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A statement for immediate release issued by

Human Rights and Democracy Media Center "SHAMS"

About raping a girl by a group of young individuals in Ramallah governorate

"SHAMS" center claims to ratify a penal law which enhances criminal justice and secures the basics of community safety

"SHAMS" center significantly **calls** for enacting a Palestinian penal law as a response to the new visions regarding the philosophy of punishment and incrimination which appeared in some comparative legislations, the developments on the Palestinian community in its political, social and economic structure, the mutual influence between communities due to the rapid changes in the field of communication and the quick information transition in which new criminal form and styles appeared therefore, there is an urgent need to enact a new penal law which deals with deficiency within applicable laws, complete its requirements and meet the community's needs. The center also clarifies the importance to amend laws in line with international cooperation as well as the new developed vision toward human rights and basic freedoms. In addition, penal law includes a set of legislative gaps and applied problems linked with legal texts as well as the socio-economic situation, the thing which makes current penal law deficient to have accordance with socio-economic developments within the community accordingly, it is essential to amend penal law to be in line with national and international approach in terms of fighting against crimes. This is mentioned within a press release issued by the center to condemn the crime represented by a mass rape against a girl.

"SHAMS" center **perceives** that penal law is considered as one of the fundamentals of community safety, and it enhances criminal justice, rule of law principle and advancing the standards of International Bill of Human Rights besides it unifies Palestinian legal system in order to accomplish security and stability to the Palestinian community so, penal law is recognized as a societal law that influences all sectors while community's values and principles have contributed to the formulation and specification of the public approach for the philosophy

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of criminal legislation. Accordingly, this project is currently abided by international community's values and principles and its current criminal policy as well, international community's values acquired the obligatory legal strength because of the internal clear recognition of the supremacy for its regulations and principles over local regulations and principles. No doubt that these principles express a set of rights and freedoms declared within international charters that organize human rights and freedoms in addition to a set of international criminal principles which arrange the bases for punishment and incrimination adopted by international community as a governing base for penal philosophy.

"SHAMS" center **emphasizes** that according to the legal obligatory values for the international principles; the national criminal project became abided by respecting and considering these principles either the abstention or preventing the incrimination of what has been allowed by international community or allowing what has been incriminated by international community. Therefore, it should take into consideration regulations linked with equality between man and woman taking into account values and traditions of the Palestinian community, not discriminating between citizens according to ethnicity or religion, respecting individuals' right to life, preventing torture and other humiliating treatment to the human dignity as well as human trafficking in addition to actions which have been incriminated by law. This implies demonstrating the legal base for forcing the Palestinian authority to respect international agreements, conventions and charters, the justifications for enacting a new Palestinian penal law, the followed criminal philosophy within the preparation of penal law, objectives of penal law, the sources of penal law's project, the general organizational structure for penal law, the general characteristics for penal law besides the legal bas and reference for the Palestinian authority compliance with respecting and applying what have been included within human rights international law.

"SHAMS" center **reminds** that the absence of efficient national laws to eliminate violence against woman or not implementing these laws is a widely-spread subject and usually results from getting free of punishment due to perpetrating violence against woman, not applying international standards on the local and national level by countries and in many times laws include gaps which allow violators to commit their crimes and breaking away from punishment. Besides, in many countries the rapist may enjoy his entire freedom in light of penal law if he married the victim.



"SHAMS" center **claims** to judge perpetrators and to enact new legislations or amend the applicable ones to contribute to cancelling aspects of discrimination against woman within several fields in line with international conventions connected with woman's issues and rights as well as reinforcing her role in building and advancing the community. This includes laws of nationality, personal status, retirement, social security, health insurance, work, penalties, occupational unions and securing that "honor crimes" and violence in the family are considered as dangerous criminal crimes. This implies taking an immediate procedure so as to cancel articles of penal law which stipulates assigning simplified penalties against a man who kills a female relative or offenses her out of "honor".

"End"