

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: AL PSE 2/2023
(Please use this reference in your reply)

5 October 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 50/7, 52/9, 50/17, 52/4 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the increasingly limited civic space within which women's civil society organizations and women human rights defenders are currently operating, due to ongoing harassment, defamation and threats, both on and offline, as well as the deepening disinformation campaigns concerning the Convention on the Elimination of All Forms of Discrimination Against Women and the State of Palestine's adherence to it.**

According to the information received:

On 26 June 2021, during widespread peaceful protests in the West Bank in the aftermath of the killing of Palestinian activist Mr. Nizar Banat¹, women human rights defenders and female journalists were reportedly specifically targeted with violence and subjected to sexual assault, sexual verbal abuse and threats of rape by members of the Preventive Security Forces of the Palestinian Authority, some of whom were dressed in civilian clothing. Attempts were also made to confiscate mobile phones and cameras from the women, some of them successful, after which personal information was disseminated online with posts suggesting that they were sexually promiscuous or engaging in prostitution.

In one case, a woman human rights defender was subsequently subjected to an online smear campaign after photos from her phone were used to create a fake Instagram account. Personal photos from her confiscated phone, along with fabricated pornographic images, were then shared widely on social media with captions suggesting she was having an extra-marital affair. Male family members and acquaintances also received messages from her phone with personal photos, captioned "I am a whore and I need a man to sleep with." She was also bombarded with messages containing sexual content, some of which included direct threats to her life. Despite filing a complaint with the police, no

¹ AL PSE 3/2022

follow up action has reportedly been taken.

Since 2019, following the amendment of the minimum age of marriage, in addition to being singled out for participation in demonstrations, Palestinian civil society organizations, women's organizations and women human rights defenders in the West Bank and Gaza who have publicly advocated for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the draft Family Protection Bill aimed at enhancing gender equality and protection from domestic violence and violence against women, have been increasingly targeted through rallies, public billboards, and online hate campaigns, including on social-media accounts with tens of thousands of followers. Moreover, staff members of organizations headed by women human rights defenders have reportedly received direct threats against them, with their names and pictures having been exposed on social-media platforms, in posts involving hate speech, threats, incitement to violence, sectarian slurs, slander and disinformation. Women human rights defenders were described in these posts as foreign agents, collaborators with the occupying forces and a threat to Palestinian society. Verbal abuse has reportedly been used during sermons in mosques, criticizing the work carried out by some women's organizations on the prevention of sexual and gender-based violence and child marriage.

Structured smear campaigns, allegedly orchestrated by political parties claiming to preserve social values, morality and religious discourse, are increasingly targeting Palestinian women's rights organizations. These campaigns aim to tarnish the reputation of women's organizations within Palestinian society. Such campaigns have emerged against the backdrop of opposition by some powerful political and social figures, to the adoption of legislation that seeks to improve the prevention and response to violence against women and girls in Palestinian society, such as the Family Protection Bill, which addresses a myriad of social issues affecting vulnerable populations in the West Bank, including: the legal age for marriage; gender inequality in inheritance; divorce; gender-based violence; and domestic violence.

Despite there being a decree by the Council of Ministers dating back to 2018 to refer the Family Protection Bill for promulgation via presidential decree (in the absence of a functioning Palestinian Legislative Council), the draft has yet to be submitted, in part due to the lack of political will and the resistance of certain political and religious actors in society to adopt it.

Broader efforts to align national legislation with the CEDAW was met with similar opposition, with local religious scholars and traditional tribal leaders, fueling negative perceptions relating to the perceived 'foreign' nature of the regulations and criticism that the Convention is not in accordance with Palestinian culture and Islamic Law, and calling for the State of Palestine's withdrawal from the Convention.

On 30 August 2023, the Palestinian Scholars Association, - in partnership with the Ministry of Awqaf and Religious Affairs; the Islamic Sharia College; the Sharia and Law College at the Islamic University; the Council of Islamic Judiciary; and the Liberation Party, organized a conference entitled

"International schemes to demolish the Muslim family: CEDAW as a module." The conference was reportedly attended by approximately 200 participants, and addressed working papers that included reference to positions, insights and efforts aimed at manipulating opinion against the CEDAW and misrepresenting the work being carried out by women's organizations to implement it and to uphold the legal obligations of the State of Palestine under the Convention. Following the conference, the organizers published a list of recommendations, including: rejecting foreign intervention in issues pertaining to women and family issues in Islamic countries by completely boycotting institutions and associations that promote international Conventions that contradict Islamic law; calling on the Ministry of Education to prohibit the teaching of subjects related to such Conventions; refraining from granting new licenses to women's associations that adopt a secular approach and that promote principles that "contradict" Islamic law (such as those contained in the CEDAW). The adoption of such recommendations only seeks to further defame the work of women's rights organizations and women human rights defenders, as well as to incite violence against them.

The response from senior government officials has reportedly lacked assertiveness in the face of these attacks against the CEDAW and the women human rights defenders who are working to promote it. Moreover, some statements by public officials have indicated an openness to relegating the State of Palestine's international human rights obligations. For example, in 2019, the opening statement of the session held by the Council of Ministers noted that: "*Our religious and national values rise above everything else*". Furthermore, some senior representatives of the Palestinian Bar Association have reportedly supported the reactionary discourse and objected to the dissemination of the CEDAW.

Without prejudging the accuracy of the above-mentioned allegations, and while we commend the adoption of the CEDAW in 2014, along with the subsequent efforts that have been made to improve the institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, we are deeply concerned about the aforementioned allegations of harassment, intimidation and smear campaigns against women's civil society organizations and women human rights defenders, as well as for their physical and psychological security. These attacks appear to be directly related to the exercise of their rights to freedom of expression, freedom of peaceful assembly and association, through their legitimate work in the promotion and protection of human rights in the occupied Palestinian territory.

Concern is also expressed that these acts violate the right to privacy, discourage women from participating in activism and human rights work, and reinforce patriarchal norms. The confiscation and hacking of phones, as well as the dissemination of personal information, put women's lives at risk and perpetuate negative social and cultural practices. Such actions not only discourage women's active participation in the public sphere but also contribute to the stereotyping of women into traditional roles in society.

The reported continuous cycle of intimidation against women activists, independent journalists, lawyers and women human rights defenders is deeply worrying. These allegations appear to constitute State-endorsed persecution, including

the use of defamation and online threats against women.

We are further concerned that it appears that investigations are often not initiated in response to official complaints, and even in cases where they are underway, no perpetrators have been held to account at the time of writing.

We would like to encourage your Excellency's Government to take all possible measures to prevent the recurrence of such incidents, including by taking appropriate measures to end harassment and persecution of women human rights defenders and journalists in the West Bank, both on and offline. It is crucial to address the climate of impunity and promote a safe environment for those working to defend human rights, particularly women human rights defenders and women's organizations.

We also wish to encourage your Excellency's Government to take tangible and robust steps to counter the attacks against the State of Palestine's adherence to the Convention, and to put an end to the disinformation campaigns concerning the Convention in line with CEDAW. The CEDAW Committee's General comment 35, emphasizes the importance of the continued adherence of the State of Palestine to the Convention; the obligations it creates on the State of Palestine and all State and non-State actors in Palestine, with regards to upholding the rights protected under CEDAW, and the important role that the CEDAW and other treaties that your Excellency's Government are party to play in advancing the human rights and the respect for them.

The pace with which the Palestinian authorities have followed up on the revision and harmonization of numerous national laws with its obligations under the CEDAW is also of concern. The lack of such progress is particularly concerning given the continued exposure of women and girls to violence, the challenges they encounter in accessing justice, as well as the low reporting for fear of reprisals and the widespread impunity for such acts.

The mandate of the Special Rapporteur on violence against women and girls has encouraged the Government of Palestine to adopt the draft legislation on domestic violence/family protection in line with accepted international standards.

We fully understand that the ongoing Israeli occupation of the territory of the State of Palestine, as well as the expansion of settlements and the continued blockade of Gaza which are illegal under international law, pose severe challenges for the State of Palestine to fully implement its human rights obligations including under the CEDAW, and leads to grave violations of the rights of Palestinian women and girls. While we recognize that the above-mentioned challenges limit the State of Palestine's effective control and jurisdiction over its own territory, the State of Palestine is obligated to take all possible measures to implement its human rights responsibilities, including those relating to women and girls and to the rights to freedom of peaceful assembly and of association, in all parts of the territory it has control over. In this regard, we wish to recall that despite these challenging circumstances, the State of Palestine took steps to ratify seven of the nine core human rights treaties plus one of the substantive protocols in 2014, including CEDAW without reservations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which

cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. In the event that the alleged perpetrators have been identified, please provide the full details of any investigation that has been carried out, and indicate whether penal, disciplinary or administrative sanctions have been imposed.
3. Please provide the full details of any protection measures that have been put in place to ensure the physical and psychological security and integrity of women human rights defenders and the staff members of women's organizations operating in Gaza and the West Bank, as well as that of their families.
4. Please provide information on the measures your Excellency's Government has taken to ensure that women human rights defenders and civil society organizations in the State of Palestine are able to carry out their legitimate human rights work, free from any kind of restrictions, including threats, criminalization, attacks and judicial harassment.
5. Please provide information on the action taken by your Excellency's Government to prevent disinformation campaigns on the purpose of the CEDAW that seek to undermine the State of Palestine's adherence to the Convention.
6. Please provide information on the intentions of your Excellency's Government to publish CEDAW and the Optional Protocol in the official Gazette.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on the same subject will be simultaneously transmitted to the de facto authorities in Gaza.

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Francesca Albanese

Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Annex

Reference to international human rights law

In connection with above above-mentioned alleged violations and concerns, we would like to refer your Excellency's Government to the fundamental principles set forth in the International Covenant on Civil and Political Rights (ICCPR), ratified by the State of Palestine on 2 April 2014. In particular, we would like to refer to article 9, which ensures the right to liberty and security of each person.

We would also like to draw your Excellency's Government's attention to article 19 of the ICCPR, which states that everyone shall have the right to hold opinions without interference and the right to freedom of expression. We further refer to the general comment No. 34 (2011) of the Human Rights Committee, which provides in paragraph 9 that "All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature... The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1." (ICCPR).

We would also like to refer to article 21 of the ICCPR, that states that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline. We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose. We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

In its general comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. A failure to investigate and bring perpetrators of such violations to justice could, in and of itself, give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

Furthermore, we refer to the resolution 68/167 on the Right to Privacy in the Digital Age, adopted by the General Assembly in December 2013, which affirms that the rights held by people offline must also be protected online, and it called upon all States to respect and protect the right to privacy in digital communication, to review

their procedures, practices and legislation related to communications surveillance, interception and collection of personal data.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 6 (a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 11, which provides that everyone has the right, individually or in association with others, to the lawful exercise of their profession;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;

We would like to draw the attention of your Excellency's Government to General Assembly Resolution 68/181, as well as to Human Rights Council Resolution 31/32, in which States expressed particular concern about the systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders. Such policies and programmes should be developed with the participation of women human rights defenders themselves (OP5, 19 and 20).

We would further like to remind your Excellency's Government of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular article 7, acceded to by the State of Palestine on 2 April 2014, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country. In its article 5 (a), CEDAW

also asks States “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

Furthermore, in its general recommendation No. 35 (2017) on gender-based violence against women, updating the general recommendation No. 19 (1992), the CEDAW Committee refers to the obligation of States Parties, its bodies and agents to refrain from engaging in practices of direct or indirect discrimination against women and to ensure that public authorities and institutions act in accordance with that obligation ([CEDAW/C/GC/35](#)). The Committee further recommended that States encourage the private sector, including businesses and transnational corporations, to take all appropriate measures to eliminate all forms of discrimination, including violence against women, and to take responsibility for any forms of violence. It follows that online and social media should be encouraged to create or strengthen mechanisms focusing on the eradication of gender stereotypes, and to end any gender-based violence committed on their platforms.

More recently, the Independent International Commission of Inquiry on the Occupied Palestine Territory submitted a report (A/HRC/53/CRP.1) to the Human Rights Council’s 53rd session, noting that “women human rights defenders are often more heavily penalized for their work, and also face potential social repercussions that can have greater impact on both their public and private lives”. It noted also that “women human rights defenders have been subjected to nationwide hate campaigns by anti-gender rights groups, fueled by their objection to implementation of the Convention on the Elimination of All Forms of Discrimination against women and preventing harmful practices”. The report includes references to deeply concerning incidents of direct threats being levied against women human rights defenders, including “hate speech, threats, incitement of violence, sectarian slurs, slander and disinformation”.

As indicated in the report of the mandate on violence against women and girls on online violence against women and girls (A/HRC/38/47), the obligation to protect victims of online violence against women encompasses the establishment of procedures for the immediate removal of gender-based harmful content through the elimination of the original material or its distribution. Protection also requires immediate judicial action in the form of national court orders and the prompt intervention of Internet intermediaries and, occasionally, may also require extraterritorial cooperation. It includes the provision of accessible services for survivors, such as legal aid services. Protection also includes the obligation of States to take positive action to eradicate all forms of violence, including manifestations of online violence, even where an individual has not come forward to make a complaint (for example, in the case of online forums generally advocating for violence against women).²

In her report on her visit to the State of Palestine in 2016 (A/HRC/35/30/Add.2), the Special Rapporteur on violence against women and girls noted the ongoing efforts that the Government had taken at that time, while urging the latter to urgently repeal discriminatory provisions and also revise laws that are inconsistent with the State of Palestine’s international human rights obligations.

² Para. 67