

Press Release

Decision to Impose Traditional Robes and Veils on Female Lawyers in Gaza Is Illegal

Wednesday 5 August 2009, by [Palestinian Centre for Human Rights](#) (Date first published: 26 July 2009).

Palestinian Centre for Human Rights

Press Releases

Ref: 93/2009

Date: 26 July 2009

Time: 09:00 GMT

Decision to Impose Traditional Robes and Veils on Female Lawyers in Gaza Is Illegal

Chief Justice of the High Court of Justice, Head of the Higher Justice Council in Gaza has issued a new decision concerning the clothing of lawyers. PCHR believes that this decision constitutes a violation of the law and an unjustified intervention into lawyers' affairs. It also undermines personal freedoms and women's rights through forcing female lawyers to wear traditional robes known as "Jilbab" and veils (Hijabs).

The decision was issued on 9 July 2009 by Counselor 'Abdul Ra'ouf al-Halabi, Chief Justice of the Higher Court of Justice and Head of the Higher Justice Council, and it will enter into force on 1 September 2009. The decision orders male lawyers to wear a special uniform when appearing before courts, which includes: A vesture of black cloth known as the robe; a dark tuxedo; a white shirt; and a black necktie. According to the decision, female lawyers have to wear black cloth known as the robe; a dark suit (Jilbab, tuxedo or coat); and a scarf covering the hair.

According to the decision, male and female lawyers must wear such clothing when appearing before all regular courts.

PCHR believes that although it was based on the provisions of the Palestinian Basic Law of 2003, the Lawyers' Clothing Statute of 1930 and what it calls "common righteous norms, as mentioned in its preamble, the decision violates the constitution and the law and undermines women's rights and personal freedoms ensured by the constitution for the following reasons:

1. The Lawyers' Clothing Statute of 1930 is the legal instrument in effect concerning the clothing of lawyers, which is specifically prescribed and not open for any interpretation or what is called "common righteous norms," which is a loose clause that has ideological implications not included in the law at all.
2. The clothing of lawyers is united for both women and men without any discrimination; it includes according to the Lawyers' Clothing Statute of 1930: A vesture of black cloth; a dark suit; and white

top and tie.

3. Accordingly, assigning a special uniform for female lawyers violates the Lawyers' Clothing Statute of 1930, constitutes a form of discrimination against women and undermines personal freedoms ensured by the constitution.

4. According to the Lawyers' Clothing Statute of 1930, lawyers have the right to plead without wearing the specified clothing in offices of judges and arbitrators, before district courts or before courts of investigations of suspicious deaths. So, imposing special clothing on lawyers when appearing before all regular courts violates the Statute.

5. Deciding the clothing of lawyers is not of the authority of Chief Justice of the High Court of Justice or judges, as article 26 of Professional Lawyers Act #3 of 1999 prescribes that a lawyer must appear when pleading before a court in the clothing decided by the Bar Association's bylaw. Accordingly, the clothing of lawyers is of the authority of the Bar Association. So, the decision by the Chief Justice of the High Court of Justice/ Head of the Higher Justice Council in Gaza constitutes an illegal and unjustified intervention of the Bar Association's affairs.

6. PCHR reminds that the Higher Justice Council in Gaza is unconstitutional, a fact emphasized by human rights organizations since 2007. The Council was established by the Government in Gaza in violation of the constitution, and its mandate derogates from the authorities of the Higher Judicial Council, which had been already established in accordance with the constitution.

7. Imposing a special uniform on female and male lawyers in the Gaza Strip reinforces the state of fragmentation, which means that two kinds of clothing for lawyers, one in the West Bank and the other one in Gaza, even though the unification of the Bar Association in the West Bank and the Gaza Strip has been an important national achievement in the past years.

P.S.

* Posted by SIAWI:

<http://www.siawi.org/article905.html>