world of work, whether general or sector-specific, taking into account the specific conditions of workers.
- Public campaigns aimed at promoting safe, healthy and harmonious workplaces that are free from violence and harassment and that take into account the means of redress and assistance for victims of violence and harassment in the world of work.

- The right to resign with compensation.
- Getting back to work.
- Adequate compensation for damages.
- Victims of violence and harassment in the world of work have the right to obtain compensation in cases of psychological and social disability, physical disability or any other injury or illness that leads to incapacity to work.

Recommendation No. 206 is considered a direction for work and a manual for the nature and content of the obligations of states regarding the implementation and embodiment of Convention No. 190.

Chapter Four:

Violence and harassment in the world of work in the Palestinian context

Palestinian legislation and policies

1. Palestinian Legislation

A number of legislations that we believe are directly related to the world of work were reviewed to find out the position of Palestinian legislation on violence and harassment in the world of work, including:

- 1- Palestinian Labor Law No. 7 of 2000 and Resolution No. 2 of 2013.
- 2- Law by Decree No. (3) of 2019 regarding occupational safety and health committees and supervisors in establishments.
- 3- Council of Ministers Resolution No. (47) of 2004 regarding the notification of work injuries, occupational diseases and serious accidents and their statistical forms.
- 4- Council of Ministers Resolution No. (14) of 2003 regarding the night work system for women.
- 5- Decision of the Minister of Labor No. (2) of 2013 regarding domestic workers.
- 6- Civil Service Law No. (4) of 1998.
- 7- Civil Service Law No. (4) of 1998 amended by Law No. (4) of 2005.
- 8- Council of Ministers Resolution No. (45) of 2005 regarding the executive regulations of the Civil Service Law.
- 9- Council of Ministers Resolution No. (4) of 2020 ratifying the Code of Conduct and Ethics for the Public Service.
- 10- Law No. (4) of 1999 regarding the rights of persons with disabilities.
- 11- Council of Ministers Resolution No. (40) of 2004 regarding the executive regulations of Law No. (4) of 1999 regarding the rights of the disabled.
- 12- Public Health Law No. (20) of 2004.

1.1 Palestinian Labor Law

Despite being a relatively recent law, the Palestinian Labor Law No. (7) of 2000, did not address the issue of violence and harassment in the workplace as one of the crimes and violations committed by the worker, in the world of work. The law was also devoid of any definition of such practices and violations that may fall within the scope of work. The provisions of the law deal with the worker and work, whether in terms of vocational training, in terms of the rights and obligations of work and the employer, in terms of regulating women's work, in terms of occupational safety and health, or issues related to occupational inspection, or work injuries and diseases. This type of coverage was based on professional basis and to regulate the work relations between the worker and the employer, and therefore it never addressed the working conditions related to violence or harassment.

The most important article of the Labor Law that intersects with violence and harassment in the workplace reads as follows:

- a. Article No. (40) granted the employer the authority and the right to unilaterally terminate



the employment contract without notice, with the right to demand the worker of all other entitlement when the worker commits any of the following violations:

(The worker impersonates a person other than himself, or submits forged certificates or documents to the employer...

9- Beating or humiliating the employer, his representative, or his immediate superior.)

What stands out in this article is that it does not include acts of violence, assault and harassment that the worker may commit against male and female co-workers in the workplace, such as beating, abuse, sexual or verbal harassment, or other acts of abuse or any act of contempt towards them. These practices committed are not considered compelling reasons under Article (40) to terminate the work relationship on the part of the employer with the worker who committed this act.

The law requires to end this relationship that such beating or humiliation is committed against the employer or his representative or his direct superior. Not only that, but also the assault that happens in the opposite direction, i.e. the attack of the direct supervisor at work of the worker does not result in the termination of the services of his superior.

- b. The law regulated the worker's right to leave work while retaining his rights at the end of service. It included among such cases the case of leaving work if the worker was attacked or humiliated by the employer, his representative or his superior at work, however Article 42 did not refer in any way to the issue of violence or sexual harassment.
- c. With regard to the issue of regulating women's work (110-106), the Labor Law did not address the issue of violence and harassment. The texts of this chapter were devoid of any reference to the subject, moreover the law's dealings with women's work and the determination of professions for fields of work for women is undoubtedly one of the forms of discrimination in work between men and women. It is also considered an acceptance and acknowledgment by the Palestinian legislator of the stereotypical roles that society has drawn and shaped for women.
- d. Although the law stipulates under Article 100 that "according to the provisions of this law and the regulations issued accordingly, discrimination between men and women is prohibited," however it is devoid of defining discrimination against women, which means the absence of the value and purpose of this text, due to the absence of any clarification or identification of its meaning, whether in the chapter on definitions included in Article 1 or in subsequent texts of the law.
- e. The law made no reference to the issue of vocational training regarding violence or harassment in vocational training centers, and no regulations or decisions were ever issued regarding the rights of male and female trainees.
- e. The law did not include in the chapter on occupational injuries and illness any text related to psychological and physical injury related to violence and harassment.
- f. The Minister of Labor Decision No. 2 of 2013 on domestic servants, regarding the protection of domestic male and female workers did not mention any forms of violence and harassment, especially since this category is one of the most vulnerable to such practices. This necessitates the need to rectify this defect by amending the content of the decision in a manner that ensures strengthening the protection of this group against violence, harassment and other forms of exploitation.

There is no doubt that the protection of the male/female worker requires adding an article on violence and harassment, by rectifying and amending the provisions of the Labor Law in consistency with its philosophy and nature as a law established to protect the worker and to secure and embody the meaning of decent work in the work environment, working conditions and worker dignity⁵².

The interest of the international community to amend and extend the Palestinian Labor Law to ensure its consistency with the protection guaranteed by the International Convention on the Elimination of All Forms of Discrimination against Women at work is worth noting. The Committee on the Elimination of All Forms of Discrimination against Women called on the State of Palestine to do the following:

- Expanding the scope of social protection to include women working in family projects and domestic workers.
- Adopting legislation that prohibit sexual harassment in the workplace and stipulates provisions to punish perpetrators⁵³.

It is worth mentioning in this aspect that many Arab legislations were amended through an explicit text criminalizing violence and harassment in the workplace⁵⁴.

An example of these amendments is the amendment of Article 29 of the Jordanian Labor Law No. 8 of 1996 in February 2020 stipulating that (the worker has the right to leave work without notice, while retaining his legal rights for the termination of service and the consequent compensation for damages, if the employer or whoever represents him assaults the worker during or because of work by beating, humiliating, or any form of sexual assault punishable under the provisions of the legislation in force.)

In the amendment of Moroccan Law No. 65.99 relating to the Labor Code, Article 40 stipulates that: the grave mistakes committed against the wage-earner by the employer, the head of the company or the establishment, include the following:

- Outrageous insults.
- Sexual harassment.
- Incitement to corruption.

The male/female employee's leaving his/her job due to one of the mistakes mentioned in this article, in the event that it is proven that the employer committed one of them, is considered unfair dismissal.

52 It was mentioned in the report of Palestine's response to the concluding observations sent by the Committee on the Elimination of All Forms of Discrimination against Women, regarding the revision of the Palestinian Labor Law No. 7 of 2000, which is being amended in line with international standards and recommendations of contractual committees, including the CEDAW Committee "A policy paper was prepared on issues that should be amended in labor legislation, the Committee on the Elimination of Discrimination against Women, and the concluding observations on the initial report of the State of Palestine, and information provided by the State of Palestine in the framework of the follow-up to the concluding observations, date of receipt: July 25 July 2020.

53 Committee on the Elimination of Discrimination against Women, Concluding Observations on the Initial Report of the State of Palestine, Document No. 1 CEDAW/C/PSE/CO/, item 37.

54 Gender Justice and Equality before the Law Report, Regional Analysis of Progress and Challenges in the Arab States Region, previous source, p. 56.



1.2 Civil Service Law

The Civil Service Law regulates the working relationship between the state and public sector employees, and there are thousands of people working in the state with work contracts subject to the scope of the labor law. Therefore, it is important and necessary for this law to ensure for male and female employees and male and female workers a work environment free of violence and harassment.

In reviewing the civil service legislation in Palestine, we did not find any reference to the issue of violence and harassment in the work environment in the public service sector, since for Civil Service Law No. (4), the amended Law Service Law No. (4) of 2005, and the Council of Ministers Resolution No. (45) of 2005 in its executive regulations, and the Council of Ministers Resolution No. (4) of 2020 regarding approving the code of conduct and ethics for public office, did not all include any text related to violence and harassment.

The only text that referred to harassment is what is stated in Article 5 of the Service Code of Conduct that reads (... The employee is obligated to the following: Commitment to the principles of decency and respect in his daily dealings, and not to do any act or behavior or utter anything that would defame or slander or libel or insult to reputation. ...and refraining from insulting the divine and uttering abusive words that offend public modesty or offend others in any way).

With regard to Law No. (4) of 1999 regarding the rights of persons with disabilities and the Council of Ministers Resolution No. (40) of 2004 regarding the executive regulations of Law No. (4) of 1999 regarding the rights of persons with disabilities, these legislations have never addressed the issue of violence and harassment, whether in regulating the work environment for people with disabilities, or the protection that should be ensured for persons with disabilities in the world of work.

Although Article 10 of the Law on the Rights of Persons with Disabilities stipulates (the Ministry of Social Affairs, in coordination with the competent authorities, establishes regulations, controls, and standards that guarantee protection for the disabled from all forms of violence, exploitation, and discrimination), yet no regulation, resolution, or instruction has been issued to date in this regard.

2- Palestinian Government Policies

On reviewing the Palestinian national strategies, specifically the strategy to combat violence against women (2011-2019) and the labor sector strategy for 2021-2023 "the way towards decent work and improving employment opportunities", the strategy of the protection sector, the instructions of the Minister of Labor issued during 2017-2021, the resolutions of the Council of Ministers and its policies on violence against women (2017-2021), and the policies of the Ministry of Women's Affairs, we have not found any policy or direction related to protection from violence and harassment in the world of work.

All of these policies were devoid of any reference or direction regarding violence and harassment in the world of work, which means that the official Palestinian authorities, in their policies and directions, refrained from engaging in this issue or raising and discussing it as a priority and a direction that requires action.

3. Requirements and guarantees of harmonization of Palestinian legislation and policies with the International Labor Organization Convention No. 190 and its Recommendation No. 206

To harmonize the Palestinian Labor Law and its provisions with the International Convention No. 190 and its Recommendation No. 206, the Palestinian labor law and penal legislation must be amended in a way that ensures that these legislations include:

- Defining violence and harassment in the world of work, including gender-based violence and harassment.
- Legal prohibition and criminalization of violence and harassment, so that its national legislation includes clear provisions on the prohibition of violence and harassment in the world of work.
- Taking into account vulnerable groups in adopting national legislation, by explicitly stipulating the right to equality and non-discrimination in employment and occupation.
- The explicit legal obligation for employers to adopt policies related to violence and harassment in the world of work.
- Adopting legislation for legal assistance to victims of violence and harassment in the workplace.
- Developing legislative texts that guarantee the protection of male and female complainants and victims, and the protection of whistleblowers and witnesses of violence and harassment in the world of work from being harmed or reprisals.
- Victims of violence and harassment in the world of work should have the right to compensation in the event of a psychological, social or physical disability or any other injury or illness that leads to the inability to work.
- Developing complaints systems that maintain the confidentiality of the complainant, particularly if she is a woman, so that she is not exposed to any family or societal threat.

4. Informal Policies

4.1 Policies of Professional and Trade Unions

A series of meetings were held with eight Palestinian trade and professional unions, including the Palestinian General Federation of Trade Unions, and the number of its affiliates is 148 thousand, of whom 20% are female, the Federation of Independent Trade Unions and the number of its affiliates is 20 thousand, of whom 35% are female, and the Palestinian Federation of New Trade Unions and a number of its affiliates are approximately 15,000, of whom 25% are females, the General Federation of Palestinian Workers, which is an extended union that includes all Palestinian workers in the diaspora and has a branch in Palestine, and the General Union of Palestinian Teachers, and the number of its members is 25 thousand, of whom 65% are female, and the Doctors Syndicate and the number of its affiliates is approximately 10,000, of whom 17% are females, the Engineers Syndicate which has about 31 thousand members, 25% of whom are females, and the Bar Association and its affiliates in the West Bank are approximately 6000 lawyers, of whom 28% are females.

Through these meetings, we can summarize our findings regarding the policies and trends in force in professional and labor unions as follows: is

1. It is worth noting that the Palestinian professional and trade unions, despite their being professional unions that existed to achieve a safe and decent work environment, and despite the presence of female percentages in them, lack policies related to violence and harassment in the world of work. All these unions have a work ethic to regulate the relationship between colleagues only at the professional level and with regard to professional behavior.
2. The Palestinian General Federation of Trade Unions, which stated that it had adopted directions to develop policies in its last congress held in 2020, and they are in the process to be implemented and are expected to be adopted and circulated.
3. Many unions, in their awareness-raising, education and labor inspection campaigns, are concerned with working conditions, wages, and the extent to which employers apply the law, without any interest in the issue of a decent work environment free of violence and harassment.
4. The Palestinian unions do not provide legal assistance to female victims/survivors of violence and harassment, and all that can be provided in this field is mere consultations and clarification of how to go to the official authorities regarding complaints and the ways to proceed.
5. Some unions adopt the policy of arbitration in resolving complaints about violence and harassment in the workplace, where a consensual and friendly settlement session is held with the employer to agree that the female worker leaves work is tantamount to ending services whereby the female worker obtains her labor rights only.
6. At the level of all professional and labor unions, there is no department or section specialized in providing legal aid to female victims or survivors of violence.

7. Within the awareness and education programs of the professional and trade unions, there is no special program for awareness and education in the field of violence and harassment in the world of work. All activities that took place despite that it is limited and can hardly be mentioned were in response to external activities and not within the plans and programs of these unions.
8. The Palestinian General Federation of Trade Unions reported that the issue of harassment and violence in the field of work is not of interest to the federation, which considers wages and equal pay as issues of priority and importance.
9. Many unions, at the end of the meeting, expressed their conviction of the importance of having policies related to violence and harassment in the world of work and asked us to present their desire to obtain assistance and advice in the field of developing and adopting these policies (the General Union of Teachers, the Bar Association).
10. Recently, the International Labor Organization signed an agreement with a consultant from the Center for Women's Studies and in cooperation with the Palestinian General Federation of Trade Unions to persuade the North Electricity Company to sign a memorandum related to ILO Convention 190 on harassment at the world of work. The agreement was signed by the company, the company's workers union, the Palestinian General Federation of Trade Unions and the International Labor Organization in January 2022, provided that work will continue to persuade other companies and factories to do so.

There was a number of outcomes that the study feels needs to be tackled in this regard including:

- a. The need to consider holding a workshop for professional and trade unions to discuss ways to develop policies related to harassment and violence in the world of work, provided that they are adopted and approved by the Ministry of Labor to become general policies applied at the level of all professional unions.
- b. To raise the awareness and train decision-makers in all these unions on the issue of violence and harassment in the world of work.
- c. To develop a national professional and trade manual on issues of violence and harassment in the world of work^{55*}
- d. To adopt of the International Labor Organization Convention (190) and to draft memoranda of understanding between the management of companies and factories and the General Federation of Trade Unions that includes the provisions of this agreement.

55 *There are two official manuals in this field, including the Jordanian Ministry of Labor's manual on violence and harassment in the world of work:

- The Union Manual to Anti-Harassment in the Workplace, Issued by the Arab Trade Union Confederation, 2018.
- Guidance Manual to combating violence and harassment in the workplace, issued by the Jordanian Ministry of Labor in 2019.



4.2 Civil Society Policies

A meeting was held with the Palestinian Telecommunications Company, Birzeit University, the Agricultural Relief Society, the PNGO Network, and the Working Women's Association. Through these meetings, we can summarize our findings about the status of policies related to violence and harassment in the world of work in this sector, as follows:

- 1- There is an interest and awareness of the importance of promoting a decent environment free of violence and harassment in all the institutions we met.
- 2- There is a professional code of conduct in addition to a list of penalties that refer to the punishment of violence between employees, especially sexual harassment, in a large number of institutions (Palestinian Communications Company, Capital Market Authority, Monetary Authority, Birzeit University, Agricultural Relief).
- 3- The PNGO Network is working on developing and approving policies related to violence and harassment in the world of work, and it is expected that these policies will be adopted and approved during the coming period to become policies and directions approved by all NGOs affiliated with the Network.

In this regard, we believe that a workshop should be organized and held with stakeholders to generalize their experiences and also to develop unified policies approved by the Ministry of Labor in all sectors including: universities, civil society organizations, insurance companies, banks, and various other sectors.

Chapter Five:

A field survey of violence and harassment in the world of work



As we have already mentioned in the methodology, a field survey was conducted to collect data from women working in industrial and commercial establishments and workshops in addition to civil society organizations, where lists of establishments were obtained from the General Federation of Trade Unions, and a special form was designed to implement the field survey in the West Bank. Data was collected randomly from women working in a number of industrial and commercial establishments, workshops, a number of civil society organizations, and media organizations, with the aim of reaching the largest number of women working in various establishments and sectors.

This survey was carried out in the governorates of the West Bank and Jerusalem, which included (Hebron, Bethlehem, Jericho, Jerusalem, Ramallah, Nablus, Tulkarem, Qalqilya, Jenin). A total of 1166 forms were filled out by field researchers, who targeted the mentioned sites in a way that commensurate with the size of its business sector^{56*}.

It should also be noted that field researchers in the process of collecting data did not interfere or influence the answers of the respondents, so that they were committed to respecting the opinion, privacy and will of the female respondent. Consequently they respected and taken into account if female respondents refrained from answering any question that they do not wish to answer. Researchers also clarified the purpose of data collection, which is to conduct a field study of the reality of the violence against women and harassment in the world of work. It worth mentioning that in order to enhance transparency and objectivity, establishments and institutions were addressed through official letters issued by the Center for Women's Studies, through which the purpose and objective of preparing the study and collecting data from female workers in these establishments and institutions were clarified.

1. Field Survey Data Analysis

1.1 The Content of the Forms

The form included 42 directed questions that complement each other in building a realistic and preliminary field perception about violence and harassment in the world of work. The following are the most important fundamental questions that were included in the form:

- Do you have knowledge of the concept of violence and its forms? In this regard, and in order to unite the knowledge and content of the answer, we attached explanatory sheet that included the definition of violence and its various forms (verbal, physical, sexual, economic).
- Are there policies and instructions in your workplace about violence and harassment?
- Have you been subjected to any form of violence and harassment, and if so, what form of violence have you been subjected to?
- In order to get as close as possible to diagnosing this situation, we added to the previous question another question about whether she was subjected to any form of violence in her previous work.

56 * The forms were distributed as follows:

Hebron 288 questionnaires, Bethlehem 100 questionnaires, Nablus 300 questionnaires, Ramallah, Al-Bireh and Jerusalem 160 questionnaires, Jericho and Jordan Valley 80 questionnaires, Tulkarem 100 questionnaires, Jenin 90 questionnaires, Qalqilya 48 questionnaires.

- Have you experienced discrimination in your workplace? What we mean by discrimination has been clarified in the explanatory sheet attached to the form.
- What are the reasons that you think might reduce or prevent violence and harassment at work?
- Has your female colleague been subjected to violence and harassment at work?
- Do you have knowledge of the official and unofficial bodies that you may file a report or complaint to?
- Have you filed a complaint to your employer about violence or harassment that you have been subjected to, and if you did not file a complaint, what are the obstacles that prevented that?
- Is there a complaints box in the workplace?
- Is there a need for a special law to protect women from violence?

2. Summary and Conclusions of the field survey

2.1 Data Analysis

Despite the convergence of the results that we obtained from all the questionnaires in principle in many aspects, they reflected special aspects for each region, and this is what we will clarify in the analysis and clarification of the results of the questionnaires according to the following points:

2.2 Analysis of the forms of violence revealed by the data

The data revealed the following indicators of violence and harassment in the world of work:

Table (1) Forms of violence experienced by female workers in the world of work in the targeted governorates

Governorate	Verbal Violence	Physical Violence	Sexual Violence	Economic Violence	Discrimination in Wage
Hebron	36%	2%	7%	16%	60%
Nablus	33%	6%	3%	8%	64%
Ramallah, Al Bireh and Jerusalem	28%	4%	5%	16%	45%
Bethlehem	33%	—	2%	17%	40%
Jericho	13%	25%	5%	7%	50%
Tulkarem	23%	3%	3%	3%	92%
Qalqilya	11%	4%	—	17%	29%
Jenin	23%	2%	—	20%	56%

The analysis of the data revealed by the previous table shows the following results:

- The phenomenon of violence and harassment exists in the world of work in Palestine, in its various forms, verbal, physical, sexual and economic.
- Discrimination in wages and promotions is the most common form of violence, as nearly 50% of working women in the various northern governorates suffer from discrimination and inequality in wages, despite doing the same work as men. The questionnaires showed that the city of Tulkarem scored the highest in this practice. The percentage of women who were discriminated against reached 92%, followed by the city of Nablus with a percentage of 64%, then the city of Hebron with 60%, while the city of Qalqilya scored the lowest percentage 29% in these practices.
- Hebron is the city with the highest percentage of violence and harassment against women in the world of work with a percentage of 60%, followed by Nablus with 55%, while this percentage in Bethlehem was 46%, Jericho 45%, Tulkarem 34%, Ramallah 32% and Jenin 30% and Qalqilya 24%.

Although these indicators represent the extent to which the phenomenon of violence and harassment has risen in the world of work, they are indicators that remain based on a surveyed sample that does not reflect the reality of the situation at the national level. Therefore, a comprehensive national survey must be carried out to assess and diagnose this phenomenon.

Verbal violence is the most common type of violence, exceeding 20% in most Palestinian governorates, followed by economic violence, then physical violence and sexual violence.

- One of the ironies in this regard is the high rate of physical violence in the governorate of Jericho, which reached 25% of the female workers, meaning that one out of every four female workers is subjected to this practice.

Table (2) Existence of policies and instructions related to violence and harassment in the world of work and affiliation to professional and trade unions by female respondents in different regions

Governorate	There are policies related to violence and harassment	Female workers are affiliated to professional and labor unions
Hebron	37%	40%
Nablus	10%	80%
Ramallah, Al Bireh and Jerusalem	19%	30%
Bethlehem	30%	39%
Jericho	62%	49%
Tulkarem	31%	3%
Qalqilya	52%	51%
Jenin	56%	49%

Table No (2) shows the following:

- 1- There are policies and instructions in the private sector regarding violence and harassment in the world of work, despite the fact that the Palestinian Labor Law does not address these practices, which reflects that such practices and behaviors are perceived as actions that contradict a safe and decent work environment.
- 2- The city of Nablus is considered the least of the cities where such policies are available, according to the field survey that we carried out.
- 3- There is evident interest by female workers in affiliating to professional and trade unions, which reflects their awareness of the importance and role of these unions. The results of the survey showed that more than 40% of female workers in most Palestinian governorates belong to unions, except for the city of Tulkarem, where the affiliation female workers to unions reached only 3%.
- 4- Despite the high percentage of affiliation to professional and trade union, the percentage of complaints filed by female survivors of violence to professional and trade unions reached 0.5% in the various governorates, which raises questions about this percentage and what are the reasons that it is this low

Based on the data and interviews that we conducted at the level of professional and trade unions, we can link this low percentage to the professional and trade unions' lack of adoption of legal aid for female survivors of violence, and consequently the absence of the feasibility and value of filing these complaints.

Table No. (3) Forms of violence that the female respondents were subjected to in their previous workplaces

Governorate	Verbal Violence	Physical Violence	Gestures and actions of a sexual nature	Sexual Emails
Hebron	15%	3%	9%	6%
Nablus	30%	6%	1.5%	8%
Ramallah, Al Bireh and Jerusalem	12%	—	8%	9%
Bethlehem	14%	—	2%	2%
Jericho	25%	—	3%	15%
Tulkarem	28%	8%	5%	—
Qalqilya	13%	2%	2%	—
Jenin	32%	4%	3%	4%

In order to realistically understand the state of violence and harassment in the world of work, we decided to ask the female respondents about the extent to which they were exposed to violence and harassment in the world of work in their previous work, to try to know the prevalence of this behavior, and also to evaluate and identify the most common forms of violence in the Palestinian society in the world of work.

It is clear from table no. (3) that the most dominant forms of violence in the respondents' previous workplace included verbal violence, followed by exposure to violence and digital harassment through electronic messages with sexual content, then violence and sexual harassment.

Table No. (4) Reasons for not filing complaints to employers in the event of violence and harassment in the world of work

Governorate	The employer is the perpetrator of violence and harassment	Fear of losing work	Fear that their family will know and prevent them from work	No trust in the management	Fear of society's view
Hebron	9%	10%	3%	30%	4%
Nablus	11%	29%	4%	4%	2%
Ramallah, Al Bireh and Jerusalem	13%	14%	2%	4%	1%
Bethlehem	8%	12%	2%	10%	5%
Jericho	2%	17%	16%	6%	7%
Tulkarem	22%	3%	1%	5%	2%
Qalqilya	13%	28%	16%	19%	15%
Jenin	20%	19%	7%	3%	5%

Based on this table, we can say that the obstacles that female workers face if they are exposed to violence and harassment in the workplace are reflected in the high percentage that these practices are committed by the employer himself, and therefore there is no way for them to file any complaint against him at the work level.

On the other hand, the challenge that female workers faces is the fear of losing work and having their services terminated if they file a complaint related to these practices. This means that they feel the absence of protection and that there is no guarantee to save them from being subjected to this procedure, and therefore they prefer to remain silent and not to defend themselves from the violation they are exposed to.

The third important issue that this table shows is the fear of the society's view, since the female worker fears if she files a complaint at work that her social environment would know about what she has been exposed to. Consequently, the society would perceive her negatively and not as a victim of these practices and behavior, since she is accused of being the one who gave the predator the opportunity or has tempted him with the way she is dressed and spoke.

Table No. (5) The extent of willingness to submit complaints to the official authorities (Police, the Judiciary, Prosecution) and the extent of the respondents' knowledge of the competent authorities to receive complaints

Governorate	Readiness to file a complaint	They do not have knowledge of the competent authorities to receive complaints	There is no complaints box in the workplace
Hebron	75%	34%	63%
Nablus	70%	42%	85%
Ramallah, Al Bireh and Jerusalem	20%	55%	25%
Bethlehem	76%	46%	67%
Jericho	80%	48%	65%
Tulkarem	81%	90%	100%
Qalqilya	45%	42%	40%
Jenin	87%	42%	50%

This table theoretically showed the extent to which the female respondents were willing to file complaints if they were subjected to violence and harassment. The percentage of female workers who were willing to file complaints in most of the areas targeted by the survey exceeded 70%.

What is striking in this table is the low percentage of female workers willing to file complaints in the city of Ramallah and Al-Bireh and Jerusalem that reached 25%, although they are in decision-making positions in their institutions, civil society organizations, and professional and labor unions.

What is also interesting in this aspect is the level of the discrepancy between the rates of willingness to file complaints and the percentage and number of complaints actually submitted by survivors in different regions, which amounted to less than 1%. 5 cases out of the (1166) forms indicated that they had filed a complaint to the police and the prosecution, and prosecuting the perpetrator of violence and harassment, and 7 cases indicated that they filed a complaint to the union.

Although we asked a question about the reasons for the female victim and survivor of violence refraining from filing a complaint to the official authorities, the majority of the respondents did not answer this question, with the exception of a few who indicated the absence of a deterrent law as a main reason for not filing a complaint.

This table revealed important data including: the lack of knowledge of the non-official and non-governmental bodies to which the female victim and survivor of violence can file complaints. The percentage of those who lack the knowledge in this regard in Hebron reached 34%, in Nablus 42%, and in Ramallah and Jerusalem 55 %, while it reached 46% in Bethlehem, 42% in Jenin, 48% in Jericho, 43% in Qalqilya, and 90% in Tulkarem.

The low rates of knowledge of governmental and non-governmental agencies are undoubtedly due to the low rates of complaints submitted by female survivors of violence to government agencies (police, prosecution, judiciary, and the Ministry of Labor). Not only that, but these percentages also highlight the importance and necessity of civil society organizations, professional and trade unions, and the Ministry of Labor adoption for an awareness and education strategy in this

aspect, and the importance of developing and circulating introductory manuals in this regard in order to raise awareness and knowledge of these agencies and their role.

Table No. (6) The female respondents' knowledge of the exposure of a female co-worker to violence and harassment

Governorate	Percentage
Hebron	38%
Nablus	33%
Ramallah, Al Bireh and Jerusalem	25%
Bethlehem	30%
Jericho	30%
Tulkarem	28%
Qalqilya	22%
Jenin	28%

One of the means that we also resorted to in order to get as close as possible to the reality of violence and harassment in the world of work is to ask the female respondents about their knowledge of the exposure of a female colleague to violence and harassment in the world of work so that they can be more courageous to talk about others.

This question is important to show the high rates of female workers' exposure to violence and harassment in the world of work, thus if we add the percentage of those who have been exposed to violence and harassment in the world of work to the percentages of those who learned that a female colleague was exposed to violence and harassment, we will have much higher percentages revealing the actual reality and status of this phenomenon in the world of work.

2.3. The most important conclusions about harassment and violence against women in the world of work, based on field survey data:

Upon considering the data above, the following conclusions about violence against women and harassment in the world of work can be reached within the following fields:

- a. Discrimination in wages and promotions is the most common form of violence, as nearly 50% of working women in the various northern governorates suffer from discrimination and inequality in wages despite doing the same work as male workers. The city of Nablus, according to the forms, is considered the highest city in the prevalence of this practice, where the percentage of women discriminated against was 64%, followed by Hebron with 60%, while Jenin and Qalqilya scored the lowest percentages, with 28% each.
- b. Verbal violence is the most common type of violence, exceeding 30% among all types, followed by economic violence, then physical violence and sexual violence. Perhaps the ironies in this regard is the high rate of physical violence in Jericho Governorate, where the rate of physical violence against female workers has reached 25%.

- c. The absence of the role of professional and trade unions in raising awareness and educating women about violence and harassment in the workplace. In addition to the absence of their role in providing legal assistance to female survivors of violence, despite the fact that this role is one of the most important roles and duties of unions that were founded to defend the interests of those who belong to them in the face of exploitation and other forms of abuse, violence and other ways of violations and practices that conflict with a decent work environment.
- d. The fact that battered women and female survivors of violence, within the segment that we targeted, did not go to professional and labor unions to file complaints, indicates the existence of a gap in the level of the unions' role in this field, especially since a large percentage of the female workers who participated in filling out the questionnaire belong to labor and professional unions. More than two-thirds of the establishments in the regions which were targeted in the field survey, have no policies and instructions related to violence and harassment in the world of work. The fact that the judiciary, the police and official bodies are not dealing with complaints related to violence and harassment may be due, as we believe, to the weak legal aid provided to female victims and survivors of violence, by professional and labor unions and civil society organizations. The reason is also related to the lack of knowledge of female victims and survivors of violence of governmental and non-governmental bodies that are specialized in complaints.

The reason behind the reluctance may also be related to the absence of legislation or legislative texts related to the protection of women from violence and harassment in the world of work, as well as the absence of special measures and procedures that guarantee the confidentiality of procedures and the protection of witnesses and whistleblowers in these cases.

- e. Failure to approach the Ministry of Labor or its directorates to file complaints about violence and harassment by survivors of violence, which indicates a gap in this area. Perhaps what draws attention in the questionnaires is the percentage of female colleagues that respondents reported experiencing violence at the world of work. The percentages of Hebron female workers who reported that a female colleague was subjected to violence was 38%, while this percentage in Nablus reached 33%, and in Ramallah it reached 25%, 30% in Bethlehem and Jericho, around 28% in Tulkarem and Jenin, and 22% in Qalqilya. If we take into account these percentages in addition to the percentages of female workers who have been subjected to violence, we will undoubtedly find doubled percentages related to violence and harassment in the world of work in every city.
- f. The ironies also included that almost half of female workers are unaware of governmental and non-governmental agencies that they may resort to file complaints related to violence and harassment in the world of work, which may explain the low percentages of complaints filed by survivors of violence to official authorities (the Police, the Judiciary, Prosecution, the Ministry of Labor).

Despite our continuous endeavor to meet with some survivors of violence to get acquainted with their experiences in surviving this crime, and to know the gaps and obstacles they suffered from, to take them into consideration in this study, we found through two interviews we conducted with survivors of violence and through interviews with service providers for victims and survivors of violence the following points:

- 1- Confidentiality and secrecy for victims and survivors of violence and their refusal to talk about their experiences, and adhering to keeping them within a narrow scope limited to those who provided them with assistance.
- 2- Survivors are not submitting complaints before the official authorities, and are only solving and settling the issue within the framework of work.
- 3- Some survivors were unaware of the entities they might turn to, and feared asking and inquiring about these entities so that their issues would not be exposed.
- 4- The best solution for victims of violence from their point of view is to leave work and stay away from it, not to confront and stand against the abuser.
- 5- Some survivors were subjected to bullying and mockery by the parties they approached, and their narrations were questioned.

Chapter Six:

Conclusion and Recommendations



There is no doubt that violence and harassment in the work of work is one of the most important challenges facing Palestinian society in order to empower and enhance the participation of Palestinian women on an equal basis with men in community development and the growth and well-being of families. It is also perceived as a human rights challenge and even one of the most important obstacles that prevent women from enjoying rights and freedoms guaranteed by the Basic Law and the international human rights conventions ratified by the State of Palestine, including the International Convention on the Elimination of All Forms of Discrimination against Women and the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights.

In order to combat this phenomenon as a prelude to eliminating it and reaching a world free of violence and harassment and responsive to the requirements of decent work, we would like to share the recommendations, measures and policies that we have concluded that may contribute to strengthening and achieving this approach.

First: Preventive measures to prevent and reduce violence and harassment in the world of work

- 1- It is important that the Ministry of Labor adopts a policy and an approach to oblige employers to set up complaints boxes subject to the supervision and control of the Ministry of Labor. This procedure is considered one of the most important preventive policies and measures, since the presence of a complaints box enhances the feeling of male and female workers of the presence of official supervisory bodies, which could be resorted to in the event of any form of violation.
- 2- Strengthening inspection and oversight by the Ministry of Labor to ensure that employers respect and apply a decent work environment, since the nature of the work environment may itself be one of the reasons that encourage violence and harassment in the world of work.
- 3- Raising awareness and educating female workers on the issue of harassment and violence in the world of work, through the adoption of the Ministry of Labor, civil society, professional and labor unions, and the media of a national strategy in this field, because knowing rights and means to protect them is the first essential step in claiming them and confronting those who detract or violate them.
- 4- Disseminating and distributing a national manual that clarifies concepts related to violence and harassment in the world of work, and identifies the parties to which victims and survivors of violence may turn in the event of a violation. The manual prepared by the Jordanian Ministry of Labor may constitute a basis and a starting point that can be built upon in this aspect.
- 5- Mainstreaming the culture of rejecting violence and harassment in the world of work through the use of the media to create a public opinion rejecting this practice, which may fortify and strengthen the power of victims and survivors in accountability and prosecution of the perpetrators of these crimes, and drop the negative view of society in holding the victim responsible for this crime.

- 6- Conducting questionnaires and a survey by the Ministry of Labor, trade unions and civil society to comprehensively monitor this phenomenon and develop solutions to confront it.
- 7- Targeting female and male workers at work in periodic meetings on violence and harassment in the world of work, to enhance everyone's awareness of the existence of a national approach and policy to confront and combat it, which enhances the sense of accountability and prosecution of the perpetrators of these crimes.
- 8- Developing measures and policies to confront the phenomenon of discrimination and inequality in wages and promotions as a form of violence against women. The fact that this phenomenon continued enhances the conviction of some men of their superiority and inequality with women, and thus the right and legitimacy of weakening them.

Second: Legislation

Confronting violence and harassment in the world of work requires the existence of a Palestinian legislative system that takes into account the international standards in the field of combating violence and harassment in the world of work. This approach requires amending the applicable Palestinian labor law in the following areas:

- a. Defining violence and harassment in the world of work in the definitions section, provided that this definition also includes digital sexual harassment as a phenomenon that is expanding and spreading in society.
- b. Defining discrimination against women within the scope and field of work, as the Palestinian Labor Law and Palestinian legislation in general are devoid of any definition or description of this practice.
- c. Redefining the worker for the purpose of protection from violence and harassment in the world of work so that this definition includes job seekers and those whose contractual relations with the employer have ended, as well as those who work, whether by a permanent contract, temporary contract, or daily work.
- d. Inclusion of domestic and family workers in the scope and concept of protection from violence and harassment in the world of work.
- e. Redefining the workplace so that it is consistent and in line with the international standard in replacing this term with the world of work.
- f. Criminalizing violence and harassment in the world of work, and considering all health and psychological risks arising from it as a form of work injury.
- g. Including acts of violence, assault and harassment in the world of work, such as beating, abuse, sexual or verbal harassment, or other acts of abuse or any act of contempt towards employer by workers, among the compelling reasons specified by Article (40) for the employer to terminate the work relationship with the worker who committed these acts.
- h. Considering that the female abused or survivor of violence leaving work as a result of being subjected to violence and harassment as an unfair dismissal from work.
- i. Including measures to protect complainants, victims, witnesses and whistleblowers of violence and harassment in the world of work, and ensure their protection from harm or reprisals.
- j. Dropping provisions and texts of the labor law that adopt stereotypical roles in women's



employment, in particular the specification contained in the women's night employment chapter, so that the right of women to work and to choose work becomes equal to that of men without any conditions related to stereotyped roles.

- k. Amending the Persons with Disabilities Law in a manner that guarantees the protection of women with disabilities from violence and harassment in the world of work.
- l. Amending the Civil Service Law to ensure the inclusion of violence and harassment in the world of work and public service within its provisions, and criminalizing this practice.
- m. Dropping all texts that discriminate between women and men in civil service and retirement legislation.
- n. Amending the code of conduct for public officials to ensure that the issue of violence and harassment in the world of work is included in the content of the code.
- o. Amending the Code of Criminal Procedures in a manner that respects confidentiality and privacy of victims or survivors reporting violence and harassment crimes in the world of work, and respecting this privacy in litigation procedures before Palestinian courts.

In this regard, it is worth noting that these amendments express a necessary and dire Palestinian national need to combat violence and harassment in the world of work, and they represent a commitment and entitlement as well. The Committee of the International Convention on the Elimination of All Forms of Discrimination against Women demanded the State of Palestine under Articles 36 and 37 of its recommendations submitted to the State of Palestine, to implement the following obligations:

- Enforce laws and regulations related to gender equality in areas of work
- Effective enforcement of the principle of equal pay for equal work, regular inspections of workplaces and regular investigation surveys for wages.
- Expand the scope of social protection to include women working in family projects and workers at home.
- Adopt legislation prohibiting sexual harassment in the workplace as well as provisions to punish its perpetrators
- It is worth noting that more than 98% of female workers consider it necessary to have a Palestinian law for protection from violence, and this is undoubtedly an expression of the extent to which they feel the need for such legislation, and the impact of the absence of this legislation on their rights to protection and redress in the face of crimes of violence and harassment in the world of work.

Third: Policies

- 1- The Ministry of Labor, in partnership with trade unions and civil society organizations, should adopt and impose national policies that are generalized and applied at the level of the private labor sector regarding violence and harassment in the world of work.
- 2- Working with the Palestinian Central Bureau of Statistics to conduct a national survey of violence and harassment in the world of work to objectively determine the size and nature of this phenomenon, and thus identify the gaps and challenges to address.

- 3- The ratification and accession of the State of Palestine to the International Labor Organization Convention on the Elimination of Violence and Harassment in the World of Work No. 190.
- 4- The Ministry of Labor, professional and labor unions, and civil society organizations should adopt policies related to providing free legal assistance to female victims and survivors of violence and harassment in the world of work since one of the reasons that female survivors are reluctant to go to court is the high financial cost that the female worker may incur when she starts the litigation procedures, particularly those related to lawyers' fees.

Fourth: Trade and Professional Unions and Civil Society Organizations

- 1- Given that the issue of violence and harassment in the world of work is a general issue that is not related to a specific sector, union or organization, it would be helpful to organize and hold a workshop with relevant stakeholders (professional and trade unions, federations, the Ministry of Labor and employers) to discuss and develop unified policies regarding violence and harassment in the world of work. These policies should be however endorsed by the Ministry of Labor and circulated to all sectors (including universities, civil society organizations, insurance companies, banks, and many other sectors) to be respected and applied as binding policies.
- 2- Trade and professional unions and civil society organizations should organize an awareness campaign about violence and harassment in the world of work, and should work identify the competent authorities responsible for following up and receiving complaints of these violations.
- 3- Trade and professional unions should adopt a system of providing legal aid for female survivors of violence and to provide legal aid to women who wish to go to court and official bodies.

