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Human Rights Priority

HUMAN RIGHTS IN PALESTINE: REPRODUCTIVE RIGHTS FOR
WOMEN UNDER OCCUPATION
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INTRODUCTION

A young girl sits quietly in her home in Gaza, eyes squeezed tightly shut as she imagines a classroom blossoming around her. In her head she sees the sharp white line of the chalk cutting across the board, imagines the way the teacher's scarf slides back on her forehead, hears the sound of 20 children reciting the multiplication tables over and over. A young girl sits quietly in her room; wishes for the right to marry whom she chooses when she chooses. She prays for school as the path unfolds before her. A life of childbearing and housekeeping, her stomach swelled over and over as she serves the vital interests of her husband and her state. In Palestine, thousands of women suffer from insufficient reproductive rights, their struggles forgotten by international human rights rhetoric, which largely ignores the private lives of women living under oppressive regimes. In times of conflict and crisis, especially in states where government legitimacy, women's rights –particularly reproductive rights– fall by the wayside. Palestine presents a case study in which women's rights are placed in the context of weak governance and occupation and demonstrate the complex but essential role that women play in nation and state building.

The Cheyenne Native American Tribe has an old saying, “A nation is not conquered until the hearts of its women are on the ground. Then, it is done, no matter how brave its warriors nor how strong its weapons.” This is a wise and unusual acknowledgement of women's role society in regions of conflict. Women, while largely ignored during times of war, often bear a disproportionate burden of the costs of large-scale conflict. One essential area in which women face disproportionate harm is in the lack of reproductive rights that are granted when nations are struggling to maintain sovereignty. Societal constructions around the world have long posed a

barrier to women's access to essential healthcare and ability to make choices about their own bodies. Reproductive rights are particularly vulnerable to state interference or lack of prioritization. Women's reproduction –importantly, not reproductive rights– is an important part of the state function. The health and continuity of a nation is dependent on the ability of a population to repopulate. Jamila Abu-Donhou explains the struggle over women's bodies and rights is a political one. Fertility's essential role in the creation and maintenance of the state has made it a "primary site" of control. Cultural and societal ideas of femininity, motherhood, and womanhood complicate this matter and make it both an issue of cultural relativism and a struggle to define and protect a woman's basic right to her own reproduction. The state has a direct interest in controlling and regulating women's rights because of the way the images and symbols of motherhood create nationalism within the state. Abu-Donhou continues, "in contemporary Palestinian society, reproductive rights of women... [were instrumental in] in the process of reproducing the Palestinian nation." The promotion of motherhood became a state goal as a potential method to help repopulate and strengthen the nation but this does not always mix well with the pursuit of reproductive rights. In essence, the state attempts to regulate rights rather than protect them, for the sake of the state and not for the sake of the individual woman.

By examining the role of gender hierarchy, legal norms, access to healthcare and reproductive resources, contraceptive use and availability, and the de-jure and de-facto status of abortion we can begin to understand the context of reproductive rights and Palestine and work to explore solutions and amplify narratives that empower Palestinian women. A dozen women sit in a school together, their futures tied inexplicably to this vital piece infrastructure. They control their bodies, control their reproductive capability. They may be mothers someday. But only when they choose to be.

REPRODUCTIVE RIGHTS IN AN INTERNATIONAL CONTEXT

The struggle to access reproductive rights can be seen worldwide in the eyes of women and girls with varying degrees of incomes in vastly different cultural contexts. Many of these women, despite the society in which they are raised, lack access to basic healthcare, education, and resources that ensure their reproductive wellness and empower them with the ability to choose when and if they want to have a child. As women in Mexico hold protest signs that scream “*me embarazo cuando yo decido*,” a group of girls in Sierra Leone petition for their pregnant friends to be allowed to attend school, and a small feminist organization at Drake university explains their plans to organize a rally against sexual assault. These small revolutions happen around the globe and call for increasing attention to the reproductive rights of women everywhere. While often considered too private to be dealt with explicitly by international institutions, these rights-violations impact the daily lives of women and are a human rights priority in and of themselves.

International human rights doctrine, while having no single tool through which to protect reproductive rights, pieces together ways to enforce and monitor the rights of women and girls through a variety of rights mechanisms. Reproductive rights *are* human rights, asserted the UN in partnership with Danish Institute for Human Rights in 2014, demonstrating a distinct international interest in reproductive rights as a human rights priority. The UN report explains that the International Conference on Population and Development Programme of Action made an important step in defining and bringing reproductive rights to the forefront of the international conversation, but insisted that reproductive rights are not a new phenomenon. Rather, the ICPD furthers, “Reproductive rights are a constellation of freedoms and entitlements that are already recognized in national laws, international human rights instruments and other consensus

documents” (“Human Rights are...” 21). Ideas of sovereignty prohibit large-scale international action, and thus we’ve seen little direct action taken by international institutions to directly force governments to grant reproductive rights to their citizens. While this is certainly problematic, the discussion surrounding family planning is an important step towards legitimizing the struggles of women around the world.

GENDER HIERARCHY AND MOTHERHOOD

Motherhood is something lauded by the west, an idealistic idea of the role of a woman as a producer of other humans. However, motherhood poses extreme dangers for female bodies and can impose burdens on families that they are unable to fulfill. The risk and cost of having a child are amplified in a society where women are valued by their capacity to have children and are prevented from individual financial success due to gender hierarchy.

Social constructions of gender and motherhood are at the forefront of the conversation surrounding reproductive struggles in Palestine. Gender hierarchy, in particular, has created a society in which the social status of both men and women are reliant on reproduction. Abu-Duhou continues that “In cultures such as Palestine where children are considered as a sign of male virility and the only sign of a woman’s social achievement, women become powerless and unable to control their reproductive life.” In Palestine, the most important social unit is that of the family, and this works to strengthen traditional views of gender. The emphasis on family is not random, but strengthened by institutionally weak governmental structures which refocus reliance from the government onto personal connections within communities. Extended families often live with each other and take care of each other as services for the elderly are scarce and expensive if they do exist. “With no real government sponsored social safety-net, and with the

lack of a functioning economy or enough independent government institutions or even enough banks to provide home or student loans,” Palestinians instead rely on family-members and their communities to fill the gaps left by a lack of sufficient resources (“Palestinian Social...”). In this way, the occupation itself entrenches ideas of gender hierarchy because it forces the family to fill roles that the state can provide to liberate women from familial obligations that prevent workplace development and individual accomplishments.

Legal rights also do little to protect women from violence both within and outside of their homes. There are currently incredibly few laws that protect Palestinian women from abuse and sexual violence, and even less enforcement when laws do exist. Because the Palestinian Council suffers from extreme lack of resources and support, it is perpetually stuck in an almost complete deadlock and is incapable of creating legal reform. The system is not equipped, even if there was the political capital necessary, to adequately create and enforce laws that would protect women’s rights against violence and to their own reproductive systems (“Facts and Figures...”). In addition, laws often prevent women from reaching access to resources that would enable them to take control of their own bodies. For example, it is illegal in Palestine for a woman to obtain an abortion and structural barriers physically prevent them from getting abortions even if they qualify for exceptions due to medical necessity.

GENDER AND SEXUAL VIOLENCE

A woman dabs her face gently with makeup, working to cover the bruises that spread across her cheek. Through the next checkpoint, another young woman pulls her hijab tight around her chin and hopes that today will be the day that her boss doesn’t touch her, doesn’t tell her crass things that make her consider quitting her first job even though she’s only just started. Women

across the territories worry about the safety of their bodies, fearing rape, harassment, and domestic abuse. In Palestine, private and public violence against women is endemic and makes female empowerment in reproductive issues especially difficult. In a society under occupation, Palestinian women face strict social norms in addition to a lack of proper legal structures to protect their right to safety.

Women around the world are uniquely vulnerable to spousal abuse in their private homes. In Palestine, a strict traditional culture has been enforced to protect the family structures that provide collective goods in absence of a functioning government. Sadly, traditionalism and radical interpretations of religion (this is true in all three major Abrahamic religions) rarely empower women. Constructs of marriage and wives expressly undermine women in Palestinian society and make them susceptible to domestic abuse and even less likely to report abuse to officials. Recent studies report that 29.9% of women living in the West Bank and 51% of women in the Gaza Strip have reported being abused by their spouse. These incredibly high numbers reflect the growing need to address violence against women in Palestine. Particularly troubling are the statistics that demonstrate how unlikely abused women are to report their husbands. Reliance on males for economic support and strong taboos that discourage divorce make the chances of women reporting slight. The UN Women report on Palestine explains that 65.3% of abused women said that they would prefer to remain silent (“Facts and Statistics...”). Endemic spousal violence undermines the ability of women to access basic human capabilities and prevents them from living healthy and safe lives.

In public, women face another world of danger. A report surfaced in the Arabic newspaper, *al-Akhbar*, in June of 2016 exposing graphic examples of sexual harassment that Palestinian women suffered without recourse. Gatestone Institution explains, “the report found at least 36

Palestinian women working in various fields who had fallen victim to sexual harassment and exploitation.” Details of specific inappropriate behaviors were exposed to the world much to the indignation of Hamas. The militant organization that controls the Gaza Strip, often classified as a “terrorist organization” by the United States and Israel has failed to respond to cases of sexual harassment in Palestinian Territories, instead, covering up abuses committed by high-level officials. Afraid of social repercussions due to traditional ideals of purity and virginity and doubtful of the law’s ability to punish perpetrators, many women who are harassed refuse to report. The young journalist who published this telling report furthered, “[Public Officials] are exploiting their status, especially their decision-making regarding employment, appointments and providing services and funds to projects in light of the absence of working opportunities for women” (Toameh). Political alliances within Hamas make those who abuse women practically untouchable, allowed to skirt punishment by higher-ups that condone crude behavior towards employees. Palestinian women in public have few, if any, protections against male violence and are forced to suffer through inhumane conditions or risk massive threats to their reputation.

In addition, women in the Palestinian territories show a distinct lack of legal resources which is a barrier to finding justice for domestic and sexual abuse. UN Women explains that the Palestinian legal system is incredibly complex, falling under Israeli, Jordanian, Egyptian, and Palestinian control depending on geographic locations. Because of this, it is difficult for women to be familiar with and to have easy access to legal resources. Additionally, the UN Women report on Palestine furthers that there are no “specific laws or provisions” tasked with preventing women from domestic and sexual violence. Women do not have effective and accessible tools to fight against those who abuse them both inside and outside of the home. In addition, women also are victim to sexual abuse by authorities. The Electric Intifada, a leading news source on

Palestinian rights issues, explains that the Israeli Security Agency (*Shabak*) has been accused of acts of sexual violence against female prisoners. While violations of basic human rights also occurred (including denial of necessities like water and food) women faced gendered violence in addition to more standard torture methods. Threats and acts of sexual violence were committed against female prisoners to demoralize and demean them. The Electronic Intifada further, these women faced “humiliating and degrading treatment, including denial of menstrual pads and disregard for or exploitation of cultural and religious sensitivities as a form of humiliation.” In 2012 many female prisoners under the control of *Shabak* began a hunger strike which demonstrated their desperation for change in the system (Nieuwhof). A particularly vulnerable population, women in Palestine are doubly burdened by being both an occupied people and a marginalized community.

ACCESS TO HEALTHCARE

While healthcare is often a priority of development goals in the international community, healthcare is a gendered issue and that dimension adds additional hurdles for women seeking health and wellness. Women require different services than men due to their unique physiological needs and reproductive capacities. Both lacking infrastructure and strict curfews by Israeli occupiers make access to healthcare particularly difficult for the women of Palestine.

One primary hurdle for women attempting to fulfill their reproductive needs is consistent and reliable access to healthcare facilities. Because of a complex and segregated system of highways and blockades created by the Israeli Defense Force to “protect” illegal Jewish settlers on Palestinian land, it is incredibly difficult for native Arabs to have enough mobility to reach medical centers for routine check-ups or in emergency situations. One center in Gaza lost its only

active physician after increasing curfew laws and blockades made it impossible for her to reach the center each day, leaving them without a certified doctor to care for patients (Bosmans, Nasser, Khammash et.al). In the Gaza strip on the southern border of Israel, the situation is much different. Considered the largest open-air prison in the world, Gaza has a severe shortage of basic resources. Dr. Maria Filippone, an activist from Des Moines who has spent the past two winters in Gaza explains the severe challenges that Palestinian doctors face in Gaza when trying to provide medical services to their patients, *“insert quotation here once she gets back from Gaza.”* The lack of simple technology and basic medical equipment due to the Israeli blockade directly influences women’s ability to gain access to basic medical treatments.

Strict curfew laws imposed by the Israeli Defense Force (IDF) and segregated highways and blockades make reaching a hospital for ante-natal and post-natal care incredibly difficult. However, the most severe consequences occur when women are not able to get to a hospital while in labor. Giving birth without immediate access to medical attention if complications occur endangers both the mother and the child and Palestinian women are often not granted the option of giving birth at a hospital if they desire the security it brings. During periods of curfew enforcement, hospitals in the West Bank reported a drop of hospital births from an average of five to three per day regardless of estimated constant fertility rates (Bosmans, Nasser, Khammash et.al). Women, knowing that they face the risk of having an unplanned homebirth will often ask for an induction of labor and decide to deliver pre-term rather than be trapped by curfew and be unable to reach the hospital on time. In worst case scenarios, women would be forced to deliver *at* military checkpoints without proper tools or expertise to safely give birth. In the two years following the second intifada in 2000, 33 deliveries occurred in unsanitary military checkpoints. Sadly, in those same two years, 19 stillbirths occurred at checkpoints, women

unable to reach the hospital in time to give birth (Bosmans, Nasser, Khammash et.al).

Bureaucratic and military barriers created by **THE** occupation of Palestine pose insurmountable hurdles for women attempting to access ante-natal and pre-natal care and to give birth safely in a sanitary environment if they desire to do so.

ACCESS TO CONTRACEPTION & ABORTION

Over 80% of women in the Occupied territories believe that there is a need for more information about contraception, and a far greater number support the idea of sexual education in schools (Donati). But access to contraception and other forms of family planning is few and far between. Despite incredibly high interest rates, the actual prevalence rate –or use of contraceptives– in Palestine is only estimated to be 12-25%, less than a quarter of the female population in the territories. Prevalence rates were even lower in Gaza where access to even basic contraceptives proved an enormous hurdle. Serena Donati explains, “Although attitudes toward family planning are favorable, contraceptive use, especially of effective methods, is still low” (Donati).

In addition, when women are not able to access effective contraception they are left in a space where they may not be able to safely bring another child into the world or provide for it adequately. In these circumstances, many women turn to abortion to control the size of their families. However, in Palestine, abortion is illegal which creates barriers for women seeking safe and effective abortions. Even when legally allowed in circumstances where the health of the mother is at risk, it is often nearly impossible for women to find doctors and medical facilities able and willing to perform the life-saving procedure (Schwartz). While abortion’s illegality is not unique to Palestine it is particularly striking the way that Arab Palestinian women are denied

rights granted to them by the Israeli government. Schwartz explains, “what sets Palestinian women apart from those in other Arab countries is that they live just several miles — sometimes less than one mile — from a country where abortion is completely legal, easily accessible, and even government-funded.” Women living lives under occupation face severe restraints to their personal freedoms and are forced to raise families under the hand of foreign military control while Jewish Israeli citizens only blocks away have access to healthcare, contraception, and abortions when necessary. In order to drive down dangerous back-alley abortions, organizations within Palestine have been created to fulfill the gap of access. In 2014, the International Planned Parenthood Foundation in Palestine (PFPPA) provided services for more than 70,000 women including more than 10,000 abortion-related services.

FINDING SOLUTIONS

Finding solutions for the struggle for reproductive rights is no easy job, and not something a singular actor or organization would be able to accomplish in a short period of time. However, there are concrete steps that can be taken in order to ensure that progress is made towards achieving goals within the broader category of reproductive rights. While progress may seem small, the empowerment of individuals from the bottom up and larger international concepts from the top down will ultimately lead to broad social change that will change the context of reproductive rights for women around the world.

Even in more conservative societies such as Palestine, access to more resources holds the potential to create a wave of change that would empower and enable women to express their right to control their own reproduction. Although Islam and religious justifications have been used to “legitimate conflicting positions on gender and reproduction,” nevertheless, “government

politics resulting in better infrastructure and adequate access to high-quality health services would enormously improve women's reproductive rights” (Donati). By beginning the process of change by allowing women access to even the most basic resources, we begin to empower the reproductive faculties of a society and start to break down prohibitive social barriers.

The law may be another avenue in which we can approach widespread change. In the status quo, there are no laws that protect women from the hands of abusers. Women who are the victims of domestic violence and sexual violence have few recourses under the law which makes it difficult to stop the cycle of abuse. The UN explains, “Passing new laws, notably to protect women against domestic violence, or the amendment of existing laws that are deemed discriminatory towards women and in contradiction to human rights” may begin to deconstruct legal paralysis within the occupied state (“Facts and figures...”). It is only by legitimizing the concerns of women and empowering their voices to speak up against abuse that the Palestinian government can work to change the experiences of women from the bottom up.

International work on this issue plays another important role, creating a space for women to view their rights as something larger than themselves. International work which clearly defines reproductive rights as human rights, while seemingly too broad to affect individual lives, creates long-term change in the way that we think about reproduction and women’s issues in an international context. In this way, by changing rights rhetoric from the top down, the international community can supplement the change happening on the ground to legitimize the struggles of women and to spread these ideals worldwide.

CONCLUSION

Reproductive rights often fall to the wayside, particularly in times of conflict; women systematically lack access to basic family planning around the globe. In Palestine, this need is especially dire. Societal constructions of gender and motherhood create an environment where women struggle to access freedom from violence, basic healthcare, contraception, and abortion. While solutions may seem slow, progress through both a bottom-up and top-down approach work in tangent to begin to deconstruct the elements of governance and law that keep women systematically oppressed.

A young girl squeezes her eyes and dreams of school, her mouth silently chanting each letter of the alphabet as though it is a prayer. She knows she is not allowed this luxury, knows she needs to be a wife and mother before she can study science, art, or history. And yet, when she opens her eyes she is sitting in a small room, her knees folded beneath a wooden desk. A crisp white chalkboard extending like the future before her.

CIVIC ENGAGEMENT PROJECT INSPIRED BY THIS RESEARCH

In March of 2011, at the same time that the Arab Spring was spreading like a wildfire across the Middle East, Syria erupted into civil war after protests against the authoritarian government of Bashar al-Assad were violently put down. Since the outbreak of war, the BBC reports that more than 250,000 Syrians have been killed and more than 11 million have been displaced. This conflict has had substantial and heartbreaking consequences for those seeking secondary education (“Syria: The Story...”). This Lost Generation consists of nearly 450,000 refugees of university age, and over 100,000 who already have necessary requirements to enter university (“Education System Profiles...”). In an effort to counter the personal and academic losses that Syria has suffered, the Clinton Global Initiative created the Syria Consortium for

Higher Education in Crisis and has made significant gains in allowing university-age youth to leave the state not as refugees, but as students.

Like in Palestine, the women of Syria face increasing hurdles to accessing their own reproductive rights. As war and chaos spread across the nation, infrastructure has largely deteriorated, leaving women with few resources to control their life at home. Bombings of hospitals have left women giving birth without medical attention, and the usage of chemical weapons have undermined the reproductive capabilities of generations. Maybe most importantly, when every day is a struggle for life, empowering women falls by the wayside.

To begin taking a step towards relieving this injustice, students at Drake University have created a Syrian Scholar Committee in order to coordinate the addition of two Syrian students to our University in the following year. The International Institute of Education (IIE) has been facilitating these transfers, allowing Syrian youth to escape conflict as students rather than refugees.

This project, though not directly impacting Palestine, has roots in similar concepts of human capabilities development. It is my hope that we are able to bring students to the US and give them an opportunity for a better life. Additionally, I will encourage our committee to work on making sure that female students are highly encouraged to escape the threats to their reproductive rights through education. By enabling women and girls the opportunity to write their way out of conflict, our University plays an important role in raising them up and out of war and violence. I am proud to be a member of a University devoted to being on the front lines of human empowerment. Especially, when this is achieved through the power of education.

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