

The Final Statement

The Fourth National Civil Peace and Rule of Law Conference

The Civil Coalition for Strengthening Civil Peace and the Rule of Law held its fourth annual Conference under the patronage of His Excellency, Palestinian President, Mahmoud Abbas, on Tuesday, December 10, 2019 in Al-Bireh governate. The Conference was entitled: “Towards a Palestinian State of Law and Social Justice,” and was held in line with International Human Rights Day, which calls for respecting human rights, providing the utmost level of civil peace, and achieving justice and fairness for citizens. It is also in accordance with the 16 Days Campaign of Activism Against Gender-Based Violence, which Palestine takes part in through civil society and official institutions.

The growing manifestations of social violence resulting from the continued Israeli occupation, the Palestinian political division, and poor economic and social conditions, 22 women and girls have been killed from the beginning of 2019 until now. The most notable case was the killing of Israa Ghraib where she was subjected to a “beating that led to her death, according to the Public Prosecution” along with torture, sorcery, misleading public opinion, and negligence on several sides. Another murder crime was the case of a father who buried his daughter alive in the Gaza Strip. Also, in the last week, there was a Qalqilya citizen who was shot by unidentified gunmen in Hebron.

Further, the loss of a political horizon, economic distress, widespread unemployment, and the absence of youth empowerment programs have created low political willpower in facing the manifestations of this violence. Due to the absence of the legislative institution and the weakness of the judiciary, the successive governments are hesitant in confronting the phenomenon of violence, especially violence against women in Palestine. Unfortunately, there is a delay in the issuance of the Family Protection Law and the amendment of the Palestinian Penal Code that would increase penalties to deter outlaws and those who cause social violence. As a result, the social fabrics are at risk in the Palestinian society. Participants in the three conference sessions unanimously agreed on the necessity to unite all efforts and endeavors in developing the pillars of the democratic Palestinian state guaranteeing freedom of expression, pluralism and citizenship, and social protection, while rejecting discrimination and violence. They also seek to fight corruption, confront violations of the law, ensure that perpetrators are punished in order to enhance civil peace and the rule of law, achieve justice and equity, and confront breaches of the law.

The participants in the Conference called for the necessity of issuing a presidential decree to determine a day for elections after the Central Elections Commission complete consultations with various Palestinian factions, considering that elections are one of the primary tools for strengthening civil peace and the rule of law. The Civil Peace Conference is an affirmation of the participation of civil society institutions in formulating a framework for the promotion of civil peace in partnership with the official agencies of the state to promote the values of citizenship and active participation in preserving civil peace. Thus, embodying its national role in developing various means to maintain the values protecting social cohesion, affirming its role in protecting the cultural and human heritage of the Palestinian people, and promoting respect for the law.

For three sessions, the participants in the Conference discussed the role of universities in developing individual and collective awareness of youth, enhancing their attachment to national and social concerns, and in promoting civil peace. Further, they discussed and analyzed the risks resulting from women’s low social, economic, and political status in the Palestinian society, the fragility of their representation and its inefficiency, and the delay in litigation from the Sharia courts and its negative impact on Palestinian women, civil peace, and social cohesion.

In light of the participants’ interventions, the Conference concluded the following recommendations:

On the level of strengthening the democratic and national environment against violence and encouraging a youth-friendly community in universities:

- Emphasizing the integrity of the electoral process within universities, which guarantees freedom of opinion and expression, belief, pluralism, and a democratic atmosphere. Affirming the principle of peaceful transfer of power through the periodicity of student council elections in their prescribed dates and with the participation of all.
- Unifying electoral systems and procedures within universities and colleges in order to establish a unified student constitution based on proportional representation in the composition of student councils and to ensure equitable representation of women.
- Empowering student movement leaders and members of the student councils within universities and colleges through mechanisms of dialogue, negotiation, and rhetoric, opposing discourse based on hatred, combating violence in all its forms, enhancing awareness and education that promotes peace and social security. Adopt a participatory, democratic, and legal approach for decision-making within the student councils.
- Strengthen voluntary work to use the energy and potential of students to serve public interests and community development. Encourage student initiatives to develop their role and solidarity with other social groups, which will lead to the reduction of violence and civil peace.

On the level of enhancing the social and economic status of women:

- The necessity of adopting a clear legislative plan with specific priorities and timeframe that will start with the punitive measures in the Penal Code and criminal cases in social and economic laws. This aims to reduce the level of violations and crimes against women's economic and social rights and strengthens legislative protection for those rights.
- Amend the Personal Status Law to include basic issues related to women's economic and social rights, such as guardianship, legal capacity, inheritance, and shared funds. Set the necessary procedures and penalties in case they are not implemented in line with the Penal Code and the legislative policy protecting women. Achieve public and private deterrence in the event that this type of crime is committed against the economic and social rights of women, in accordance with the international agreements signed by the State of Palestine and the Palestinian Basic Law.
- Amend Article 98 of the Jordanian Penal Code No. 16 of 1960 in force by removing the term "honor." Amend Article 99, paragraph 5, by adding misdemeanors to felonies, and explicitly exclude all mitigating and exempted excuses for crimes against women and children, whether they are misdemeanors or felonies. The issuance of a modern and comprehensive Palestinian Penal Code that is enforced in the State of Palestine (northern and southern governorates) and is in accordance with international standards, in a matter that protects women, and achieves deterrence, on the one hand, and civil peace on the other.
- The necessity of amending the PLO Basic Law, the national and Islamic factions, and constitutions of student councils in universities to achieve equality and fairness. This is to ensure fair representation of women and students within their organizational structures, and take practical and supervisory measures, guarantees, and procedures to ensure broad and active participation of women in these structures and institutions.
- Working to increase the percentage of women registered in the Federation of Palestinian Chambers of Commerce, Industry, and Agriculture and providing a positive discrimination for women who take part in the Chambers of Commerce and the Federation of Palestinian Chambers of Commerce, Industry, and Agriculture. This aims to enhance the opportunities for women in the Federations, its various bodies and committees, and their place in decision-making processes to fulfill the needs of women in this sector.

- Amend the Jordanian Law of Companies No. 12 of 1964 and replace it with a modern Palestinian one that takes into account the goal of women achieving an economic status. The Palestine Capital Market should issue instructions to encourage public shareholding companies to actively involve women in their boards of directors.

On the level of supporting women's access to justice and equity:

- Time limits and number of case hearings should be established for Personal Status cases to prevent delays in litigation without reducing the guarantee of a fair trial.
- The Shari 'a Judicial Council should develop reporting mechanisms in Shari 'a courts to prevent the defendants from evading or attorneys from alleging that their clients did not receive the summon.
- The necessity of working to end the accumulation of cases, known as "Judicial suffocation," in the Shari 'a courts, especially since all cases brought before this court are of an urgent nature due to the rights they entail for the parties to the conflict.
- Reconsidering the mechanisms used to calculate the alimony for the wife and children in a manner that gives them a decent life, regardless of the amount of the husband's income.
- Rely on the written and documented evidence, if any, but do not rely on the witness testimony alone. Review the burden of proof for both litigants, not only the plaintiff.
- Increasing the participation of women with qualifications and competence in various fields of the justice sector, especially in the Sharia judiciary within the various administrative and judicial positions of the courts. This encourages women to go to the courts and turn to the law and judiciary to solve their cases.
- Providing a team of attorneys and/or delegates within the Sharia courts to support women who are unable to afford the cost of litigation by representing them in the courts and following up on their cases.