

שדולת הנשים בישראל  
لهبي النساء في إسرائيل  
The Israel Women's Network



# Israeli police law enforcement of Palestinian Femicide Cases

A Comparative Research conducted by  
Women Against Violence, Al-Tufula Center, and The Israel Women's Network

Researcher and writer: **Shirin Batshon\***

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Over twenty years ago, *The Association: Women Against Violence* first shed light on the negligence of the police and the State Attorney's Office in bringing murderers of women to justice. Even in cases where an indictment was filed, the justice system treated cases forgivingly and refrained from imposing the most severe punishments on the offenders.

We were convinced then, as we still are convinced today, that this is a systematic policy of discrimination against us—as Palestinian citizens of Israel, and as women. Negligent and forgiving attitudes towards femicide only pave the way for the next crime!

To understand the underpinnings of these policies, we at Women against Violence—together with the *Al Tufula Centre: Nazareth Nursery Institute* and *The Women's Lobby*—decided to conduct research into police investigations into cases of women murdered between 2008 and 2018. Conducted by Shirin Batshon, a lawyer and researcher, the study examined the status of 105 murder cases, in which we continually encountered attempts by the police to hide the identities of the criminals and their accomplices.

We submitted demand letters through Knesset member Aida Touma-Sliman demanding information into these investigations. In addition, we submitted requests for information under the Freedom of Information Law. Specifically, we requested information on 62 of these homicides, in which the victim was a Palestinian woman. Above all, Women Against Violence demanded to know whether these cases were still open or had been closed—and if the latter, what the reason was for closing these cases. Among others, we wanted to know in which cases indictments had been filed.

As usual, the police refused to comply with our requests, citing the following reasons: Firstly, that the Freedom of Information Law does not apply to the investigative and intelligence sections of the Israel Police; secondly, that releasing data on ethnic/religious affiliations of the suspects in criminal cases may adversely result in the 'labelling' of certain groups as 'violent' or 'criminal,' thus offending sensitivities and even encouraging reactions that might threaten public safety.

We therefore filed a petition with the Supreme Court through the *Association for Civil Rights in Israel's* Attorn. Ghadir Nikola. This was especially important, since roughly half of the women murdered in Israel are Arab—double their proportion in the population. While there may certainly be social factors underlying some of these cases, most are related to the negligence of authorities in providing appropriate budgets and resources that could lower the numbers of this catastrophic phenomenon. At the head of these organizations

is the police, which to this day has failed to do its job in effectively investigating murders, refusing to respond to our requests and hiding information from the public—all of which limits the ability of women’s and human rights organizations to monitor police work, uncover its shortcomings and present alternative approaches, all the while generating social pressure to improve police work.

Conducting research at an appropriate level of professionalism, objectivity and depth required a substantial amount of work. We would like to take the opportunity to thank Shirin Batshon for the professionalism, tremendous effort and serious work she put into completing this research. We are also proud of the collaborations and partnership between ourselves, *Women Against Violence*, and *Al Tufula* and *The Women’s Lobby*—organizations who have each made significant, lasting achievements over the past three decades. Their professional teams and comprehensive feminist vision have enabled them over the years to analyze and develop strategies that have led to the exposure of failures and negligence by authorities, policies of marginalization, racism by government authorities and the connections between the authorities and criminals, that consolidate patriarchy and racism, and have led to the inability of women to achieve justice or secure a decent life in this country—above all, Palestinian women citizens.

*It’s easy to accuse “them”—take responsibility.*

*It is easy to accuse “her”—we have to take responsibility.*

Naila Awad.

## A. Introduction

Dozens of women are murdered every year in Israel. The identities of both the victims and the Perpetrators crosses identities: Ashkenazi Jews, Mizrahi Jews, immigrants from the former Soviet Union, Ethiopian immigrants, and Palestinians. The murder weapons and motives sometimes vary from one group to another, but the result is the same: women lose their lives in Israel because of their gender. The involvement of children and minors in the murders that occur each year is terrifying, whether as witnesses or as victims to the murder in addition to their mothers. In the “good” cases, minors do not witness the actual murder but are still forced to deal with the consequences of losing one parent and imprisonment of the other. As a result, their lives change forever.

The situation in Israel regarding femicide is not optimistic. For years, the various systems in Israel have been trying to crack down on the phenomenon of femicide (hereinafter: **the “phenomenon”**) through national programs and inter-ministerial committees, as well as through categorization of the identity of the perpetrator and his motives, and propose solutions accordingly. However, these programs are rarely implemented due to the failure to allocate proper budgets and negligence of social services in Israel.

Reading hundreds of Jewish and Palestinians femicide cases reveals the absence of gender based violence policies. Annual reports produced by the Knesset Research and Information Center (hereinafter: **“the RIC”**) indicate that half of the women murdered by a family member were known to social services, and about a third had previously complained to the Police about violence by their partner. In addition, the RIC points to the absence of a single governmental unit that systematically examines all cases of women’s murders, as well as of a body that implements the state’s proposed response to the phenomenon.<sup>1</sup>

The State Comptroller also cites the authorities’ incomplete handling of the phenomenon and the lack of an orderly policy by the Ministry of Social Affairs for locating families trapped in the cycle of violence, the latter of which serves as a central tool in finding said cases. In the 2021 report, the State Comptroller pointed to the partial budgeting (43% of the budget approved by the government) of the National Domestic Violence Treatment Program, and another five-year plan approved by the government in 2017, which is not fully budgeted to date.<sup>2</sup>

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1 Ido Avgar and Orly Almagor Lotan, “Concentration of Data for the International Day for the Elimination of Violence Against Women: Murder of Women, Violence Against Women by Their Spouses, Domestic Violence During the Coronavirus Crisis,” **the Knesset Research and Information Center**, (November 2020), [link](#).

2 Social Criticism “Coping with the Phenomenon of Violence Between Spouses,” Reports about the audit in local authorities, **State Comptroller**, (2021), [link](#).

This research focuses on Palestinian women citizens of Israel (hereinafter: “**Palestinian women**”) due to their disproportionate representation in femicide cases in Israel, which exceeds their percentage in the population at almost all levels. According to recent reports by the RIC, while Palestinian women account for 19% of all women in Israel aged 18 and over, they comprise 58% of all murdered women in Israel, and they constitute 73% of all cases in which complaints had previously been filed with the Police. In addition, their representation among unsolved murder cases stands at 84%.<sup>3</sup> The State Comptroller also points to the over-representation of Palestinian women in shelters (40%) and to the partial solutions proposed by the state.<sup>4</sup> These are worrying numbers that require in-depth consideration by law enforcement authorities and policy makers in Israel and they emphasize the importance of the present research.

**Table 1: Femicide of Palestinian Women Citizens of Israel  
Snapshot 2020-2021**

<b>40%</b> of the victims staying in shelters	<b>58%</b> of all the victims	<b>73%</b> filed previous complaints	<b>84%</b> of unsolved cases
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*The data in Table 1 are based on data from the State Comptroller and the Knesset RIC (see endnotes 1 and 2)*

In addition to their overrepresentation in violent crimes and murders, Palestinian women continue to suffer from underrepresentation in politics,<sup>5</sup> discrimination in the labor force and in wages,<sup>6</sup> discrimination in personal status cases<sup>7</sup> and more.

Palestinian women are part of the Palestinian national minority group, which constitutes about 20% of Israel’s population. This minority has experienced ongoing structural discrimination and oppression from 1948 to the present, including through legislation in the Knesset. For example, the Nationality Law states that Israel is the nation-state of the Jewish people and enshrines the principle of developing Jewish settlements as a national value. This law is an example of the structural processes of strengthening Jewish supremacy

3 The Knesset Research and Information Center 2020, footnote No. 1.  
 4 The State Comptroller, 2021, footnote No. 2.  
 5 Summary notes in Israel’s sixth periodic report, and the Committee of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), November 2017, page 3, [link](#).  
 6 Sawsan Touma Shukha, “Double Margins: Women and Work,” **Women Against Violence**, 2007, [link](#)  
 7 Shirin Batshon, “[The HCJ Decision on Woman Arbitrator and Judicial Review of Religious Courts: A glance at the Future](#)”, [Family in Law Journal](#), [The Academic Center of Law and Science Israel](#), (2016-2017), [link](#).

and creating separate processes and pathways for Palestinians and Jews in the country.<sup>8</sup> Palestinian women face the most severe consequences of this continuing discrimination due both to their belonging to the oppressed minority group and, as a result of social perceptions applied to them, to their being women. Palestinian women are not a monolith group; they live in a variety of cities, towns and villages throughout Israel, including in unrecognized villages, mixed cities, Palestinian villages, and within diverse secular and religious communities. This cultural and religious diversity requires adopting an intersectional approach in order to end discrimination against them.

## B. The Research Goals:

The questions that the current research will tackle:

*1) Do Israeli law enforcement agencies, especially the Police, work to enforce the rule of law in cases of murder of Palestinian women in the same way that it is enforced in cases of murder of Jewish women?*

*Additionally, 2) is the Police fulfilling its duty to protect both Palestinian and Jewish women equally?*

**In order to answer the first question, quantitative data of 233 Jewish and Palestinian femicide cases was collected and compared. All the cases took place in Israel over a decade between the years 2008 and 2018.** In addition, the research relies on qualitative analysis of literature, court rulings, testimonies, and various reports, that address the murder of Palestinian women in Israel.

Previous studies have long pointed to discrimination against Palestinian women when it comes to law enforcement in violence and murder cases as well as lack of protection by the police. In an article written more than 20 years ago, Manar Hasan criticizes a forgiving attitude by the state towards perpetrators in Palestinian femicide cases. Hasan describes how the state and its authorities enabled the continuation of “honor killing” practice through cooperation with “dignitaries” in the Palestinian society as well through granting pardons to perpetrators on grounds of “honor killings” reasons.<sup>9</sup>

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8 Basic Bill: Israel – The Nation-State of the Jewish People, a Position Paper, **Adalah The Legal Center for Arab Minority Rights in Israel**, July 2018, [link](#).

9 Manar Hasan, "The Politics of Respect: Patriarchy, the State and Murder of Women in the Name of Family Honor", in: Dafna Yizraeli, Ariela Fridman, Henriette Dahan-Kaleb, Hanna Herzog, Manar Hasan, Hana Nave & Silvia Fogel-Bijawi (editors) *Sex, Gender, Politics* (Tel Aviv: **Hakibotz Hameohad Publishing**, 1999), pp 267-305.

In 2005, MK Aida Touma Sliman (in her role as director of the Women Against Violence) published another study in which she condemns the failure of Israel's systems, especially the Police, to protect threatened Palestinian women, and describes cases in which police cooperation with patriarchal figures in society eventually led women and minors to their deaths.<sup>10</sup>

Other researchers have analyzed the “honor killings” discourse adopted by the state of Israel, which prevents any possibility of providing protection to Palestinian women at high risk and even serves as an excuse to neglect cases of Palestinian women. Nadera Shalhoub Kevorkian and Suhad Daher Nashif, for example, claim that the “honor killings” discourse used by the state creates segregation and turns the Palestinian society into an “Other. In other words, “honor killing” discourse is a consequence of a colonial paradigm that divides cultures between “enlightened” West (e.g. contemporary Israeli society) and “backwards” East (e.g. Palestinian society within Israel). According to Kevorkian and Nashif, in order to understand the phenomenon, the state must replace the current simplistic “cultural” explanations of femicide, and pay closer attention to the ways in which the structure, politics and economy of death function in colonized spaces and contexts.<sup>11</sup>

The current research joins the aforementioned and illustrates, through quantitative data, how the state maintains a policy of discrimination between Palestinian women and Jewish women despite the state's duty to protect and investigate all cases. An analysis and comparison of quantitative data prove the existence of large gaps in the implementation of Israeli law in femicide cases of Palestinians and Jews including gaps in indictments' rates, conviction rates, and minimum sentences imposed by the courts. The data in the current research illustrates the existence of two separate legal pathways, one for Jewish women and the other for Palestinian women. For Jewish women, law enforcement is implemented and the rule of law applies, whereas for Palestinian women, the rule of law is neither adhered to nor applied in addressing femicide cases.

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10 Aida Touma-Sliman, “Culture, National Minority, and the State: Working against the Crime of Family Honour within the Palestinian Community in Israel” **‘Honor’ Crimes, Paradigms, and Violence against Women**, Lynn Welchman, Sara Hossain (ed.), pp. 181-198 (2005).

11 Nadera Shalhoub-Kevorkian and Suhad Daher-Nashif, “Femicide and Colonization: between the politics of exclusion and the culture of control”, **Violence Against Women** 19(3), pp. 295-315 (2013).

## C. Methodology and Data Collection

The current research relies on quantitative data of Palestinian and Jewish femicide cases, as well as qualitative analysis of literature, court decisions, annual reports by the Knesset RIC, decisions, and discussions of various Knesset Committees (the Committee for the Advancement of Women's Status, the State Audit Committee, and the Internal Affairs Committee) relating to the murder of Palestinian women in Israel.

**The quantitative data and analysis is based on the collection of total 233 Palestinian and Jewish femicide cases that occurred in Israel over a decade, between the years 2008 and 2018.** The quantitative data was arranged in two main lists and comparison between two lists was made to check differences in results:

- a. **A list of Jewish femicide cases (129)** that occurred between 2008 and 2018, including women of Ashkenazi and Mizrahi descent, immigrants from the former Soviet Union and Ethiopia, and immigrants from Eritrea and Sudan. <sup>12</sup>Femicide cases of Immigrant women from Eritrea and Sudan (few cases only) were included within the list of Jewish femicide cases for comparative reasons and because of the need to separate between Palestinian and non-Palestinian cases.
- b. **A list of femicide cases of Palestinian women citizens of Israel (104) that occurred within the borders of the Green Line ('48 borders) between the years 2008 and 2018.** Femicide cases that took place in East Jerusalem and the Golan Heights were not included in this list.

The categories created in each of the lists included:

- **The identity of the Perpetrator** (a partner, a family member or other). The **partner** category includes spouse, lifelong partner, and former partner\spouse. The **family member** category includes father, son, brother, nephew, grandson, brothers-in-law, uncle, and any other relatives, including extended family members of the victim and family members of the victim's partner. The **other** category includes cases in which the perpetrator's relationship to the victim was unknown, including cases in which the perpetrator was a neighbor or a stranger.
- **indictment** (yes/no)

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12 Thanks to Coral Yitzhaky, Shira Suissa, Uri Vazna, and Shani Attlee, law students at Sapir College, for their assistance in locating data on Jewish femicide cases.

- **Conviction** (murder, manslaughter, other.)
- **Judgment and sentencing** (years in prison.)

The quantitative data collection methods included the following:

1. Collecting a list of the names of murdered women between 2008 and 2018 using sources of information from civil society organizations: systematic documentation of the names of Palestinian victims by Women Against Violence in Nazareth (hereinafter: “WAVO”) and Her Memorial [تذكور في ذكراها](#) website.<sup>13</sup>
2. A free search on the Internet, according to the woman’s name and the circumstances of the murder (location, age, manner of murder), for press clippings and a media review of the case. The media review included national and local press, in Hebrew and in both Hebrew and Arabic regarding Palestinian women.
3. Locating name of a detainee, suspect or accused in each case and searching for these names in legal databases (usually in Nevo.)
4. Locating court decisions in each and every case and saving them for documentation and analysis purposes. It should be noted that the data did not include a review of appeals if they were submitted.
5. Cross checking the located data with data from Haaretz database, which includes all femicide cases of women in Israel since 2011 and enforcement efforts in each case<sup>14</sup> (hereinafter: “**the Haaretz database**”.)
6. Feeding the information received from the police and the State Attorney’s office as a result of the Freedom of Information Law requests (hereinafter: “**Freedom of Information Requests**”) as well as data received from the Israeli police as a result of an administrative petition filed by the WAVO.<sup>15</sup>

It should be noted that during the collection of quantitative data, information about Jewish femicide cases was easily found on the Internet, in the media, and in legal databases, including the ability to locate indictments, convictions, and judgments. Therefore, apart from a few cases that were made confidential after the Perpetrator was sent to psychiatric

13 The list of femicide victims in Israel over the past decade, divided by years, Her Memorial [تذكور في ذكراها](#) website, [link](#).

14 "First Degree Murder," [Haaretz](#) website, [link](#).

15 Administrative petition 43903-8-20 Women and Girls Aid Association vs. Israel Police, [ACRI](#), (2020), [link](#).

observation, there was no need to use any Freedom of Information Request regarding these cases.

On the other hand, in regard to Palestinian femicide cases, the research encountered severe barriers, including imposing gag orders, missing information, and a relatively high percentage of unsolved cases. In light of the above as well as numerous requests made to the Police and the State Attorney's Office for information, and in light of the police's refusal to provide information, WAVO filed an administrative petition at the Jerusalem District Court as stated above. After a year-long legal battle, only partial information was received from the police. Additional efforts were made to supplement the collected data through repeated searches on the Internet, news sites, and legal databases (see more information on Chapter 5:1.)

The qualitative data and analysis in this research will seek to connect the quantitative data to the following five central themes (see chapter 5):

1. Lack of data and difficulty in receiving data on Palestinian Femicide cases in Israel
2. Implementation of the duty of police to protect Palestinian women
3. Naming Femicide of Palestinian women in Israel
4. "Honor Killings" in Israeli Courts
5. The link between Femicide and the increase in crime in the Palestinian society

## **D. Results of Quantitative Data of Femicide Cases Over a decade and Comparative Analysis**

Comparative analysis of the quantitative data reveals significant gaps in the percentage of indictments (94.3% vs. 56%) and convictions (75% vs. 34%) between Jewish and Palestinian women as well as gaps in minimum penalties imposed on perpetrators for murder and manslaughter offenses, all to the detriment of Palestinian women. Table No. 2 presents data on Jewish women and table No. 3 presents data on Palestinian women. In addition, table No. 4 presents a summary of the prominent gaps between the two groups and highlights the discrepancies in the implementation of police's obligation to investigate the cases and protect Palestinian women.

**Table 2: Data on Jewish Femicide Cases  
2008-2018**

<b>The Identity of the Perpetrators</b>
<ul style="list-style-type: none"> <li>• <b>77.5%</b> of Jewish femicide cases were committed by a <b>partner\spouse</b> (100 cases out of 129). Many of the murders were carried out on the grounds of the woman's expression of a desire to leave, break up, or divorce.</li> <li>• <b>19.3%</b> of Jewish femicide cases were committed by a <b>family member</b> (25 out of 129), half by the victim's son.</li> <li>• <b>Only 3%</b> were performed by a stranger or some <b>other</b> person (only 4 cases).</li> </ul>
<b>Indictment</b>
<ul style="list-style-type: none"> <li>• <b>21.7%</b> of cases ended with the <b>Perpetrators' suicide</b> after the murder (28 cases). Most of the cases in which the <b>Perpetrators</b> committed suicide were cases wherein the perpetrator was a spouse.</li> <li>• <b>In 9.3% of cases, a warrant was issued for psychiatric observation</b> or psychiatric hospitalization, sometimes immediately after detention and sometimes after indictment (12 cases). It is challenging to locate the development of the trial in these cases since they are usually confidential, and a gag order is imposed.</li> <li>• <b>The percentage of indictments</b> in the remaining cases after deducting the cases in which the suspect/accused is sent for psychiatric observation, as well as the cases in which the <b>Perpetrator</b> committed suicide, reach <b>94.3%</b> (84 out of 89 cases.)</li> </ul>
<b>Convictions and Sentences</b>
<ul style="list-style-type: none"> <li>• In 65% of the remaining cases, there was a conviction for a murder offense in court (58 out of 89).</li> <li>• In 10% of the remaining cases, there was a conviction for a manslaughter offense (9 out of 89).</li> <li>• In summary, the percentage of <b>convictions</b> for a murder or manslaughter offense amounts to <b>75%</b> of the remaining cases.</li> <li>• <b>The minimum sentence</b> for a murder or manslaughter offense ranges from <b>14 to 18 years in prison</b>, and the maximum penalty was life imprisonment or sometimes a double life sentence.</li> </ul>

**Table 3: Data on Palestinian Women Citizens of Israel Femicide Cases  
2008-2018**

<b>The Identity of the Perpetrator</b>
<ul style="list-style-type: none"> <li>• <b>27.8% of Palestinian femicide cases</b> were committed by a <b>partner\spouse</b> (29 out of 104 cases).</li> <li>• <b>40.3% of Palestinian femicide cases</b> were committed by a <b>family member</b>, including extended family members and spouse's family (42 out of 104).</li> <li>• <b>31.7%</b> of the cases were committed by <b>other person(s)</b>, including criminal cases, an unknown <b>Perpetrator</b>, or a hitman (33 out of 104).</li> </ul>
<b>Indictment</b>
<ul style="list-style-type: none"> <li>• <b>Two cases (about 2%) resulted in the Perpetrators 's suicide</b> after the murder case (compared to 21% of murders of Jewish women), <b>and in one case only (about 1%) was the defendant sent for psychiatric observation and/or psychiatric hospitalization</b> (compared to 9.3% in the cases of Jewish women)</li> <li>• <b>The percentage of indictments</b> in the remaining cases (after deducting the cases in which the suspect/accused was sent to psychiatric observation, the cases in which the Perpetrator committed suicide, as well as the cases which were closed because of death for an unknown reason) <b>amount to 56%</b> (55 out of 98.)</li> </ul>
<b>Convictions and Sentences</b>
<ul style="list-style-type: none"> <li>• <b>In the remaining 34%</b> of cases, there was a conviction in court for <b>murder or manslaughter offense</b> (34 out of 98 cases.)</li> <li>• <b>The minimum sentence</b> for a murder or manslaughter offense was <b>5.5 years</b>, and the maximum penalty was life sentence.</li> <li>• Numerous cases ended with a conviction for an assisted murder, post-fact assistance, or conspiracy to commit a crime, for which reduced sentences were sentenced due to difficulties and failures to prove the murder/manslaughter charge and/or as a result of reaching plea bargains with the defendants. The sentences set for these cases were very low and ranged from 18 months to 10 years in prison.</li> </ul>

*\*It should be noted that the data in table No. 3 refers to the identity of the person convicted of the most serious offense in the commission of the murder (in the case of multiple defendants.)*

**Table 4: Summary of Comparison between Jewish and Palestinian Femicide Cases**

	Indictments (percentage)	Convictions (percentage)	The minimum sentence for a conviction for severe offenses of murder or manslaughter
<b>Jewish women</b>	<b>94.3%</b>	<b>75%</b>	<b>years 14-18</b>
<b>Palestinian Women</b>	<b>56%</b>	<b>34%</b>	<b>years 5.5</b>

Table No. 4 is based on a summary of the results of the quantitative research, which includes a total of 233 cases examined.

Regarding both groups (Palestinian and Jewish women) and in cases where the victim was survived by her children, the courts awarded compensation to the victim’s children as victims of an offense in addition to imposing a prison sentence.

## E. Qualitative Analysis of Data and Literature

### 1. Lack of data and difficulty in receiving data on Femicide cases of Palestinian women citizens of Israel

As already noted above, while the collection of quantitative data of Jewish femicide cases did not encounter barriers—information was readily accessible on the Internet, on media websites, and in legal databases—in cases of Palestinian women, the research encountered barriers such as the imposition of gag orders, missing and partial information, as well as a relatively high percentage of unsolved cases.

Already in the initial stages of the search, it was difficult to locate data regarding the murders of Palestinian women; data about the murder case or finding suspects were sometimes expressed in initial media reports but cases went without later news pieces heralding indictments and convictions (as opposed to cases of Jewish women). In addition, media coverage of these murders included coverage relating to many unsolved cases, particularly in respect to murders taking place in areas such as Ramla, Lod, and Jaffa.

Therefore, in light of the high number of cases in which no information was found independently, the data on Palestinian women were organized into two lists:

1. Cases for which information was located on the Internet and in legal databases, and court decisions and sentences were saved (hereinafter: **“the first list and/or list of**

**solved cases”.)**

2. The remaining 62 cases, in which information about indictments or convictions could not be located (hereinafter: **“The second list and/or the list of 62 cases”.**)

In light of the aforementioned, and in light of the difficulty in finding and locating information about the cases on the second list, a decision was made to submit Freedom of Information requests to the police State Attorney’s office. At the same time, the second list was sent to MK Aida Touma Sliman, who submitted a request for information, from her office, to both the Police and the Minister of Public Security.

### **Freedom of Information requests –first round**

In a letter dated 6 June 2020, WAVO requested information from the Israeli police concerning the list of 62 cases of Palestinian femicide according to the Freedom of Information Law, to which it attached an appendix that includes information about each case as found in the media. In its request, the organization demanded detailed information about the status of each case, including answers to the following questions:

- Is the case open/closed?
- If the case was closed - when was it closed, and what was the reason for closing it?
- If the case is still open, what is its status, and what is the latest update on the investigative efforts?
- If the case was referred to the Public Prosecution or the court, the case number was requested so that it could be tracked there.
- Have there been any previous complaints to the police by the victim about violence?

In its letter, WAVO also sought clarification on the police policy of imposing gag orders on the Palestinian femicide cases, especially where there is no involvement of an underage suspect or defendant. In a response letter from the Police dated 6 July 2020, the Police rejected WAVO’s request on the grounds that the demanded information is investigative material to which the exception set out in Section 14 (a)(8) and (9) of the Freedom of Information Law (an exception which does not require the authority to provide the information) applies.

In its response, the Police argued that providing data according to the descent/race/resi-

dential area of the accused, suspect, convicted, and/or victims could lead to the labeling of populations in terms of crime, which in turn would harm the feelings of different populations, and therefore cause harm to public safety and security as a result of the reactions of the population to the labeling.

Instead, the police submitted a statistical list of cases from 2013-2018 in which indictments were filed, from which nothing can be learned (hereinafter: **“Statistical list from 2013-2018”**). There are no references in the table to the dates of the murder cases. Therefore, the indictments cannot be attributed to any case.

MK Aida Touma Sliman’s request for freedom of information was also rejected by the Police for similar reasons. In a reply letter dated 16 June 2020, the Police rejected MK Touma Suleiman’s request for providing data on the status of specific cases and forwarded the same statistical list from 2013-2018. In its response to MK Touma Suleiman, the Police claimed that they do not impose a sweeping gag ban, but that the necessity in every case thereof is examined, and that such a decision is approved by the head of the investigations division.

On 29 June 2020, MK Touma Suleiman sent a letter to The Minister of Public Security, Amir Ohana, demanding information about the list of 62 cases (the second list) and clarification on the policy of the sweeping gag orders in these cases (as opposed to temporary orders until the investigation is over).

In his reply dated 2, August 2020, Minister Amir Ohana attached a letter of reply from the Police dated 19 July 2020 (hereinafter: **“Second letter of reply from the Police”**) and replied that he had instructed the Israeli Police to promote a professional meeting with MK Touma Suliman on the subject. In its second letter, the Police reiterated its refusal to provide the requested information and clarified that it only provides statistical information, not specific information. The Police also noted in the letter that when it comes to gag orders, police policy focuses on the grounds of fear of harm to the investigation. In the letter, the Police recommended approaching the Public Prosecution and the courts that are responsible for the cases after the investigation is over.

### **[A Petition under the Freedom of Information Law, Women Against Violence Against the Israeli Police<sup>16</sup>](#)**

Since it did not receive what it requested, in August 2020, WAVO filed an administrative

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<sup>16</sup> Ibid.

petition under the Freedom of Information Law to the Jerusalem District Court. Adv. Gadir Nicola represented the organization in the petition on behalf of the Association for Civil Rights in Israel (ACRI).

The demands of the petition included: specific information about the list of 62 cases (the second list,) receipt of a copy of the procedure or instructions regarding gag orders, as well as the regular publication of quantitative and statistical data on cases of violence against women, including data disaggregation based on nationality, religion, and legal status in Israel.

WAVO argued in the petition that about half of the femicide cases in Israel have Palestinian victims and that one of the many factors responsible for this painful situation is the incompetence of various state authorities, particularly the Police, in enforcing the law and deterring the Perpetrators. The petition referred to the police's claim—that providing disaggregated data by nationality could “tag” a group and lead to responses that would harm public safety and security—and claimed that it was nothing more than an excuse designed to hide from the public the police's failure to address the phenomenon and prevent public monitoring, supervision, and criticism.

#### The Police response to the petition:

In its response to the petition, the Police reiterated most of the claims made in its earlier replies to WAVO and MK Touma Suleiman while adding that providing information about the specific cases should infringe on the privacy of the victims and their families. However, in its written response as stated, the Police expressed a willingness to provide the status of the cases regarding the list of requested cases (the second list) in a reversal of its refusal to do so in letters sent before the petition:

“The applicant wishes to note that after submitting the petition, the respondent examined the petitioner's claims in this aspect, and after further examination of the respondent's professionals, it was decided that there was no impediment to providing the information as provided in the respondent's decision even regarding the Arab sector only...All of the above indicates that the respondent's decision not to provide the information requested by the petitioner, while providing other partial information, is a reasonable and appropriate decision, considering the provisions of the law and the balances required by the Freedom of Information Law” (article 49 of the Police response to the petition.)

As part of negotiations between the parties after the submission of the response to the

petition, the police reiterated their willingness to provide WAVO partial information with two main reservations:

1. Providing specific information about the requested cases from 2013 and forward only. The police claimed it was not until 2013 that computerized information, which did not take unreasonable effort to hand over, was available (as opposed to that of the 2008-2012 cases.)
2. Objection to providing information related to the victims' previous complaints to the police on violence.

In addition to the general request for regularly-provided information, including quantitative and statistical data, regarding femicide cases, the Police rejected the request. After lengthy negotiations, the Police provided data on 41 out of the 62 requested cases that occurred between 2013 and 2018 (hereinafter: “**data provided by the Police following the petition**”).

The list provided by the Police included the following details: **case number, case status** (whether the case is in the hands of the Police or the Public Prosecution or closed), and information about an **indictment or conviction**. Eventually, after receiving such information, the parties agreed to delete the petition without expenses.

The received data was added to the lists of femicide cases prepared for this research and cross checked to complete the quantitative database. Cases in which the Police reported indictment or conviction (10 in number) moved to the first list of solved cases.

### **Information requests after deleting petition – second round**

Therefore, and in order to complete the list of the cases that are under police investigation and in the Public Prosecution without further indictment, as well as those on the second list, WAVO submitted additional freedom of information requests (hereinafter: “**second round**”). In a letter dated 14 April 2021, WAVO again contacted the Police Freedom of Information Commissioner asking for the following information:

- a. Is there a suspect in the case?
- b. Have suspects been arrested?
- c. If yes, what is their proximity to the victim? (Father/Brother/Spouse, etc.)
- d. Is there a recommendation for indictment? If not, why?
- e. Has the case been referred to the Public Prosecution?

- f. Has there been a need to complete the investigation in the case?

In addition, in a letter from that day, WAVO contacted the Public Prosecution, the Deputy Attorney General for Criminal Affairs, and the Deputy Attorney General for Civil Affairs asking for information about the cases in their care, according to the data provided by the Police following the petition. The required information included the following questions (partial list):

- a. What is the status of the case?
- b. Is there a suspect? What is his proximity to the victim (father/brother/spouse, etc.)?
- c. When was the case transferred to the Public Prosecution?
- d. Did the Police need to complete the investigation in the case?
- e. Did the victim have previous complaints of violence against the same suspects?
- f. Regarding cases in which an indictment was filed, the number of proceedings and a copy of the original and amended indictment were requested.

In a letter dated 6 June 2021, the Police once again rejected the request for freedom of information on the grounds that the information is investigative material that the authority was authorized not to provide, and that WAVO already received all the information requested through the petition.

On 16 August 2021, after repeated extensions, WAVO received a response from the Commissioner of Public Information at the Ministry of Justice with partial data on cases handled by the Public Prosecution. Within this new case data, about half of the cases had not been indicted, a significant number of cases had been closed for lack of evidence, and there were cases that remained suspended without any further progress.

**A yearlong legal battle waged by WAVO against the Police exposed a policy of lack of transparency and even opposition from the Police to disclose the data on Palestinian femicide cases, under varying weak pretexts. The responses of the Police to Freedom of Information requests and the administrative petition also revealed vague and incoherent policies regarding the methods of gathering and publishing information, making it very difficult to supervise and monitor the work of the Police. In addition, the policy of widespread use of gag orders—one notably not present in cases of murder of Jewish women (except in cases of psychiatric observation or hospitalization)—makes it challenging to reveal the truth.**

### **Lack of data disaggregation by Gender and Nationality:**

In Israel, there is a shortage of official data from state authorities and a lack of systematic collection of gender-based data regarding violence against women. Instead, civil society organizations tend to bear the burden of collecting data.<sup>17</sup>

In addition, a particular disaggregation problem exists regarding police data on Palestinian femicide cases because the Israeli Police do not systematically and transparently publish data according to gender and nationality, as presented in detail in the previous chapter. In circumstances where the situation of Palestinian women is worsened, and their representation increases in relation to all femicide cases in Israel (table No. 1,) it is important to disaggregate data according to gender and nationality so that data-based solutions can be offered.

Almost all those involved in the field, including activists, researchers, and Knesset members, emphasize the difficulty of receiving data from the state regarding Palestinian femicide cases in Israel.<sup>18</sup> In a report written by MK Hanin Zoabi and submitted to the State Comptroller, Zoabi emphasizes the importance of disaggregating data according to nationality to avoid misleading data. For example, in light of a decline in crime figures in Jewish society, the general statistics regarding violence may indicate a decline, but this does not reflect the situation in the Palestinian society, where there is a reverse trend of increased crime.<sup>19</sup>

It should be noted that the data presented in the reports of the Knesset Research and Information Center are also partial and do not provide sufficient responses to Palestinian femicide cases in Israel. The method used by the RIC does not focus on Palestinian women, but rather on their representation in the general numbers and the general population. For example, RIC includes data on femicide cases caused by spouse or by other people as well as the percentage of Palestinian women out of those victims. According to this method, it is possible to know the percentage of Palestinian women among all those murdered in different categories. However, it is impossible to know what the central causes of the murders of Palestinian women are (as the current research does) and to solve the increase in the number of victims.

It is necessary, then, to examine in depth the murders of Palestinian women—including

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17 Hagar Tzameret, Hannah Herzog, Naomi Hazan, Yulia Bassin, Rona Breyer-Garb, Hadas Ben Eliyahu in collaboration with Yael Hasson, "Gender Index Gender Inequality in Israel 2020", **The Van Leer Institute Publishing, 2020**, [link](#).

18 MK Hanin Zoabi report "Crime in Arab Society: Deficiencies in Police Treatment" submitted to the State Comptroller by **MK Hanin Zoabi** (2017). See also Aida Touma Suleiman 2005, footnote No. 10.

19 Ibid.

the identity of the murderers, the causes of the murder, the murder weapon, and law enforcement efforts—so that data based solutions can be offered. Unfortunately, one is unable to do so using the methods of data collection that exist today among the Israeli authorities.

This policy of lack of transparency and mere-partial collection of data on Palestinian femicide is contrary to both the international obligations of the State of Israel as well as the international standards set forth in the UN Sustainable Development Goals (SDGs.) On 25 September 2015, the UN General Assembly adopted 17 goals designed to lead to sustainable global development by 2030, with the participation of more than 80 leaders from all over the world. Each goal contains within itself concrete goals that must be achieved in order to lead to its full implementation. On 1 January 2016, the list of goals came into force, and all UN member states were made responsible, from that point on, to report on how they advance the implementation of those goals. A series of global development indicators was later adopted to quantify the progress of the implementation of the SDGs.

Target No. 5 deals with achieving gender equality and empowering all women and girls. It includes nine goals and 14 indicators for examining countries' progress, including in the field of gender based violence. Target 17.18 explicitly calls for increasing significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national context. Resolution 47/101 of the UN Statistical Committee emphasized the importance of cooperation between member countries and the UN regarding the transfer of data as a fundamental condition for the implementation of the metrics for advancing the UN Sustainable Development Goals (SDGs.)<sup>20</sup>

In July 2019, the Israeli Government approved a resolution to implement the UN sustainable development goals in the Government's strategic plans, which included setting metrics relating to the areas of operation of each ministry.<sup>21</sup> However, despite the above mentioned, government ministries responsible for the realization of the goals still do not meet their obligations, especially when it comes to Goal no. 5, achieving gender equality.<sup>22</sup>

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20 UN Statistical Commission Decision 47\101, "Global indicator framework for the goals and targets of the 2030 Agenda for Sustainable Development", (2016), [link](#).

21 Announcement of the Government's decision to implement Sustainable Development indicators into its plans, (2019), [link](#).

22 Shirin Batshon and David Dunitz, " Sustainable Development Goals in Light of Covid-19 Crisis, Report of CSOs in Israel" 2020-2021, [link](#).

## 2. Implementation of the Police duty to protect Palestinian women

The results of the quantitative data in the current research (Tables no. 2 & 3 in Chapter D.) indicate the existence of two separate pathways for Jewish women and Palestinian women when it comes to law enforcement in femicide cases. More specifically, the data indicate gross inequality and blatant discrimination against Palestinian women by Israeli law enforcement authorities.

According to the data, as stated, only about half of Palestinian femicide cases reach indictment, and few of them amount to convictions (only 34%). This is because, in many cases, the charges filed run into difficulties in proving the offense in court and are closed in plea bargains with reduced sentences (see table No. 3). Especially in cases that occur in cities such as Ramla, Lod and Jaffa, a case review raises such difficulties. In her report to the State Comptroller, MK Hanin Zoabi claims severe deficiencies in the Police treatment of murder cases in the Palestinian society, which are expressed by the failure to exhaust investigations even when the suspect is known; the carrying out of partial investigations, especially in failing to examine photographic material on security cameras in public and private spheres; and 3) the attempts to dissuade witnesses from testifying, including in domestic violence cases.<sup>23</sup>

MK Zoabi also points out that 80% of the murdered Palestinian women submitted previous complaints to the Police, and that the Police do not ensure the safety of threatened witnesses even after the testimony was finished. Ensuring protection of witnesses is of crucial importance, especially when it comes to testimonies and victims that relate to crime families, as without the promise of protection during and after testimony, the witness to murder may later become a victim.

In 2008, Israel enacted the Witness Protection Law, which ordered the establishment of a witness protection authority, under the responsibility of the Ministry of Public Security, whose role is to help protect witnesses at high risk of harm.<sup>24</sup> The authority was established in 2008 and entered into active operation in 2010.

According to the Ministry of Public Security, there are discussions over the possibility of including under the law threatened women and victims of violence, as it appears that this was not the first and central task for which the authority was established.<sup>25</sup>

Minister Erdan also addressed the fight to end violence against women, noting that *“from our first conversation, I asked the Head of the authority when he took office to prepare an*

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23 Hanin Zoabi, 2017, footnote No. 18.

24 The Witness Protection Law, 2008, [link](#).

25 “An Initiative: Battered Women - in the Witness Protection Program,” **Israel Hayom**, 2.8.2017, [link](#).

*experimental program for integrating women at a high threat level within the authority. True, this was not the first and central task for which the authority was established, but we all understand that there are many difficult and painful murders and that we, as a country, have an obligation to provide every possible response to the protection of those women whose lives are in danger.”*

Minister Erdan stressed that in his view, *“morally, the duty of a state to protect these women exceeds its duty to protect criminals. Such models exist in the world, and we will launch an experimental project as early as 2019.”*<sup>26</sup> (emphasis – S.B)

Currently, apart from a few testimonies about the treatment of women under the Witness Protection Program accompanied by the Ministry of Social Affairs, there is no detailed information about the application of the program to high-risk groups. Thus, despite the fact that Palestinian women are at high risk group and despite MK Zoabi’s demands to do so,<sup>27</sup> there is no information about the integration of Palestinian women into the program. In the report, MK Zoabi also points to the Police’s use of criminal organizations in Arab society to carry out *“Sulha”* (resolution) ceremonies, and a policy of not collecting illegal firearms, which are causing weakening of the rule of law in Arab society.<sup>28</sup>

In her research, MK Aida Touma Sliman also warned against the support by the Police of patriarchal figures in society in such a way that led women to their deaths. She described a case in which Israel’s systems failed to protect a Palestinian minor despite the existence of legislation requiring the state to do so.<sup>29</sup>

In 2014, during a discussion among the members of the Committee for the Advancement of Women’s Status on Palestinian femicide cases, a representative of the Ministry of Public Security admitted that Arab affairs advisors were still assisting the Police. The position of Advisor for Arab Affairs was created in the Prime Minister’s Office after the abolition of the Minority Ministry in 1949. The role of the Advisor was to coordinate government policy among the minorities in Israel—Arabs, Druze, Circassians, and Bedouins—including coordinating the activities of government ministries, bodies, and public institutions, and setting policy towards Arabs in Israel in various fields. However, even though the last Arab Affairs Adviser in the Prime Minister’s Office finished his duties in 1999,<sup>30</sup> it appears that the practice of using such an advisor continues to this day.

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<sup>26</sup> A decade to the establishment the Witness Protection Authority, **the Ministry of Public Security**, 27.12.2018, [link](#).

<sup>27</sup> Hanin Zoabi, 2017, footnote No. 18.

<sup>28</sup> Hanin Zoabi, 2017, footnote No. 18.

<sup>29</sup> Toma Suleiman, 2005, footnote No. 10.

<sup>30</sup> About The Prime Minister’s Office - Office of the Arab Affairs Advisor, State Archives, [link](#).

From the minutes of the Committee for the Advancement of Women's Status as stated:<sup>31</sup>

Meir Berkowitz (Head of Department Victims of Crime in the Investigations and Intelligence Division, Israel Police, Ministry of Public Security):

**“Look, in places where there are large concentrations of the Arab population, usually the super factor, the district commander usually has an Arab affairs advisor, who is usually someone who knows...”**

Chairman Aliza Lavie:

How many such advisors are there in the country?

Meir Berkowitz:

I don't know. I can check and tell you.

Merav Michaeli:

**It's a male advisor who obviously works with the men in the family.**

Meir Berkowitz:

No, no, really not.

Chairman Aliza Lavie:

Is there a female advisor as well?

A call:

Arab Affairs Advisor, sorry, with all due respect, there is one in every district.

Meir Berkowitz:

Yes, yes, but look, at the end, when these problems exist in the South, I want to tell you that in a lot of cases, some of them come to me by virtue of the job just because of all kinds of interagency solutions that need to be found there. There are cases where it's on the verge of murder, and you have to find very, very creative solutions to find all sorts of solutions and all types of cover stories that give some kind of virtue. Without cooperation with the organizations that operate in the South and without the cooperation of the welfare agencies, it will not succeed. **Cooperation is done with people who know the population, who come from within the population. It will not go any other way. We may get to a point where there will be many more, so suppose they multiply and triple and quadruple the number of female police officers who speak Arabic”.** (emphasis – S.B)

31 Violence and Murder of Arab Women - Ways to Cope, Minutes of Meeting No. 109, The Committee for the Advancement of Women's Status and Gender Equality, Knesset 19 , 5.11.2014, [link](#).

In the past year, there has been significant media coverage of the case of Wafa Abahra, who was brutally murdered by her partner even though her situation was well known to the authorities. Wafa was married to a violent man who had previously been convicted of offenses of violence, threats, and shooting. She managed to escape to a shelter for women victims of violence and received a divorce from the Sharia court but continued to fight for custody of her children. In Wafa's case, all relevant authorities in Israel, including the justice system, welfare, and the Police, knew about the case, but none of them were able to provide her with proper protection. A phone call the victim had with a police officer while she was in a shelter for women victims of violence before the murder occurred reveals a harsh picture of disrespectful and negligent treatment. Below are parts of the recording of the conversation between the victim and the police officer, from a report aired in Kan 11.<sup>32</sup>

Wafa: "I don't know but **what I know now is that it is your job as a police officer to protect me and the girls and it will be like you're aware of all the things, I'm coming out [of the shelter] and I need protection.**"

Policeman: "**Wafa, don't teach me my job.**"

Wafa: "Sorry I didn't mean it, but, like, I'm coming out, and the same things haven't changed. It's as if the fear and concerns are still the same."

Officer: "**If the same concerns are still there then don't come out. What we've done nowhere else would you get such a service.**"

Wafa: "I still don't know what you did."

A short time later, Wafa was stabbed to death by her spouse after she was on her way from the court regarding the custody of the children. Despite the known identity of the spouse and his violent past, it took police **three weeks** to find and arrest him.<sup>33</sup>

Additionally, the court that discussed the violence case did not provide protection to Wafa and stated in its decision:

**"His actions are not easy but are not at the severe threshold of domestic violence offenses"** from a report in Kan 11.<sup>34</sup>

Another case that attests to the failure of law enforcement to protect the victim is the murder of Zahira Jijini and her two daughters carried out in 2013 by her ex-husband in the village of Daburriya. In the same case, Zahira complained about her ex-husband to all possible authorities: the Police, the Welfare Department, and the court, but all were unable to help

32 "When the Judge and the Cop are Men, Wafaa Abahra Doesn't Stand a Chance," **Siha Mekomit**, 12.11.2020, [link](#).

33 Conclusion of the Investigation Into the Murder of the Deceased Wafa Abahra, Who Was Stabbed to Death Near Araba, **Israel Police**, 28.1.2021, [link](#).

34 Siha Mekomit, 2020, footnote No. 32.

her, and the court even rejected her request for protection. A few years later, the victim's brother and mother filed a tort lawsuit against the state for failing to protect her.<sup>35</sup>

The murders of Wafa Abahra and Zahira Jijini are not isolated incidents. They add up to many other cases of Palestinian women who have been killed in daylight, sometimes even in front of the eyes of their children. Many of these cases remain unsolved and no charges have been filed.<sup>36</sup> In some of these cases, it was even claimed that mercenaries were hired to carry out the murder, which is a new phenomenon in Palestinian society that has only begun to appear in the past decade.<sup>37</sup>

The conclusion that emerges from the cases described above is that the State of Israel fails to protect Palestinian women and fails to respond by investigating the cases and prosecuting the offenders. The high percentage of Palestinian women who have submitted previous complaints to the Police (74% according to the Knesset RIC and 80% by MK Hanin Zoabi)<sup>38</sup> speaks for itself.

The state's failure to protect Palestinian women and prosecute the perpetrators contradicts its obligations under international laws including the International Convention on Civil and Political Rights (ICCPR); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); the Convention on the Elimination of Racial Discrimination (CERD); and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) along with the Committee acting on its behalf.

It is the duty of the state, at a minimum, to invoke existing laws and establish institutions that can protect the lives of its citizens and safeguard the value of the sanctity of life and bodily integrity. In addition, the state has an essential duty to protect people in vulnerable situations due to specific threats or pre-existing conditions of violence.<sup>39</sup>

In 2015, the CEDAW (hereinafter: **CEDAW Committee and/or the Committee**) determined that the Police and the judicial system in Canada were unable to effectively protect Aboriginal (indigenous) women whose representation among murder victims exceeds their rates in the general population, compared to men and compared to other women.

The Committee ruled that Canada had failed to prosecute offenders and to ensure victims were compensated and ruled that there was a serious violation of their rights under

35 "A Huge Lawsuit Against the State: Zahira was Murdered Due to Negligence of the Authorities," **Walla News**, 26.7.2018, [link](#).

36 "The Son Witnessed the Murder of His Mother: "He Pushed Us and Put a Gun to Her Head." **YNET**, 24.9.2016, [link](#).

37 "The Police Believe that They Have Captured Those Responsible for three Murders in Lod, **Globes**, 20.10.2010, [link](#).

38 Footnotes 1 & 18.

39 Sonia Boulos, "Policing the Palestinian Minority in Israel: An international Human Rights Perspective", **Journal of Holy Land and Palestine Studies**, 19 (2), pp. 151–174, (2020).

the CEDAW Convention. The Committee noted the right of indigenous women to life and personal safety, the right to equal protection before the law, their right to effective relief, and the state's duty to eradicate all forms of discrimination against women and eradicate harmful stereotypes.

The Committee also made 38 recommendations for action for the state, including carrying out an independent national inquiry into cases of missing and murdered Aboriginal women, systematic and regular collection of ethnic information in a way that requires all police departments to act to eradicate existing stigmas towards women, which will be passed on to all law enforcement officers, to combat the stigma of the way these women are portrayed in the media, to break the cycle of mistrust towards the Police, and to develop a national action plan to address all forms of violence against Aboriginal women.<sup>40</sup> Canada accepted 34 of the Committee's recommendations, though it did not call for a national investigation.

CEDAW's intervention in the cases of indigenous women in Canada was made possible by the state's signature on the Optional Protocol for the Convention on the Elimination of All Forms of Discrimination Against Women in October 2002. Thus, in accordance with Article 8 of the Optional Protocol as stated, if the Committee receives reliable information indicating serious or systematic violations of the rights established in the convention of individuals or a particular group, it shall invite the state to cooperate in examining the information and may even appoint one or more of its members to conduct an inquiry and report urgently to the Committee. If necessary, and with the consent of the state, the investigation may include a visit to its territory. According to Article 8 of the Optional Protocol, the state's consent is required at all stages of the investigation carried out by the Committee.<sup>41</sup> It should be noted that, unlike Canada, Israel has not yet signed the Optional Protocol for the CEDAW Convention.<sup>42</sup>

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40 Canada's Failure to Effectively Address Murder and Disappearance of Aboriginal Women 'Grave Rights Violation' - UN Experts, **OHCHR**, 6.3.2015, [link](#).

41 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, [link](#).

42 Ratification Status for CEDAW-OP, **OHCHR**, [link](#).

### 3. Naming Palestinian Femicide cases in Israel

On 8 July 1957, Maariv newspaper published a report about a case in which a brother murdered his sister, a married woman and mother of 4 children, by stabbing:

**“Blood Was Drawn Near the Valley. A Brother Murders His Sister in Order to Protect the Family’s Honor”** (emphasis - S.B.)

It was a murder of a Jewish woman who lived with her family in Ma’abara (immigrant absorption camp<sup>43</sup>). This is how the article describes the motive for the murder:

“He was a farmworker and greengrocer who supported a woman and five children. He was known as a quiet man in the Ma’abara. Recently, however, people began saying that his sister was leaving her house and taking walks with other men, and Eliyahu decided that his sister was dishonoring the family.<sup>44</sup>

Another case of murder of a Jewish woman in Israel that was described as “honor killing” case was that of the deceased Rina Daly. An article published in Maariv newspaper on 5 February, 1964 noted that seven family members were arrested and suspected of kidnaping and murdering Daly on the grounds of contact with a man the family objected to.<sup>45</sup> The media’s framing of the murder of a Jewish woman as “honor killing” murder is rarely, if at all, seen today in Israel. These reports mark an important milestone in which the use of the term “honor killing” seems to have become the exclusive domain of Palestinian women in Israel over the years, and this section will provide evidence for this claim.

In her article on the politics of honor, Manar Hasan argues that in contrast to the Jews who came from Arab countries—a group that the state acted hard to integrate into society—the state and its institutions treated the Palestinians with no desire to integrate but rather to isolate and control. Therefore, when it comes to Palestinian women, the state and its authorities have enabled the continuation of the “honor killing” labeling and practice by employing “dignitaries” to reach a resolution with the family and by granting pardons to murderers who claimed to commit the crime on grounds of “honor,” a policy that allowed the state to abdicate responsibility and led to institutional neglect. Hasan describes how the state’s treatment of Palestinian femicide cases is characterized by Orientalism, which treats the Palestinian Arab society as unchanging and unevolved culture. This Orientalist

43 **Ma’abarot** (Hebrew: מעבָּרוֹת) were [immigrant and refugee absorption camps](#) established in [Israel](#) in the 1950s meant to provide accommodation for the large influx of Jewish refugees and [Jewish immigrant](#), mostly from Arab countries, [link](#)

44 "Blood Was Drawn Near the Valley. A Brother Murders His Sister in Order to Protect the Family Honor," **Maariv**, 8.7.1957.

45 "Seven Family Members Arrested as Suspects in the Murder of Rina Daly, **Maariv**, 5.2.1964.

approach allows preserving the practice of “honor killing” and femicide through the excuse of respecting “multiculturalism”.<sup>46</sup>

Multicultural discourse in Israel in the context of Palestinian society is portrayed by the state as an act of liberal-democratic tolerance, but in practice, it is an illusion and a trap for the Palestinian minority and especially for women. Such multicultural discourse allows for a split in the state’s attitude to the Jewish majority and the Palestinian minority regarding questions of religion and state. While recognition of Jewish religious institutions is considered part of the public sphere of the explicitly Jewish State of Israel, recognition of the religious institutions in Palestinian society is considered to belong to the private sphere, in which the state is not obligated to intervene.<sup>47</sup>

This is evident in the context of the religious courts in Israel, whose practices violate, under Israeli law, basic human rights of women, while simultaneously operating under the assumption of multiculturalism and contrary to the opinion of many feminist activists who call for an end to discrimination against Palestinian women in this field.<sup>48</sup>

**The findings of the current research show that the majority (about 60%) of Palestinian femicide cases are carried out by a spouse or unknown other and not by a family member (40% of the cases), which demonstrates once again that there is no justification for the continued use of the framing of “honor killing” in relation to Palestinian femicide cases in Israel.**

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46 Manar Hasan 1999, footnote No. 9.

47 Michael Karayanni, **A Multicultural Entrapment: Religion and State Among the Palestinian-Arabs in Israel**, Cambridge University Press, (2020).

48 “To Be Freed from the control of Religious Law, Shirin Batshon Calls Hanin Zoabi to Act for Civil Marriage, **Haaretz**, 8.3.2013, [link](#); “The War on Women in Israel”, **The Nation**, 19.8.2015 [link](#).

**Table No. 5: Palestinian Femicide cases in Israel The Identity of the Perpetrator**

<p>committed by a <b>27.8% spouse</b></p>	<p>committed by a fami- <b>40.3% ly member</b></p>	<p>committed by <b>other 31.7% person</b>, including criminal cases, an unknown Perpetrator, or a hitman</p>
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Table No. 5 is based on a summary of the results of quantitative research, which includes a total of 104 murders of Palestinian women that took place between 2008 and 2018

In 2001, the Knesset RIC issued a special document on “Honor killing”, describing it as a complex question for the modern and democratic state:<sup>49</sup>

“Therefore, the phenomenon of “honor killing” poses complicated questions for the modern and democratic state. How should the authorities treat a phenomenon that, on the one hand, expresses a cultural phenomenon of an ethnic minority group, and on the other, denies human rights? What should be the limits of cultural tolerance and pluralism that the state must determine in the face of a phenomena such as this?”

In a report published later in 2013 by RIC, it was decided that the “Honor killing” category should be replaced by “murder by a family member”, following a decision made by the head of the Police Investigations and Intelligence Division, quoted in the report (footnote No. 4 of the report):<sup>50</sup>

“According to a decision by the head of the Police Investigations and Intelligence Division from 2012, we will no longer use the term “honor killing.” This term has been replaced by the term “murder by family.” Despite the change in naming, the diagnosis is the same” (Emphasis – S.B)

As a result, in its later reports, the RIC did not use the term “honor killing” and the methodology was changed accordingly. However and despite the decision to change the naming, the Police and its senior officials have not stopped using the term “honor killing”.

For example, at a special press conference held by Prime Minister Benjamin Netanyahu and The Minister of Public Security, Yitzhak Aharonovich, in the city of Lod following a wave of femicide cases, the Minister of Public Security said:<sup>51</sup>

49 Rachel Werczberger, “Background Document on ‘Murder for Desecration of Family Honor’”, **The Knesset Information and Research Center**, (2001), [link](#).

50 Yuval Bogieskyi, “Violence Against Women- «Data concentration for 2013 **The Knesset Information and Research Center**, served to the Committee for the Advancement of Women’s Status, (2013), [link](#).

51 “Netanyahu: Lod Will Not Be the Wild West,” MAKO, 7.10.2010 [link](#). A similar article was published in **Globes** newspaper, [link](#).

“The Police are doing a great job here and will continue to do with the reinforcement of its forces. The Police forces must bring a better sense of security. The **recent murders are mostly on the background of family honor.**” (Emphasis – S.B)

In addition, in an interview with Radio Jerusalem in 2019, Gilad Erdan, the Minister of Public Security, said that Arab society is very violent and it originates from “cultural codes.” He addressed the issue of femicide saying:

“It is a very, very – and a thousand times more very – violent...that a mother can give permission for a son to murder his sister because she’s dating a man that the family does not approve of.”<sup>52</sup>

It should be noted that the Hebrew media is also saturated with the use of the “honor killing” framing in coverage of cases of Palestinian femicide, along with stigmas that describe the Arab-Palestinian society as “less enlightened.” For example, in 2014, an article was published in Maariv newspaper entitled “Honor killing: How does it still Happen in Israel.” The article begins with the story of an Iranian woman who was executed, by stoning, for adultery and connects it to “honor killings” in Israel that take place in the Palestinian society. The article interviews a source that works in the security system who tries to explain the “phenomenon”:

“The motive in many cases is religious,” says the source, **“in some cases it is culture. Terrorism also has religious and cultural motives. However, it is very circumstantial. We are not into this connection. Indeed, most of the perpetrators of the honor killings are religious, but not terrorists.”**<sup>53</sup> (Emphasis – S.B.)

*Why, then, does the State and its institutions insist on adopting an “honor killing” discourse regarding Palestinian femicide cases, contrary to the outcry of women’s organizations, activists, Knesset members, and scholars in the Palestinian society, who call on the state to stop using such framing?*

*In addition, why does the state choose to ignore these voices and instead continue to enlist the opinions of various Arab affairs advisors and officials in the Ministry of Defense in order to understand the murders?*

Manar Hasan’s article describes the roots of the “honor killing” practice and how it has changed over time. According to Hasan, the perpetrator of “honor killing” is the woman’s *wakeel*, a blood relative upon whom the duty of purification is imposed. In the original

52 “Erdan: The Arab Society is Very Violent. If Our Disputes End in Lawsuits, Their End in a Draw of Weapons,” **Haaretz**, 7.10.2019, [link](#). [A similar article was published in Maariv newspaper, link](#).

53 “Murder on the Grounds of Desecration of Family Honor: How is it Still happening in Israel.” **Maariv**, 28.10.2014, [link](#).

custom, the man who violated the honor of a woman is the target of murder but, over time, the woman became the target because it is cheaper for society and family, since the murder of men leads to a vicious cycle of revenge between different tribes. Hasan pointed out that the value of respect and the *‘ib* in the Palestinian society (the concept of Shame in Arabic, frequently used in relation to the bodies and sexuality of women) is not unified or homogeneous, and described how, in Arab countries, there have been many changes, such as the elimination of the reduction in punishment for a femicide based on motives of “honor,” as well as changes in attitudes among Arab public figures.<sup>54</sup> Like Hasan, MK Touma Suleiman and MK Hanin Zoabi pointed to activities of Palestinian women’s organizations that oppose violence and femicide, and warned against the use of both “honor killing” discourse and “cultural characteristics” as an excuse for not enforcing the law by the state on Palestinian femicide cases.<sup>55</sup>

They are also joined by Nabila Espanioly<sup>56</sup> Nadera Shalhoub-Kevorkian and Suhad Daher-Nashif,<sup>57</sup> Who have called to replace the term “honor killing” with “femicide” as part of wider phenomenon of gender based violence that is rooted in practices of gender inequality, misuse of power, and power structures.<sup>58</sup>

Moreover, in 2014, during an Interior Committee hearing, several Knesset members called on the Police and the media to “stop hiding behind the slogan of ‘honor killing’” and to investigate femicide cases in-depth to get to the truth.<sup>59</sup>

The policy of negligence of Palestinian femicide cases by the state stems not only from the framing of “honor killing” but also from stigmas by state officials that refer to the Palestinian society as “the Other”.

Besides their obligation to establish investigative, legal, and institutional bodies to protect the right to life, countries are also required to deal with political, social, and cultural barriers that prevent access to basic human rights. International courts and reports of CEDAW have both addressed the stigmas held by state authorities towards indigenous and minority women and have identified how their social construction becomes one of the underlying causes of gender based violence as well as a factor preventing women from contacting the authorities.<sup>60</sup>

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54 Manar Hasan, 1999, footnote No. 9.

55 Aida Touma Suleiman, 2005, footnote No. 10 and Hanin Zoabi, 2017, footnote No. 18.

56 “Honor Killings – Culture as Excuse for Murdering Arab Women”, The Jerusalem Post, 20.9.2021, [link](#).

57 N. Shalhoub-Kevorkian and S. Daher-Nashif, 2013, footnote No. 11.

58 Frequently asked questions: Types of violence against women and girls, UN WOMEN, [link](#).

59 The conclusions of the Interior and Environmental Protection Committee following a decision on a quick discussion on the incompetence of the police in preventing the murder of women in Ramla-Lod and in Arab society, which were submitted to the **Nineteenth Knesset** on 24.11.14, [link](#).

60 Sonia Bolous, 2020, footnote No. 39.

Therefore, to ensure equal protection of the right of life of Palestinian citizens, the approach of the entire Police must change into human rights based approach, and more specifically one that recognizes Palestinians as equal citizens who are entitled to equal protection of their basic human rights. Adopting a human rights-based approach cannot exist under conditions where there is a preference for the rights of the Jewish majority in the country and there is a preference of policing Palestinian citizens in the political sphere at the expense of policing and protection in the civil sphere.<sup>61</sup>

In this context, numerous studies have long pointed to a lack of trust among Palestinians in Israel of the law enforcement system as a result of its lack of adequate protection of basic rights. A research initiated by the Knesset RIC indicates a high percentage of feelings of personal insecurity among Palestinian women compared to Jewish women, including insecurity in contacting the Police (33% vs. 20% among Jewish women.)<sup>62</sup>

In her research on sexual violence, Saida Mukary-Rinawi lays bare the fear and distrust of the victims of law enforcement institutions as a result of these stigmas and collects testimonies of victims that describe the experience with the Police as one of normalization of harm, minimization, lack of acceptance, and discrimination.<sup>63</sup>

#### 4. "Honor Killings" in Israeli Courts

Court decisions examined in the years relevant to the research (2008-2018), in which convictions and sentences were found in Palestinian femicide cases, indicate that the Israeli legal system shows a lack of forgiveness towards "cultural" discourse and/or arguments by defendants for reducing punishment on the basis of "family honor." In many of these decisions, the judges also expressed principal statements against the concept of "honor killing". Here are some examples:

##### **Court verdict concerning Hilala Mahameed and an examination of the claim of provocation**<sup>64</sup>

In appealing the conviction of two brothers in the murder of their sister, Judge A. Shoham, a judge in the Supreme Court, rejected the convicted claims of provocation based on cul-

61 Ibid.

62 Shelly Mizrahi Simon, "The Sense of Human Security of Women in Israel International Women's Day 2016", **the Knesset Research and Information Center**, (March 2016), [link](#).

63 Saida Mukary-Rinawi, "Sexual Assault Against Palestinian Women in Israel and the Law Enforcement System", final paper (Masters), **the Hebrew University of Jerusalem**, (2011).

64 Criminal petition No. 10/502 **Mahmoud Mahameed v. the State of Israel**, given on 22.10.2012 (published in Nevo.)

tural arguments raised by the defendants. “Provocation” in a criminal trial refers to an act of provocation that caused the defendant to lose control and that preceded the act of killing. This defense claim allows for reduced responsibility and reduction of punishment for the defendants.

Judge Shoham rejected the appellants’ claim, noting that it was outrageous, and it would have been better if it had not been made or even written. The objective test for the existence of provocation, as the Supreme Court ruled, does not change according to the defendant’s country of origin, race, or ethnicity, in part because of the status of the principle of sanctity of life, and the possible violation of the principle of equality, because of taking a different position in relation to defendants who are part of certain groups.

At the end of his remarks, he added:

““The family honor” has become a common expression, too common, in the mouths of those who choose to take the lives of women, whether daughters, sisters, or wives, for their desire to live their lives as any other person. This is not an achievement that holds any honor, but rather a vile, cruel, and criminal act, no matter who the perpetrators are. This is an act that shames the rest of the family. This kind of an act should not get any legal or moral approval”.

#### **Court Verdict regarding Hanan al-Buheiri**<sup>65</sup>

Here, too, at the sentencing hearing imposed on Hanan al-Buheiri’s Perpetrators, the court noted that the phenomenon of “honor killing” should not be tolerated:

“This phenomenon should not be tolerated. It must be fought by all means of the law enforcement system. This is a stubborn and difficult war, and its success is not guaranteed, but a reformed society cannot afford to give up. It is clear that all parties must be recruited to fight this war and stand at the forefront of the struggle, not just the law enforcement system and the education system. It is an essential need to internalize moral norms that denounce the unacceptable social norm, which leads to the so-called “honor killing”.

#### **Court verdict regarding Amani Faraj**<sup>66</sup>

65 Severe criminal case No. 39446-06-17 (Beersheba District Court) **the State of Israel v. Al-Buheiri et al.**, given on 5.8.2020 (published in Nevo.)

66 Criminal petition No. 10/4178 **Oufy Faraj v. the State of Israel**, given on 19.8.2013 (published in Nevo.)

In this case, Amani's father was convicted of a solicitation of murder offense and sentenced to life in prison. The father's appeal was rejected by the Supreme Court. Judge Salim Jubran wrote the main verdict in which he expressed a clear position condemning the term "family honor" while quoting the well-known feminist activist Nawal al-Sadaawi in his ruling:

"128. Offenses on the basis of "family honor" actually embody a lack of respect in its most rooted way. It is a lack of respect for the individual woman and her right to life and autonomy, and it is a lack of respect for women in general, who are subject to a violent regime by the men around them. This phenomenon should be denounced from the root, and actions must be taken against it in all means possible by law...

129. In this regard, the inspiring words of Nawal al-Saadawi (نوال السعداوى), who is fighting fiercely to this day for women's rights in Egypt, and is fighting mitigating punishments (and sometimes even the absence of punishment at all) in some Muslim countries in cases of "honor killing":

"Virginity is a strict moral rule which applies to girls alone. Yet one would think that the first criterion of a moral rule, if it is indeed to be moral, should be that it applies to all without exceptions, and does not yield to any form of discrimination whether on the basis of sex, color or class. However, moral codes and standards in our society very rarely apply to all people equally. This is the most damning proof of how immoral such codes and standards really are." (Nawal El Saadawi, **The Hidden Face of Eve: Women in the Arab World** 2) 41nd ed., 2007)

#### **Court verdict regarding the Azabarga case**<sup>67</sup>

In a case involving blood vengeance, criminal petition 10358-08 **Azabarga v. the State of Israel**, Judge Salim Jubran referred, as a judge in the appeals court, to a claim of cultural protection in criminal law and to the question of multiculturalism. He argued that these claims should be rejected and treated with a zero-tolerance approach:

"Liberal multiculturalism faces a significant and complex challenge: how to judge a non-liberal culture? Should the multicultural liberal state be tolerant of cultural practices such as blood vengeance or murder, as it is called "on the grounds of

67 Criminal petition No.08-10358 **Azabarga v. the State of Israel**, given on 16.3.2010 (published in Nevo.)

family honor?" Obviously, "in a state of law, the practice of "blood vengeance" cannot be tolerated and should be denounced. Therefore, no mitigation of the time of sentencing should be allowed because of the fact that the acts were carried out as "revenge" of a family member" (according to 6095/08 Solomon v. the State of Israel (not published yet, 29.12.2008;) Hamad Affair.) **Before recognizing the defendant's right to culture, the victim's right to life and the integrity of her body must be protected. Therefore, tolerance in a multicultural society has limits. These limits will be determined by balancing between the multicultural approach and the liberal approach (on a proposed balanced formula, see Rubinstein, p. 88.) It is understood that in balancing violent practices, such as blood vengeance, murder "on the grounds of family honor," and the like, we go outside the multicultural "field".** There is no way to accept a cultural practice that takes a path of severe violence. An all-out war against such violent practices must be fought. We are committed to maintaining basic moral standards, notably the sanctity of life and bodily integrity. A cultural practice that violates these basic fundamental values is unacceptable in a multicultural liberal society (see Gontovnik, p. 40,) and should be treated with a zero-tolerance approach. Therefore, when it is claimed that an act of violence is carried out on cultural grounds, there is no place to consider it within the framework of criminal law, since "criminal law constitutes the upper limit of tolerance, beyond which consideration and tolerance towards illiberal and intolerant cultures are not the desired limit" (Rabin Waki, p. 613.) **The multicultural approach must not be allowed to overcome fundamental liberal values, and there is no place to preserve values that are incompatible with basic human rights, especially the sanctity of life and the integrity of the body.** "It is clear that an argument regarding diversity and cultural relativity cannot be a veneer for subordination and oppression of a group in the population...And certainly not to justify the unbearable ease of taking human life in the name of this value". (emphasis- S.B)

The gap in police policy patterns regarding Palestinian femicide cases, and the way in which Israeli courts have previously rejected "cultural" arguments for reducing punishment, is not new, and persists in the present day. Manar Hasan and Aida Touma Sliman also pointed this out in their published studies.<sup>68</sup>

However, despite the aforementioned, the courts also inevitably fail to protect Palestinian women, and the low penalty bar presented in the current research speaks for itself. Thus, compared to the minimum sentences of 14-18 years imposed on those convicted

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68 Manar Hasan, 1999 footnote No. 9, Aida Touma Suleiman, 2005, footnote No. 10.

of murder or manslaughter offenses of Jewish women, the minimum sentence imposed for the murder or manslaughter of Palestinian women reached a very low bar of 5.5 years (see table No. 3.) Moreover, in many cases of Palestinian femicide, serious murder charges have been converted into convictions for accessory to murder, assisting after the act, or conspiracy to commit a crime, for which the lowest sentences ranged from one and a half years to only ten years in prison. It is necessary to examine the process of approving the plea agreements that allow for reduced sentences and to examine the protection of the rights of victims of crime, including the survivors of the victims, under the Victims of Crime Rights Law, 2001.<sup>69</sup> The law does not require the court to accept the position of the victim and/or her family members, but it does grant her the right to express her position regarding the plea agreement. For example, in the case of the murder of Hanan al-Buaheiri mentioned above, despite the statements by the court that “honor killing” should not be tolerated, in practice, the court-approved plea bargains run contrary to the opinion of the mother of the victim.

The murder suspects in this case were the victim’s two uncles and a cousin. The victim’s father was dead, and one of her uncles (one of the defendants) sponsored her and married her to a man with mental disabilities, from whom she later divorced. According to the original indictment, the three family members kidnapped her, murdered her, and burned the body.<sup>70</sup> Eventually, the verdicts of two of the defendants, including her uncle, were converted from murder charges to offenses of accessory to murder and destruction of evidence, and the court upheld a plea agreement of ten-year prison sentence:

“The mother of the deceased opposes the plea agreement. We have carefully read the review on the victim of the crime. Due to privacy concerns and the security of the victims of the offense, we will not detail the difficult things written in the review. It should be noted that this is a difficult review, and our hearts are with the victims of the offense. In the circumstances of this case and since the defendants were convicted in the amended indictment, it appears that the punitive arrangement is within the reasonableness statute and must be accepted”.<sup>71</sup>

## 5. The link between Femicide and the increase in crime in the Palestinian society

It is impossible to understand the increase in Palestinian femicide cases in Israel and their over-representation in recent years (see table No. 1) without also understanding the con-

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69 Victims’ Rights Law, 2001, [link](#).

70 “Documentation: They Kidnapped a Young Bedouin Woman - and Murdered her”, *YNET*, 14.1.2020, [link](#).

71 The State of Israel v. Al-Buheiri et al., footnote No. 64.

nection between higher murder rates and the increase in crime in the Palestinian society. The results of this research, presented here, indicate that 31.7% of Palestinian femicide cases were committed by “other person,” which includes criminal cases, unknown murderers, or a hitman (see table No. 5).

In 2014, an inter-ministerial committee was established under the auspices of the Ministry of Social Affairs for the Prevention and Treatment of the Phenomenon of Domestic Violence (hereinafter: the “**Inter-Ministerial Committee**”). The Committee’s main recommendations call for the need for cooperation between professionals involved in the treatment of victims of domestic violence as a basis for improving the national response in dealing with the phenomenon.<sup>72</sup> However, the Inter-Ministerial Committee was established to address only the problem of domestic violence, focuses only on femicide committed by by a spouse, and does not deal with femicide committed by a family member or by a other.<sup>73</sup> Therefore, it is not sufficient to solve most Palestinian femicide cases.

In a document prepared by RIC for the Special Crime Eradication in the Arab Society Committee on the subject of femicide, it is mentioned that RIC requested the Ministry of Public Security to obtain data on the implementation of a coordination procedure between the Police and the Ministry of Social Affairs in the case of high-risk women (including Palestinian women), but it did not receive any response.<sup>74</sup>

Studies indicate a close relationship between the prevalence of femicide cases and the level of crime in Arab localities: the higher the level of crime in the locality due to the presence of firearms in the area, the more common the occurrences of femicide. This situation is not described as a unique situation in Israel, as other examples around the world (such as Mexico) also point to the presence of many weapons in society as a significant risk factor for an increase in the prevalence of femicide in the same society.<sup>75</sup>

While the state continues to attribute the increase in the Palestinian femicide cases to some kind of “cultural characteristics,” members of the media, activists, organizations, public figures, and MKs are pointing the finger at the state and its institutions. For years, activists and public figures have warned of the feeling of helplessness that exists in the

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72 Rinat Benita & Orly Almagor-Lotan, “Implementation of the Recommendations of the Inter-Ministerial Committee for the Prevention and Treatment of the Phenomenon of Domestic Violence” submitted to the Committee for the Advancement of Women’s Status, **the Knesset Information and Research Center**, 20.11.2017, [link](#).

73 A. Aberger & O. Almagor-Lotan, “Points of Discussion for the Hearing of the Special Crime Eradication in the Arab Society Committee in Arab Society on the Subject of Murder of Women, **the Knesset Research and Information Center**, (August 2020), [link](#)

74 Ibid.

75 Hava Dayan, Rasem Khamisi, Ahmad Hleihel, “Murder of Arab Women in Israel: A Socio-Demographic Perspective”, **Megamot**, 55(2), 143-165, (2020).

Palestinian society and the extent to which this erodes the sense of security among Palestinian citizens of Israel in view of the phenomenon of murders and violent crime.

A study conducted by Baladna Association, which examines homicides between 2011 and 2019, found that there is an average of 64 murders per year in the Palestinian society in Israel, twice the number of cases occurring in Jewish society and more than double the number of cases occurring in the West Bank, where the population of Palestinians is roughly double that of Israel. The study shows that most murders—about 74%—were carried out using firearms and that the highest percentage of murders relative to the number of residents was in the central area, especially in the cities of Jaffa, Ramla, and Lod. The study also shows that the majority of those affected by the increase in crime in the Palestinian society are men, who constitute more than 80% of the victims.<sup>76</sup>

In 2016, MK Hanin Zoabi submitted a brief to the State Comptroller focusing on crime in Jaffa. Based on in-depth interviews conducted with heads of local authorities, educators, probation officers, social activists, as well as witnesses in criminal cases, the report describes a situation in which the state intentionally created no-man's land in Jaffa, which is expressed in the avoidance of investigating cases of violence, and consequently results in distrust by Palestinians in the Police.<sup>77</sup>

In a 2017 report submitted to the State Comptroller, MK Hanin Zoabi noted the increase in crime, demanded to investigate the Police's failure in the treatment of such crime, and describes how, as a result, criminal organizations have taken over considerable parts of life in Arab communities as well as in mixed cities.<sup>78</sup>

Evidence shows that the increase in crime in the Palestinian society is also closely related to a policy of negligence and even covert encouragement by the Police and the state.<sup>79</sup> A series of investigative reports conducted by Suha Arraf describe the takeover of Palestinian society, including the local authorities, by criminal gangs after the passage of Resolution No. 922 (a government decision intended to allocate large budgets to local authorities for the purpose of improving school infrastructure, etc).<sup>80</sup> These crime squads employ youths who often come from a background of poverty and violence and who even declare

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76 "Nine Years of Bloodshed: A Statistical Report on Homicide Cases among Palestinians in Israel (2011-2019)", **Baladna Association for Arab Youth and Centre for Trust, Peace and Social Relations, Coventry University UK**, (2020).

77 A brief of "Israeli Police Activity in Arab Society in Jaffa: a Failure or a Deliberate policy?" submitted to the State Comptroller by **MK Hanin Zoabi**, (2016).

78 Hanin Zoabi, 2017, footnote No. 18.

79 Suha Arraf, "a State Within a State": This is How Criminal Organizations Took Over the Arab Society, **Siha Mekomit**, 14.1.2020, [link](#).

80 Suha Arraf, "How Arab Local Authorities Became a Gold Mine for Criminal Organizations," **Siha Mekomit**, 14.1.2020, [link](#).

that they “don’t mind dying.”<sup>81</sup>

The aforementioned series of investigative reports links a number of factors to the increase in crime in the Palestinian society, among them a decline in the percentage of crime in Jewish society and the strengthening of Arab criminal organizations that were its subcontractors, collaborators that Israel brought from the West Bank and Gaza after October 2000 uprising and the Second Intifada, as well as neglect of the state that allows these organizations to take over the Arab society. This is in addition to the involvement of families affiliated with crime in “*Sulha*” ceremonies initiated by the Police, which strengthens their public status.<sup>82</sup> Moreover, both Arraf and Zoabi pointed to the connection between the rise of crime and the presence of thousands of unauthorized weapons, most of which are in Palestinian society in Israel, alongside the failure to enforce the law regarding the possession of illegal firearms and unsolved criminal cases.<sup>83</sup>

In 2018, the State Comptroller published a report on the presence of firearms in Arab communities and mixed communities that presents alarming data: the rate of those involved in violent offenses against the body in the Arab population is twice as high as their rate in the population and in murder cases, that figure climbs to two and a half times higher. In addition, the rate of shooting offenses in Arab society is 17.5 times higher than the rate of said offenses in the Jewish population. The report points to deficiencies in Police treatment, including failure to press charges for shooting offenses.<sup>84</sup>

A document prepared at the request of MK Aida Touma Sliman by RIC<sup>85</sup> also shows that, while the percentage of Arab suspects carrying and transporting weapons illegally has increased in recent years, the percentage of indictments for these offenses is lower than in similar offenses involving Jewish suspects (30% vs. 39%.) Additional evidence indicates that in 2020, the percentage of indictments for firearms and weapons in Arab society was only 27%.<sup>86</sup>

In 2018, a special audit report was conducted in the Knesset on how the Israeli Police dealt with the possession of illegal weapons and shootings in Arab communities and mixed localities. The Chairman of the State Audit Committee, MK Shelly Yahimovich, presided

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81 Suha Arraf, “Soldiers” in Criminal Organizations Talk: “We Don’t Mind Dying.”, **Siha Mekomit**, 16.1.2020, [link](#).

82 Suha Arraf “The Police Have Turned into Hotbed for Criminals: Criminal Relations, Police Officers and *Sulha* Ceremonies,” **Siha Mekomit**, 19.1.2020, [link](#).

83 Hanin Zoabi, 2017, footnote No. 18 & Suha Arraf 2020, footnotes 78-81.

84 The Coping of the Israel Police with the Possession of Illegal Weapons and Shooting Incidents in Arab society localities and Mixed localities, **the State Comptroller**, (2018), [link](#).

85 Rinat Benita & Orly Almagor-Lotan, “Data on Severe Violence in the Non-Jewish Sector”, **the Knesset Research and Information Center**, (2018), [link](#).

86 “Despite Extensive Enforcement in the Arab Society, in 2020 only About 30 Murder Charges Were Filed,” **YNET**, 12.1.2020, [link](#).

over the discussion, to which representatives from the State Comptroller's Office and the Ministry of Public Security were invited.<sup>87</sup> Here's how the Chairman opened the committee's remarks:

"Since the beginning of 2000, at least 1,300 civilians have been murdered in Arab society. This is five times as many as in all Israeli society, with Israeli Arabs making up 20% of the Israeli Population. We are talking about large quantities of weapons that are in the sector, complete arsenals. The fact is that anyone who owns a large arsenal terrorizes and enjoys control and power over innocent people, over ordinary citizens. We are talking about very weak enforcement, about lack of indictments, and the loss of trust of the Israeli Arab public in the Israeli Police.

**I allow myself to say, and I think it would be even obvious that I would say that if this delinquency were directed towards the general society and not inward into the Arab society, I suppose a great deal of resources would have been directed there by now. It might have already been designated as a terrorist event, and there would have been full cooperation of all the security forces. But because – in double quotation marks – the "target" of crime is Arab citizens, unfortunately, we see poor resources directed there and very small efforts".** (emphasis- S.B)

In addition to all the above, evidence that has emerged in the Israeli media in recent months links the increase in crime in the Palestinian society to the immunity of criminals who cooperate with the Shin Bet (the Israel Security Agency), which reinforces the claim that this is a deliberate policy of non-law enforcement on the Palestinian streets that led to the looseness in the rule of law. Unsurprisingly, in an article published in June 2021, senior police officials stated that the criminals who lead crime in the Arab society are collaborators of the Shin Bet who enjoy immunity and that the hands of the Police are tied.<sup>88</sup>

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<sup>87</sup> The State Audit Committee, Protocol No. 358 on how the Israeli Police deal with the possession of illegal weapons and shooting incidents in Arab communities and mixed cities, **a Special Audit Report, the 20th Knesset**, 16 October 2018, [link](#).

<sup>88</sup> "The Police: Most of the Criminal Generators in Arab Society - Collaborators of the Shin Bet", **MAKO**, 30.6.21, [link](#); Adv. Amal Orabi and Mahmoud Nassar, "Shin Bet and Arab Crime? What's Surprising Here??", **YNET Opinions**, 20.7.21, [link](#).

## F. Summary and Conclusions

The quantitative and qualitative results of this research clearly indicate separate and unequal law enforcement paths for Jewish and Palestinian femicide cases, especially by the Israeli Police. The data presented by the current research indicate gaps in the percentage of indictments (94.3% vs. 56%), convictions (75% vs. 34%), and in the minimum penalties imposed on perpetrators in murder and manslaughter offenses (14-18 years in prison compared to 5.5 years), all to the detriment of Palestinian women. The data in the current research illustrates the existence of two separate pathways, one for Jewish women and the other for Palestinian women. For Jewish women, law enforcement exists and the rule of law applies in a way that can deter the perpetrators, whereas for Palestinian women, the rule of law is neither adhered to nor effectively applied in addressing murder cases. These figures do not exist in a vacuum and are added to data from state institutions (the State Comptroller and the Knesset RIC) that indicate an increase in the vulnerability of Palestinian women and their clear overrepresentation in femicide cases occurring in Israel compared to their rate in the total population. Indeed, while the percentage of Palestinian women is 19% of all women aged 18 and over, their proportion of all femicide cases in Israel between the years 2018 and 2020 has reached 58% and they are the victims of 84% of the unsolved cases.<sup>89</sup>

Discrimination against Palestinian women also exists through the police's practice of not publishing data according to nationality and gender regularly and systematically and the lack of transparency concerning data related to Palestinian femicide cases. One issue that clearly arose early on in this research is that, as it concerns Jewish women, there was no difficulty in locating data in the media and in legal databases, and there was no need to submit any Freedom of Information requests to the Police and the Public Prosecution. On the other hand, in Palestinian femicide cases, the research encountered resistance from the Police against the disclosure of data under various questionable excuses. Eventually, WAVO, which leads this research, was forced to petition the Administrative Affairs Court and had to wait a period of about a year to receive partial data eventually. In addition to all that, an unprecedented policy of widespread use of gag orders has been exposed in relation to Palestinian femicide case, which makes it more difficult to shed any light on the police's conduct in these cases.

While the Police frame their opposition to the provide data by fear of labeling the Arab population (as claimed by the Police in response to the Freedom of Information requests

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<sup>89</sup> The Knesset Research and Information Center 2020, footnote No. 1.

and petitions), it seems that their law enforcement conduct is doing the exact opposite. It is the police's use of "honor killing" discourse that labels the Arab society as inherently violent and does not disclose data to organizations that are helping women to survive gender based violence. Furthermore, despite a decision from 2013 by a senior Police official to convert Palestinian femicide category from "honor killing" into "murder by a family member", ministers of public security and senior Police officials did not hesitate to label the Palestinian society as violent, while continuing to use the "honor killing" discourse as an explanation for the increase in Palestinian femicide cases.<sup>90</sup> This "honor killing" framing, used by ministers and senior police officials to explain the murders of Palestinian women, does not represent cultural sensitivity, but rather works to replicate stereotypical notions that ultimately justify state neglect.

To add, although women's organizations, activists, Knesset members, and scholars in the Palestinian society have been calling for years to stop using "honor killing" labeling and discourse in relation to Palestinian femicide cases, the state continued ignoring these voices and continued relying on opinions of various questionable Arab affairs advisors.<sup>91</sup> Studies indicate that this is a policy, not a coincidence, in which the Police show a forgiving attitude towards Palestinian femicide cases, by transforming the Palestinian society into "other" in order to preserve the power structures that exist to control society including Palestinian women.<sup>92</sup>

This research also shows that it is impossible to understand the increase in the Palestinian femicide cases in Israel and their overrepresentation in the data in recent years without acknowledging the connection to the increase in crime in the Palestinian society and to the structural and institutional discrimination against the Palestinian minority in Israel. At a time when the state continues to attribute the increase in Palestinian femicide cases to "cultural characteristics", organizations, activists, Knesset members, scholars and journalists accuse the state in the increase in crime in the Palestinian society. Numerous testimonies and reports point to a series of failures by the Police in its handling of crime in the Arab society, including a policy of overlooking and encouraging criminal organizations in the Arab society, strengthening the status of criminal organizations by approaching them to do *sulha* in criminal cases, lack of enforcement of collecting illegal weapons and failure to carry out proper investigative efforts, which eventually lead to a high percentage of unsolved cases, and even immunity to criminals in exchange for cooperation with the Shin Bet.

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90 See footnotes No. 50 & 51.

91 See footnote No. 31.

92 N. Shalhoub-Kervorkian and S. Daher-Nashif, footnote No. 11, & Manar Hasan, footnote No. 9.

The result of this policy is a lack of security for the Palestinian individuals living in Israel, as well as failure by the state to guarantee Palestinian citizens of Israel equality, a life with dignity, or a bright future.<sup>93</sup> This policy also stands in violation of international laws that call for protection of the value and sanctity of life and bodily integrity and obligation of law enforcement to protect and respond to acts of violence and femicide.<sup>94</sup> In this case, law enforcement systems in Israel have also failed to do justice and to create a deterrent against harming Palestinian women.

When asked to address the issue of Palestinian femicide on the grounds of “honor” in 1988, Shulamit Aloni noted:

“We live in apartheid. The system does not try to apply the same values on the Arab society, and adapt them to a modern society, that a murder is murder, and a woman is also a human being. The State of Israel does not treat Arabs as equal citizens. It doesn’t care about [their] falling behind. One thing they did distribute: birth control pills, so that the Arab woman would not have many children”.<sup>95</sup>

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93 Himmat Zoabi, «Palestinians in Israel :Between Fragile Citizenship and the Threat of Organized Crime ,”H. Ghanim) ed (.MADAR Strategic Report :2020 The Israeli Scene, 2019, pp. 225-257 (Arabic).

94 Sonia Bolous, 2020, footnote No. 39.

95 Monitin, January 1988, in Manar Hasan, 1999 (footnote No. 36), page 305.

## G. Recommendations for Policy Change

1. Disaggregation and publication of data by gender and nationality systematically, by all police and public prosecutor's departments in line with international standards and the UN Sustainable Development Goals (SDGs). One of the emphases of the SDGs is the importance of data collection and publication, including by gender and ethnicity (target 17.18.)<sup>96</sup>
2. Publication of a coordination procedure\protocol between the Police and the Ministry of Social Affairs in cases of women at high-risk for violence, including Palestinian women, as well as the accessibility of information on the number of women who fall under this category, to organizations that help women survivors of violence.
3. Adaptation of the methodology of the annual reports released by the Knesset Research and Information Center on gender based violence and femicide, with focus on Palestinian women, in order to examine the identity of the perpetrators, the causes for the murder, the murder weapon, and effective efforts to hold the perpetrators accountable. In addition, cross-referencing information and data regarding the increase in crime in the Palestinian society.
4. Application of the Witness Protection Program to threatened Palestinian women as well as to witnesses at high-risk, especially in cases involving criminal organizations.
5. Expanding the inter-ministerial committee's mandate for the treatment of domestic violence to include femicide cases committed by a family member and/or by a stranger.
6. Eradication of existing stigmas and stereotypes—among law enforcement agencies, especially the Police, and in the Israeli media—towards women and Palestinian society. In addition, replacing existing perceptions with a human rights-based approach, based on recognizing Palestinians as equal citizens and removing political and social barriers that prevent the full enjoyment of human rights.
7. Developing national action plans to address all types of violence against Palestinian women and breaking the cycle of distrust that exists towards the Police. In addition, increasing the percentage of solved homicide cases of Palestinian women, the percentage of indictments, and the percentage of convictions.
8. Additional studies are needed to examine the link between Palestinian femicide and crime in society, as well as studies that analyze court decisions in Palestinian femicide cases. As this research have showed, while the courts rejected claims of “honor killing”, they approved plea bargains with reduced sentences. This issue must be exam-

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<sup>96</sup> See footnote No. 20.

ined more thoroughly, including through the lenses of the Victims of Crime Rights Law.

9. Eradication of crime in Palestinian society and collection of illegal weapons.
10. Calling on Israel to sign the Optional Protocol of the CEDAW Convention, which allows filing complaint on behalf of an individual or group alleging violation of their rights under the Convention.<sup>97</sup>
11. Finally, the state must stop its use of “honor killing” labeling or “cultural” framing to justify continuing failure to protect Palestinian women.

In this regard, Judge Rubinstein’s remarks in the criminal appeal 10828/03 are noteworthy. In the appeal, a man convicted of the murder of his sister claimed that she had behaved “contrary to the customs of their religious community.” Judge Rubinstein criticizes the provocation claims made before the court related to the woman’s sexuality:<sup>98</sup>

“It should be noted that in the Azuales case, the defendant’s partner was found in the arms of another, and he killed both of them, and provocation was proven; hence the murder offense was converted into manslaughter. In her article, Dr. Kamir referred to the “reasonable man”, who is spared in the shadow of the provocation protection, and as she critically describes the image: “The ‘reasonable man’ is a man of honor, vulnerable and sensitive. When his right to property is violated or his masculinity is violated, he must restore his honor and kills, in the heat of the moment, his partner and her lover...”

In many “honor societies,” such as the Mediterranean ones, a man’s honor—and this is the issue discussed here—as a constituent value depends on two components: “One is extroverted, courageous, independent, expansive, arrogant and aggressive behavior of the man;” and the other is “the modesty, innocence, piety, obedience and devotion of the women closest to him (his mother, sister, wife, and daughters).”

**Particular importance is attributed to the sexual inaccessibility of women, since the desecration of a woman’s sexuality is perceived as a source of shame, which harms not only her only honor, but the honor of the man responsible for guarding the access to her sexuality”.**

Later in his remarks, he notes:

“For this matter, there is no difference between such a murder and any other murder.”

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97 Optional Protocol of CEDAW, [link](#).

98 Criminal appeal 10828/03 **Taha Najjar Against the State of Israel**, given on 28 7.05 (published in Nevo.)