

**NGO ALTERNATIVE REPORT
IN RESPONSE TO THE 'LIST OF ISSUES AND QUESTIONS WITH REGARD TO
THE CONSIDERATION OF PERIODIC REPORTS'
(CEDAW/PSWG/2005/II/CRP.1/Add.7)**

**ISRAEL'S IMPLEMENTATION OF THE UN CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) IN THE OCCUPIED
PALESTINIAN TERRITORIES (OPT)**

**Submitted in May 2005
To the Committee on the Elimination of Discrimination Against Women**

**Researched by:
Al-Haq: Law in the Service of Man, the Palestinian Centre for Human Rights
(PCHR), and the Women's Centre for Legal Aid and Counselling (WCLAC)**

The Occupied Palestinian Territories (OPT)

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Introduction

In January 2005, three NGOs (Al-Haq: Law in the Service of Man, the Palestinian Centre for Human Rights, and the Women's Centre for Legal Aid and Counselling) in the Occupied Palestinian Territories (OPT) researched, prepared, and submitted a pre-sessional report on the status of Palestinian women in the OPT to the CEDAW Pre-sessional working group. This NGO Alternative Report dealt with a myriad of issues related to Palestinian women in the OPT and under the purview of the articles of the convention. On 31 January, Ms. Maha Abu-Dayyeh Shamas, Director of the Women's Centre for Legal Aid and Counselling (WCLAC), made an oral presentation to the Pre-sessional working group for the thirty-third session on behalf of these NGOs and Palestinian women in the Occupied Territories.

These efforts were reflected in the "List of issues and questions with regard to the consideration of periodic reports" (CEDAW/PSWG/2005/II/CRP.1/Add.7) which was released by the Pre-sessional working group on 9 February 2005. Of the thirty questions asked by the Pre-sessional working group, four specifically inquired about the status of Palestinian women in the OPT. These four questions dealt with the implementation and applicability of the CEDAW to the Occupied Territories, the conditions of prisons and the treatment of women prisoners, the impact of restriction of movement and the construction of the Wall on access to, and quality of, education, and, the impact of restriction of movement and the construction of the Wall on access to, and quality of, health services.

This submission attempts to answer these questions as completely as possible. While statistics can do much to shed light on the scale of the abuses against Palestinian women in the OPT with respect to the questions on women prisoners, education, and health, individual testimonies/sworn statements made by Palestinian women themselves allow one to understand the full extent of the effects of the Occupation on their lives, their families, and their futures. These testimonies are included in this report on the principle that hearing the concerns of Palestinian women through their own eyes and voices is part of a process of empowerment. Only when they can share their own singular experiences as Palestinian women living under occupation can they also take control of their futures.

While this document does not raise the full extent of our concerns, we hope it can help the Committee on the Elimination of Discrimination Against Violence develop its "Concluding Observations" after the main review session in July 2005.

I. Constitution, legislation and national machinery for the advancement of women

Question #4: In its previous concluding comments, the Committee recommended that “the Government of Israel should ensure that the Convention was implemented throughout the territory under its jurisdiction” (para.170). Please provide information on whether the Convention has been implemented throughout the territory under its jurisdiction, if it is directly applicable, and if it has been invoked before the courts.

As noted in our previous submission to the CEDAW Committee, the Israeli authorities have taken the position that it should not be held accountable for the implementation of international human rights treaties to the OPT. This is based on two reasons: (1) the inapplicability of these standards on the ground that the relationship between an Occupying Power and the population of the occupied territory is fundamentally different than that of a government and its population during peacetime, and (2) the inability to hold Israel accountable for upholding these standards in the OPT in the aftermath of the signing of the Interim Agreements between Israel and the Palestinian National Authority (PNA) due to the transferral of these obligations to the PNA. On this basis, Israeli authorities do not implement their obligations under CEDAW within the OPT, despite the fact that Israel remains in effective control (and thus is an Occupying Power) of this area.

However, international legal bodies - including the International Court of Justice as well as UN treaty monitoring bodies - have maintained that Israel is bound to apply the provisions of such treaties vis-à-vis the OPT. Israel is in violation of its positive duty to implement its obligations under CEDAW to all the territory under its effective control and jurisdiction, including the OPT. Additionally, Israel's violations such as the imposition of systematic movement restrictions throughout the OPT breaches its negative duty not to interfere in the enjoyment of the rights under CEDAW. It is evident that Israel is in breach of its obligations under CEDAW, which are directly applicable to the OPT. Further, as this report will show, Israel's denial of its obligations under CEDAW, when combined with systematic racial discrimination against the Palestinian population of the OPT, result in intersectional discrimination which has a grave impact on Palestinian women therein.

To our knowledge, CEDAW has not been invoked by the Israeli High Court of Justice in regards to the OPT.

II. Violence against women

Question #8: In the annex to her report of 3 March 2004 (E/CN.4/2004/66/Add.1), the Special Rapporteur on violence against women, its causes and consequences, noted two separate incidents in 2003 involving violence directed at female detainees in the Neve Tirza and Ramleh prisons (paras. 103-105). Please provide information on the outcome of these incidents, as well as an overview of the situation of women in prison, including statistical data.

1. Outcome of incidents involving violence against women in Nevi Tretza prison

On the morning of 25 October 2003, Amneh Muna, who was in Nevi Tretza Prison in Al-Ramleh, got into an argument, during the counting of prisoners by the prison administration, with a male officer named Asher in the presence of two female guards, Dina and Sireet Caravani. In the wake of this argument, Asher punished Amneh by putting her in solitary confinement, alleging that she insulted him. She was then bodily inspected by one of the guards with her hands and with a special device for inspection. As soon as Amneh reached her solitary cell, she was asked to undress in front of Sireet and Asher and two other male guards behind the door. Amneh refused due to Asher's presence. Due to Amneh's insistence on refusing to undress, Sireet threatened to strip search her by force and in the presence of the male guards.

Sireet left and after five minutes returned to the cell where Amneh was put with five guards, male and female. The guards attacked Amneh, beat her whole body, and sprayed her with large quantities of tear gas. She fell to the ground and the guards beat her brutally, resulting in bleeding injuries to her head and nose. They then tied her feet and hands behind her back. Sireet strip searched Amneh in the presence of the male guards, lifted her blouse, released her trouser buttons and inspected her while she was lying on the ground while she was shouting and yelling. After the episode, Amneh was put in solitary confinement for three weeks.¹ She has been subjected to repeated ill-treatment since that time, and as a result suffers from back and neck problems.

On 27 October 2003, an argument took place between several female prisoners - including Aisha Ibayat, Samar Bader, Omayya al-Damaj, Wasfiyeh abu Ajamiyah and Raeda Jad Allah - and the Israeli prison guards due to the prisoners' protests against the humiliating searches to which they were subjected. The prison administration responded to that argument by bringing a security unit (Nakhshoun force) responsible for prison suppression. The force consisted of approximately 20 persons and they attacked the prisoners, beating them with clubs and spraying them with water, and then isolated them for 21 days.²

2. The number of Palestinian women in prisons

As of April 2005, there were 123 Palestinian women prisoners in the Israeli Telmond Hasharon Prison. All 123 prisoners were transferred to this prison: 42 of them have been sentenced, 73 prisoners are in detention, and eight are under administrative detention (without charge or trial). Seven of them are minors, and 13 are married and mothers.³

A number of the Palestinian female prisoners have not been charged, but have been sentenced to administrative detention. For example, Ikram Al-Tawil was arrested on 17 October 2003 and was sentenced to five months administrative detention; that period was renewed for another six months. Many Palestinian women prisoners were sentenced to administrative detention in order to pressure their husbands who are wanted by the Israeli authorities. This is the case of Asma' Abu al-Haija, from the Jenin Refugee Camp, a mother of six children, who was suffering from a brain tumour when she was arrested. Since being imprisoned, she has not been examined by a doctor. Prison administration did not

¹ For further information, see Al-Haq Affidavit No. 44505 (Legal Unit), Amneh Muna.

² For more information, see Al-Haq Affidavit No. 41505 (Legal Unit), Aisha Ibayat.

³ Statistics are from the April 2004 Monthly Report by the Palestinian Ministry of Prisoners and Ex-Prisoners.

give her a place in prison and she was forced to sleep on the floor. Suhair Jaber, who was detained in order to pressure her husband, was also forced to sleep on the floor.

3. Sexual discrimination and cruel, inhumane or degrading treatment of Palestinian women prisoners

- The prison administration ill-treated women prisoners during birth and did not provide necessary prenatal and postnatal care. Mirvet Taha and Manal Ghanem both gave birth to their children inside prison. Throughout their pregnancies, both were denied any special treatments for their conditions and a nutritious diet essential for pregnant women. On 7 February 2003, 20-year-old Mirvet Taha went into labour. With her hands cuffed, she was carried to the hospital in the company of six male and female guards. Her hands and feet were also tied while she was on the delivery bed. Her repeated requests to have her mother and husband beside her during the birth of her baby were denied by the prison administration. Mirvet was forced to leave the hospital one day after her delivery, even though she could not take her baby Wael, who had to remain in the hospital for another day. Wael has lived with his mother in the prison under very difficult circumstances. The prison administration has not provided Mirvet with any special items required by Wael, including food, clothing, a cot, or toys. His father was not permitted to hold him during the visits. Mirvet Taha reported that her son is very nervous, that he always slaps his face and the face of his mother, and that he does not stop yelling and crying.⁴

Manal Ghanem still suffers with her son Nour (one and a half years) from the difficult prison conditions of Hasharon Prison. Nour needs special medical treatment, and has already had one surgery, but the prison administration there continues to delay carrying out a second surgery for Nour.

- The private needs of female prisoners are not respected or observed. For example, Nour Abu Hijleh began menstruating on the second day of her interrogation in Huwwara military camp. Even after telling the interrogators, they refused to provide her with necessary sanitary items. They also refused to give her access to a doctor to treat her excessive bleeding and refused to give her medicine. Nour was forced to use as sanitary towels the fabric of the blindfolds used for the prisoners who were interrogated with her. In an interview, Nour spoke about the extent to which she felt humiliated due to this experience. She also stated that the male and female soldiers deliberately harassed the women prisoners and used curses in front of them.⁵
- The prison administration performs strip searches on women, in which all their clothes are removed, when they are taken to or returned from the court. If the prisoner refuses, she is tied and undressed by force. The prison administration has not responded to the prisoners' repeated demands to stop such searches due to the humiliation and indignity created by such acts, particularly for minors.
- The prison administration permits male guards to enter and search female prisoners' rooms at any time without advance notice, invading and disrespecting their privacy. Guards frequently and intentionally enter the rooms while the prisoners are still sleeping. The prisoners repeatedly protested such actions but the prison administration has not yet responded. In Hasharon Prison, the guards can see the girls in their rooms clearly from where they are located. This situation obliges the girls to turn off the light in their rooms or to veil themselves in accordance with Islamic *shari'a*.⁶

4. Exploiting women prisoners' fears by invoking patriarchal norms and customs of Palestinian society or gender stereotypes

⁴ Al-Haq Affidavit No. 12503 (Legal Unit), Mirvet Taha. Mirvet Taha and her son Wael were released in early 2005.

⁵ Al-Haq Affidavit No. 11503 (Legal Unit), Nour abu Hijleh.

⁶ Al-Haq Affidavit No. 44505 (Legal Unit), Amneh Muna.

- Israeli interrogators deliberately threaten Palestinian women prisoners with rape during interrogation, and suggest to them that as Arab Muslim women being interrogated by men, they will be judged by the conservative society in which they live. Therefore, they have to confess and quickly admit what information they know. This method is systematically used by the Israeli interrogators. Prisoners report that such threats make women prisoners, especially young girls, confess and provide false information out of fear that such threats will be carried out.⁷
- Palestinian women prisoners are subjected to scolding and cursing by prison officers who make them feel helpless by making reference to their inferior status as females, who must obey the orders of the male guards and officers. On 28 March 2003, Aisha Ibayat, who was 16, refused to be taken to solitary confinement for not responding to a guard's order after shouting at her. Upon her refusal the guard yelled hysterically, "I am the man here and when I come, all the prisoners shall be frightened and tremble especially the young ones." He added, "You do not represent anything to me and you must not be in the rooms. Your place is in the solitary cells." After that, Aisha was severely beaten and then isolated for a week.⁸

5. General overview of prison conditions

The prison conditions to which Palestinian women prisoners are subjected are much worse than the previous conditions in Nevi Tretza Prison in Al-Ramleh.

- The prison administration uses beatings in response to Palestinian prisoners' demands. In mid July 2003, 25 prisoners in Nevi Tretza prison protested against the prison administration because it refused to shift five prisoners from the Amneh Muna group to Areej Shahbari's group.⁹ The 25 prisoners refused to respond to the administration's procedure concerning the counting of prisoners. The prison administration reacted by bringing a force of 50-60 men with weapons, clubs, and water hoses. These men broke into the prisoners' rooms, dragged them by their hair, gathered them in the corridors, knocked them down on the floor, and then started to beat them with clubs and spray them with water. Qahira Al-Saidi reported that the members of the force dragged her by her hair from the room to the corridor and beat her all over her body, fracturing her left hand and bruising her neck. After beating the prisoners, they carried them back to their rooms with their hands and feet tied. The prison administration confiscated all the contents of their rooms including beds, food, refrigerators and fans. This punishment continued for two weeks, and included depriving them of their family visits or purchasing items from the prison canteen. After two weeks, all the confiscated items were returned and the five prisoners were shifted to Areej Shahbari group.¹⁰
- Palestinian women political prisoners are also subjected to harassment by Israeli criminal prisoners, who are only separated from them by a narrow corridor. These criminal prisoners intentionally raise their voices and the radio volume, especially during the period in which the Palestinian prisoners read the Qur'an and pray. Further, Israeli criminal prisoners throw their garbage on the Palestinian prisoners when they pass by. Palestinian prisoners affirm that the prison administration does not interfere to stop such assaults. On the contrary, they treat the Israeli prisoners differently, giving them many of the rights to which Palestinian prisoners are deprived in terms of medical care, quality and quantity of food, and right to family visits.¹¹
- Palestinian prisoners do not have adequate clothing, as the prison administration does not permit prisoners' families to bring more than two pieces of each item of clothing, which must be dark in

⁷ Al-Haq Affidavit No. 2711004 (Legal Unit), Lina Ahmad Jarbouneh.

⁸ Al-Haq Affidavit No. 32403 (Legal Unit), Amneh Muna.

⁹ In 2003, Palestinian women prisoners were divided inside the prison into two groups: one group is headed by Amneh Muna and the second by Areej Shahbari. In 2005, the second group is headed by Lina Jarbouni. This division usually takes place at the request of the Palestinian prisoners and not by the prison administration.

¹⁰ For further information, see Affidavit No. 42505 (Legal Unit), Qahira Al-Saidi.

¹¹ Al-Haq Affidavit No. 2711004 (Legal Unit), Lina Jarbouni.

colour. Moreover, those who receive new clothes during family visits are required to return their old clothes to their families at the same time.

- Palestinian prisoners are not provided with necessary health care or proper diets. They are given inadequate food, both in terms of quality and quantity, causing abdominal diseases among many of them. A number of them suffer from lower back pain due to old and uncomfortable mattresses. The prison clinic was originally established for Israeli criminal prisoners, many of whom are drug addicts, and the clinic is not adequately supplied to treat other illnesses. Further, the clinic is not clean and the doctor is not regularly present. In most cases, the prisoners are treated by a nurse rather than a doctor.
- On 26 October 2004, Thawriya Hamoud had an acute spasm and asked to see the doctor. As is common, the doctor was not present in the clinic, and the nurse advised her to drink water in large quantities. Although some cases require treatment by a specialist, a psychiatrist, or other specialist, the prison administration does not always provide these services. For example, the only treatment available in prison for toothaches is removing the tooth. Latifa As-Saidi has been in prison for two years; during this period she suffered from toothaches, which were treated by removing six of her teeth.¹²
- Palestinian prisoners place great value on their family visits and suffer immensely when the prison administration deprives them of these visits. This is done both to those prisoners whose families are permitted regular biweekly visits and those who require a permit in order to have any visits at all. Even when visits are permitted, families have to wait for many hours before being allowed to see their daughters. The prisoner is separated from her family by a glass barrier and iron bars, which prevent clear vision. Restrictions on family visits cause real suffering for mothers who are deprived of meeting with their children or of their right to touch and embrace them.
- Prison administration authorities subject prisoners' lawyers to humiliating body inspection when they enter the prison and often compel them to wait for long hours before allowing them to enter the lawyer's room to meet the prisoners. Communication in such meetings is impeded by a glass barrier and iron bars which separate the lawyers from the prisoners. Moreover, the prison administration intentionally closes the lawyer's room and detain the lawyers for long periods after the visits. In short, prison authorities seek to reduce the number of lawyers visiting the prisoners by harassing them during their visits.

Such instances are not isolated, but rather illustrations of the types of problems faced by Palestinian women political prisoners.

¹² Al-Haq Affidavit No. 2711004 (Legal Unit), Lina Jarbouni.

Sworn Statement, Aisha Mohammad Ahmed Ibayat, 19 yrs¹³

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Aisha Mohammad Ahmed Ibayat, holder of ID # 950338095, born on 13 June 1986, single and a student and resident of Bethlehem, Bethlehem Governorate, would like to declare the following:

I was arrested on 30 May 2002 from Bethlehem and was sentenced to five years' imprisonment. As regards the events that happened to us in October 2003, when we were in Nevi Trezta Prison in al-Ramleh, the *fawra* (time spent by the prisoners in the prison yard outside their rooms) finished and we entered our rooms.

Usually we are inspected before we enter our rooms. I was with five other prisoners: Samar Bader, Omayya Ad-Damaj, Jala' Abu Ajamieh and Raeda Jadallah. A problem was raised between us and the guards about the way they inspect us. There were three guards, a guard that inspects us and a guard who is in charge of the division and his name was Bayan Daghsh. The female guard started to inspect us with her hands and we refused that because she has to inspect us with the special apparatus used for inspection and not with her hands. When we insisted on that the person in charge of the prison shouted at us and then started to beat us. Immediately the prison administration sent for a force (Nakhshoun), a force responsible for suppression of prisoners. They numbered between 20-30 persons. No sooner had they arrived at the prison than they started to beat us. Five members of the force attacked me with their hands, clubs, and feet. Moreover, they sprayed gas on us and one of them seized me and sprayed the gas on my face. Immediately, I felt dizzy and fainted. The gas also burned my face.

After that they punished us by isolating us. I was put in a solitary confinement and so they did for each of Suad Ghazal and Iman Ghazawi while Sahar Bader, Omayya Ad-Damaj, Jala' Abu Ajamieh and Raeda Jadallah were put in one room, which they emptied it from everything and put them in it. We all were isolated for 21 days. In addition to the isolation punishment, they denied us the visits of the family and lawyers.

During the period of my isolation, the room was very small and did not exceed three square metres; its smell was bad and disgusting. There was a bed used for stretching and uncomfortable. This caused pain in my back. Moreover, the beating left its marks on all parts of my body, in addition to the pain which continued for more than one week, while the blue colour of my body as a result of the beating continued for more than a month and a half. All that happened to us solely because we refused the humiliating inspection which the prison administration intentionally does to humiliate us. We always complain to the prison administration to stop this way of humiliating inspection and we always receive the same answer.

27 days after this event, prisoner Amneh Mona returned to the prison because she was punished by isolation for her rejection the way of inspection and she was exhausted and tired from beating.

This is my declaration and hereby I sign, 4 May 2005

Signature: Aisha Ibayat

Certification: I certify that on Wednesday, 4 May 2005, I met with the prisoner Aisha Ibayat in Hasharon Prison and I identified her from her identity card # 950338095, after having been warned to tell the truth and nothing but the truth or else she shall be subjected to penal action, she certified and signed the abovementioned statement. Lawyer Rafeef Mujahed.

¹³ Al-Haq Affidavit No. 41505 (Legal Unit)

Sworn Statement, Qahira Said Ali As-Saedi, 29 yrs¹⁴

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Qahira Said Ali As-Saedi, holder of ID # 903946960, born on 21 August 1976, housewife, married and a mother of four children and resident of Jenin Camp, Jenin Governorate, would like to declare the following:

I was arrested on 7 May 2002 from Al-Ram town with a charge of assisting wanted persons and transferring a woman suicide bomber. I was sentenced to three life sentences and 80 years.

As regards what happened with me in mid July 2003. On that day I was in Nevi Tretza Prison in Al-Ramleh. We were divided into two groups: Amneh Mona was responsible for one group of the prisoners and Areej Shahbari was responsible for the second group. Five prisoners from Amneh Mona's group wanted to move to the second group that was supervised by Areej. The prison administration refused. As a result, the five prisoners who included Ahlam Al-Tamimi, Rania Dhiab, Asma' Saleh (Um Ali), Asma' Abu Al-Haja and Ala' Dawabsheh from Nablus (who was released later on) waged a hunger strike and requested that the prison administration transfer them to prisoner Areej Shahbari's group. The prison administration reacted by taking the five prisoners, dragging them and putting them in solitary confinement in a very bad and difficult condition.

When we saw that, we decided to take steps to assist the five prisoners. We were approximately 25 prisoners. We decided to carry out a sit-in during *al-fawra* period (time spent by the prisoners in the prison yard outside their rooms) and not to enter the rooms. We also demanded bringing the five prisoners in solitary confinement to our group (the Areej group). After we carried out this step, it was approximately three in the afternoon, we found 50-60 men wearing puffed clothes, their faces painted black and carrying clubs, sticks, and water hoses in their hands. At that time we were carrying out the sit-in in the corner of the prison yard. They started by cursing us and describing us with bad words. Then they hit us with the clubs and sprayed us with water. Many girls were affected by these acts (13 prisoners). Then they dragged us by our hair to the rooms.

As for me, I was beaten with the clubs on all parts of my body leaving blue marks all over my body. They also dragged me like all other prisoners by my hair from the yard to the room, which is a distance of no less than 20 metres. At that night, I could not sleep because of the pain I was feeling in all the parts of my body.

On the second day, our group (the Areej group) decided to take another protest step to pressure the prison administration to move the five prisoners to our group. We decided not to respond to the prison administration when they carried out the daily count of the women prisoners. As a result of this protest, the prison administration response was very severe. They used the same force as the day before. This time they came to the rooms, opened the rooms and dragged every girl with her hair and put us in the corridor among the rooms and started beating us.

As for me, I was in the room in which prisoner Mirvat Taha and her son Wael were. It was the last room. The men dragged me by my hair, hit me on every part of my body, especially on my left hand, and left it broken. My injuries included a fracture in my neck due to the beating. They were beating us with the clubs and their feet. One of the guards had artificial nails and she dug her nail inside my injured hand causing much pain for me.

When they returned us back to the rooms, they threw us on the ground on our abdomens; fixed us by tying our hands to the back and tying our feet; and again they started beating us on all parts of our bodies. The rooms were emptied of everything because they confiscated all our belongings, beds, fans, and food. They left us in the rooms with tied hands and feet. We untied our feet and hands. For that reason they punished us by depriving us of going to the *fawra* and of buying from the canteen. This punishment continued for two weeks. That was in summer. They put eight prisoners in one room, although the room

¹⁴ Al-Haq Affidavit No. 42505 (Legal Unit)

can only accommodate six prisoners. The rooms were not ventilated and the prison administration confiscated our fans as a form of punishment.

With the end of the punishment period which lasted for two weeks, the prison administration returned the things which they confiscated and transferred the five prisoners from Amneh Mona group to Areej group. When the five prisoners joined our group, they told us that they were punished with solitary confinement and beatings which was clear through the marks on their bodies.

I had too much pain as a result of the beating which I received on these two days. Moreover, my broken hand caused me a lot of pain during the two weeks and I received no treatment by the prison administration. I myself tied my hand with a scarf and one of the prisoners massaged my neck, which also was injured. I also put water on my hand in the place where the jailer dug her artificial nail. It took about two months for the blue marks to fade from my body. Moreover, I could not sleep for long periods because of the pain that I could not bear. I will not forget this event as long as I am alive. These men and the prison administration treated us in a brutal way. We have not committed that big mistake that requires them to treat us in this way.

This is my declaration and hereby I sign, 4 May 2005

Signature: Qahira Al-Saedi

Certification: I certify that on Wednesday, 4 May 2005, I met with the prisoner Qahira Al-Saedi in Hasharoun prison and I identified her from her identity card # 903946960, after having been warned to tell the truth and nothing but the truth or else she shall be subjected to penal action, she certified and signed the abovementioned statement. Lawyer Rafeef Mujahed.

Sworn Statement, Amneh Jawad Ali Mona, 29 yrs¹⁵

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Amneh Jawad Ali Mona, holder of Jerusalem ID # 081042961, born in Jerusalem in 1976, holder of a BA in Psychology and resident of Beir Nabala, Jerusalem Governorate, would like to declare the following:

I was arrested on 20 January 2001 from my home in Beir Nabala at one o'clock after midnight and my interrogation by the Shabak has lasted for three months. During interrogation, I have been subjected to psychological torture, including sleep deprivation for long periods and threats to arrest members of my family and demolish my family's home. Actually, they brought my family when I was under interrogation, in order to put pressure on me. During interrogation, my father also died, which in fact put pressure on me and made me confess. I confessed to what I was charged with and was sentenced to a military life sentence.

During my period of detention and until I came to the prison, I was subjected to numerous punishments including physical torture, beating, stretching, isolation, medical negligence and others. During one beating, my finger was fractured and I was not provided any medical care. Moreover, I was exposed to large quantities of gas, causing chronic chest disease and breathing difficulties, which I did not have before my imprisonment. I was also deprived several times of family visits and prevented from sending letters and from the taking part in *fawra* (time spent by the prisoners in the prison yard outside their rooms) in addition to other types of punishment.

As regards the event of 25 October 2003 when I was in Nevi Tretza prison in Al-Ramleh, the following happened with me:

The problem happened when the prison administration started its daily procedures by counting the prisoners at approximately 6:30 in the morning. The count started in the presence of an officer called Ashar, a female guard called Dina and another female guard named Sireet Carvani. They opened the door of our room in order to count us. I stood like all other girls and then I sat on my bed again. The officer asked me to stand again and here an argument occurred between him and me and I stood as he ordered me. Then they all left the room.

After five minutes, the officer and the two male other guards and a number of female guards came back to our room. The officer Ashar asked me to leave the room to be put in solitary confinement, accusing me of insulting him. I could not refuse because if I did the guards would break into the room and cause a big problem for the other girls in the room with me. I went out with them and one of the guards inspected me with her hands and with a machine that was with her.

When I arrived in solitary confinement, they asked me to take off my clothes to inspect me while I was naked. At that time, the officer and a female guard were present and two other male guards were behind the door. I refused to be inspected because they already inspected me before they took me to the solitary confinement, and also because of the presence of the officer and the other two male guards behind the door. The female jailer insisted and told me that the officer will go out of the room and stand behind the door. Again I refused, as the door would be kept open according to the prison's instructions, it is prohibited to close the door while a guard is with a prisoner alone.

The guard Sireet told me if I refused inspection, they would inspect me by force in the presence of the officer and the male guards. I absolutely refused. The guard Sireet closed the confinement door and went out, then came back after five minutes with a number of male and female guards including a male guard called Chabby. They opened the door and entered with tear gas, clubs, and cuffs and attacked me. They were around five persons and the room was very small, approximately 2 by 1 metres. They all beat me and sprayed gas in my eyes and my mouth. I fell on the ground and they started to beat me in a brutal manner and dragged me by my hair. I was bleeding from my head and my nose and my hands

¹⁵ Al-Haq Affidavit No. 44505

were swollen from beating. They also hit me on my back. Then they tied my feet and hands, and my hands were tied to the back.

Then the guard Sireet came and inspected me in front of all the jailers while my hands and feet were tied and my head and nose were bleeding. She opened my blouse from the front and also my pants. They insulted me using very bad words and then left. I felt that life has no value and the world was finished, and that they might do anything to me worrying about being held accountable because nobody will ask them. This caused me pain more than beating. Then I started to shout in a hysterical manner. They left me for three hours in this situation.

I would like to mention that when they took me from the room I was only wearing pants and underwear and I put a jacket on. But while they were beating me the jacket was taken off and I remained in my underwear. Also, when they were beating me they used very bad words and cursed me and laughed loudly and so did the criminal female prisoners.

They returned after three hours and transferred me to another room for solitary confinement because the one I was in was full with blood. I stayed in the cell crying and I could not sleep although they gave me a sleeping tablet. I stayed in this cell for two days, then I was moved to Magen Prison in Al-Ramleh where I stayed two or three weeks- but most likely three weeks. I carried out a hunger strike for approximately 17 days. Then my trial came and I was sentenced to life imprisonment, and I was brought me back to solitary confinement. While I was in court, a number of lawyers saw me with marks of beating and violence on my body and sensitivity and inflammation in my eyes caused by the tear gas. After that the person in charge of al-Ramleh Prison, Alon Amiran, with the intelligence officer responsible for Al-Ramleh Prison, Lini, and the director of Magen Prison asked me to lift the hunger strike and to send a letter to the other female prisoners (40 prisoners) who carried out a hunger strike in protest of what happened to me from the beating, isolation and hunger strike. During my beating on 25 October 2003, a female prisoner called Hamam Al-Bayed was beside me, and she heard my shouting and what happened to me.

On 27 October 2003, the prison administration alleged that a number of prisoners: Raeda Jadallah, Omayya Al-Damaj, Samar Bader, and Wasfiyeh Abu Ajamieh (the last three have been released) and Su'ad Ghaza tried to beat one of the guards and for that reason, they were beaten, isolated and gas was thrown at them.

I would also like to add that on 27 October 2003, the prison administration cut the water and electricity from the rooms and confiscated all the electrical appliances which we have and the things and books which we bought. After the termination of my punishment period (after approximately three weeks), they returned them. But approximately NIS 8,000 was missing, including the confiscation of large quantities of cigarettes.

This is my declaration and hereby I sign, 4 May 2005

Signature: Amneh Mona

Certification: I certify that on Wednesday, 4 May 2005, I met with the prisoner Amneh Mona in Hasharoun prison and I identified her from her identity card # 081042691, after having been warned to tell the truth and nothing but the truth or else she shall be subjected to penal action, she certified and signed the abovementioned statement. Lawyer Rafeef Mujahed.

III. Education and Stereotypes

Questions #15: In its previous concluding observations (CRC/C/SR.822), the Committee on the Rights of the Child noted its concern regarding the “serious deterioration of access to education of children in the occupied Palestinian territories as a result of the measures imposed by the Israeli Defense Forces, including road closures, curfews and mobility restrictions, and the destruction of school infrastructure.” Please provide the Committee with statistical data on education of girls in the Occupied Territories and measures that have been taken to increase their access to educational institutions, in light of the ongoing conflict, escalating violence, and construction of the wall inside the Occupied Territories. Please describe the impact of such measures towards the elimination of discrimination against this group of girls, including whether dropout rates have decreased.

No measures have been taken by the Israeli authorities to increase access to educational institutions. In fact, the Israeli forces prevent Palestinians from accessing educational institutions through closures, curfews, checkpoints, destruction of educational facilities, and the construction of the Wall. Palestinian women, students and teachers, are disproportionately affected by these impediments because the associated violence is perceived by Palestinian society as more threatening to women than to men. Israeli acts of violence and harassment only exploit this societal gender discrimination, as shown below. The lack of education for women will lead to generations of Palestinian women who are disempowered and ill equipped to participate fully and equally in society in the future.

- In the academic year 2002/3, 4.7% of females in the West Bank and Gaza Strip finished their higher education while 9.4% of males finished higher education. This proportion is relatively similar to completion rates in the 1997/1998 academic year.¹⁶
- In the academic year 2002/3, 5.5% of females dropped out from secondary schools in the West Bank and 3.8% dropped out in the Gaza Strip. This is compared to 3.5% of males in the West Bank and 1.1% in the Gaza Strip.¹⁷ The increase of early marriage, related to increasing poverty, contributes to 46% of the drop-out rate for female students, especially at the secondary level.¹⁸
- In 2003, the literacy rate of rural women was 83.1%, compared to 95.8% for men. The literacy rate for women in the refugee camps was 87.2%, compared to 95.8% for men. The literacy rate of women in urban areas was 89.7%, compared to 96.7% for men.¹⁹ This literacy gap has a negative impact on their economic, social, and public life. In 2002, there were only 6 rural women (out of a total of 1,702) members of village councils and only 40 women (out of a total of 1,146 members) on municipal councils.²⁰

1. Families tend to prevent their daughters from attending schools more than their sons, due to the threat of violence associated with the long walks to avoid checkpoints, and the Wall, and the violence at schools themselves.

- Hundreds of children choose to take longer, alternate routes to school rather than face the harassment and violence by settlers or soldiers. In Tuba village in the West Bank, five Palestinian children in the south Hebron hills between the ages of 6 and 12 choose to trek 10 kilometres rather than walk the direct 2 kilometre route which runs between the Jewish settlement of Maon and the neighbouring outpost of Havat Maon. In September 2004, 7-year-old Miriam

¹⁶ Palestinian Central Bureau of Statistics (PCBS) (2004) “Men and Women in Palestine in 2004.” [in Arabic] at <http://www.pcbs.org>.

¹⁷ Ibid.

¹⁸ UNISPAL (2005) *Press Release, International Women’s Day 2005: Towards a More Secure Future: UN Agencies operating in the Occupied Palestinian Territory Call for Action in Improving the Situation of Palestinian Women*, 8 March.

¹⁹ Supra, note 16.

²⁰ Rural Women’s Development Society. (2002) “Palestinian Rural Women’s Facts and Figures.” October 15. Last Accessed 5 May at <http://www.pal-arc.org/corda/rwds/publications/news-2002-factsfigures.html>.

- Jundiyya was admitted to hospital after an adult settler hit her on the head with a stick. Israeli police were notified but arrested no one for the attack. After having received official permission from the army District Coordination Office to use the short route, the group attempted again only to face a group of settlers watching them with two large Dobermans and the mocking cries of Israeli settlers shouting, "What are you talking about-school, school, school? Stop talking this rubbish about school."²¹
- Because of the Wall, children living in the areas of Jenin, Tulkarem, Qalqilya, Jerusalem, Bethlehem, Ramallah, and Al-Bireh are forced to travel to other areas for schooling while teachers relocated inside or outside of the Wall to reach schools. In Al-Ram, a suburb located north of Jerusalem, of the nearly 20,000 children, only 5,000 are enrolled in local school while the rest commute to Jerusalem. After the completion of the Wall in Al-Ram, these students will have to travel north along the Wall which runs down the main road, pass through Kalandya checkpoint, cross to the west side of the wall, then head back southward to enter into Jerusalem.²²
- 3.4% of individuals in the localities affected by the Wall left their education due to the security situation and the wall. 81% of households had at least one member forced to be absent from university due to closures.²³
- Al-Mawasi, an area in the Gaza Strip which has been hermetically sealed area for the past four years, has a population of about 8000 people. Access to Al-Mawasi is completely controlled by the Israeli military through 1 checkpoint which is prone to random closures, limited opening hours, and severe limitations on the age of people who are permitted to pass through the checkpoint. Passage through the checkpoint is only possible by foot. For much of 2004, passage in and out of Al-Mawasi was closed for all women between the ages of 15-30. Only two schools are open for educating pupils until the age of 17; students wishing to pursue higher education and/or sciences are forced to study in schools outside of Al-Mawasi. In 2005, due to the restrictions on travel and for fear of harassments and humiliating security searches, only 15 girls (out of 689 registered female students) chose to take science classes outside Al-Mawasi, while only 56 female students attend any form of higher education.²⁴
- On 5 October 2004, 13 yr old school girl Iman Al-Hamas was on her way to school in the Rafah area of the Gaza Strip. She was wearing her school uniform and carrying her book bag. She walked into what the military calls a "closed military zone" and was shot at, and injured, by a group of Israeli soldiers positioned in watchtowers. A separate group of soldiers pursued her and shot her twice in the head before firing 15 bullets into her body. Israeli military communication's records indicate that the Company Commander described shooting her almost 20 times as "confirming the kill." He then instructed his soldiers to apply a shoot-to-kill policy to anyone who entered the area even a "three year old." Her body was left on the ground for almost two hours before the Israeli occupational forces enabled Palestinian medical forces to approach her.²⁵
- Particular concern should be raised at the trend of attacks, by the Israeli military, which result in the deaths of girls while at school. On March 2003, 12 yr old Hoda Darwish was sitting at her desk when a bullet fired from an Israeli observation post on the outskirts of the camp hit her, leaving her blind. On 7 September 2004, 10 year old Raghda Adnan Al-Assar was struck in the head while in class at an UNRWA elementary girls' school and died on 22 September 2004. On the 12th of October 2004 11 year old Ghadeer Mukhaimer was seriously wounded by a bullet in the

²¹ Ward, H. (2004) "Palestinian youngsters face daily 'Via Dolorosa' on way to school." *The Daily Star*. Nov. 8.

²² Ministry of Education and Higher Education (MoEHE) (2004) "Expansion and Annexation Wall and its Impact on the Educational Process." International and Public Relations.

²³ Wafa Palestine News Agency (2004) *PCBS: The Apartheid Wall Splits 80.7% from Medical Services*, 24 August. Last accessed 23 April 2005, at <http://english.wafa.ps/body.asp?field=enews&id=1808>

²⁴ Information from PCHR Fieldwork Unit.

²⁵ Information from PCHR Fieldwork Unit. Also see: Harel, A. and Regular, A. (2004) "IDF Kills girl, 13 on her way to school." *Haaretz*. October 6. See also, McGreal, C. (2004) "A Schoolgirl riddled with bullets. And no one is to blame." *The Guardian*. October 21.

chest while sitting in her desk in her elementary school in the Khan Yunis Refugee Camp. She died from her injuries the next day. On the 31st of January 2005 Nouran Deeb, also 11 years old, was killed while waiting in a school courtyard to enter her classroom in Rafah Refugee Camp. The deaths of these girls has also had a profound impact on the mental health of other students and has also forced UNRWA to close down some of the girls schools involved in the incidents.²⁶

2. The quality of education has decreased due to the violence and the restriction on freedom of movement

- Because of the movement restrictions, the Ministry of Education and Higher Education relocated 15,000 of the 27,000-member teacher corps to reduce the distance between the teachers' residence and place of work. This has reduced teacher abstention but means many teachers teach subjects which are not their specialty.²⁷
- Education standards have also slumped. 42% of students in Gaza are reported to have recorded lower school achievement.²⁸
- Since 28 September 2000 until 16 April 2005, 1,289 schools were disrupted and closed because of curfews, sieges, and district closures. 269 school buildings were damages as a result of shelling and clashes. Nine schools are still closed, out of which three in Hebron (Usama Ibn Al-Munqith, Banat Joher, Al-Ma'aref) have been converted to military bases.²⁹
- The total cost of damage to Palestinian schools, since the beginning of the second *Intifada*, is USD 5.1 million.³⁰
- The total cost of damage to Palestinian universities, since the beginning of the second *Intifada*, is USD 4.85 million.³¹

²⁶ Information from PCHR Fieldwork Unit.

²⁷ World Bank (2004) *Four Years: Intifada, Closures, and Palestinian Economic Crisis, An Assessment*. October.

²⁸ OCHA (2004) "Gaza on the Edge: A Report on the Deteriorating Humanitarian Situation in the Gaza Strip." October 1.

²⁹ Ministry of Education and Higher Education (MoEHE) (2005) "Assessment '15' The Affect of the Israeli Occupation on the Palestinian Education From 28/9/2000-16/4/2005."

³⁰ Ibid.

³¹ Ibid.

Sworn Statement, Nadiya Mahmoud Ibrahim Zaghab, 50 yrs³²

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Nadiya Mahmoud Ibrahim Zaghab, holder of ID # 901714428, born on 1 September 1955, the principal of al-Khader Girls Secondary School and a resident of Beit Jala, Bethlehem Governorate, would like to declare the following:

I am the principal of Al-Khader Girls Secondary School in which there are 582 girl students between the ages of 13 and 18. The school is adjacent to Bypass Road 60 (in Al-Khader old town) and there is a fixed outpost (a military concrete tower) a few metres away from it. Although there are no confrontations and the situation is calm, the school is presently suffering from the daily presence of the Israeli soldiers in the morning and evening (when school begins and ends). This causes fear and terror among students, as happened on 19 March 2005.

On that day when school finished, the students went home and I left with the teaching staff at one in the afternoon. I was walking with the students when, all of a sudden, a patrol car appeared (a jeep with three soldiers around it) at a distance of 300 metres from the school gate. The soldiers aimed their guns at the girls in a provocative manner although there were no confrontations. This terrified the students. I tried to calm them and waited until all the students had passed. This situation happens daily in the morning and in the evening when students come to, or leave school. This provokes the teachers and frightens the students. That fear is reflected in their level of achievement. Moreover, these patrols pass by the school all the time without any justification. During confrontations, the soldiers chase the students inside the school yard. This has repeatedly happened when there were confrontations (three times), but I do not know the dates of these incidents exactly.

This is my declaration and hereby I sign, 25 March 2005

Signature: Nadiya Mahmoud Ibrahim Zaghab

Name not withheld from publication

Field researcher: Ziyad Hmeidan

³² Al-Haq Affidavit No. 2214/2005 (Legal Unit)

Sworn Statement, Samah Mustafa Muhammad Al-Hroub, 26 yrs³³

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Samah Mustafa Muhammad al-Hroub, holder of ID # 905061115, born on 14 June 1979, a teacher at an elementary school and a resident of Beit Jala, Bethlehem Governorate, would like to declare the following:

At 11:00 a.m. 20 November 2003, I left Martyr Sa'id al-'As Basic School for Boys in Al-Khader "old town", where I work. I was with three other teachers. When we were about 30 metres from the school gate, we were surprised to encounter about ten soldiers standing beside an armoured vehicle with cannon on it. The soldiers were wearing light green uniforms, with military helmets, and were carrying arms. At a distance of ten metres away, I saw the soldiers aiming their weapons at us. We continued walking. One of the soldiers called us, saying "Bo", but we do not understand Hebrew, so we approached him and he asked us in Hebrew for our identity cards. The teachers gave him their identity cards, and I discovered that I did not have my identity card.

I told him that my card was at home, and he told me to stay beside him and told the other teachers to stand nearby. He then ordered one of the teachers to go to my home and bring my identity card. He wanted me to stand among the soldiers near the armoured vehicle. I was afraid and told him I did not like to stand alone among them. The teacher also said that she did not know the location of my home. So he told them to stay, and ordered me to go and bring my identity card. I went to my home in Beit Jala, and at 11:30, I returned where I found that the other teachers were still standing and their cards were with the soldiers (the main soldier was 170 centimetres, with brown skin, and spoke broken Arabic). I did not find that soldier because I came from another side. Another soldier met me and told me to stop five metres from him. I stopped and he told me to empty my bag. I did, and then he told me to lift up my clothes (I wear a veil and a long gown), which I did out of fear as he was aiming his gun at me and shouting at me. I was wearing pants and a blouse, and he ordered me to lift my blouse, and so I did.

Meanwhile, a teacher from a secondary school for girls passed by, and he also ordered her to do the same, which she did. I talked with the soldier and told him that another soldier ordered me to bring my identity card. My colleagues were still waiting 10 metres away. While searching my clothes, one of my colleagues, Sawsan Masa'id, smiled. The soldier saw her smiling, so he gave me and my colleagues our identity cards but withheld Sawsan's identity card because she laughed. He then ordered us to leave, and we left at 12:15 p.m., while Sawsan was held until 1:30 p.m. as a punishment because she smiled. This soldier is 170 centimetres, blonde, was wearing a uniform, spoke broken Arabic, and I didn't notice his rank.

This is my declaration and hereby I sign, on 24 April 2003

Signature: Samah al-Hroub

Name not withheld from publication

Field researcher: Ziyad Hmeidan

³³ Al-Haq Affidavit No. 1743/2004 (Legal Unit)

IV. Health

Question #22: The previous concluding observations of the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women all noted with concern the disparity in access to health services between Jewish and non-Jewish communities. In particular, the Committee on the Rights of the Child noted that the Israeli Defense Forces had imposed road closures, curfews and mobility restrictions, thereby curtailing Arab communities' access to medical personnel and supplies, as well as causing severe water and food shortages. Please comment on the availability of health services to Arab women and describe what measures are being taken to improve health delivery to non-Jewish women and girls, given the restricted mobility and construction of a wall inside the Occupied Territories.

Statistics show that access to and quality of health services in the OPT has decreased significantly for all Palestinians as a result of restrictions on movement. However, Palestinian women are most vulnerable to movement restrictions because of their specific needs, and because of their status in society as a member of the “weaker” sex, who are assigned the roles of mothers, caretakers, and providers for their families, and whose primary responsibilities are in the home rather than in public life. Additional movement restrictions and the Wall only exacerbate these patriarchal structures, and prevent any real progressive empowerment of women. Ensuring the right to health for Palestinian women is a means for empowerment, development, and safeguarding their security as well as an end in itself.

1. Restriction of movement and the Wall increase poverty and malnutrition, ultimately making women more unhealthy and more vulnerable to harmful practices such as early marriage.

- As a result of military incursions, closure, and curfews, the withholding of Palestinian revenues, land confiscation and levelling, house demolitions, and the building of the Wall, the average income of Palestinian homes has declined by more than a third and 25% of the workforce has become unemployed since the beginning of the second *Intifada*. 47% of Palestinians live below the official poverty line (USD 2.1 daily/person) and 16% of Palestinians live under the minimum level of subsistence.³⁴ 11% of poverty-stricken households are female-headed households.³⁵
- The restriction of movement of goods impacts on food security and the health of women and children. Four out of 10 households are chronically insecure and there has been a decline in quantity and quality of food in 73% of the West Bank and Gaza.³⁶ The lack of access to nutritious diets that are low in vitamins and mineral content creates a vicious cycle of poor health, especially for women and children. Poor nutrition leads to weaker immune systems and mothers in fragile conditions will deliver babies in fragile conditions. These babies then grow up to be weaker mothers and more prone to illness.³⁷
- As a result of malnutrition, between October 2003 and September 2004, the World Health Organization (WHO) found that 69.7% of 1,768 expectant women within one month of delivery were anaemic. Overall, 31% of pregnant women are anaemic.³⁸
- Mekorot (the Israeli water company) cuts off and restricts water supplies to Palestinians in the OPT. This is exacerbated by physical movement restrictions, which prevent adequate and clean water supplies from reaching their destination. The construction of the Wall has damaged and

³⁴ World Bank (2004) *Four Years-Intifada, Closures, and Palestinian Economic Crisis: An Assessment*. October. Last accessed 11 April 2005, <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/wbgaza-4yrassessment.pdf>

³⁵ UNISPAL (2005) *Press Release, International Women's Day 2005: Towards a More Secure Future: UN Agencies operating in the Occupied Palestinian Territory Call for Action in Improving the Situation of Palestinian Women*, 8 March.

³⁶ UN News Service, *Palestinian Women Experience Major Poverty Induced by Loss of Spouses*, 15 February 2005. Last Accessed 11 April 2005 at <http://www.notes.reliefweb.int/w/rwb.nsf/0/3b34b52fd203b5cd49256faa00238c40?OpenDocument>

³⁷ Médecins du Monde (2005) *The Ultimate Barrier: Impact of the Wall on the Palestinian health care system*, February. Last Accessed 19 April 2005, at http://www.moh.gov.ps/main/pdf/health_and_wall_ultimate_barrier.pdf

³⁸ Supra, note 35

- completely destroyed wells, cisterns, reservoirs and/or water pipes while water tankers, in many cases, the primary source of water for rural areas, simply cannot move. Tanker water can be contaminated at several stages, from the original source, the well or cistern which it fills, or the tanker itself. In one survey, 85% of persons reporting infections live in communities without a wastewater network and are therefore dependant on tankers. Palestinian women, because they spend more of their time at home using water in their daily tasks, are more exposed to bad water and to dysentery, skin diseases, amoebic infections, and other water-related diseases.³⁹
- Early marriage has increased because families cannot afford to take care of their children. Further, families are afraid for their daughters travelling to educational institutions and tend to pull them out. Early marriage contributed to 46% of the drop-out rate of female students, particularly at the secondary level.⁴⁰
- In some Wall-impacted villages, 49.4% of girls marry by the age of 18 and 46.9% of women marry their first or second cousin. There is concern that once families are completely isolated into enclaves due to the Wall, options for girls will decrease even further and there will be an increase in early marriage and consanguineous marriages which are the main cause of genetic disorders among newborns. Genetic disease is a leading cause of death among newborn babies. Additionally, because of their location, these women are separated from institutions that work to empower them.⁴¹

2. Restriction of movement and the Wall directly prevent access to reproductive health services and contribute to the reduction of quality of reproductive health services for Palestinian women

- Since the construction of the Wall in June 2002, regular access to hospitals, private doctors, specialists, laboratory services, and other secondary and tertiary health care has been disrupted for 200,000 Palestinians. When the wall is complete, 32.7% of all West Bank villages will be denied free and open access to their health care system. 80.7% of people living in the Seam Zone and enclaves cannot access primary health clinics, medical centres, and hospitals as needed.⁴²
- Pregnant women, particularly those with high-risk pregnancies, are especially vulnerable to movement restrictions due to the Wall. For example, west of Bethlehem, patients of Battir, Husan, Wadi Fukin, Jaba'a and Al Walaja are not only isolated in the enclave but will be unable to get to Bethlehem because of the Wall surrounding Bethlehem. It will be almost impossible for pregnant women expecting a complicated delivery to reach a hospital in time from one of these areas.⁴³
- Since 2002, the number of home deliveries increased from 5.2% in 2000 to over 30% in 2003. This is due to checkpoints, curfews, closures, and the Wall, rather than by choice.⁴⁴
- Between September 2000 and October 2004, 61 women delivered at checkpoints and 36 of these deliveries were stillbirths.⁴⁵ According to an Israeli military order, ambulances are not subject to the permit system, but decisions about the severity of the patients' condition are often at the discretion of individual soldiers at a checkpoint.

³⁹ Palestinian Hydrology Group (2004) *Water for Life: Israeli Assault on Palestinian Water, Sanitation and Hygiene During the Intifada*. Water, Sanitation and Hygiene Monitoring Project (WaSH MP), May.

⁴⁰ Supra, note 35

⁴¹ Supra, note 37

⁴² Supra, note 37

⁴³ Supra, note 37. High-risk pregnancies can lead to severe illness or death. Pregnancy itself can create complications resulting in high-risk, including, but not limited to: gestational diabetes and haemorrhages. Many women who suffer from chronic illnesses require special attention throughout pregnancy.

⁴⁴ Wick, L. and Mikki, N. (2004) *Childbirth in Palestine: Reported Practices and Evidence-based Guidelines*. Institute of Community and Public Health, Birzeit University: Birzeit, Palestine.

⁴⁵ Supra, note 37

- The number of women receiving postnatal care decreased from 95.6% to 82.4%. 37.9% of women reported that access to health services became difficult. 44% of these women stated that the Occupation was responsible while 27% cited their reduced financial situation.⁴⁶ According to the Ministry of Health, in 2003, conditions in the prenatal period are the third leading cause of death for women in their reproductive years. This is likely to increase as access to hospitals to receive necessary care is restricted.
- Due to movement restrictions, the number of home deliveries in the absence of skilled professionals, or with midwives who have years of experience but no medical experience, has increased. In Gaza, the number of home deliveries without adequately skilled attendants is expected to rise to 10-12 deliveries per day.⁴⁷
- Women find it difficult to obtain hygiene and health support materials such as sanitary pads or contraceptives since supplies cannot be replenished.⁴⁸

3. Movement restrictions, including the Wall, rupture Palestinian women's traditional coping mechanisms

- Movement restrictions have ruptured the tight-knit social structure of Palestinian families. As a result, women in need of help are cut off from the support of their families. The Palestinian Central Bureau of Statistics (PCBS) states that 30.6% of Palestinian households or one of their individuals in the localities affected by the Wall has been separated from relatives. 2.6% of the Palestinian households in the localities affected by the Wall have been separated from the father.⁴⁹

⁴⁶ Ertürk, Y. (2005) Integration of the Human Rights of Women and the Gender Perspective: Violence against Women," *Report of the Special Rapporteur on Violence Against Women, its causes and consequences*, UN Commission on Human Rights, 2 February, UN Doc. E/CN.4/2005/72/Add.4

⁴⁷ Cited in Kuttab, E. (2002) *The Impact of Armed Conflict on Palestinian Women*, April. Last Accessed 11 April 2004, at <http://www.womenwarpeace.org/opt/docs/UNIFEMSTUDYFINALApril2002.pdf>

⁴⁸ Ibid.

⁴⁹ Wafa Palestine News Agency (2004) *PCBS: The Apartheid Wall Splits 80.7% from Medical Services*, 24 August. Last accessed 23 April 2005, at <http://english.wafa.ps/body.asp?field=enews&id=1808>

Sworn Statement, Maysoun Saleh Nayef Halek, 29 yrs⁵⁰

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Maysoun Saleh Nayef Hayek, holder of ID # 945863677, born on 8 October 1979, a housewife and a resident of the vicinity of Salfeet, would like to declare the following:

On 25 February 2002, I felt labour pains at about 12:00 midnight. I woke up my husband (Mohammad Abdallah) but he asked me to wait until the morning saying that he would not dare to move around due to the checkpoints and the soldiers on the roads. The labour heightened and I could not bear it any more. At about 2:00 am, my husband, my father-in-law (Abdallah Dahoud) and I left the house in my husband's car – a 1984 blue Subaru. When we arrived at the Huwwara checkpoint, my husband stopped the car far from the checkpoint, waiting for the soldiers to give him a sign to proceed. One soldier showed a blinking torch, a sign to proceed. The soldiers searched my husband and my father-in-law, and the bag of clothes I had next to me. When my husband told them that I was going to give birth in a hospital, they also asked me to show my stomach as proof that I was pregnant. They allowed us to go through. It was about 2:30 am. My husband drove for 600 metres in the direction of Nablus when suddenly I heard shots in the distance. I told my husband that the soldiers were shooting at us. He did not respond and kept on driving. He proceeded for 50 metres but the bullets were hitting the car like rain. I lay on the car's floor to hide my body away in the back seat and I placed the clothes bag on my back to protect me. The shooting lasted for almost five minutes. I tried to put my hand on my husband's face and asked him if the shooting had finished but he did not answer. I saw his mouth open and saliva was coming out as though he was taking his last breath. His head had dropped to the right side and his hands were still holding the steering wheel. The windshield was all gone as a result of the bullets.

My father-in-law was screaming in pain and the labour pains grew stronger. I saw a lot of soldiers in front of me. I called out at them using the word "baby" which I think some understood. They started to talk to me in Hebrew as they pointed the guns towards me. They used signs and gestures. I understood that they wanted me to show them how pregnant I was which I did. One soldier asked me to take off my robe, which I did. But it was not sufficient and he asked me to remove the T-shirt and the trousers. I had no choice and I was ready to go as far as that in order to get to the hospital before it was late. He asked me to take off my underwear which I did. After this humiliation, they fetched a stretcher from one of the tanks. I was naked. I was carried to a tank and was given intravenous glucose into my arm. A few minutes later, they brought my father-in-law inside the tank. They drove for almost half an hour. I was thinking they were taking me to a nearby hospital but it turns out they were taking us back to the Huwwara checkpoint. We were taken out of the tank and were laid nude on the stretchers for almost one hour. I was so angry that I started shouting at them. I was cold so they gave me back my robe with which I covered my body. They were trying to bring in an ambulance. The Israeli soldiers threw me off the stretcher and an Arab medical team put me into the ambulance and took me to the Rafidia Hospital where I gave birth to my baby girl whom I named Fida.

After regaining consciousness I was told by the doctors that I was hit by a bullet in my left shoulder and shrapnel in my right shoulder. My 64-year-old father-in-law was hit by a number of bullets. I had been in the back seat while he was in the front seat. He was not taken in the same ambulance with me, and is currently in Rafidia Hospital in critical condition I left the hospital five days later. My husband was martyred as he was driving me to hospital.

This is my declaration and hereby I sign, 7 March 2002

Signature: Maysoun Saleh Nayef Hayek

Name not withheld from publication

Field Researcher: Yusuf Qawariq

⁵⁰ Al-Haq Affidavit No. 576/2002 (Legal Unit)

Sworn Statement, Adeebah Ibrahim Saleh As'ad, 32 yrs⁵¹

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Adeebah Ibrahim Saleh As'ad, holder of ID # 086037058, born on 19 March 1973, carrying mobile phone number [withheld], and resident of Al Wata/Tantour, Bethlehem Governorate, would like to declare the following:

I live in the Al-Wata/Tantour area located about 100 metres from Aida Refugee Camp. I live in a house made up of two rooms, a kitchen and a toilet. I have five children and my husband supports his parents' family of eight who live next to our house in one room with the kitchen and the toilet. In the vicinity, there are also three other families living next to us, the Jados, the A'miahs and the Darwishes. We all suffer from the Apartheid Wall which is 9 metres high, cuts through the northern parts of Bethlehem, and extends through our neighbourhood and Aida refugee camp and goes up to Beit Jala. It is about 100 metres away from my house on the eastern side.

We carry Jerusalem ID cards so our situation is somewhat easier than that of our neighbours who carry West Bank ID cards. However, after the construction of the Wall, it is difficult for us to go to Bethlehem. We have to walk on a rocky path of one kilometre to reach a hole in the Wall nearby Aida Refugee Camp that would lead us to Bethlehem. The rocky path makes it difficult for us to transport food and the lack of services, including educational and medical services, have all become a heavy burden on us. I resort to Jerusalem but I have to walk for a distance of one kilometre or longer before I reach the nearest town of Beit Safafa, which is the same trouble that my children have to go through to reach school. My children used to go to a school in Aida camp but the Wall made it impossible to maintain the status quo. I had to change their school to one in Beit Safafa. I wish I did not have to do that because the children suffer. My husband who is a labourer also has a share of suffering. He also has to walk those long distances while exposing himself to various dangers of being harassed by Israeli patrols. Sometimes, the soldiers come to our house and tell us that we have to leave despite the fact that we carry Jerusalem ID cards.

I no longer am able to go to Bethlehem like I used to. It is such an inconvenience because my parents live in Beit Jala. My family members carry West Bank ID cards. I visit them once every one or two months. They stopped visiting me due to the risks involved in the trip to our house. It is so ironic. I can spot my parents' house from where I live and yet it is so difficult to reach them after the construction of the Wall. In addition to the risks we feel and the danger of being displaced, my children and I also suffer psychologically. It is not easy to move around. Our moves are restricted to the neighbourhood. My children do not play as they used to before. Their behaviour has become violent. They prefer to stay home rather than go and visit their grandparents (my parents) to avoid risks on the path where soldiers keep tight patrols along the wall and at the opening in the Wall nearby the Aida Refugee Camp.

I stay in contact with my parents through the mobile phone. We do not have a telephone line because we live outside the Wall although we pay all our taxes as Jerusalem ID holders. The municipal council and the Ministry of Interior do not provide any services for us (roads, water, telephones, or transportation). We get our water from the Palestinian Authority and we often resort to Bethlehem to obtain other services due to the difficulty in accessing Jerusalem. As a matter of fact, going to Jerusalem or Bethlehem has become risky. As a result, I have started to feel isolated because of being confined to the house and my few ventures to Bethlehem or Jerusalem.

Thanks to an opening in the Wall at the Aida camp point, I am still able to see my parents. If they close that opening, it will take me at least two hours to go to Beit Jala. I need to go first to Beit Safafa and then Beit Jala. It used to take me five minutes to reach their house before the construction of the Wall.

Now, everything has changed...

In case of emergencies and the need for medical services, we have to depend on ourselves. Although we are entitled to medical services because we carry Israeli IDs, Israeli ambulances would not come to help

⁵¹ Al-Haq Affidavit No. 1948/2004 (Legal Unit)

us, nor would a Palestinian ambulance be allowed to reach our neighbourhood. We find it hard to access a medical centre for services.

This whole situation is getting to me. I am becoming negative, nervous and frustrated more than anyone else, including my children and my husband. The mere thought of leaving for Jerusalem or Bethlehem to get something fills me with frustration and anger. Before the construction of the Wall, taxis would come and pick us from there and gas cylinder and vegetable selling cars would serve us without a problem. We even bought our vegetables and taxis reached us, but all that has changed now. This has burdened me. I feel lonely. My husband is at work and I have to deal with the children. These days, if one of them got sick we have to walk to see the doctor. In the past, a taxi could come and pick us from our front door. They also used to go to school in Aida on their own but now they need company because of the rocky road, and the fact that I am always worried about them in case they are stopped by Israeli soldiers who then harass them. The children are also afraid of the soldiers. These burdens have increased after the construction of this damned Wall in this region.

This is my declaration and hereby I sign, 29 August 2004

Signature: Adeebah Ibrahim Saleh As'ad

Name not withheld from publication

Field Researcher: Ziyad Hmeidan

Sworn Statement, Attallah Ibrahim A'teih Bisharat, 52 yrs⁵²

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Attallah Ibrahim A'teih Bisharat, holding ID # 98855734, born in 1953, labourer, and resident of Jaba' village located in the vicinity of Jerusalem, would like to declare the following:

I live in the village of Jaba', which is located in the northeast of the city of Ramallah. On 25 August 2000, at about 3:00 pm, my granddaughter, Shams Edin Ibrahim Bisharat, who was born on 13 August 2001 fell on the floor from her bed on her head. She was almost a year and 12 days old. There was no injury or blood. I took her immediately from the house to the medical centre in Al Ram which is about four kilometres away from where I live. I took the main Jericho road to find that a makeshift checkpoint was installed to check the IDs of people and documents of vehicles moving in both directions. There were only five cars ahead of me. I got out of the car and went to talk to the soldiers to explain the situation and to tell them that the girl needed to go to hospital and that she was unconscious and was in critical condition. I begged the soldiers to let me in but one soldier, who I think was resentful against anything Palestinian, said that this was not his problem and that we had to wait for our turn. I said that the girl might die but he said that he did not care and said that I had to wait for my turn.

The Israeli occupation soldiers took their time in checking the people's IDs. It took us 25 minutes before my turn came. However, the rules of the occupation game stipulated that everyone needed to wait at the 'stop' sign until a soldier waves his hand to proceed. I waited for another 40 minutes for the sign of mercy from the Israeli soldiers so that they can check our IDs and allow us to take her to the Salam Medical Centre. I did not give up on trying to convince the soldiers to let us in. I even asked the soldiers to take a look at her inside the car hoping that this would convince them that she is struggling for her life. But they are occupying soldiers and do not care what happens to us. One soldier told us that he will let us through when it is time. I looked at Shams in the back seat but it was too late...she was dead. When our turn came, the soldier did not bother to look at the car and he did not even bother to speak to us. He did not even check our documents. I pointed to the baby and told him that she died. He waved for us to leave. He just said 'go' in Hebrew. I arrived at the medical centre at 4:30 when the doctors confirmed that Shams died half an hour before, because she had not been offered proper medical care ... Under normal circumstances, a trip from Jaba' to the medical centre would have taken us seven minutes. However as a result of the checkpoints, it took us an hour and a half to get there. She could have lived if we were not delayed at that damned checkpoint.

Shams (sun in English) had set off from the lives of her parents forever.

This is my declaration and hereby I sign, 6 October 2001

Signature: Attallah Ibrahim A'teih Bisharat

Name not withheld from publication

Field Researcher: Manaf Abbas

⁵² AI-Haq Affidavit No. 330/2001 (Legal Unit)

Annex I: Information about the partners

Al-Haq, the West Bank affiliate of the International Commission of Jurists - Geneva, is a Palestinian human rights organisation located in Ramallah, West Bank. The organisation was established in 1979 to protect and promote human rights and rule of law in the Occupied Palestinian Territories (OPT), and has special consultative status with the UN Economic and Social Council. Al-Haq is committed to the uniform application of the universal principles of human rights regardless of the identity of the perpetrator or victim of abuse.

For more information:
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Women's Centre for Legal Aid and Counselling (WCLAC) is a Palestinian women's rights organization that aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of the increasing militarization associated with the Israeli occupation. To this end, WCLAC acts not only to reverse historical negligence, the negative cultural legacy and social outlook towards Palestinian women within the community, but also, to address the needs of women victimized by Israel's violent military actions in the Occupied Territories. WCLAC received the 2005 NGO Excellence in Achievement Award from the Welfare Association and in May 2005, was granted special consultative status with the UN Economic and Social Council (ECOSOC).

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The Palestinian Centre for Human Rights (PCHR) is an independent non-profit organization based in the Gaza Strip. The Centre was established in 1995 by a group of Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards and to create and develop democratic institutions and an active civil society in Palestine. The Centre enjoys consultative status with the ECOSOC of the United Nations. It was granted the 1996 French Republic Award on Human Rights and the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights. The Centre is an affiliate of the International Commission of Jurists, the Federation Internationale des Ligues des Droits de l'Homme (FIDH), and the Euro-Mediterranean Human Rights Network.

For more information:
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