



## Birzeit University's Institute of Women's Studies' 4<sup>th</sup> annual conference

### Getting Right Women's Rights: Re-thinking Gender and Law in Colonial Palestine

The conference aims to better understand gender legal strategies in relation to the complex ways in which the law and legality operate in the Palestinian colonial context. It aims to assess how gender legal strategies interact with the complexity and multi-dimensional nature of law and legality as it is manifested, perceived and used by different actors within an overarching context of Israeli colonial rule. By bringing the Palestinian experience into dialogue with new critical scholarship on law in relation to colonial and gendered subjects, it hopes to advance the debate on law as a strategy for gender justice and rights in Palestine.

Law and legal discourse are central to how the Palestinian context has been shaped, conceived and framed for more than 60 years. Israeli domination over Palestine established itself through law; legality being both a discourse and mechanism through which the colonizer categorized, governed and continues to control the Palestinian population and their land.

Simultaneously, Palestinians have long used legal strategies in order to resist Israeli colonialism in the course of their longstanding struggle for national rights. While reliance on the discourse and institutions of International Human Rights Law has been a constant dimension of national resistance, recourse to the Israeli legal system has been more varied. Over different periods, Palestinians have utilized, challenged or chosen to abandon Israeli legal mechanisms as a means to ameliorate the everyday circumstances of the population, be it for Palestinians inside the 1948 green line or among those in territories occupied by Israel in 1967.

In the 1990s the Oslo "Peace Process" augured in a new phase with the creation of a space of legality linked to the establishment of the Palestinian Authority. Though still under colonial control and having extremely limited jurisdiction, the Palestinian Authority with support from the international community, undertook the project of developing Palestinians' own legal system. This project brought with it new

discourses and legal categories in which “legal reform”, “rule of law” and new conceptualizations of human rights become the dominant frames through which the law and legality came to be conceived of.

Palestinian civil society organizations have played the most constant role in addressing, challenging or developing the law and legal strategies across these different periods. Palestinian women have been victims, agents and activists in relation to the various legal discourses and practices operating in Palestine. Over different historical periods, women’s rights activists have used International Human Rights Laws and Conventions to challenge Israeli colonialism as well as discriminatory national policies and legislation. Particularly during the Oslo and post-Oslo periods, legal strategies became a central component of campaigns for gender rights and equality with reform and unification of national legislation under the Palestinian Authority a focus. However, as in other cases, the effectiveness of these strategies for expanding women’s rights were often compromised by the multi-layered and differential power systems embedded in Law as it operates within an overarching context of Israeli colonialism.