

Criminal Protective Order for Women in the Palestinian Legislation

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Abstract

There is no doubt that the legislator has a firm belief that the acts of violence against women must be criminalized and punish who commits this act. This belief can be derived from the provisions of the law both the substantive and procedural provisions that are to be followed when a crime occurs. However, the presence of a legislator will on providing legal protection for women in criminal situations alone is not enough to address all various forms of violence and abuse against women in society. Yet, there is a need for further study and reflection in measuring the effectiveness of the provisions of criminalization and punishment and procedural penal provisions in confronting this type of crimes that threaten women lives. This study seeks to achieve the objectives mentioned previously by answering the following question : "How effective Palestinian penal legislation in confronting the crimes against women? "

Therefore, the study has been divided into two main sections : The first chapter deals with the evaluation of the effectiveness of the penal substantive provisions in addressing the crimes of violence against women. However, the second chapter is devoted to the identification of the effectiveness of procedural provisions to address any violation that may affect the woman as an accused during Procedures for commencing criminal proceedings. The study has followed the analytical descriptive approach, not to mention the use of the comparative method where necessary.

The study concluded with a set of results, the most important of which is the failure of criminalization philosophy in the achievement of all its objectives due to the absence or the ambiguity of the legislation of criminalizing some acts that causes serious harm to women, such as acts of sexual harassment in work and public roads and rape of wives by their husbands. However, regarding criminal proceedings, not providing accused women

with an adequate legal protection, such as arrest proceedings and the arbitrary detention of women would weaken the criminal justice system in Palestine.

Accordingly, this study provides a range of applicable recommendations. The legislator should correct legislative shortcomings, aggravate penal sanctions and limits the crimes that target females because of their nature.