



Gender Equality and Democracy Support in Palestine

Gender Equality Fellowship Author: Claudia Saba

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List of Abbreviations

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| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| COHOM | Working Party on Human Rights |
| CSO | Civil society organisation |
| DG NEAR | Directorate-General for Neighbourhood and Enlargement Negotiations |
| EEAS | European External Action Service |
| FAO | Food and Agriculture Organisation of the United Nations |
| GBVAW | Gender Based Violence Against Women |
| ICJ | International Court of Justice |
| MaMa | Mashreq/Maghreb Working Party |
| MIFTAH | Palestinian Initiative for the Promotion of Global Dialogue and Democracy |
| NAP | National Action Plan to implement UNSCR 1325 |
| PA | Palestinian Authority |
| PLO | Palestine Liberation Organisation |
| UDHR | Universal Declaration of Human Rights |
| UNRWA | United Nations Relief and Works Agency for Palestine Refugees |
| UNSCR | United Nations Security Council Resolution |
| WCLOC | Women's Center for Legal Aid and Counselling |

About the Author

Claudia Saba has a PhD in Politics from University College Dublin and has lectured in International Relations at Ramon Llull University since 2015. She teaches courses and leads seminars on democracy, geopolitics, qualitative research methods and conflict analysis. She has been involved in numerous social justice campaigns including several related to Palestine, her country of origin. As an activist-scholar, her research interests include political mobilisation on Palestine and intersectionality within social movements.

Research Stay

I was hosted by Carnegie Europe Foundation in January 2024, in Brussels, Belgium. Carnegie Europe Foundation and the scholar Michelle Pace (Roskilde University) helped connect me with EU stakeholders; I sought additional interviewees through the snowball technique. My aim was to understand the EU's democracy support for Palestine through a gender lens. I aimed to gather information about how this support was given and received prior to October 2023, and about how the concurrent violence in Gaza was altering the EU's vision for this support. Moreover, I sought to relay my view to EU actors that sanctions on Israel were overdue and desperately needed to protect lives in Palestine. I met with different EU Desk Officers, an MEP, a

representative of the Working Party MaMa, a representative of the Working Party COHOM, an EEAS official, a political scientist at Ghent University with expertise on the issue of labelling Israeli settlement goods, an Advocacy Officer from Amnesty International and two senior individuals from the Carnegie Europe Foundation. On the Palestine end, I interviewed and spoke with Palestinians working at two prominent Palestinian NGOs that shall remain anonymous for the purposes of this report. I am grateful to all my interlocutors for generously giving of their time to meet with me.

The interviews with EU actors were useful in understanding the compartmentalised structure of the EU bureaucracy; they highlighted how lessons learned in one corner of the EU administration are often lost to other corners with whom there is no collaboration on certain programmes of work. The Gender Action Plan III (GAP III) is one such area of work since it falls under the remit of the Commission and the EEAS; the Council's Working Parties of COHOM and MaMa are not implicated in this work and its progress does not inform their deliberations (COHOM working party representative, personal interview, 25 January 2024; MaMa working party representative, personal interview, 26 January 2024). It was useful, albeit surprising, to learn that the working party COHOM, which deals with human rights issues, had no input on the implementation of the GAP. My meetings with representatives of COHOM and MaMa were also useful for understanding political divisions among Member States toward the Palestine/Israel issue.

1. Conceptualising Gender Equality

I understand gender equality as a situation whereby all citizens, regardless of gender identification or sexual orientation, enjoy full political, civil and social rights in line with the principles of the UDHR. The conceptualisation of gender equality in Palestine is not dissimilar from this basic understanding. The rest of this section provides a brief overview of the Palestinian women's and LGBTIQ movements.

The Palestinian women's movement has a long history that has been bound up with the struggle for national liberation from the beginning. The First Wave (1919 - early 1970s) focused on participation in national protest and later on the provision of social services for Palestinian refugee women. The Second Wave (mid 1970s - 1990) saw the formation of women's committees linking social issues with the national struggle, particularly during the years of the First Intifada when women participated in neighbourhood popular committees on a large scale. A Third Wave that emerged after the Oslo Accords focused on preparations for statehood and democracy. That

most recent period saw the proliferation of NGOs that took up a gender dimension to their advocacy¹.

The General Union of Palestinian Women, founded in 1965 within the structure of the PLO, provides a glimpse into the priorities of organising around gender. According to this body, women's rights are essentially human and citizenship rights that encompass the political, economic, and social realms². In terms of social liberties, Palestinian views vary between the more libertarian end of the spectrum and the more conservative end in which traditional roles for men and women prevail, as may be the case in other societies in the region and around the world.

As regards LGBTIQ rights, Palestinians from this community tend to keep a low profile since they face challenges both from the occupation and from Palestinian society where being gay or non-binary has not been broadly normalised. Organisations like Aswat and alQaws which advocate for this community stress the need for liberation from occupation and make a point to oppose 'pink-washing' by Israel³.

What complicates the development of greater gender activism in Palestine is the absence of political, civil and social rights more generally. In the context of occupation, full equality of rights across genders becomes a second order aim, as demonstrated by the fact that women's associations have been historically bound up with the agenda of national liberation. That is not to say that work to support Palestinian women or the LGBTIQ community is futile outside of an end to Israel's occupation, but that without freedom from occupation, ethnic cleansing and, more recently genocide, gains made in gender mainstreaming can evaporate quickly or become irrelevant.

2. The Scope of this Report

This report analyses the European Union's efforts to promote democracy in Palestine and discusses shortfalls in the current approach. First, I report on what I gathered about the EU's gender equality support in Palestine based on meetings with EU personnel. Second, I draw on interviews with Palestinian civil society actors as well as desk research to discuss some of the

¹ Abu Nahleh, Hammami, et al. "Towards Gender Equality in the Palestinian Territories", Women's Studies Center Birzeit University, 1999. pp.47-50. http://iws.birzeit.edu/sites/default/files/2016-10/towards-gender-equality-in-the-palestinian-territories_488.pdf.

² General Union of Palestinian Women "Muqaddimah 'Ammah" (General Introduction), <http://gupw.net/page97.html#footer1-bh>.

³ Ben David, Lilach. "'A Queer Cry for Freedom': Meet the LGBTQ Palestinians Demanding Liberation." +972 Magazine, 2 August, 2020, <https://www.972mag.com/lgbtq-palestinians-haifa-queer/>. Abualsaid, Mohammed S. "Palestinian visibility and activism: The plight of queer Palestinians under occupation and homophobia." *Advances in Anthropology*, vol. 13, no. 02, 2023, pp. 204–213, <https://doi.org/10.4236/aa.2023.132012>.

Palestinian Authority's (PA) efforts to implement gender-related reforms. I illustrate how the ongoing Israeli occupation and its repercussions for the Palestinian body politic have stymied progress on gender issues. Third, I discuss contradictions in the views expressed by EU interlocutors as well as desires shown by others to change the status quo. Finally, I offer recommendations to EU actors. A comprehensive report about the situation of men, women and children in Palestine is beyond the scope of this report; many reports from UN agencies and NGOs provide such information⁴.

3. The EU's Gender-related Support for Palestine

Based on my discussions with Commission and EEAS staff, the EU prioritised 12 sectors as part of the European Joint Strategy for Palestine in which it treated gender-based violence and violence against women (GBVAW) as a cross-cutting issue that encompasses human rights, legal reform, and security. The EEAS holds direct meetings with the PA at which problematic policies are discussed in a constructive manner (EU Desk Officer, personal interview, 16 January 2024)⁵; with 'carrots, not sticks' (former EU official, personal interview, 29 January 2024). I gathered that the lack of legislative elections in Palestine since 2006 was seen as problematic by EU interlocutors, particularly as laws are increasingly being passed by presidential decree. However, given the Israeli bombardment of Gaza taking place at the time of my interviews, pushing the PA to hold elections was not seen as a priority.

Having adopted all the main international treaties on human rights at its inception in 2004 as part of the Palestinian Basic Law, the PA is viewed as an actor with whom the EU can have constructive dialogue. As of 2014 the State of Palestine also acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁶, and as of 2015 it ratified the Convention on the Political Rights of Women⁷. Under Palestinian Basic Law women and men 'shall have equal fundamental rights and freedoms without any discrimination and shall be equal before the law' (Chapter 2, Art. 10), although the law does not address LGBTIQ persons.

⁴ See publications provided by the United Nations Office for the Coordination of Humanitarian Affairs, available at <https://www.ochaopt.org/publications>, and the work cited by Shakir.

⁵ One example cited by my EEAS interlocuter was the Cyber Crimes Law that the PA approved by presidential decree. In its intervention with Mr. Estephan Salameh, the Advisor to the Prime Minister for Planning and Aid Coordination at the Prime Minister's Office, the EEAS advised the PA to heed the criticisms of local CSOs about the problematic legislation.

⁶ United Nations. "Convention on the Elimination of All Forms of Discrimination against Women". 1979. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en. Accessed 30 April 2024.

⁷ United Nations. "Convention on the Political Rights of Women". 1953. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVI-1&chapter=16&clang=_en. Accessed 30 April 2024.

Therefore, on paper the PA ticks many boxes in terms of legal reform on gender. However, the extent to which legal principles are or can be implemented under the current conditions is a different matter. Those conditions being ‘the occupation, the intra-Palestinian divide and the patriarchal social norms’, according to local stakeholders⁸.

The EU Commission’s DG NEAR highlights the need for, *inter alia*, continued improvement in breaking the glass ceiling, the promotion of compliance with international and domestic laws on gender issues, supporting female entrepreneurship in areas such as agriculture, helping to challenge gender stereotypes and eliminating the stigma for GBVAW survivors. In its work, the Commission looks at gender equality across several sectors, including those of public financial management, public and local administrative reform, health, education, agriculture, the private sector and water and energy provision. Through collaboration with UNRWA, the Commission has sought to increase micro-financing for women working in agriculture (EU Desk Officer, personal interview, 18 January 2024).

EU interlocutors recognise that gender equality varies according to the different geographical areas where Palestinians reside in the occupied territories. In Gaza, women’s life expectancy was lower than in the West Bank by one year prior to the ongoing 2023-2024 genocide. Israel’s blockade on Gaza since 2007 which hinders the free entry of supplies, equipment, and personnel, coupled with patients’ inability to exit the Gaza Strip for treatment⁹, may explain this reduced life expectancy. For example, 46% of Gazan women who applied for a permit to seek treatment outside Gaza in 2018 were denied or delayed by the Israeli authorities¹⁰. The overall political situation had a ‘de-development’ effect on Gaza’s health sector¹¹. PTSD and overall mental anguish may also explain the high incidence of non-communicable diseases such as cancer, cardiovascular diseases, diabetes, and respiratory diseases in Gaza.

⁸ UN Women. *2022 Open Day On Women, Peace And Security - What Palestinian Women Want: A Women-Centred Vision for a Viable Independent State* [2023], UN Women Palestine Country Office, p. 0-
<https://palestine.unwomen.org/en/digital-library/publications/2023/05/2022-open-day-on-women-peace-and-security-what-palestinian-women-want-a-women-centred-vision-for-a-viable-independent-state>.

⁹ World Health Organization. “*Health Access: Barriers for patients in the occupied Palestinian territory*”: May 2022. World Health Organisation, p. 2-6. https://www.emro.who.int/images/stories/palestine/March_2022_Monthly.pdf?ua=1 Accessed 30 April 2024.

¹⁰ MIFTAH. “Fact Sheet on the Implementation of the National Action Plan for the Implementation of United Nations Security Council Resolution 1325”, June 2018. http://www.miftah.org/Publications/Books/FactSheet_The_Implementation_of_the_National_Action_Plan_for_the_Implementation_of_UNSCR_1325_English.pdf p.5 Accessed 30 April, 2024.

¹¹ Jebiril, Mona, and Simon Deakin. “The Political Economy of Health in the Gaza Strip: Reversing de-development.” *Journal of Global Health*, vol. 12, 2 Apr. 2022, p.1. <https://doi.org/10.7189/jogh.12.03014>.

The internal governance of Gaza by Hamas rather than the Fatah-led PA since 2007 has curtailed some social freedoms for women and LGBTIQ people¹², although there is little formal research on the matter. It should be noted that even prior to the existence of Hamas as an organisation, religiosity and conservatism were more prevalent in Gaza than in the West Bank. The extent to which Islamic practices are followed have more to do with the socio-economic and political context communities live in than with the conservatism of the governing political party¹³. Moreover, surveys have found that Palestinian women are more likely than men to vote for Hamas¹⁴. Therefore, assumptions about Hamas curtailing social freedoms for women - or by extension for LGBTIQ people - deserve further study.

Since Israel's destruction of Gaza began in October 2023, the situation of women has worsened significantly. Early in the conflict, UN agencies reported that approximately 50,000 women were pregnant in Gaza for whom access to health care was severely threatened¹⁵. EU stakeholders were seemingly unaware of this statistic about pregnant women when I mentioned it. There was no action plan to deal with the rising threats to women in Gaza at the time of my meetings with EU interlocutors in January 2024.

4. PA Legal Reform and Implementation

This section provides reflections from meetings with Palestinians working in Palestinian NGOs. We discussed women's political participation under the PA and progress on the PA's efforts to implement UNSCR 1325, particularly as it relates to protecting women and the LGBTIQ community.

In terms of increasing women's participation in decision-making at the national level, the PA has fallen short on targets due to budget issues, poor organisation, and political division (Palestinian NGO 1, personal interview, 29 February 2024). At the governmental level, patriarchal norms mean that while women constitute 47% of the public sector, they tend to occupy low-ranking positions. For example, in 2018 only 6% of Palestinian ambassadors were women (EU Desk

¹² BBC News. "Women in Gaza: Life Under Hamas." BBC, 20 March, 2010. [news.bbc.co.uk/2/hi/8557251.stm](https://www.bbc.co.uk/2/hi/8557251.stm).

¹³ Roy, Sara. *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector*. Princeton UP, 2013. Baconi, Tareq. *Hamas Contained: The Rise and Pacification of Palestinian Resistance*. Stanford University Press, 2018.

¹⁴ Cowper-Coles, Minna. *Gender and Political Support Women and Hamas in the Occupied Palestinian Territories*. Taylor & Francis, 2023, p. 191.

¹⁵ (Per the World Health Organisation, women and newborns bearing the brunt of the conflict in Gaza, UN agencies warn; see World Health Organization. "Health Access: Barriers for patients in the occupied Palestinian territory": May 2022. World Health Organisation. https://www.emro.who.int/images/stories/palestine/March_2022_Monthly.pdf?ua=1 Accessed 30 April 2024).

Officer, personal interview, 18 January 2024). Young women have been recently given high-ranking positions – for example as ambassadors to Canada, France, and Sweden. However, such female professionals are often tokenised to exhibit a gender-balanced diplomatic corps to international stakeholders. Moreover, the way in which women are sometimes appointed is not fully transparent or necessarily merit-based. At times, when women ambassadors have failed to deliver on certain briefs, this has been used to say: ‘women ambassadors are no good – we need men in those positions’ (Palestinian NGO 1, personal interview, February 29, 2024). Therefore, while efforts to promote female empowerment at the highest political levels have been made, women in the diplomatic corps of the PA remain under-represented.

One of the key gender-related achievements by the PA has been the introduction in 2017 of a National Action Plan (NAP) to implement UNSCR 1325. Working in conjunction with civil society groups the NAP seeks to promote women’s decision-making in conflict prevention and resolution, to protect women and girls from the effects of the Israeli occupation and to aid them in seeking accountability for violations against them¹⁶. According to the Palestinian NGO 1 interviewee, UNSCR 1325 has two stands in the Palestinian context: one is locally focused, and the other is about applying a gender lens to international advocacy work (personal interview, 29 February 2024). While it is difficult to precisely measure the outcomes of the NAP since measures to alleviate the effects of the Israeli occupation do not necessarily bear results in the form of effective protection, the PA has introduced some services for women¹⁷.

One obstacle is the issue of the PA’s legitimacy. Given there have been no legislative elections since 2006, the PA does not enjoy the support of a majority of the Palestinian public. Aware of its weak domestic legitimacy, the PA avoids ramming through gender-based policies in order to avoid antagonism. This is one reason why the Family Protection Law to protect women and children from domestic violence has been shelved for 16 years. Fatah, which dominates the PA, worries that competing conservative parties would oppose certain gender-focused policies and make political hay from their attempted implementation. The argument usually goes that gender-focused policies are externally imposed and that they do not fit with local traditions. Keen to avoid criticism from conservative actors who manipulate the meaning of CEDAW policies

¹⁶ State of Palestine, *The Second National Action Plan on Women, Peace and Security*, 2020, pp. 21–22, <http://1325naps.peacewomen.org/wp-content/uploads/2021/08/Palestine-2020-2024.pdf>.

¹⁷ MIFTAH. “Fact Sheet on the Implementation of the National Action Plan for the Implementation of United Nations Security Council Resolution 1325”, June 2018. http://www.miftah.org/Publications/Books/FactSheet_The_Implementation_of_the_National_Action_Plan_for_the_Implementation_of_UNSCR_1325_English.pdf, p.5 Accessed 30 April, 2024.

for political gains, the PA has shelved legislation on LGBTIQ rights (Palestinian NGO 1, personal interview, 29 February 2024).

Second, and related to the first issue, the Israeli occupation is an obstacle to advancements in gender policymaking. To demonstrate an example, consider the issue of ensuring adequate training for Palestinian police to deal with domestic violence. EUROPOL provides training to the Palestinian police. However, within the combined areas of B and C of the West Bank, which comprise the majority of the West Bank, Palestinian police cannot reach families since it is Israel that maintains security administration there. As my interviewee explained: ‘The PA cannot even protect women in those areas, so how can it protect the queer community?’ (Palestinian NGO 1, personal interview, 29 February 2024)

In addition to physical limitations caused by the occupation, there are psychological repercussions to the humiliation suffered by Palestinian men which may lead to violence inside Palestinian households. A ‘hierarchy of oppression’ affects Palestinian society (Palestinian NGO 1, personal interview, 29 February 2024):

‘Consider a situation where a man is violated and attacked by the Israeli occupation forces. He is also oppressed by the Palestinian police because he cannot express himself freely to criticise the PA government and its security coordination activities with the army. He is then more likely to go home and take it out on his wife and kids.’

This ‘hierarchy of oppression’ plays out in other ways too. In relation to the LGBTIQ community, on top of facing homophobia from the more conservative strands of Palestinian society, its members have also been the target of blackmail by Israeli police and intelligence. Individuals from this community are vulnerable to forced recruitment as informers in the same way that Palestinians with marital infidelities or drug use have been targets of blackmail to turn them into informers (alQaws). One researcher explains that ‘[h]omophobia has become a weaponised concept by the Israeli government, projecting the Palestinian population as [a] barbaric and regressive society which discriminates its own LGBTQ population’¹⁸. These dynamics illustrate how the occupation context undermines advancements in gender mainstreaming.

The third issue faced in the implementation of the NAP has to do with insufficient civil society funding. Civil society organisations are the actors that have the most direct contact with the public and often act as intermediaries for the PA. According to one interviewee: ‘Through long-term and consistent work with the public it is possible to create acceptance to implement various

¹⁸ Abualsaud, Mohammed S. “Palestinian visibility and activism: The plight of queer Palestinians under occupation and homophobia.” *Advances in Anthropology*, vol. 13, no. 02, 2023, pp. 204–213, <https://doi.org/10.4236/aa.2023.132012>.

aspects of 1325' (Palestinian NGO 1, personal interview, 29 February 2024). Additional funding for NGOs specialising in gender issues, such as MIFTAH and WCLAC¹⁹, could potentially facilitate the work needed on a much larger scale. At the same time, it is important to remember that no amount of funding can suffice to overcome the hurdles of the Israeli occupation mentioned previously.

In summary, the PA advances reforms that do not threaten its standing as a government given its weak mandate. For example, on 26 January 2024, it initiated the first stage of a comprehensive reform programme encompassing various sectors: providing health care for all citizens, restructuring government services, applying legislative changes to the civil service and other changes related to taxation and economic competitiveness. In announcing the reform package, President Abbas reiterated the importance of holding general elections 'as soon as conditions permit' while insisting that East Jerusalem Palestinians be allowed to participate in those elections²⁰. However, and to summarise the above, the implementation of gender policies specifically is difficult due to 1) the PA's lack of legitimacy 2) structural issues caused by the Israeli occupation and 3) limited funding for civil society to carry out the needed heavy lifting with the public. It is worthwhile noting that an essential part of 1325 is to end impunity (Palestinian NGO 2, personal interview, 29 January, 2024). So as long as Israel enjoys impunity from its colonisation and occupation policies it will remain difficult to convince the Palestinian public to sign on to all aspects of 1325. Gender mainstreaming cannot be decontextualised, and gender policies cannot be expected to go far in the context of the reality on the ground.

5. Contradictions and Divergences in the EU Stance on Palestine

This research reveals a contradiction between what the EU claims its values to be on the one hand, and its actions on the other. While claiming to promote democracy and equality, the EU is effectively supporting an endless occupation, an apartheid regime and a possibly genocidal army through its continued support for Israel. Progressive policies that the GAP III seeks to promote cannot work or can only achieve negligible effects in the context of Israel's domination, persecution and subjugation of the Palestinians. The EU rewards the apartheid state of Israel with trade agreements and grants instead of imposing sanctions on it. This stands in stark contrast to the EU's posture towards Russia for the latter's 2022 invasion of Ukraine.

In the context of gender mainstreaming, while my EU interlocutors acknowledged that the physical and social fragmentation of Palestinian society is the result of the decades-long Israeli

¹⁹ <https://www.wclac.org>.

²⁰ Makan. "The Palestinian Authority Launches the First Phase of the Reform Program." *Makan*, 29 Jan. 2024, <https://www.makan.org.il/content/news/חדשות-מכאן/p-11083/694584/>.

occupation, there is no formal EU recognition of Israel's systemic apartheid and persecution policies²¹ as the cause of the bantustanisation of Palestinian towns and villages. There is no talk of Jewish Israeli supremacy over Palestinians and how this impacts equality and democracy for Palestinians. EU actors seem unable to infer conclusions about how Israeli policies have hindered Palestinian empowerment and development, including around gender mainstreaming.

Interlocutors acknowledged that any achievements in promoting gender equality in the West Bank were not relevant to Gaza, even before the October 2023 conflict began. This disparity is attributed to the political division within the Palestinian body politic; yet EU stakeholders avoid acknowledging the context in which this division took place. Hamas took over the government in Gaza in 2007 after the Palestinian legislative election results had been shunned by the collective West²². The takeover happened 17 months after Hamas's legislative election victory in January 2006 and after Palestinian political parties had failed to form a coalition government. Prior to this date, EU countries had rejected the election results. Since Hamas has been designated as a terrorist organisation by the EU, there is no EU interaction with this government (including prior to October 2023), leaving the EU unable to directly support gender initiatives in Gaza except indirectly through UNRWA, for example.

By transferring Israeli settlers to the occupied territories and extending Israeli laws to them as though they resided under the jurisdiction of Israel, Israel has effectively annexed Palestinian areas and severely limited the indigenous population's access to land and natural resources. As argued by Ireland in its submission to the ICJ for an advisory opinion regarding the Israeli occupation, Israel has extended Israeli laws on education and housing to the occupied Palestinian West Bank, thus impeding Palestinians' right to self-determination through de facto annexation²³. This obstruction affects every Palestinian. Yet when speaking of gender equality, which the EU conceives of as a basic human right, EU actors elide the lack of basic equality between Palestinians and Israelis. Moreover, the EU's inaction vis-à-vis Israel regarding the theft of Palestinian land and resources means that EU efforts to improve economic gender parity bear insignificant gains when compared to the gains that could be had by ensuring Palestinians' access to their national resources. Through EU sanctions on Israel, which would deprive the latter

²¹ Shakir, Omar. "A Threshold Crossed." *Human Rights Watch*, 28 Mar. 2023, www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution.

²² Barron, Robert. "Palestinian Politics Timeline: Since the 2006 Election." *United States Institute of Peace*, 25 June 2019, www.usip.org/palestinian-politics-timeline-2006-election.

²³ International Court of Justice. *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*. July 2023, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20230725-wri-23-00-en.pdf>.

of its largest trading partner, Israel could be incentivised to rethink its policies towards the Palestinians.

All EU interlocutors expressed that decisive political action such as sanctions on Israel could only come if there was unanimity among the 27 Member States. On a personal level, most acknowledged that sanctions may be appropriate, but noted that the 27 Member States were unlikely to agree to impose them. Asked about Article 2 of the EU-Israel Association Agreement and the legal clause which allows the EU to stop cooperation in all fields with a partnering country if that country violates human rights, several EU interlocutors said they could not comment since it was not their area of expertise. One person told me the clause was simply ‘window dressing’. The same interviewee, who shall remain anonymous, noted that the EU values Israel as a security partner and that this takes precedence over Israel’s human rights violations. What was striking about my meetings with representatives from the EEAS, the Commission and others whom I had the chance to meet in both an official and unofficial capacity, was that there was no sense of urgency or responsiveness to the mass atrocities being committed in Gaza. Two interlocutors still referred to old paradigms about the need to hold Palestinian elections and the need to tackle PA corruption. The fact that the EU expects elections is incongruous with its rejection of the 2006 Palestinian election results. Other EU staff I met who did express concern about the unfolding atrocities in Gaza felt impotent in their roles to affect the situation. They spoke of divisions between Member States when it came to Palestine/Israel and explained that within the Council of the European Union the impulse is to elide contentious issues to avoid gridlock in policymaking.

I also learned from interviews with EU staff²⁴ that the situation in Palestine/Israel is perceived as ‘difficult to balance’ and ‘sensitive’ – as opposed to illegal or requiring decisive political action. High Representative Josep Borrell was considered ‘very brave’ and ‘very outspoken’, thereby demonstrating that EU actors give a large value to words even if these are not followed by action. The EU Commission’s role is simply to be ‘shock responsive’ and ready to deal with crises in a ‘difficult operational environment’ – as opposed to making policy recommendations that deal with the causes of the human rights deficit in Palestine.

One MEP told me that MEPs do not have legislative teeth in relation to foreign policy, and that several MEPs had been banned by Israel from entering the Palestinian territories on their last fact-finding mission to the region. When they had asked the President of the European Parliament to send a letter of complaint/inquiry to Israel she was ‘very reluctant’ to do so (MEP, personal interview, 23 January 2024). They explained: ‘The European Parliament has little input

²⁴ Precise interview information withheld to preserve the anonymity of the staff members quoted here.

on the gender policies of the EU. [We] organised a delegation to Palestine to review how EU funding was being spent in the West Bank but were not permitted to enter and got no support from our own institution.’

What all the above reveals about the EU’s democracy support more generally is that the implementing organs of the EU, such as the EEAS and the DGs have little influence on the overall policy of the Union. While some states would favour action to hold Israel accountable, other states such as Germany, Austria and Czechia as otherwise inclined. This calls the entire EU democracy support project into question.

6. Recommendations

1. Urgent Steps

Given the unfolding events in both Gaza and the West Bank, and in the context of the International Court of Justice’s 26 January 2024 Order that Israel cease actions which constitute genocidal acts in Gaza, the EU’s primary focus should be on the protection of the Palestinian population, including the male population. Credible reports that Israel has engaged in the extra-judicial execution of males in Gaza, including through AI-guided drones, simply for being male as claimed by respective news sources, highlight the need to focus on the protection of men as well as women and children²⁵. To prevent the further destruction of the Palestinian people as a whole and to prevent a blockade-induced famine in Gaza, it is incumbent upon Member States to ensure that their actions have the effect of preventing rather than enabling genocidal acts. The obligation to prevent and to not be complicit in genocide is a peremptory principle that applies to all states, regardless of whether they are signatories to the Genocide Convention²⁶. It is important to note that states which supply Israel with the material means to carry out its military operations during a plausible genocide may be implicating themselves in the atrocity, as Nicaragua is arguing in its ICJ case against Germany²⁷. That means the most urgent action should be to:

- Pause arms sales to Israel at least until the ICJ completes its examination of whether Israel is engaging in genocide.

²⁵ Al- Jazeera. “Gaza Drone Video Shows Killing of Palestinians in Israeli Air Attack.” *YouTube*, YouTube, 22 Mar. 2024, www.youtube.com/watch?v=DhVV2_mub84. IE MED. “What Is the Role of Disinformation Technology in Israel’s Foreign Policy?” *YouTube*, YouTube, 15 Feb. 2024, www.youtube.com/watch?v=jiVD7Y2DxHs.

²⁶ Saba, Claudia. “The Legal Obligation to Prevent Genocide in Gaza.” *Barcelona Centre for International Affairs (CIDOB)*, April, 2024, https://www.cidob.org/en/publications/publication_series/opinion/2024/the_legal_obligation_to_prevent_genocide_in_gaza.

²⁷ International Court of Justice. *Proceedings Instituted by Nicaragua against Germany on 1 March 2024*.

- To apply pressure on Israel to ensure that humanitarian aid can reach the people of Gaza, particularly the most vulnerable groups such the nearly 100,000 injured²⁸, children, pregnant women, the infirm and the elderly.

2. Medium-term Steps

The violence unleashed by Israel on Gaza since 7 October 2023 dwarfs anything previously endured by the Palestinians including in 1947-1948 when most of the Palestinian population was ethnically cleansed from the lands upon which the state of Israel established itself²⁹. It is urgent that the EU do everything in its power to end Israel's occupation of the remaining 22% of Historic Palestine that was taken 20 years later in 1967, including by ending its funding of Israel's military industry through Horizon Europe grants³⁰, by ending arms sales to Israel until it ceases its apartheid and persecution practices, by reviewing the EU-Israel Association Agreement as requested by Spain and Ireland³¹ and through the application of tough sanctions to trigger the desired change.

3. Specific Recommendations to the Council of the European Union

- Stop violating the EU Common Position on Arms Exports Control and immediately halt arms exports to Israel.
- Educate Member State reps on Israeli apartheid using the Al Mezan, Amnesty International, Al-Haq and Human Rights Watch reports on Israeli apartheid³². COHOM may be best placed to lead this work inside the Council.
- Pause the EU-Israel Association Agreement until the ICJ completes its investigation into whether Israel is committing genocide.

4. Specific Recommendations to the EEAS

²⁸ OCHA. "Home Page." *United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory*, www.ochaopt.org/. Accessed 2 May 2024.

²⁹ Pappe, Ilan. *The Ethnic Cleansing of Palestine*. Oxford: Oneworld Publications, 2006.

³⁰ Statewatch. "European Money for the War in Gaza: How EU Research Funding Supports the Israeli Arms Industry." Statewatch, 22 Mar. 2024, www.statewatch.org/analyses/2024/european-money-for-the-war-in-gaza-how-eu-research-funding-supports-the-israeli-arms-industry/.

³¹ Varadkar, Leo, and Pedro Sánchez. *H.E. Ursula von der Leyen*, 14 Feb. 2024, www.lamoncloa.gob.es/presidente/actividades/Documents/2024/Letter-to-Commission-President-Ursula-Von-der-Leyen.pdf.

³² Al Mezan. "The Gaza Bantustan: Israeli Apartheid in the Gaza Strip", Al Mezan Center for Human Rights, 2021. <https://www.mezan.org/uploads/files/16381763051929.pdf>. Amnesty International. "Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity." *Amnesty International*, 1 February, 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>. Muhareb, Rania, et al. "Israeli Apartheid: Tool of Zionist Settler Colonialism", Al-Haq, 2022. https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf.

- Take measures to ensure that the President of the Commission cannot speak or act out of line on foreign policy in a manner that can encourage war crimes by Israel.
- Propose a list of sanctions on Israel.

5. Specific Recommendations to the Commission

- End Horizon Europe funding for Israel's military industry until the ICJ completes its investigation into whether Israel is committing genocide.
- Empower staff working with Palestinians to propose policy solutions since they are the primary implementers of the GAP.
- Ensure that all staff working in Palestine and Israel read human rights organisations' reports on Israeli apartheid³³.
- Increase funding to Palestinian civil society groups that focus on gender mainstreaming so that any legislation passed around gender in Palestine is preceded by civil society outreach.

³³ Ibid., Shakir, Omar. "A Threshold Crossed." *Human Rights Watch*, 28 Mar. 2023, www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution.

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