



# Quarterly Newsletter

April-june 2023

## MUSAWA Demands Government Registration of Teachers' Syndicate to End Yearly Education Crisis

26/04/2023 – The existence of a teachers' syndicate will not conflict with the PLO's General Union of Palestinian Teachers; thus, there is no reason why the government cannot approve and register a teachers' syndicate, accept the syndicate leadership as elected by the general assembly of public-sector teachers, and hold a dialogue between the ministry of education and the elected syndicate leadership regarding teachers' economic and professional rights in hopes of reaching an agreement and put it into action.

### MUSAWA's Board of Directors Meeting

12/04/2023 – MUSAWA's board of directors met on Wednesday, April 12th, with Hanadi Abu Sharifa, the head of the Ministry of Justice's associations department, in attendance. They unanimously approved the administrative report and the audited financial report for 2022, as well as MUSAWA's new 2023-2026 strategy, and they approved the membership of six new academic and social figures, five of whom are women.

MUSAWA believes that the core of this crisis, which it has closely monitored since it began, is the denial of teachers' right to form their own independent professional union (syndicate), which is elected by them, of their own free will, and without external interference. As a result, the existence of an elected syndicate that operates under teacher-adopted regulations is the solution to this crisis. Furthermore, the presence of such a trusted authority that is democratically chosen means that teachers will regard its decisions as trustworthy, credible, and mandatory. MUSAWA has already published, in 17th May of last year, its [initiative](#) (to solve the teachers' strike crisis, asserting that a stable education and the non-recurrence of this crisis requires the following:

First, the government's recognition of the teachers' right to form an independent, democratic syndicate whose leaders are elected by its general assembly. This recognition represents the practical aspect of finding a solution to this crisis, provided that the government immediately fulfills this. Second, the government's acknowledgment of the teachers' right to livelihood, and agreement with the elected syndicate on ways to achieve this in fixed periods. Third, the cancellation of unconstitutional "punitive" measures taken against teachers as a result of their participation in the legitimate strike, with salary deductions, transfer threats, and forced retirement at the forefront of these measures. Fourth, the abandonment of the government's attempts to replace teachers, as these attempts disregard and undermine the vital role of teachers in raising future generations.

### **An Open Letter to EU**

#### **81 Arab CSOs Condemn EU Commission's President's Statement**

30/04/2023 – 81 Arab Civil Society Organizations sent [an open letter](#) to the EU expressing their deep concern and rejection of the colonialist and racist speech given by the EU commission's president that touted the Israeli Occupation as the face of democracy in the Middle East, failing to mention the racist and illegal Israeli occupation of the Palestinian lands and the constant violations of Palestinians' political, economic, social, cultural, environmental, and human rights, especially their right to self-determination and liberation.

#### **Over 2/3 of Practicing Lawyers Confirm Notaries' Non-Adherence to Notarial Deeds System**

12/06/2023 – After numerous complaints from practicing lawyers regarding the non-compliance of notaries public with the notarial deeds system issued by the Council of Ministers that ended the legal strike organized by the Palestinian Bar, in addition to causing a decrease in the number of notarial deeds as a result of its provisions, which has adverse effects on the lawyers' work, MUSAWA conducted a survey, in which a random sample of 282 practicing lawyers participated, to gather their opinions on the extent to which notaries public adhere to the notarial deeds system. The survey showed that more than two-thirds of practicing lawyers (68.8%) affirm that notaries do not adhere to the notarial deeds system, while only a third of practicing lawyers (31.2%) believe that notaries adhere to the notarial deeds system. MUSAWA considers these findings to be highly serious as they show that public servants do not carry out their duties and fail to adhere to a system is-

sued by the official authorities directly in charge of notaries public's performance as public servants. In light of this, MUSAWA addressed two memorandums to the State Audit Administrative Control Bureau (SAACB) and the Bar requesting that they take these findings seriously, conduct an impartial investigation into the matter, and take the necessary administrative and legal measures, such as accountability, in a way that safeguards lawyers' rights, ensures full compliance with the aforementioned system, fulfills the obligations of public office, and holds anyone who violates these obligations accountable, ensuring the faithful implementation of the system. These two memos are published in "Eye on Justice" due to their importance.

#### **MUSAWA Publishes Issue No. 43 of "Justice & Law" Journal**

14/06/2023 – MUSAWA published [issue No.43](#) of the "Justice & Law" journal, which included a commentary on 4 decree-laws. The first one is regarding the amendment of the constitutional court law by the constitutional jurist Dr. Fathi Fikry (Professor of Public Law at the Law Faculty at Cairo University), and jurist Dr. Imad Al-Najjar from Egypt. The second pertains to the amendment of the law of evidence in civil and commercial matters, by Dr. Mohammad Abd al Fattah Abd al Ber (Associate advisor to the Egyptian State Council). The third one concerns with a decree-law amending the Law of The Formation of Regular Courts, by the lawyer Dr. Abdul-Rahman Tawfiq from Jordan, and counselor Dr. Abdel Aziz Mohammed Salman (Vice President of the Egyptian Supreme Constitutional Court). The fourth one by Dr. Fouad Daradka (Court of Cassation judge), and Dr. Rifa'at Eid (Professor of Public Law at the Law Faculty at Cairo University) is in regard to the decree-law amending the decree-law amending the law of civil and commercial procedures (The decree-law was later repealed). In addition to a commentary on the draft decree-law of the personal status law and the Sharia procedure law, the first one was by lawyer Dr. Maram Shatat, lawyer Dr. Nidal Jamal Jaradeh, and lawyer Samir Sabri Husniyyeh, who also commented on the second decree-law. This issue also included a special chapter on legal dialogues, such the one on monitoring the constitutionality of international conventions by the counselor Dr. Abdel Aziz Mohammed Salman (Vice President of the Egyptian Supreme Constitutional Court), another one on anti-discrimination in the public sector between the international conventions and the Palestinian situation by Dr. Majd Odeh, and a position paper by MUSAWA titled: Upheaval of the Constitutional Court's juris A Society Violating Women's Dignity

# Statements & Positions

## **A Society Violating Women's Dignity Can Never Prosper, and Violators Must Be Punished**

MUSAWA carefully examined the complaint of the citizen about suffering sexual harassment by an X-Ray technician at one of the private hospitals. MUSAWA also followed up on the position of the Ministry of Health and the Public Prosecution, as well as the various measures announced in response such as to refer the complainant to a psychiatrist, and another decision published on the Ministry of Health's official Facebook page calling for the formation of an impartial investigation committee on this matter. Accordingly, MUSAWA issued a [statement](#) describing this as a very serious matter that uncovers the depth of the moral, legal, administrative, and social crisis, and highlighting the serious violations of the complainant's rights and her right of access to justice, and ensuring that the harasser is punished if found guilty. MUSAWA stressed that a Society that violates women's dignity can never prosper, as no violator of a woman's dignity should go unpunished.

## **Tragic Death of Child Bitten by Lion Cannot Go Unpunished**

### **MUSAWA Demands Impartial Investigation Committee and Accountability for All Parties Involved**

MUSAWA demanded the formation of an impartial investigation committee that is separate from the official department responsible for monitoring the zoo's administration. Not only should the investigation investigate the circumstances surrounding the child's death, but also the administrative and operational requirements of the zoo in general. Those responsible for this tragedy must be held accountable, and the zoo must be closed until it is safe to receive visitors again. It also called for compensation of the victim's family, and raise community awareness on the proper way of dealing with animals and zoo facilities. This comes in light of the tragic death of a 6-year-old child bitten by a lion on May 1st at the Zoo in Khan Yunis. The [statement](#) added "This tragedy should not be overlooked, particularly seeing as it resulted in the death of a child, whose best interests must be considered and protected by all parties, recognizing that wild animals belong in the wild, not in cages, and that entertainment venues can find alternative means of amusement that do not involve animal confinement." MUSAWA emphasized that the human dignity of children and their families forbids the sharing of sensitive images that compromise their dignity and

endanger their physical and psychological integrity. Furthermore, the death of a child indicates mismanagement that requires accountability from both the "Asdaa" zoo's board of directors, who are responsible for the zoo's management and oversight, as well as the municipality and the government action follow-up committee, which are the official bodies responsible for supervision over the "Asdaa" board and zoo inspection to ensure that it operates in accordance with the law and meets zoo safety and security standards. In particular, the infrastructure and location of animal cages (especially those housing predators), and other engineering and construction requirements, which are intended to ensure the highest levels of physical and psychological safety for visitors, especially children. It also highlights the community culture's failure to educate families and the general public about the procedures for dealing with animals and the park facilities in general, as well as the utter disregard for the basic needs of zoos and the incompetence with which they have been managed, necessitating administrative and penal accountability, as well as compensation. However, MUSAWA stresses that no amount of money can compensate for the loss of life.

## **On World Press Freedom Day: Time for Freedom of Access to Information, Freedom of Expression and Opinion, and Ending Political Detentions**

03/05/2023 – On world Press Freedom Day, MUSAWA issued a statement stressing that the time has come to guarantee freedom of information access, freedom of expression, and freedom of opinion while also outlawing arrest and detention for expressing an opinion or having different intellectual or political views. It affirmed that the freedoms of belief, expression, criticism, and participation in public life are protected and guaranteed to all Palestinians, regardless of who they are, and that citizens have as much right to an impartial, professional media as journalists and media professionals. The statement called for the commemoration of media martyrs including Naji Al-Ali and Shireen Abu Akleh, as well as the release of imprisoned journalists and those detained for exercising their right to free expression.

## **34 Media & Human Rights Organizations Warn Against Government Approval of Decree-Law Restricting Access to Information**

CSOs, including MUSAWA, warned in its [statement](#) of the approval of a decree-law regulating the current form of the right of access to information, given that it violates the essence of the right of access



to information. CSOs called on the government to allow consultation and social dialogue regarding the preparation of this draft decree-law, despite the government's reservation over the mechanism of issuing decree-laws that are supposed to be in only in emergency situations as per the Palestinian Basic Law, and to not easily issue them whenever they please. At the same time, CSOs urged the government to hold consultations and community dialogues regarding the formulation of the draft law. Despite CSOs' concerns about the mechanism for issuing decree laws, which are meant to be promulgated only in emergency situations as stipulated in the Palestinian Basic Law, they confirmed that this approach can prevent the waste of numerous efforts spanning over 18 years in drafting legislation, in order to guarantee citizens' right to access information and the freedom of opinion and expression.

### 39 CSOs, Including MUSAWA, Call to Restore Constitutional Life and Hold Elections

39 CSOs, including MUSAWA called to restore constitutional life and issue a presidential decree to hold general presidential, legislative and national council elections in Palestine, in a [statement](#) issued by them on 22nd of May 2023, which marks two years since the first round of general elections was scheduled to take place, starting with legislative elections, followed by presidential elections, and the national council elections. However, it was cancelled after the nomination period that lasted until 30/04/2020. The number of electoral lists was unprecedented, as 36 electoral lists ran for elections, including 28 independent lists, showing the public's eagerness and thirst for elections. The statement pushed for a continuous community campaign to make holding general elections a priority.

### Civil Society Team for Enhancing Public Budget Transparency Warns Against Disregarding General Elections and Consistent Violations of Public Budget Law

The Civil Society Team for Enhancing Public Budget Transparency, including MUSAWA, has issued a position paper warning that the dissolution of the Legislative Council, disregard for general elections, violations of the General Budget and Financial Affairs Regulation Law, and the absence of a representative body to hold the government accountable, will perpetuate the mismanagement of public funds and hinder reform efforts. They also state that the government cannot use the financial crisis and Israel's control of clearance revenues as an excuse to violate budget laws. The paper

also highlights the government's approach of deferring crises, which they believe will only exacerbate the strikes and labor disputes, jeopardizing access to essential public services, such as education and health.

## Statements

**04/04/2023** – MUSAWA stated following reports that surfaced on social media that the administrative court issued a decision nullifying the decision of the Supreme Court / Court of Cassation, in its administrative capacity, that reinstates teacher Sahar Abo Zeina and cancels the decision to refer her to forced retirement for her union activity. MUSAWA has already released, on March 10, 2023, a [position paper](#) on the administrative courts' decree-law and its amendments, calling for their immediate repeal and cautioning against the use of administrative judiciary to violate the rights of litigants by overturning decisions that ruled in their favor by appealing them to the Supreme Administrative Court, as happened in the case of teacher Sahar Abo Zeina after the Supreme Administrative Court revoked the decision to reinstate her.

**11/04/2023** – In a statement issued during the teachers' strike last April, MUSAWA warned against dismissing strikers, referring them to forced retirement, or replacing them, as this exacerbates the crisis and stirs up societal conflicts that endanger civil peace. MUSAWA emphasized that there is no other way to end the crisis besides through initiatives, and reconsideration of the rejection of the existence of an independent professional union body for teachers, and what is known as a cash emergency budget, in a manner that preserves the union, job, and financial rights of teachers, away from the approach of sanctions and coercive security solutions, which neither lead to a sustainable solution nor aid in the true development of education.

**01/05/2023** – On International Labor Day, MUSAWA urged the government to fulfill its minimum obligation by requiring all employers to pay the minimum wage, respect all workers' rights, and hold those who violate them accountable, whoever they may be, after it highlighted official statistics indicating that 40% of Palestinian male and female workers, numbering over 1,300,000 citizens, are paid less than the minimum wage.

# Activities

## 2 AAUP Students Win (Transitional Justice: Possible or Impossible?) Competition



14/06/2023 – The Arab American University of Palestine (AAUP), comprised of two law students (Dima Abu Baker / Rand Abu Farha), won the [debate competition](#) titled “Transitional Justice: Possible or Impossible?” hosted by MUSAWA on Wednesday, June 14, 2023, at the Caesar hotel in Ramallah in cooperation with the “Sawasya II” program: Promoting the Rule of Law in the State of Palestine. Four teams of students from Birzeit, Al-Quds, Hebron, and AAUP universities competed, and the contest was broadcast on an exceptional episode of MUSAWA’s “Eye on Justice” program. Each team presented their argument on “Transitional Justice, Possible or Impossible? and Why?” The competition was moderated by a team of judges: Dr. Fadi Rabaya, Dr. Mohammed Jaradat, Prof. Mamoun Attili, Prof. Nowwar Badeer, Dr. Samer Najm Al-Din.

## MUSAWA Publishes Educational Reels on Effects of Legislations Issued During Division on Women and Children

MUSAWA published, in collaboration with UN Women program of the UNDP, a series of educational and awareness-raising reels under the slogan “Towards preserving the constitutional rights of Palestinian women and girls as guaranteed by the Basic Law.” The reels addressed the extent to which the legislation and official legal practices issued during the division were fair to women and children. They were posted on MUSAWA’s website and social media pages, along with the following question: “Do the laws and legal procedures in Palestine treat women and children fairly, especially in light of the division that casts its shadow over all facets of political, social, and

legal life, and to what extent are these laws consistent with the constitutional principles and rights contained in the Basic Law, particularly Article (9), guarantees the right to equality and Anti-discrimination?”

02/04/2023 – [Penal Code](#)

26/04/2023 – [Civil Status Law](#)

03/05/2023 – [Penal Code on juveniles and alternative sentencing](#)

11/05/2023 – [Discriminatory provisions in the Penal Code that endanger women’s safety](#)

## MUSAWA Holds Youth Debate on Role of Bar Association in Protecting Rights and Freedoms

11/06/2023 MUSAWA organized a 3-hour youth debate on the role of the Bar Association in safeguarding rights and freedoms, as well as the position of the Basic Law on the mother’s guardianship over her children and their money. The debate was divided into two teams, one against and one in favor of the role of the Bar, as both agreed that the Basic Law strengthened the mother’s guardianship over her children and their money, and that the Bar plays an effective role in protecting constitutional rights and freedoms. Each team comprised of 6 members, of each 2 are female, and this debate was the culmination of a 3-day training course on the two topics of the debate, presented by Dr. Islam Musa in Gaza on the 6th, 7th, and 8th of last June, in which 12 members, including four women, took part.

## MUSAWA Resumes trainings and dialogue sessions on Effects of Legislations Issued During Division on Women and Children

MUSAWA resumed, in collaboration with UN Women, a number of trainings and dialogue sessions throughout the West Bank and Gaza in the wake of the publication of the study containing the legislative vision and the official and civil applied policy for gender equality.

## Statement

Following Sheikh Khader Adnan’s martyrdom, MUSAWA demanded in a statement that his case be referred to the International Criminal Court, and that those who pursued political detention without legal basis or fair trial be held accountable. It asserted that the continued use of administrative detention, which violates international laws and covenants governing fundamental human rights, undermines the foundation of fair trial guarantees and that the silence on this issue is a disgrace to the international community and shows double standards during times of crisis.



# Activities

## Launch of Mobile Legal Clinic in Gaza: A First-of-its-Kind Initiative by MUSAWA, Youth Parliament, and Lawyers for the Rule of Law Group

MUSAWA started the [mobile legal clinic in Gaza](#) under the initiative “For the People”, in collaboration with the Youth Parliament and the Lawyers for the Rule of Law group (Friends of MUSAWA). This clinic aims to educate the public about the Palestinian Basic Law, the constitutional rights and freedoms, and the means to protect these rights and freedoms.

This initiative is part of MUSAWA’s plan to develop the tools and means of its independent civil oversight of the governance and justice systems, as well as its contribution to increasing citizens’ legal awareness of their constitutional rights and equipping them with the tools and methods necessary to defend those rights. The first-round targeted fishermen, male and female farmers and workers, children, people with disabilities, and the general public in the marketplaces in eastern and western Gaza, where the team distributed more than 150 booklets on the constitutional principles and rights contained in the Basic Law, in addition to another booklet detailing the texts and provisions of the Declaration of Independence, the Basic Law, and MUSAWA’s system for receiving and following up on citizen complaints. The team responded to 56 requests concerning a variety of constitutional rights guaranteed to citizens without discrimination, such as labor rights, the right to treatment, inheritance, municipal performance, and certain provisions of the Code of Criminal Procedure and the Penal Code. The next round will target Khan Yunis.





## Eye on Justice

In 2 episodes of its monitoring show “eye on justice” MUSAWA highlighted:

19/05/2023 [Palestine’s International Standing in Protecting Women’s Economic Rights](#)

22/06/2023 [Palestinian Women’s Status in Political Parties and Electoral Lists](#)

**16**  
complaints

Since the beginning of the year, MUSAWA has received 16 complaints, (8 in the West Bank / 8 in Gaza). Legal consultations were provided to some of the complainants, and legal memos were sent to the relevant authorities for others.

## Monitoring Visits

MUSAWA conducted a number of monitoring visits in the West Bank and Gaza, as follows:

3 in the West Bank – The case of Nizar Banat

13 in Gaza

# In Pictures Activities



[www.musawa.ps](http://www.musawa.ps)