**Pal-Lab: Feminist-Labor Paradigm on Domestic Violence among Arab-Palestinian Women Citizens of Israel**

*Overview*

This project seeks to establish an Arab-Palestinian feminist legal lab (Pal-Lab) in Israel, led by Arab-Palestinians —practitioners, activists, and scholars—, to increase Arab-Palestinian women, citizens of Israel, access to justice and judiciary institutions, advance their legal status, and reduce rights violations against them, through advancing a labor-based paradigm that targets the structure of Israel’s labor markets that are prone to severely exploitative labor practices. Currently, the predominant paradigm of domestic violence among Arab-Palestinian women in Israel focuses only on either criminal law or human rights. My project, the first of its kind, offers a shift in this paradigm and aims to transform the way in which the policy on domestic violence is devised; i.e., (1) shifting the attention from the individuated anti-domestic violence instruments of criminal law and human rights toward the structural labor market-based means of reducing vulnerability and exploitation. That is, this project’s starting point is that reducing the phenomenon of domestic violence comes together with advancing their labor conditions and opportunities. (2) Challenging assumptions about agency and victimhood and shifting the paternalistic criminal law approach which only offers victims protections to ‘worthy’ victims, toward an approach that highlights the potential agency of workers. (3) Re-conceptualizing domestic violence within the Arab-Palestinian community —from an exceptional crime, perceived by many Israelis as a “cultural” crime— to a phenomenon that is paradigmatic or precarious labor market practices in a globalized economy.

This project will be sponsored by Assiwar, an independent Arab-Palestinian feminist organization located in Israel, and the most influential with 30 years of expertise in the empowerment and advancement of the status of Arab-Palestinian women citizens of Israel, and has an impressive record of; changing court rulings, creating legal precedents within Israeli Supreme Court, and shaping the public discourse within the Arab-Palestinian community about topics consider taboo. Just last year, using the MeToo method to launch a pioneering campaign, Assiwar made history by revealing 16 stories of Arab-Palestinian women victims of sexual violence against renowned public figures from the same community. Beyond its being in good standing, the trust and the high appreciation of their work among the community, Assiwar’s staff —its general director, its various projects managers, and its team of volunteers—confirmed first-hand for me last summer, during my time there as a Yale Kirby Simon fellow, how supportive incubator and collaborators they are. Not only providing me with a powerful platform from which to launch this proposed project whose impact cannot yet be imagined, but also their personal and professional commitments to making all the possible resources unconditionally available.

*Background*

Although officially possessing full rights as citizens, Arab-Palestinian women citizens of Israel not only chronically suffer from the Israeli state discrimination perceiving them as a putatively hostile national minority, but also from patriarchal norms in society. Some Arab-Palestinian women citizens of Israel feel betrayed by the Israeli state and have taken up the banner of “Palestinian Lives Matter,” claiming that Israel is indifferent to the lives of Arab-Palestinian, Arab-Palestinian women in particular. Others, with the political consciousness of being occupied, are skeptical about Israeli judiciary institutions among other formal bodies, perceiving them as rooted in a colonial Zionist agenda, an agenda that was reflected just recently in Amnesty National’s report, published in 2022 applying the framework of apartheid under international law, it highlights the institutionalized and systematic discrimination against all Palestinians. Others, however, are trapped in conflicting loyalties and agendas arising from constantly trying to reconcile their gender interests, Israeli citizenship, and Palestinian nationality.

The 1948 Nakba and later on the 1967 war, the second Intifada in 2000, the 2006 Israel-Lebanon war, and the incessant tension over Gaza since 2007, are just a few examples of the extremely complex reality of ongoing violation of human rights that directly shaped and influenced the ways in which the Arab-Palestinian community perceives the Israeli state, its institutions, its forces, and practices; as explicitly designed to enforce racial supremacy with violence and impunity, and as inherently tied to ethnic supremacy with Palestinian’s oppression. Another defining moment joining this complexity raising questions regarding state violence and brutality against Israel’s Arab-Palestinians was the 2021 May war, triggered by a decision of the Israeli Supreme Court on the eviction of Palestinian families in Jerusalem. Then, I found myself participating in demonstrations against the war. I thus witnessed first-hand the State’s crackdown on fellow demonstrators, the beating and arrests of some of my friends, and the transformation of basic human rights into radical ideas. This moment, as well as the results of Israel’s legislative election held on November 2022 for the fifth time in three years, resulted in the shocking inclusion of the far-right religious Zionist party, known for its Jewish supremacist character and outlawed by the United States as a terrorist, make this proposed extremely important to be carried out at present.

For Arab-Palestinian women in Israel, however, the situation is even more complicated, despite the fact that it is often pushed to the margins in favor of the Palestinian national struggle. They face another layer of oppression that stems from patriarchal norms in society, making them disproportionately the victims of gender-based violence and femicide, continuously suffering from intersectional discrimination that affects all aspects of their lives —personally, socially, and professionally—, making them constantly vulnerable and unprotected. In 2021, the number of femicide cases in the Arab-Palestinian community in Israel reached the horrifying peak of hundreds of women murdered. For Israel’s Arab-Palestinians, daily hearing news of the next crime has tragically become almost routine; a week going by without hearing news about a violent incident is exceptional.

Arab-Palestinian women are hesitant to involve the police and other authorities because of the history of oppression towards Palestinians and the preservation of a colonial legacy, as well as their patriarchal reality, keeping them from speaking to avoid putting themselves in greater danger. In the scarce cases, Palestinian women found the courage to seek help, the police frequently returned them to their extended families or tribes (*hamula*). In 2020, for example, the welfare authorities were aware of the risk of ongoing household violence; 60% of murdered women had filed a police complaint previously about the violence they had experienced. When the state does something, however, it would choose to lock up these women, as the 2021 unprecedented Israel court decision shows, where the court approved the request of Israel’s police demanding Arab-Palestinian women to go to the shelter against their will. That is, locking them up under the claim that this way they ensure that Arab-Palestinian women’s lives are protected. Both the police and the court were indifferent to these women’s will and the lack of consent, a decision that challenged the seemingly clear boundaries between the jail and the shelter, treating them no less than criminals, making everyone wonder whether the fact that putting women victims of domestic violence in a shelter as the main means used to protect them show that they actually continue to be abandoned by the law, using Giorgio Agamben’s terms, like a modern Homo Sacer?

Furthermore, Arab-Palestinian women are amongst the most economically disenfranchised communities in Israel, with 79% of Palestinian women in Israel currently unemployed (as compared to 39% of Jewish women in Israel). Within the workplace, Arab-Palestinian women face consistent labor rights violations, especially in the private employment sector. A 2014 survey (the most recent survey I could find, surprisingly) revealed disturbing findings: 88% of women reported a salary lower than the minimum wage defined by law, and 60% reported earning 15 NIS per hour (less than 65% of the Israeli minimum wage). The lowest salary documented by the research was 5 NIS per hour, and the highest was minimum wage. 80% of surveyed women did not receive a salary slip or reported receiving a fictive salary slip, 85% of the women did not receive convalescence pay, 92% reported that their employer did not provide them with any pension fund plan, and 92% reported that they did not receive the paid leave nor sick leave they are entitled to by law. 81% of women reported working overtime, while 68% did not receive any compensation for these extra hours. Furthermore, Arab-Palestinian women in Israel face ongoing barriers to fair employment that are a direct result of State discrimination. The poor infrastructure in the Arab-Palestinian cities, the lack of public transportation, the lack of State subsidized daycares in Arab-Palestinian cities, and the lack of industrial zones in Arab-Palestinian areas, and the list goes on, all have contributed to the marginalization of Arab-Palestinian women in the workforce.

At the moment, however, policies on such a viscerally vital issue of domestic violence in the Arab-Palestinian community in Israel are divided into two camps. Those seeking more police intervention, despite the historical skepticism toward the police, the disturbing picture about the police’s ongoing failure to protect Arab-Palestinian lives properly, and the police— passive and active violence— perpetrated against them. Those belonging to the other camp, however, are similar to that in the United States, calling for abolishing the police due to the violence policing inflicts on them, reflecting distrust toward Israeli police and criticizing the idea of reinforcing sovereignty through criminal law. These two dominant camps, however, do not offer any structural solution containing a labor approach.

*Work Plan*

My proposed project starts with the premise that by focusing only on Israeli criminal law to promote Arab-Palestinian human rights, other support mechanisms —such as community empowerment initiatives or welfare programs— are overlooked. That is particularly true given the fraught relationship between Arab Palestinians and the Israeli state and its institutions, making many Arab-Palestinian women hesitate to reach out to Israeli institutions, and thus they don’t practice their basic right of getting access to judiciary institutions.

My project suggests shifting the attention from the individuated anti-domestic violence instruments of criminal law and human rights toward the structural labor market-based. It seeks to identify the prevalence of labor rights violations and map and explore structures that cause Arab-Palestinian women workers’ vulnerability and study and develop an innovative labor-based anti-domestic violence tool kit. In addition, this project seeks to get to know in depth the methods of violation on the part of the employers, which sometimes seem to be sophisticated methods that are difficult to prove. A close acquaintance with these methods of violation will help to determine what tools should be provided to women so that they can deal with them and prove them, and will also help those who seek to eradicate the phenomenon —whether they are law enforcement authorities or civil society organization— to develop appropriate enforcement mechanism to expose the violations. This project also seeks to understand how women perceive their employment conditions and why they are accepting them, as well as what will strengthen them and make them stand up to demand their rights within judiciary institutions.

The outcome of this project is a labor-based policy that seeks to impact the balance of bargaining power between workers and employers in the context of Arab-Palestinian women in Israel. Clearly, this policy needs to be context-sensitive. The various components contributing to worker vulnerability can vary from sector to sector, i.e., private sector vs. public sector, and when it is private then whether the employer is an Arab-Palestinian or an Israeli. Thus, the proposed policy may need to take into account the specific employment patterns in a given labor sector. The research in this project is therefore context-specific and uses a case study methodology, believing that the insights from these case studies will enable the creation of an enhanced and improved anti-domestic violence tool kit.

The policy report will be based on:

(1) In-depth interviews with Arab-Palestinian women who are or were, employed in the last five years in the Israeli market. It will make sure to include women working in both the private and public sectors, as well as women working with both Arab-Palestinian and Israeli employers. The women that will be interviewed are women who had at least one of their basic rights at the workplace violated. Locating the women will be done primarily through Assiwar various resources and networking with other civil society organizations specializing in labor rights, such as Kav LaOved, an Israeli association whose objective is to protect the rights of disadvantaged workers, including Palestinians, and where I volunteered for three years (2013-2016) during my legal studies at Tel-Aviv University Faculty of Law (TAU Law).

(2) Analysis of a database of additional legal cases from previous years, beyond those of the women who will be interviewed. This will allow looking with a broader perspective, tracing changes and trends over time. The database will be received from the main organizations in Israel working on labor rights. Although my focus is on Arab-Palestinian women cases, I will be attentive to cases related to Israeli-Jewish women’s violations in the workplace. This will allow me to compare the approach of courts and other relevant actors when dealing with Israel’s Arab-Palestinian women vs. Israel’s Jewish women.

(3) During the process of writing the report, I will also use my own personal and professional resources that I have been developing over the last few years while being at TAU Law from 2012-2020, and working closely with The Workers’ Rights Clinic. In recent years, the director of this clinic received a tremendous grant (European Research Council) to pursue theoretical research on a Labor Approach to Human Trafficking, and therefore the clinic expanded its mission to become, at this time, the main center (internationally) for studying labor-based anti-trafficking tools, by pursuing a labor approach to trafficking not only in the Israeli legal context but also worldwide.

Finally, Assiwar organization already expressed a sincere willingness to benefit from their team of volunteers for the purpose of conducting the interviews, transcription, analysis, and anything else that will help produce this unprecedented report. Having the Assiwar organization’s various resources and unconditional support, as well as having access to the ongoing TAU Law ERC huge project on the theoretical study of labor-based anti-trafficking tools, is a tremendous advantage for launching this proposed project at this given moment, in particular.

*Timeline*