

Palestinian women celebrate legal win with eye toward greater victories

Palestinian women welcome their government's move to change a handful of laws that are unfair to women, but the road to full equality is still very long.

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RAMALLAH, West Bank — Women warmly welcomed the government's declaration of a "package of decisions and measures to [address] laws that are unfair to women," March 5 in advance of International Women's Day. But they want more.

The government called on President Mahmoud Abbas March 5 to issue a decision to amend Penal Code No. 16 of 1960 by adding a fifth paragraph to Article 99 excluding honor crimes against women from their customary consideration of extenuating circumstances. The government also called for abolishing Article 308 of the Penal Code, which exempts a perpetrator of rape from prosecution and punishment if he marries his victim.

There were also changes to the regulations governing child custody and measures to fight discrimination against women. Women gained the right to obtain passports for their children, open bank accounts for them and transfer them between schools.

Activist Nahed Abo Tueima, who played a significant personal and professional role in demanding these legislative measures, described the amendments as incomplete. She told Al-Monitor that more action was required for the amendments to be complete and to ensure women's independence and interests.

Abo Tueima, who is divorced and has custody of her daughters, could not open saving accounts for them and move them from one school to another without her ex-husband's approval. Her worst experience was when she needed a passport for one of them to travel for medical treatment and could not get one without her ex-husband's permission despite the pressing need.

"I cannot even approve of my daughters' marriage without their father's approval, and they won't be able to do that either. Male guardianship is still the foundation of our society," she said. Abo Tueima called on the government to lift all forms of guardianship over women, not just financial, to ease their lives.

Randa Saniora, director of the Women's Center for Legal Aid and Counseling, told Al-Monitor that while the changes do not go far enough, "we can build on this step. The

amendment of Article 99 was important, as many murder cases are considered to be honor crimes, even when they aren't, to give the perpetrator a reduced sentence."

Saniora said that the biggest success was the elimination of Article 308, which is the most unfair to women, saving them "from a life of violence."

Khadija Zahran, director of legislation and policy monitoring at the Independent Commission for Human Rights, said that the amendments are the result of lengthy legal and rights efforts that the commission took part in alongside women's associations. She emphasized that the road to amending Palestinian laws to fully respect human rights is still long, but noted, "Something is better than nothing."

Zahran told Al-Monitor that despite these achievements, a comprehensive new penal code is needed to suit modern Palestinian families and their social reality. "It should also be in line with international human rights law and international treaties and conventions ratified by the Palestinian Authority." She added, "The current penal code as a whole is the problem, not just one or two articles."

Saniora explained, "The Personal Status Law is the real problem, as it still includes provisions that are unfair to women and that clearly discriminate against them. Amendments will not be sufficient. The Jordanian law in place should be abolished and a Palestinian law should be drafted."

She said, "The law clearly contradicts international treaties that the PA has signed." These treaties include Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women, which Abbas signed in 2015.

Major battles have yet to be fought to amend all the laws that still threaten Palestinian women, Saniora concluded.

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