

A LEGAL LITERACY CAMPAIGN FOR PALESTINIAN WOMEN

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Introduction

Perceiving women's rights as an integral part of human rights is a relatively new phenomenon in Palestinian society. The Palestinian women's movement, which has been evolving since the beginning of this century, has focused primarily on the Palestinian national struggle; thus, it has developed in parallel with the Palestinian liberation movement. In essence, Palestinian women's groups worked in support of the Palestinian national agenda without formulating a clearly defined orientation to women's issues as such. The many grass-roots women's organizations which emerged in the 1970s and 1980s perceived, in theory, the strong relationship between the political emancipation of Palestinian women and their corresponding socio-economic and legal emancipation. Unlike earlier Palestinian women's organizations, recently formed grass-roots organizations have developed a decentralized structure which allows more women to contribute to decision-making processes. In practice, however, the Palestinian women's movement has traditionally attended more to the requirements of the national struggle than to needs and problems unique to women in this historical and cultural context. It was not until the late 1980s that Palestinian women began to raise new questions and chart a different course.

In the early 1990s, Palestinian women, although maintaining their significant role in the Palestinian national struggle, also began to realize the urgent need to address social, economic and legal factors which contribute to the oppression of Palestinian women. Discussions within the movement focused upon the need for a well-defined Palestinian women's agenda. Gradually, various groups initiated new projects and activities in order to address the leading social, legal and human rights issues confronting Palestinian women. Activists also began developing empowerment programs for Palestinian women.

This report provides a brief but comprehensive survey of

Palestinian women's initiatives in developing programs to enhance Palestinian women's awareness and understanding of the concept of women's rights and human rights, thus ensuring women's increasing empowerment within Palestinian society. The report focuses primarily upon women's initiatives in developing legislation based on equality and non-discrimination which draws upon international principles and standards for the protection of human rights generally and women's rights specifically.

*Struggling for Equality:
Using the Law as a Tool
for the Empowerment
of Palestinian Women*

Beginning from the firm conviction that the law can be an effective tool for empowerment, Palestinian women's groups began to focus their lobbying efforts on the adoption of legislation based on equality and non-discrimination of women. These efforts commenced with a campaign to raise social awareness about women's legal and human rights and to encourage open discussions within Palestinian society concerning the legal and social status of Palestinian women. After the election of the Palestinian Elected Council (The Legislative Council) for the West Bank and Gaza in January 1996, Palestinian women activists began lobbying the new legislators in earnest. The women held many meetings with key members of the Legislative Council, as well as with members of political decision-making bodies within the Palestinian National Authority (PNA). The activists' aim was the adoption of legislation based on the principles of equality, non-discrimination, and respect for human rights. Women's groups undertook parallel consciousness-raising efforts concerning human rights at the popular, grass-roots level.

The main obstacle to the development of effective legal discourse and practice in Palestinian society in the West Bank and the Gaza Strip over the past three decades can be attributed to the long years of harsh Israeli military

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occupying forces to further control and circumscribe Palestinian society. As a result of this historical experience, few Palestinians perceive the law as an instrument for positive social and political change.

But this difficult political situation itself served as a catalyst for women's mobilization and participation in the national struggle. Economic hardships obliged Palestinian women to enter the work-force for the first time as wage-laborers. As a result of so many changes on the political, social and economic levels, Palestinian women began to view themselves and their roles in new ways. Palestinian women's grass-roots organizations were the sites of critical discourse and new action plans. These organizations initiated a number of income-generating projects for women, mainly in the form of cooperatives, day-care centers, and various other projects geared towards increasing women's decision-making abilities. These activities and experiences led many women activists and lawyers to realize the need for legal reform as an important mechanism for change within Palestinian society.

Concerted attempts to raise awareness of the importance of legal reform began in the early 1990s, sparked by ongoing debates concerning women's fate in the event of national liberation. Would Palestinian women, like Algerian women, be pushed back into the private, domestic sphere of life following liberation? Or would they have a better chance at maintaining their new-found political and economic status after the national struggle was realized? Palestinian women faced up to the challenges posed by these questions. Realizing that no clear plan of action would be adopted without their efforts and in-put, women activists began to organize their work and developed a comprehensive women's agenda, in which the role of law was highlighted as a tool for empowerment. Law, in this context, referred not to the isolated legal text itself, but to two other key components of any

occupation of Palestinian territory. Since 1948, Palestinian men and women alike were prevented from participating in democratic processes concerning the governance of their own country. Under Israeli occupation, the legal framework remained static. The only amendments and changes came in the form of new military orders devised by the

occupying forces to further control and circumscribe Palestinian society. As a result of this historical experience, few Palestinians perceive the law as an instrument for positive social and political change.

legal system: the structure of legal principles and the culture of the law. Focusing on the legal text alone cannot in and of itself lead to positive changes. What is also required is a serious attempt to enforce laws thoughtfully and effectively. The women activists also focused on the need to change the attitudes of both men and women concerning the role of law in their lives, and their own gender roles in Palestinian society.

To achieve awareness and transform attitudes, Palestinian women's groups convened a number of workshops and training sessions devoted to examining legal and social rights. In a local conference sponsored by the Women's Unit of Bisan in Jerusalem in 1990, women's social problems were voiced openly for the first time. Women spoke publicly about such sensitive issues as domestic violence, veiling, early marriages, personal status laws, and divorce. This ground-breaking conference was the first of many such events.

An event which no Palestinian woman activist will ever forget was the 1991 seminar on battered women organized by the Women's Studies Center in Ramallah. Long and contentious debates preceded the event, the key points of debate being whether or not it was too early to address such a difficult topic, and whether or not the activity should be open to men as well as to women. Since it was the first major activity to address the topic of gender violence in Palestine, the organizers decided that only women would be allowed to attend. Despite the absence of men from the discussion, the prevailing mood was one of tension and unrest; most of the participants felt it was an extremely sensitive issue. Some women felt that the phenomenon of domestic violence simply did not exist in Palestinian society and hesitated to reflect on their own experiences. The seminar on battered women was complemented by numerous other discussions and workshops on the topic. Having so often been the victims or the witnesses of violence in their everyday lives during occupation, Palestinian women have participated actively in international campaigns to combat violence against women. In the West Bank and the Gaza Strip, a number of organizations are focusing their work on providing legal, social and psychological counseling to women victims of gender violence. The current support system, although still

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not up to the desired standards, provides a wide range of services to victims of gender violence regardless of social background.

The issues of the greatest significance to Palestinian women activists are also the most sensitive issues in contemporary Palestinian society: marriage, divorce, child custody, inheritance, and polygamy. These issues are classified under the general heading "personal status issues." The sensitive nature of personal and family status matters stems from the fact that laws pertaining to these issues are influenced primarily by Islamic law, *al-shari'a*, which is based on verses of the Qur'an and precedent-setting decisions and judgments of the Prophet Muhammad known as *al-Hadith*.

In addressing the complex topic of personal status laws, Palestinian women's organizations have based their discussions on the principle of the law's flexibility and hence, its openness to a variety of interpretations. *Shari'a* law embraces different schools of thought and tolerates various opinions concerning almost every topic. The legislative power of one Islamic country could, therefore, theoretically develop legislation differing from the legislation prevalent in other Islamic countries. Thus, Palestinian women could also press for changes in personal status legislation based upon progressive interpretations of *al-shari'a*. Palestinian women activists see this strategy as the most realistic approach available for treating this sensitive issue. In the long run, however, Palestinian women know that their efforts must lead to the adoption of a civil family status law as an alternative legal framework for those who wish to resort to it. To reach this desired end, Palestinian women activists should organize an intensive legal literacy program to elicit broad-based social support for such a wide-reaching change in legislation.

Over the last four years, Palestinian women have been addressing the topic of legal reform in a serious manner. In the area of personal status laws, for example, Al-Haq, a Palestinian human rights organization which sponsors a special program on women's human rights, saw a need for an in-depth course for women pioneers in the field of law. The course offered a critical examination of the text and implications of the Jordanian Family Status Law of 1976, legislation which is applicable in the West Bank. Women activists strongly believe that this law does not meet the needs and aspirations of Palestinian women; thus, they think it should be changed. Al-Haq, while agreeing with this point of view, realized that a thorough understanding and analysis of the law should precede any call for change. Therefore, Al-Haq organized a three-month course which enabled participants

to fully understand the law and its components, discuss and debate its merits and deficiencies, and finally, to make recommendations on how to address the deficiencies. It was hoped that through this training, Palestinian women activists could use their new-found expertise among their wide-ranging social networks at the grass-roots level.

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One of the major accomplishments of Palestinian women in the area of legal reform was the comprehensive survey of laws affecting Palestinian women, which was carried out by the Women's Center for Social and Legal Counseling in 1993-94. The Women's Center commissioned Palestinian experts to conduct a survey on all laws applicable in the West Bank and in the Gaza Strip as they affect women's roles and rights. The survey examined every law, whether based on Ottoman, Jordanian, British Mandatory or Israeli Military rule on the West Bank, or Egyptian Rule in the Gaza Strip. The survey then pinpointed all existing gaps in the law by highlighting those provisions and policies which clearly discriminate against women in six major areas, *i.e.*, personal and family status laws, criminal laws, labor laws and social welfare, women's health, women and education, and laws dealing with women's civil and political rights.

The follow-up to the legal survey consisted of six workshops which were attended by women activists, lawyers, professionals in a variety of fields, and academics. Each workshop focused on one of the major areas mentioned above, and examined both the positive and the negative aspects of the laws before discussing practical suggestions for future action. Organizers saw the workshop participants as a nucleus of activists who could be called upon for future training and actions on legal issues.

In 1993, Al-Haq, in cooperation with a steering committee of women professionals, initiated a one-year campaign entitled: "Women, Justice and Law: Towards the Empowerment of Palestinian Women." This local campaign aimed at encouraging discussions at the grass-roots level on issues of concern to women in the fields of the law and women's human rights. The campaign's ultimate goal was to increase awareness of women's legal rights and to foster an appreciation of the use of the law as an effective tool for the empowerment of

women. The campaign succeeded not only as a means of public outreach, but also as an learning experience in coordination and cooperation for the women who were involved in the event. The campaign was organized by a consortium of grass-roots women's organizations, non-governmental organizations, and all democratic elements in Palestinian society. Although the project was planned by a steering committee, it was designed to allow for the greatest amount of participation and decision-making. The work was completely decentralized, and regional committees were democratically elected in various parts of the West Bank and the Gaza Strip to organize workshops, discussions, seminars, and media campaigns.

The Women, Justice and Law project was also designed to complement rather than replicate the efforts of the Women's Center for Legal and Social Counseling. Its activities disseminated information about the results of the legal survey undertaken by the Women's Center. Participants throughout Palestine were asked to suggest recommendations for the resolution of existing legal and social problems. The Women, Justice and Law campaign culminated in a three-day conference held in Jerusalem in September, 1994. The conference began with a consideration of the recommendations made by women in the aforementioned workshops, and sought for ways to translate these recommendations into concrete plans of action which could be adopted by women's organizations, individuals, and NGOs.

Following up on the work already accomplished, the Women's Center for Legal and Social Counseling organized a number of workshops throughout the West Bank to discuss specific legal amendments to existing laws. The result of these workshops was a text containing the amendments of existing laws written by the workshop participants. Women discussed these amendments and gave their feedback on the various issues presented. In 1995 and 1996, Al-Haq has focused its efforts on addressing issues of great controversy in Palestinian society, *i.e.*, gender violence, family status laws, and labor laws.

As a result of the Israeli-Palestinian negotiations which began in Madrid in 1991, women's technical committees were formed to contribute ideas and suggestions to discussions of legal and social reforms. Although the starting point of these committees' efforts was closely linked with the peace process, the women's technical committees have now evolved into an umbrella organization representing all women's committees and organizations in the West Bank and the Gaza Strip. Of great significance is the work of the technical committees addressing the issue of women's role in decision-making processes in

political and public life in Palestine. The technical committees mounted a large campaign just before the Palestinian national elections to highlight women candidates for the Legislative Council and to raise public awareness about their platforms. Another campaign emphasized a proposal to guarantee Palestinian women 30 percent of all seats in the legislature, but this campaign was unsuccessful. Another important project of the technical committees is the campaign for higher representation of women in the upcoming municipal elections. In an attempt to lobby for laws and legislation which do not discriminate against women, the technical committees are training women to be members of pressure groups in the different regions of the West Bank and the Gaza Strip.

One of the most important activities now taking place in Palestine is a project spear-headed by the Women's Center for Legal and Social Counseling in coordination with several other human rights and legal organizations entitled "Palestinian Mock Parliament". This project aims at raising awareness of lobbying techniques and tools for formulating legislation which does not discriminate against women. The mock parliaments, which are held in different regions of the West Bank and the Gaza Strip, focus primarily on legislation affecting women in an effort to encourage women to devise alternative amendments. Through the mock parliament experience, participants learn how to present their case, how to attain access to parliamentary members, and how to mount successful campaigns to fight for their causes. The mock parliaments are comprised of concerned members of Palestinian society representing both genders, all regions, Christians and Muslims, and representatives from a wide variety of political and ideological currents.

A key area of concern for the Palestinian women's movement is the issue of legal reform and the adoption of laws which are non-discriminatory towards women. The significance of this issue is underlined by the latest political events taking place in Palestinian society. During this transitional period, the newly elected Palestinian Legislative Council is required to create laws for every aspect of Palestinian life, especially in areas where powers have been transformed by the PNA. Women's legal and human rights should be given top priority. Palestinian women's contributions to the life of Palestinian society, and their active participation in all domains of Palestinian public life, should be realized through laws and legislation which are just and fair to women. Pursuing such a strategy ought to ensure the full representation of women in the political and public life of Palestine through their equal and active participation in decision-making processes.