



# Economic and Social Council

Distr.: General  
3 February 2021  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

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## Committee on Economic, Social and Cultural Rights

### Initial report submitted by the State of Palestine under articles 16 and 17 of the Covenant, due in 2016\*

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\* The present document is being issued without formal editing.



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## Introduction

1. In an expression of its respect for the principles and the spirit of international human rights law, on 1 April 2014 the State of Palestine acceded to the International Covenant on Economic, Social and Cultural Rights. The present report was drafted in fulfilment of the commitments and duties incumbent upon the State of Palestine under the Covenant, particularly article 16. In addition to national measures, frameworks and standards, the report covers in particular the legislative, administrative and judicial aspects relating to the provisions of the Covenant.

2. The State of Palestine is under military occupation on the part of Israel and this report will throw some light on the colonialist policies of that occupation and the serious, systematic and widespread violations that infringe the provisions of the Covenant. In fact, the Israeli occupation authorities deliberately and systematically target Palestinians on a wide scale including through extrajudicial killings, arbitrary detention, torture, displacement, forced migration, confiscation of lands and depletion of natural resources.

3. Following the accession of the State of Palestine to a number of international conventions and treaties, on 7 May 2014 the President of the State of Palestine issued a decree for the formation of a ministerial-level standing national committee to follow up on that accession. The committee is chaired by the Ministry of Foreign Affairs and Migrants with members drawn from other ministries and competent institutions, and with the Independent Commission for Human Rights acting as observer, and its purpose is to monitor the fulfilment of obligations arising from accession to the various treaties. The ministerial-level standing committee established a subcommittee of experts who oversee the preparation of the official reports of the State of Palestine under the various treaties and, in its turn, the subcommittee established a series of working groups each of which is responsible for a specific treaty. A working group was thus set up for the International Covenant on Economic, Social and Cultural Rights, with members drawn from the official institutions involved with the implementation of the Covenant. The information contained in the present report was gathered from the institutions concerned by the Palestinian Central Bureau of Statistics. The ministerial-level standing committee also established a subcommittee to harmonize domestic legislation with the State's international obligations. This subcommittee is currently reviewing a number of pieces of extant legislation, as well as bills for laws and new legislation, to ensure that they are consistent with the international obligations of the State of Palestine. In particular it is examining a draft law on the protection of the family from violence, the Cybercrime Act, the Labour Code and a draft criminal code.

4. A draft of the present report was transmitted for consideration to representatives of civil society institutions and Palestinian human rights organizations, who then participated in the national consultations conducted by the State of Palestine concerning the report. Since Israel, the occupying power, bars civil society institutions in the Gaza Strip from accessing the West Bank, two separate meetings were held: one at the Ministry of Foreign Affairs and Migrants, on 13 December 2017, with civil society institutions in the West Bank including Jerusalem; and another by videoconference at the Independent Commission for Human Rights, on 6 February 2018, with civil society institutions in the Gaza Strip. The consultations were attended by representatives of ministries of the State of Palestine and of civil society and human rights institutions working in the Occupied Palestinian Territory. The substance of the report was discussed and civil society offered comments, facilitating the preparation of the final version.

5. In this connection, it should be noted that the State of Palestine declared its commitment to the 2030 Agenda for Sustainable Development as soon as it had been adopted by the General Assembly of the United Nations in 2015. Indeed, most of the items on that Agenda reflect obligations under the Covenant and other human rights treaties, in particular eradication of poverty, gender equality and the right to drinking water and sanitation. In addition to this, Palestine was among the States that presented their voluntary national review on the implementation of the 2030 Agenda at the 2018 high-level political forum on sustainable development.

6. The submission of the present report does not exempt Israel, the occupying power, from reporting on its own compliance with the provisions of the International Covenant on Economic, Social and Cultural Rights in the Occupied Palestinian Territory including East Jerusalem, on the basis of its obligations and responsibilities as an occupying power, in accordance with international humanitarian law and international human rights law, as well as on the basis of the advisory opinion given by the International Court of Justice in 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory.

## **Article 1**

For more than 10,000 years the Palestinian people have uninterruptedly been born, grown and lived in the land of their ancestors, Palestine. During that time, they have preserved their national identity and their inalienable right to self-determination along with other inalienable rights. Despite the historical injustice they have suffered, the unlawful and long-standing Israeli occupation and the denial of their right to self-determination and independence, the Palestinian people remain wedded to all their rights as recognized under international treaties and conventions as well as under resolutions concerning people's right to self-determination – and in particular the Palestinian people's right to self-determination – of the United Nations, international institutions, the Human Rights Council and the General Assembly as well as under resolutions 181 (1947) and 194 (1948) and under Security Council resolutions 242 (1967), 338 (1973) up to and including 2334 (2016).

The Palestine Liberation Organization (PLO) was established as an inclusive political framework and the sole legitimate representative of the Palestinian people, recognized at the level of the United Nations and internationally. It has guided the Palestinian people on their journey towards the realization of their inalienable rights, notably the right to self-determination, the right of return and the independence of the State of Palestine with Jerusalem as its capital, on the basis of the natural, historical and legal right of the Palestinian Arab people to their homeland, Palestine.

The Palestinian National Council (PNC) adopted the National Charter and the PLO Statutes as the two supreme constitutional documents underpinning the Palestinian people's exercise of their right to self-determination. The Charter regulates the operations of the National Council as a representative institution for the Palestinian people and the highest legislative authority, and it envisages an executive body in the form of the Executive Committee.

The State of Palestine recognizes the right to self-determination for all, as proclaimed in the Declaration of Independence, which is an expression of the national will of Palestinians as represented by the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people.

The Declaration of Independence, which is a constitutional and foundational document, emphasizes the commitment of the State of Palestine to the principles and objectives of the United Nations and to the Universal Declaration of Human Rights. It further stipulates that the "State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence."

The Palestinian Government promulgated the Palestinian Basic Law in 2001 (amended in 2003) to create a transitional document guaranteeing the fundamental rights and principles that enable the Palestinian people to exercise their right to self-determination and that enable the political process to achieve that end, until the adoption of an official constitution for the State of Palestine.

The Palestinian Basic Law, as amended in 2003, contains a body of articles intended to fulfil the Palestinian people's right to self-determination. These include:

Article 2, which states that the people are the source of authority;

Article 5, which stipulates that the system of governance in the State of Palestine is to be democratic;

Article 26, which affirms the right of Palestinians to participate in the political process.

The Basic Law includes a raft of provisions relating to political participation and the democratic system of governance, such as the election of the Head of State (art. 34); the election of members of the Legislative Council and the definition of its role (art. 47); and the composition of the Legislative Council (art. 48). These measures are intended to fulfil the right to self-determination and the principle according to which the people are the source of authority. The Basic Law goes on to define certain components of the Palestinian political process; for example, in article 63 which defines the Council of Ministers as the basic executive organ of government.

Laws have been passed to regulate the mechanisms and means whereby the elective political process is conducted:

- Local Council Election Act No. 10 of 2005;
- Decree-Law No. 1 of 2007, which regulates general (presidential and legislative) elections.

The domestic laws of the State of Palestine address the importance of involving women in the political process and set quotas for them.

The first legislative and presidential elections were held in 1996. In 2005, voters were again called to the urns to elect a President, and a new Legislative Council was elected in 2006. The division of Palestinians and the refusal of Israel, the occupying power, to allow the electoral process in occupied Jerusalem has prevented further legislative and presidential elections from being held.

### **Exercising the right to self-determination under occupation**

Israel, the occupying power, constitutes the fundamental obstacle in this connection and it works to prevent the Palestinian people from exercising their rights. In this it receives support and encouragement from parties intent upon undermining the international multilateral system, a system founded on laws and rights, and upon preventing the establishment of a democratic and equitable international order in which peoples, including the Palestinian people, can fulfil their inalienable rights. Chief among those rights is the right to self-determination, independence and return for Palestine refugees on the basis of General Assembly Resolution 194, as well as the right to economic, social and cultural development.

The Government of the Israeli occupation continues to set up a colonialist system based on racist laws that deprive the Palestinian people of the right to self-determination and steal large portions of land for the construction of the wall and of illegal settlements. Furthermore, the occupying forces deliberately carry out arbitrary arrests and prosecute Palestinians in sham courts that lack minimum fair trial guarantees. The International Court of Justice, for its part, has also stated that the wall of expansion and annexation, and the system underpinning it, constitute a serious violation of the right to self-determination of the Palestinian people.

The Israeli system of expansion and colonialism over occupied Palestinian land is the principal cause hindering the Palestinian people's exercise of natural and legal sovereignty over their own territory and resources. The occupying authorities disrupt the development of the Palestinian people and make constant structural changes to prevent Palestinians from enjoying their rights and their resources.

Israel, the occupying power, has been imposing a military and economic blockade on the Gaza Strip since 2006 and has been responsible for repeated military incursions and the destruction those incursions have wreaked. Moreover, the occupying authorities prohibit the entry of basic supplies, including foodstuffs, into the Gaza Strip and their repeated acts of

aggression have not only killed and injured thousands of Palestinians but have damaged the environment and provoked a humanitarian crisis. The amount of groundwater suitable for human consumption has dropped to just 5 per cent of available groundwater supplies leading to concerns among United Nations agencies and others that the Gaza Strip will not be viable for life by 2020.

The occupying authorities continue to prevent millions of Palestine refugees from fulfilling their right and their desire to return to the homeland from which they were displaced, in accordance with General Assembly Resolution 194 (1948).

Since its illegal annexation of Jerusalem, Israel, the occupying power, has been taking steps which it describes as “legal” or “administrative” but which are in fact racist measures that aim to change the legal condition and status of the occupied city. In this connection, it carries out acts of ethnic cleansing, seizes lands and property, forcibly evicts Palestinians, destroys their homes, breaks up their families and restricts residency. The purpose of this is to empty Jerusalem of its original Palestinian inhabitants and alter the demographic makeup of the city.

The unlawful policies and practices of Israel have impeded the Palestinian people’s right to an independent and geographically contiguous State of Palestine, with Jerusalem as its capital, a State where life is viable and which is able to develop economically, socially and culturally. They have likewise impeded the ability of the Palestinian Government to adopt and implement national policies in various areas of life. Nonetheless, attempts at national reconciliation have continued with a view to ending the division among Palestinians, and efforts are ongoing to put an end to the occupation and to ensure that the Palestinian people can exercise their right to self-determination and their natural and legal sovereignty over their own land.

### **Sustainable development and the right to self-determination**

Despite the colonialist occupation policies that seek to undermine the developmental efforts of the State of Palestine, sustainable development nonetheless lies at the core of the vision of self-determination held by the leaders and government of the Palestinian people. This includes the right to dispose of natural resources as sovereign rights holders and the economic, social and cultural empowerment of citizens. This position of the State of Palestine has been expressed through its commitment to the 2030 Agenda for Sustainable Development; its adherence to the Rio Declaration and the principles enshrined therein concerning the rights to self-determination and development of peoples under foreign occupation; and its unreserved accession to human rights treaties. In fact, the Government of the State of Palestine believes that sovereignty over natural resources, enjoyment of the benefits of sustainable development and not being left behind are among the most important aspects of the exercise of the right to self-determination.

## **Article 2**

1. The Palestinian Declaration of Independence guarantees human rights and public freedoms in the State of Palestine, stipulating that the State of Palestine is “the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence.” The Declaration also emphasizes the commitment of the State of Palestine to the principles and objectives of the United Nations, to the Universal Declaration of Human Rights and to the principles and policies of non-alignment.

2. The Palestinian Basic Law, as amended in 2003, in chapter II on public rights and freedoms, embraces a number of principles that also figure in the Universal Declaration of

Human Rights and in international human rights treaties. In fact, article 2 (2) of the Covenant states that economic, social and cultural rights are to be exercised by all persons without discrimination, setting a framework for full compliance with the principle of equality and the prohibition of discrimination. This is reflected in article 9 of the Basic Law, which reads: “Palestinians shall be equal before the law and the courts, without distinction on the basis of race, sex, colour, religion, political views or disability.”

3. The Basic Law, moreover, includes certain provisions intended to protect particular categories, in the form of positive measures in favour of certain societal groups such as persons with disabilities, minorities and women. Palestinian laws, in fact, seek to ensure a dignified life for persons with disabilities and those who support them while article 22 (2) of the Palestinian Basic Law stipulates that the welfare of families of martyrs, detainees, the injured and persons with disabilities is a duty to be regulated by law, and the State of Palestine guarantees them education as well as health and social insurance.

4. Article 2 of Disability Rights Act No. 4 of 1999 states that persons with disabilities have the right to enjoy a free and dignified life and to have access to services of various kinds. Nor may their disability be a reason for depriving them of the exercise of any other rights. The Act also guarantees the right of persons with disabilities to create their own organizations and associations and it requires the State to provide habilitation in various forms, depending upon the nature of the disability of each individual. The persons concerned are required to meet no more than 25 per cent of the relative costs, while persons with a disability that has been occasioned by the occupation are fully exempt from all costs.

5. The State of Palestine recognizes the need to safeguard the right to work for persons with disabilities, to which end article 10 of Disability Rights Act No. 4 of 1999 requires government-run and private enterprises to ensure that 5 per cent of their workforce is made up of persons with a disability. This figure was adopted on the basis of the fact that most institutions employ fewer than 20 workers, and was subsequently reaffirmed in the Palestinian Labour Code (Act No. 7 of 2000).

6. **The situation for persons with disabilities in the State of Palestine:** A 2011 survey on persons with disabilities in Palestine pointed to a disability rate in Palestinian society of 2.7 per cent, under a narrow definition of disability, but of 7 per cent under a broad definition of disability. Disability among males stood at 2.9 per cent and among females at 2.5 per cent. The highest disability rates were in the governorate of Janin with 4.1 per cent followed by Hebron with 3.6 per cent, while the lowest was in the governorate of Jerusalem with 1.4 per cent. The survey showed that the most widespread form of disability was motorial (48.5 per cent) followed by slow learning (24.7 per cent). However, the true disability rate is higher, also for the following reasons:

(a) Concealment of disability, especially females with disabilities, as some families – out of social considerations – fail to register girls (or boys) with disabilities;

(b) The absence of an agreed and common definition of persons with disabilities in the State of Palestine;

(c) The lack of unified information in a single register, as a number of official bodies (the Ministry of Social Development, the Ministry of Health and the Ministry of Education and Higher Education) and the General Union of People with Disabilities record cases of disability as they become aware of them;

(d) The difficult economic situation, which causes families to submit inaccurate information in order to obtain support and subsidies.

7. With a view to prohibiting discrimination, the Palestinian Labour Code considers women and men on an equal footing vis-à-vis non-discrimination in working conditions. According to article 100 of the text: “Under the provisions of the present Code and of regulations issued under the Code, discrimination between men and women is prohibited.” The Code does, however, envisage measures that may be considered as positive discrimination in favour of women; for example, article 101 forbids the employment of women in hazardous or onerous jobs, as identified by the Minister. It also prohibits overtime during pregnancy and in the six months following childbirth, and it places a ban on women working at night, with the exception of jobs defined by the Council of Ministers. The Civil

Service Act is another law that provides employment safeguards for women as it envisages equal wages without discrimination on the basis of sex and equal rights to aspire to senior positions for both sexes, also without discrimination.

8. For its part, the 2005 Local Council Election Act also envisages positive discrimination by assigning quotas for women and allocating minimum levels for female representation on electoral lists. Under the Act, the first three names on each list must include at least one woman, the following four names must include at least one woman and the five names after that must also include at least one woman. In addition, the Act allocates 6 (out of a total of 66) seats to Christians, as determined by presidential decree, under the mixed electoral system.

9. Persons with disabilities are not discriminated against in any way with regard to their right to health, to medical care, to basic social services, to social security, to education and vocational training or to participate in cultural activities on an equal footing with others. Article 22 of the Basic Law, as amended in 2003, states that social and health insurance as well as pensions for disability and old age are to be regulated by law; that the welfare of families of martyrs, detainees, the injured and persons with disabilities is a duty that is likewise regulated by law and that the State of Palestine is to guarantee them education as well as health and social insurance. Article 16 of the Basic Law prohibits any form of medical or scientific experiment without the prior legal consent of the party involved and it states that medical tests and treatment or surgical procedures may be conducted only under the relevant law. According to article 24 of the Basic Law: "Education, which is the right of all citizens, is compulsory up to the end of the basic level at least and is free of charge in public schools, academies and institutions."

### **Article 3**

#### **Equality of rights between men and women**

10. With the Palestinian Declaration of Independence, issued by the Palestinian National Council in 1988, the late Palestinian President Yasser Arafat announced the establishment of the State of Palestine with its legal foundations and principles, its legislative system and its institutions. This includes the principle of equality before the law and the courts. The Declaration stipulates: "The State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence." In this way, the Declaration of Independence laid the foundations for a pluralistic, democratic and parliamentary system based on fair treatment for women and full equality between them and men under a constitution that protects human rights and social justice while ensuring rule of law and an independent judiciary.

11. The Palestinian Basic Law, as amended in 2003, includes a number of legal safeguards intended to guarantee the principles of non-discrimination and of equality between men and women in all areas, as well as other human rights and public freedoms and the exercise thereof. Article 9 of the Basic Law states: "Palestinians shall be equal before the law and the courts, without distinction on the basis of race, sex, colour, religion, political views or disability." Having established the right of women to full equality before the law and the courts as a supreme and binding legal principle, the Basic Law then extends that right to allow women the enjoyment and exercise of all human rights and public freedoms without discrimination. In addition to this, the Basic Law also addresses the principle of rule of law which, in article 6, is described as the basis of governance in Palestine and as a fundamental legal guarantee protecting the human rights of women against all persons, groups and public, private or civil bodies. This includes the State and State agencies, which are accountable

under their own laws and are required to treat all persons equally. In the case of any violation of these provisions recourse may be made to an independent judiciary.

12. Apart from the provisions of the Palestinian Basic Law that guarantee gender equality and non-discrimination, the introduction to the Law includes the following text: “The present Basic Law has established a firm foundation that represents the collective conscience of our people with its spiritual components, its national faith and its nationalist loyalty. The chapters of the Basic Law contain a body of advanced constitutional rules and principles that regulate general and individual rights and liberties in a manner that achieves justice and equality for all, without discrimination.”

13. The draft Palestinian criminal code prohibits discrimination, including gender-based discrimination, and envisages imprisonment and fines for anyone who commits acts falling under that definition. The code defines discrimination in the following terms: “Any differentiation among natural persons on the basis of national or social origin, colour, sex, family status, state of health, disability, political opinion, trade union affiliation, or actual or presumed affiliation or non-affiliation with a race, nation, lineage or specific religion.”

14. Successive Palestinian governments have consistently adhered to the provisions of the Palestinian Basic Law and the Declaration of Independence in this regard, and have preserved the political, social, economic and legal gains made by Palestinian women.

15. Despite the foregoing, equality between women and men in some areas remains hostage to the social reality and the cultural heritage of certain communities in Palestinian society. And in matters relating to personal status, Palestinians are subject to rules and institutions the authority of which stems from religious laws and beliefs.

16. It should be noted that domestic laws emanating from the Palestinian Legislative Council generally incorporate the principle of gender equality and non-discrimination. The best examples of this are Civil Service Act No. 4 of 1998, which regulates public-sector employment, and the Palestinian Labour Code (Act No. 7 of 2000), which regulates workers in the private and the civil sectors. Both those laws place women and men on an equal footing vis-à-vis the right to work, job opportunities, wages and other rights relating to public-, private- or civil-sector work. Work, in fact, is considered to be a right for all citizens who are capable of performing it, and the State of Palestine applies the principle of equal opportunity in access to work and appointment to public-sector posts and functions.

17. The Palestinian Government has taken a number of administrative measures to prevent discrimination against women and to uphold their rights in various sectors. The Ministry for Women’s Affairs was established in 2004 with the function of promoting gender-related issues in governmental institutions and developing national policies rooted in principles of equality and respect for women’s rights. In 2007, the Palestinian President approved the revised structure of governorates under which all governorates are to have women and child bureaus to provide care and support for women and children in political, social and economic fields. Under a 2008 decree of the Council of Ministers, gender units have been reconstituted and reactivated as part of the structure of ministries and government institutions to ensure that gender-related issues are duly institutionalized and integrated across different sectors and to assess and follow up on government programmes and policies from a gender perspective. In collaboration with the General Union of Palestinian Women and other women’s institutions and centres, the Ministry for Women’s Affairs issued the “Charter of Palestinian Women’s Rights”, which was adopted by the Palestinian President on 8 March 2008. The Charter, which is based on the principle of equality between men and women in all areas and on non-discrimination, calls upon the relevant bodies to be guided by the text and to consider the Charter as the government-endorsed reference for all matters related to planning, policymaking and legislative amendments in areas that affect women and their rights.

18. The Palestinian Government has made significant progress in limiting the discrimination and prejudice that women face. It has achieved this by adopting various up-to-date mechanisms and plans to remove the barriers standing in the way of effective equality and equal participation of men and women. One of the steps taken in that regard was the 2014 accession, without any reservations, to the Convention on the Elimination of All Forms of Discrimination against Women. In order to respond to the effective needs of women, the

Ministry for Women's Affairs then adopted a number of strategic mechanisms, policies and plans including the cross-sectoral national strategic plan to promote justice and equality between the sexes 2014–2016; the national strategic plan against violence against women 2011–2019; and the national strategic plan for the integration of gender into the fields of water and solid waste. These efforts culminated in 2016 when the Palestinian Government developed a general nationwide framework for the implementation of Security Council resolution 1325 (2000) on women, peace and security. This was followed by efforts to involve women in consultations on how to implement the resolution at the national level, in cooperation with United Nations agencies.

19. In addition to this, the Palestinian National Policy Agenda 2017–2022 emphasizes the ongoing commitment of the State of Palestine to building a national system that is based on human rights and that provides more comprehensive, integrated and sustainable social protection for gender. In fact, the issue of gender equality and the empowerment of women has long occupied an important place in the hierarchy of government priorities and the Government has allocated \$9 million to the process of reviewing laws and legislation to ensure that they take due account of women's rights, do not contain discriminatory provisions and are consistent with international standards and treaties. This process includes capacity-building programmes on gender; analytical studies to provide information on gender gaps; services, protection against violence and access to justice for women; and raising community awareness about violence against women. Part of the funds will also be directed to support the development of gender-responsive policies and budgets. In its Decree No. 1/05/13/M.W/S.F. of 2009 the Council of Ministers insisted that the annual budgets of government departments should be gender-sensitive and that gender units should be involved in their preparation.

20. The Palestinian Council of Ministers adopted Decree No. 366 of 2005 regarding the protection of women against violence. The Decree defines violence against women as any physically, sexually or psychologically violent act that takes place in the family or the community in violation of current law, and it assigns the responsibilities required for the implementation of the Decree to ministries and other competent bodies. The Ministry of the Interior is designated to provide qualified female staff to deal with cases of violence against women in police stations. At the same time, the Ministry of Justice, in coordination with the Public Prosecutor, is designated to issue instructions for members of the Office of the Public Prosecution on providing protection for female victims of violence and on placing them in shelters run by the Ministry of Social Development until such time as the factors motivating such placement no longer subsist. For its part, the Ministry of Health is designated to provide psychiatrists specialized in violence against women. In addition, doctors who treat women are required to write a psychiatric report to be annexed to the treatment report and sent to the Office of the Public Prosecution. Lastly, the Ministry of Social Development is designated to include female victims of violence as urgent special cases in its relief and development programmes. Responsibility or coordination between the various ministries involved in the implementation of the Decree is entrusted to the Ministry of Women's Affairs.

21. The Palestinian Government has set up a national committee against violence against women and it has adopted strategies to prevent discrimination and ensure equality for women. These include the national strategy for Palestinian women and the national strategic plan against violence against women 2011–2019.

In 2013, the Council of Ministers approved the "*Takamol*" national referral system for women who have suffered violence. The system, which includes a set of rules that together have come to constitute a national charter for the treatment of female victims of violence, sets forth the rights and obligations that underpin the professional relationship between the women and their service providers (doctors, social workers and police). For example, it prohibits service providers from exploiting female victims in any way and requires them to maintain a purely professional relationship with the women. It also forbids pursuing any kind of relationship outside the professional sphere, discontinuing services to pressure the women for unlawful ends (be they social, material or sexual) and obtaining any recompense for the performance of professional duties. Furthermore, service providers are required to show respect and appreciation to female victims of violence, including respect for their right to take whatever decision they consider appropriate for their own lives, to provide services

without discrimination and to maintain the confidentiality of all information and dealings with the women. Confidentiality may not be breached nor information published without the written consent of the woman concerned.

22. In 2011, in the face of increased “honour killings of women” by members of their families and the absence of deterrent penalties, the President issued a decree to abrogate provisions that could mitigate penalties against the authors of such offences or exonerate them altogether. However, this did not prevent perpetrators from benefiting from the mitigating grounds envisaged in general provisions of criminal law. Indeed, committing an offence in a fit of extreme anger as envisaged in article 98 of the Jordanian Criminal Code (Act No. 16 of 1960), which is applicable in the West Bank; obtaining pardon from the victim’s blood relatives (her family) who waive their rights against the perpetrator; seeking clemency from the judge; or any other legally mitigating grounds such as those contained in articles 99 and 100, all constitute grounds the ultimate effect of which is to mitigate the penalty imposed against the perpetrator, be it by force of law or by virtue of the judge’s discretionary authority. It was for this reason that a decree-law was issued in 2014 under which persons responsible for honour killings against women are explicitly exempted from benefiting from mitigating grounds in cases where they commit their crimes in a fit of extreme anger.

23. In 2014, Palestinian Civil Police Force adopted a unified procedural guide for its family protection units in the West Bank. The units, which were set up in 2004, specialize in cases involving women, who either approach the units directly or are referred thereto and who are provided with protection against violence. Police teams have been given training in the use of the guide. The Office of the Public Prosecution has also established a gender unit and it has formed a committee to develop unified procedures for prosecutors who investigate, prosecute and pursue cases involving violence against women and children. Twenty prosecutors have been designated to receive gender-related cases, to follow the relative court proceedings and to file appeals against any final rulings that are inconsistent with the law. For its part, the Supreme Judicial Council has also set up a gender unit to follow up on the administrative and judicial aspects of gender-related cases. Buildings housing offices of the Public Prosecution have special rooms for cases involving female victims of violence, in order to protect their confidentiality, and other rooms for determining cases of rape. Prosecutors have also been given the role of supervising family protection units by making field visits, examining registers and, if a case is closed, informing the Office of the Public Prosecution of the circumstances of that closure.

24. In order to protect female victims of violence, a national system for the review of critical cases has been established. Its purpose is to take preventive action regarding offences against women, children and marginalized persons in the State of Palestine, to identify shortcomings in public policies and services regarding protection, to seek the support of politicians and decision makers to address those shortcomings and to move towards a system capable of responding to the needs of women, children and persons at risk and of protecting them and their rights. This system works thanks to cooperation between institutional stakeholders such as the Ministry of Social Development, the Ministry of Health, the Ministry of Education and the police.

25. The Independent Commission for Human Rights (Bureau of Grievances), which was established pursuant to Presidential Decree No. 59 of 30 September 1993, has the task of monitoring the operation of the various departments, agencies and institutions of the State of Palestine and of reviewing current laws, legislation and regulations to ensure that they duly safeguard human rights. As part of its work, the Commission set up a unit to receive complaints of violations against the rights of citizens of either sex and, in 2014, it received a total of 294 complaints from women, 188 from the West Bank and 106 from the Gaza Strip; the Commission provided advice to the women concerned and represented them before the competent courts.

26. The Ministry of Justice preceded the Independent Commission by establishing a citizens’ complaints department in 2004. The department receives complaints from citizens regarding human rights violations, either by individuals or by State institutions, including complaints regarding women’s rights. It then follows up, also by appealing directly to the

institutions concerned, in order to rectify the situation and restore matters to their correct course.

27. As concerns judicial proceedings in Palestine, there has been general progress in the way trials relating to the protection of human rights are conducted, including those relating to rights of women. Civil society institutions also play an important role in raising awareness about women's rights and in running campaigns that focus on issues such as discrimination and gender quality. Such institutions act as a kind of regulatory instrument monitoring the activities of official institutions in Palestine and as an authority to which women can turn to defend them and to communicate with the competent authorities on their behalf.

28. Act No. 6 of 2005 envisaged the establishment of a maintenance fund to provide protection against abusive husbands who deprive women of their rights and leave them destitute. The fund undertakes to disburse the court-ordered maintenance if the spouse is absent, his whereabouts are unknown, he does not have the assets to fulfil the court ruling or for any other reason. The amounts are disbursed within a maximum of 15 days from the completion of the application process, and the State has determined a financial allocation for the fund as part of its general budget.

29. Work is currently underway on new bills in which women are accorded fair treatment and which are free from discriminatory provisions. These include the draft criminal code, which criminalizes a number of behaviours and actions against women and includes offences that are not addressed in existing laws, such as trafficking in women and sexual harassment. With respect to the old Criminal Code, which is still in force in the State of Palestine, the new bill also amends definitions and increases penalties relating to offences of which women are victims.

30. Measures have also been taken to protect women working in the private and civil sectors from discriminatory acts. Under the Palestinian Labour Code, a labour inspection body was established as part of the Ministry of Labour with responsibility for monitoring the implementation of labour legislation, particularly with regard to working conditions, and for receiving and investigating reports and complaints from workers. Thus, all working women are able to report to the inspection body in regard of any violation committed by their employer, any discrimination they might suffer or any disciplinary measure imposed against them. The Labour Code prohibits the dismissal or termination of service of working women (or men) on the grounds that they have submitted a report or complaint. The labour inspection body enjoys judicial authority and has the right to inspect workplaces without prior notice and to inquire of employers and workers – together, individually or in the presence of witnesses – about the implementation of labour legislation. It also has the right to examine any documentation relating to working conditions. If an employer is found to have committed an offence, including discriminatory acts against women, the inspection body draws up a report then takes the due action and imposes the due sanctions.

In addition, the Labour Code requires employers to display the rules governing the employment of women in a visible position in the place of work. This is so that women can learn about their labour-related rights and obligations and the remedies available to them and thus improve their ability to claim their entitlements.

31. Out of its general budget, the Palestinian Government makes monthly cash allocations to the families of martyrs, the injured and detainees in order to alleviate the impact of the crimes committed under the Israeli occupation. Those crimes cause greater harm to women, especially if they result in the killing, detention or injury of a family member or a breadwinner and the loss of sources of income.

32. Decrees, circulars and regulations have been issued that have contributed, at least in part, to ensuring that Palestinian women receive fair treatment in a number of areas, particularly in matters relating to personal status. For example, the Palestinian Ministry of the Interior has issued circulars concerning the right of women to retain their own family name after marriage and – once they have reached the legal age of majority – their right to obtain a passport without the consent of their husband or father.

33. The Bureau of the Chief Qadi has also issued circulars that are relevant in this connection. These cover matters related to the separation of inheritance quotas between heirs

and the fact that they cannot be registered until four months have passed since the death of the legator; the registering of divorce documents in sharia courts; the requirement for a husband to inform his wife before marrying a second woman and to inform the second wife that he is already married; cases involving *khul'* divorce; and rights to visit and host children. In addition, each sharia court has a “family guidance and conciliation” division which works to strengthen family ties, resolve marital disputes and reconcile spouses.

34. As concerns the right to education, official and unofficial bodies such as the Ministry of Labour, the Ministry of Education and Higher Education and the Ministry of Social Development, have taken operational measures and rolled out practical tools to reduce the phenomenon of school dropout and, particularly, the phenomenon of child labour.<sup>1</sup>

35. The Ministry of Health has applied positive discrimination to address the needs of women and ensure they are treated fairly in the field of health care. It has integrated reproductive health services, pregnancy care and family planning into its primary health-care centres, and it has established mother and child units as part of the structure of those centres. The objective is to improve access to integrated and high-quality reproductive health services in mother and child clinics at the primary health-care level, particularly in marginalized areas and in areas where movement has been rendered difficult by the wall of annexation and expansion and by Israeli military checkpoints. Another objective is to provide quality services in hospitals, particularly in maternity and post-natal units.

36. The Ministry – in coordination with the Ministry of Education and Higher Education – runs weekly lectures on reproductive health in schools. It is also preparing a number of guides such as a unified national guide on reproductive health services, a unified national guide on safe childbirth in hospital, a referral system between primary care units, hospitals and support services, and training materials on women’s health for staff.

37. In its national strategic plan for health 2014–2016, the Ministry of Health has sought to guarantee Palestinian citizens’ right to access the health care they require by ensuring health services and facilities for all categories of citizen, particularly women, whatever their place of residence. It has also sought to achieve quality in the provision of health services, to increase the satisfaction of citizens and to reduce the number of referrals for treatment abroad.

With its primary care services, the Ministry of Health provides health care free of charge to mothers, pregnant women and children up to the age of 3.

38. As concerns protecting women from diseases they might contract as a consequence of violence, health-service providers – particularly those working in the primary health-care centres of the Ministry of Health (mother and child, family protection and reproductive health clinics) – provide services to female victims of violence, in accordance with codes of conduct and operation, and intervention and treatment mechanisms envisaged in the “*Takamol*” national referral system for women who have suffered violence. This covers aspects such as testing, diagnosis, treatment, empowerment and raising women’s awareness about their human and health-related rights. The women are then referred to other sectors where they can obtain psychosocial, legal and support services to protect them against violence. At the same time, their cases continue to be monitored and they are given counselling and guidance, particularly pregnant women and women and girls who have suffered rape.

39. Efforts are currently being made in the various gender-related fields. At the level of the media, there is a focus on producing a media discourse that is sensitive to gender issues and that seeks to combat violence against women and girls in the State of Palestine. In the academic world, work is underway to create specializations on gender and women’s issues in Palestinian universities. Moreover, efforts are currently being made to provide legal aid for Palestinian women, as envisaged in the law, and the State is assigning lawyers to pursue the cases of female detainees being held in the prisons of the Israeli occupation.

40. The “*Tawasol*” women’s coalition has been set up as a quasi-governmental body for women that aims to achieve gender equality. The coalition is seeking to build a comprehensive database on women in order to provide decision makers with data that will enable them to develop strategies with a gender perspective and to facilitate the exchange of

<sup>1</sup> For more information on this matter, see the section relating to the right to education.

information between women's institutions. It also hopes to strengthen partnership between the Government and the institutions of civil society, to help change stereotypical views of women and of their role in all areas of society and to promote and develop support and guidance mechanisms for female victims and survivors of violence.

41. Despite this generally positive climate and the adoption of numerous legislative, administrative and judicial measures, Palestinian women remain subject to a body of conflicting and discriminatory legislation which has been drawn from various sources. These include Ottoman, British, Jordanian and Egyptian provisions and racist Israeli military laws and orders in addition to Palestinian laws and legislation.

## Articles 4 and 5

42. The rights enshrined in the International Covenant on Economic, Social and Cultural Rights are recognized in the Palestinian Basic Law, as amended in 2003. Article 11 of that Law reads: "Personal freedom is a natural right that is guaranteed and may not be violated." This means that no exception may be made for any violation affecting the rights and freedoms envisaged in the Covenant, the implementation of which is regulated and guaranteed by the Palestinian Basic Law.

43. As an expression of the political will to respect human rights and the rights of citizens, the State of Palestine acceded to the core human rights treaties in 2014. It did so, moreover, without reservations thereby guaranteeing all the rights enshrined in those instruments, without exception.

44. Following accession to the human rights treaties, the Constitutional Court issued its Interpretive Ruling No. 5/2017 on 12 March 2018 to define the nature of the relationship between international law, particularly human rights treaties, and Palestinian domestic law. The ruling outlined the legislative hierarchy applicable in the State of Palestine with the Declaration of Independence at the apex followed by the Basic Law, then international treaties and conventions (which have to meet the formal requirements to acquire force of law) and, lastly, national laws and legislation.

45. The Palestinian Basic Law, as amended in 2003, contains a chapter (arts. 110 to 114) dedicated to the provisions applicable during a state of emergency. This includes the general constitutional restrictions applicable in states of emergency and the special powers whereby the President can limit public freedoms in order to face such exceptional circumstances. The chapter also declares the inadmissibility of restrictions on fundamental rights and freedoms and stipulates that any detentions during a state of emergency must meet minimum requirements vis-à-vis the rights and fundamental freedoms of individuals.

Article 111 of the Basic Law reads: "No restrictions may be imposed on fundamental rights and freedoms save to the extent necessary to fulfil the goal stated in the decree declaring a state of emergency."

46. The State of Palestine has taken no action aimed at restricting the rights enshrined in the Covenant. Moreover, any violation of fundamental human rights is penalized under the Palestinian Basic Law, as amended in 2003, article 30 (2) of which states: "No law may contain provisions that shield any administrative decision or action against review by the courts."

47. Article 32 of the Basic Law stipulates: "Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties guaranteed under the Basic Law or any other law shall be considered a crime. Criminal and civil cases resulting from such violations shall not be subject to any statute of limitations. The National Authority shall guarantee just compensation to those who suffer harm in that connection."

48. However, the colonialist policies and practices of Israel, the authority responsible for the unlawful occupation, and its systematic and widespread violations of international law in the Occupied Palestinian Territory prevent the Palestinian people from exercising their rights as guaranteed under international law, including the economic, social and cultural rights enshrined in the Covenant.

49. At the internal Palestinian level, the rights contained in the Covenant, as well as other rights, have been affected by the division resulting from the 2007 takeover by Hamas in the Gaza Strip and its unlawful monopoly over legislative authority there, which has required a state of emergency to be declared in the State of Palestine, pursuant to the amended Basic Law of 2003. With the failure of efforts towards achieving reconciliation and holding legislative elections, legislation has had to be replaced with decree-laws, which are issued by the President of the State of Palestine to meet the changing needs of the Palestinian people. These have included the 2016 Decree-Law on Social Security – issued to respond to a fundamental requirement of Palestinian society and to meet the obligations of the State of Palestine under international treaties – and the Public Education Act, issued in early 2017. One of the most significant aspects of these decrees is their consistency with the international obligations of the State of Palestine, and the most important legislative priority remains that of unifying legislation across the two parts of the nation and removing any provisions that are inconsistent with those international obligations.

50. The illegal occupation of Palestinian territory by Israel is one of the largest obstacles preventing the realization of the rights enshrined in the Covenant, particularly in the so-called “Area C”, which makes up 60 per cent of the surface area of the West Bank, including East Jerusalem. That Area is under the effective control of Israel, the authority responsible for the unlawful occupation, which is seeking to annex it illegally by proceeding unilaterally and taking no account of the Palestinian people who detain legal and political sovereignty over the Area. In addition to this are the Israeli efforts to change the demographic makeup of East Jerusalem and “Area C” using facilitations that aim to encourage colonists to move and settle in the Occupied Palestinian Territory, including East Jerusalem.

51. A deterioration in the economic, social and cultural conditions of the Palestinian people is being deliberately imposed by the occupying authorities, who exercise effective control over East Jerusalem and the so-called “Area C” where they employ administrative measures as a means to debilitate Palestinian residents and impose restrictions, using racist barriers with the aim of depriving them of the right of movement and impelling them to emigrate. The economic and social conditions of the population in those areas is critical compared to the economic and social conditions enjoyed by the illegal colonists who have been settled there by Israel, the occupying power in the West Bank and East Jerusalem. The policies of the occupiers towards Palestinians and their economic and social rights are not limited to lengthy, complex and costly administrative and bureaucratic procedures, which deprive many people of their fundamental rights, but actually amount to systematic and widespread violations of the rights of the Palestinians who live in areas under the direct and effective control of the occupation. A good example of this is the demolition of housing carried out by the occupying power’s so-called “Civil Administration” in “Area C” under pretexts such as “absence of authorization” and “security”, and the plans to expel Bedouin communities in the Khan al-Ahmar area. It should be noted, moreover, that authorization procedures in areas under the direct control of the occupation, including fees, are imposed irrespective of the low income and standard of living of Palestinian families. This is to ensure the demographic superiority of the colonists and to pave the way for the annexation of the Occupied Palestinian Territory.

52. The discriminatory policies of the occupation affect all the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. The abuse of procedures for obtaining authorization to construct homes or public facilities affects the right to education by causing overcrowding in schools, which has led some schools to institute double shifts, morning and evening, to accommodate all pupils. Those policies also affect the right to health as there are not enough health facilities to meet the needs of Palestinians in “Area C” and in East Jerusalem. In fact, health facilities in East Jerusalem – in particular the Makassed Charitable Society Hospital and the Augusta Victoria Hospital – also provide services to residents of the suburbs of Jerusalem, who are excluded by Israel, the occupying power, through its unlawful annexation of Jerusalem and its unilateral changes to the city map. They also serve sick and injured persons from various parts of the West Bank, where treatment might not be available, and from the Gaza Strip. In addition to this, the policies themselves pose a threat to the health of Palestinians because the occupiers’ excessive use of force leads to deaths and disabling injuries among Palestinians. The contrast in standards of living, income and services between Palestinian families in “Area C” and in East Jerusalem

and the income of settler families in the same areas gives an indication of the extent of the discrimination practised by the occupying power against Palestinians and of the obstacles the latter face in seeking to exercise their right to a decent standard of living. Occupation policies throughout the West Bank directly and indirectly affect all these rights. The settlement system, including military checkpoints and racist and illegal bypass roads, affects the extent to which Palestinians living, working or studying near the settlements are able to enjoy their fundamental rights, whether enshrined in the Covenant or in other treaties. This is because, by affecting the right of movement, the system determines the extent to which Palestinians are able to access the facilities where they can exercise those rights. It also disrupts official Palestinian institutions as they seek to exercise their authority in villages and cities of the Occupied Palestinian Territory where the occupiers deliberately neglect the human rights of Palestinians.

53. The same situation prevails in the Gaza Strip, which has been under illegal Israeli military blockade since 2007. During the blockade and the aggressive military operations launched by Israel, the authority responsible for the illegal occupation, the social and economic situation in the Gaza Strip has deteriorated to become the lowest in the State of Palestine. During the attacks of summer 2014, the unjustified and excessive use of force by the occupying forces led to the destruction of thousands of homes and the displacement of the families living in them. Schools were also destroyed, including schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) where citizens whose own homes had been destroyed had taken refuge to escape areas where shelling and clashes were taking place. UNRWA schools, it should be noted, all fly United Nations flags. Health facilities and hospitals were also affected by the shelling, precisely at the time when they were most needed, thereby throwing fuel on the flames of the humanitarian crisis in Gaza and affecting citizens' right to health over the long term, particularly in view of the overcrowding and the scarcity of basic medical necessities in local hospitals. One of the effects of the blockade is that Israel, the occupying power, can control what materials enter the Gaza Strip and, using vague pretexts, it can prohibit the entry of many vital necessities. Thus, for example, the occupying power has placed certain foodstuffs on its list of "dual use items", which are prohibited from entering the Gaza Strip. The criteria used for placing items on the list are ambiguous and take no account of the actual needs of citizens living in the Strip. The list has had the effect of impeding the entry of the materials necessary to reconstruct homes and facilities destroyed by Israeli attacks against Gaza, and matters have reached a point where even foodstuffs are not admitted under the criteria used to compile the list.

## Article 6

54. The Palestinian legal system considers work to be a right guaranteed under the Basic Law, which describes work as "a right, a duty and an honour" that the State seeks to provide to everyone able to perform it. The legal framework regulating work was completed under the Labour Code (Act No. 7 of 2000), which reaffirms the status of the right to work without discrimination between men and women. The Code also specifies that a minimum of 5 per cent of the workforce in all establishments must be constituted of persons with special needs.

55. The Palestinian Labour Code broadly outlines the principles underpinning the right to work and identifies the desired outcomes, and it sets forth the measures and policies to adopt to uphold and safeguard that right. These are aimed at combating unemployment and creating jobs as well as at training and qualification. The Code states that the Council of Ministers is to establish a committee on labour policy made up of the three parties involved in the production process (government, employers and workers) with the task of proposing public policies in the area of employment, training and vocational guidance.

56. By the end of 2015, the unemployment rate in the State of Palestine stood at 25.9 per cent of the workforce of both sexes over the age of 15. This represents a small drop compared with the unemployment rate of the previous year 2014, which had been 26.9 per cent. The figures for the end of 2015 show that unemployment among females was higher (39.2 per cent) than that among males (22.5 per cent). The unemployment rate in the State of Palestine in the period 2014–2015 is schematized in the table below.

<i>Year</i>	<i>Female unemployment</i>	<i>Male unemployment</i>	<i>Total</i>
2014	38.4 %	23.9 %	26.9 %
2015	39.2 %	22.5 %	25.9 %

57. As the body competent to take specific measures aimed at reducing unemployment, the Ministry of Labour provides training and vocational qualification services. In cooperation with its social partners and with support from international institutions, the Ministry has developed some basic labour strategies, including the following:

- *Strategy for vocational and technical education and training*: The overarching aim of this strategy is to create an efficient, capable, enterprising, adaptable, innovative and outstanding workforce in Palestine in order to curb poverty and to drive social and economic development. This is to be achieved by delivering high-quality, demand-oriented vocational and technical education and training linked to all sectors of the economy, at all levels and to all people;
- *National Employment Strategy*: This aims to create the right conditions – in terms of policies, measures, institutions and infrastructure – to accommodate the growth in the Palestinian workforce in such a way as will reduce poverty. Given the high rates of unemployment and the low level of wages, the strategy sees changing the perspective of young people as an important objective with a view to providing suitable and sustainable jobs for the future;
- *Charter for decent work in the Palestinian territories*: The charter constitutes the basis for the development of a national plan and government programmes to promote decent work. It has several areas of focus including that of promoting job opportunities in the Palestinian territories in order to eliminate unemployment and poverty.

58. As concerns vocational training and education, training centres belonging to the Ministry of Labour have rolled out 21 free training programmes via 69 training courses run at vocational training centres in the following governorates:

- Jericho: a multipurpose vocational training centre; a vocational training centre in the city of Yatta and the Jericho vocational training centre;
- Bethlehem: the Beit Jala vocational training centre;
- Ramallah and Birah: the Mahmoud Uthman vocational training centre and the Beit Aour al-Tahta vocational training centre;
- Nablus: the Nablus vocational training centre;
- Qalqilyah: the Qalqilyah vocational training centre;
- Tulkarm: the Tulkarm vocational training centre;
- Janin: the Jalil vocational training centre;
- Jerusalem and environs: the Ayzariyah vocational training centre;
- Governorate of Salfit: the Salfit vocational training centre (under construction).

59. Students applying to enrol in the Ministry's training centres must undergo an entrance exam as well as an individual interview. While taking account of the objective criteria for admitting students who wish to join these programmes, the Ministry accords priority to persons with special needs, and efforts are currently being made to qualify 40 trainers in how to deal with such persons, in cooperation with the Bethlehem Arab Society for Rehabilitation. In the next phase, the Ministry is seeking to provide training on how to deal with persons with special needs using sign language.

Thirteen of the 21 programmes adopted in 2015/16 were vocational diploma-level programmes in the following specialities:

- |                                                               |                                              |
|---------------------------------------------------------------|----------------------------------------------|
| 1. Electrical installations                                   | 2. Quantity surveying                        |
| 3. Tailoring and fashion design                               | 4. Cosmetology and hairdressing              |
| 5. Auto electrics                                             | 6. Auto mechanics                            |
| 7. Office secretarial skills                                  | 8. Building and construction                 |
| 9. Painting and plastering                                    | 10. Air conditioning and refrigeration       |
| 11. Trade and commerce                                        | 12. Maintenance and installation of networks |
| 13. Electrical installations and the mounting of solar panels |                                              |

The remaining programmes were as follows:

- |                                                  |                                      |
|--------------------------------------------------|--------------------------------------|
| 1. Working in aluminium                          | 2. Tiling and paving                 |
| 3. Metalwork                                     | 4. Installation of medical equipment |
| 5. Sales representative                          | 6. Auto bodywork and painting        |
| 7. Installation and maintenance of alarm systems | 8. Auto electromechanics             |

60. Since 2015, the Ministry of Labour has been taking the following steps with a view to reducing unemployment:

- It has worked to create job opportunities, both through visits to companies and via the media. In 2015, a total of 3,627 job openings were created of which 350 actually led to employment;
- It has sought to network with institutions operating in the field of development and financial credit, in which regard it arranged 1,009 visits to companies at various sites in governorates across the West Bank in 2015;
- It has provided vocational guidance and counselling to 2,058 jobseekers;
- It has provided vocational guidance and counselling via 12 employment bureaus in universities, benefiting 1,039 students;
- It monitors the employment of workers on the local and external market via employment offices belonging to the Ministry of Labour;
- It has set up a labour-market information system to register jobseekers and match them with available openings.

61. In addition, the Ministry of Labour follows up on all matters related to the receipt and distribution of permits for Palestinian workers who work in the occupying State, who numbered 57,000 at the end of 2015. This includes monitoring their labour-related rights. The social rights those workers accrued in that year amounted to 185,426,649 new shekels. From its headquarters and its departments in the governorates, the Ministry of Labour issues certificates of aptitude for persons wishing to work abroad. It has distributed 810 such certificates, 767 to men and 43 to women.

62. In 2015 the Ministry of Labour launched the employment councils the purpose of which is to combat unemployment. They undertake the following activities:

- Continuing to develop the labour-market information system at the level both of programming and of information input;
- Preparing the list of 20,000 Palestinian workers to work in the State of Qatar, as per an agreement reached with that country;
- Setting up an employment and social protection fund pursuant to Decree No. 9 of 2003 to support employment and business enterprise programmes for young people.

### Arbitrary dismissal

63. Palestinian law provides workers with guarantees to protect them against arbitrary dismissal. The Palestinian Labour Code (Act No. 7 of 2000) states that the termination of an employment contract by an employer without due reason constitutes arbitrary dismissal. The Code states, furthermore, that workers who have suffered arbitrary dismissal retain all their labour rights and are entitled to compensation equivalent to two months' wages for each year of employment, with a maximum equivalent to the wages they would earn over two years of employment. In cases involving piecework or work on commission, compensation for arbitrary dismissal is calculated on the basis of the average monthly wage of the worker in the last year of work.

64. In order to safeguard the rights of workers following arbitrary dismissal, as well as other labour rights, the Palestinian Labour Code exempts workers from the payment of court fees in labour-related cases. This is intended to facilitate workers' access to the courts in order to protect their labour rights.

65. One of the main reasons for the high unemployment rate remains the Israeli occupation of Palestinian territory. In fact, the systematic and widespread policies of occupation – which consist in the confiscation of lands, violations of the right to movement, the looting of natural resources and other colonialist practices – rob Palestinians of their right to work, work which would provide them with a decent life, empower them economically and facilitate their enjoyment of other rights. Data compiled by international institutions indicates that Israeli activities in the Dead Sea region, which occupies 87 per cent of the area of the Jordan Valley and which Israel is seeking to annex unlawfully, is depriving between 60,000 and 80,000 Palestinians of job opportunities in agriculture. At the same time, vast areas of the Jordan Valley have been seized and allocated to 9,500 illegal settlers. Unemployment among Palestinians is expected to increase after the racist Government of Israel and the United States Administration set their sights against UNRWA, which is a major employer of the Palestinian people and particularly of the refugees who were forcibly displaced following the Nakba of 1948 and their descendants. Those people have been denied the right to work in their own lands and the right to live in the homes that were stolen from them during the Nakba, as well as their right of return as enshrined in General Assembly Resolution 194.

### Articles 7 and 8

66. The Palestinian legal system affords relative flexibility vis-à-vis the minimum wage, in accordance with variables affecting standards of living. The Labour Code includes provision for a wage committee, to be established by the Council of Ministers and to include representatives from government, workers and employers. Representatives from the latter two categories are to be appointed by trade unions and employers' associations. The committee is responsible for examining public policy in regard of wages and determining the extent to which it is consistent with living standards. It makes recommendations in that connection to the Council of Ministers, which then issues a decree setting the level of minimum wages on the basis of those recommendations. The wage committee meets periodically, at least once a year, to scrutinize any changes in living standards and to assess the necessary adjustments to the minimum wage. In case of need, it also meets in extraordinary session at the request of its Chair or of the representatives of any of the three parties represented on the committee.

In line with this procedure, the Palestinian Council of Ministers issued Decree No. 01/21/14/M.W/S.F on 9 October 2012, setting the minimum wage in all areas of the State of Palestine as follows:

- The minimum monthly wage in all sectors was set at 1,450 shekels;
- The minimum daily wage in all sectors was set at 65 shekels;
- The minimum hourly wage in all sectors was set at 8.5 shekels;

The Decree came into force on 1 January 2013.

67. Although both the Basic Law and the Labour Code prohibit discrimination between men and women in labour rights, in practical terms there is, in fact, a widening wage gap between men and women. In 2015, the average monthly wage of men stood at 3,203 shekels whereas for women it was just 2,405 shekels.

68. Certain categories, such as domestic workers, are not covered by the Palestinian Labour Code and it is left to the executive to decide what is the best course of action to take. Thus the Minister of Labour issued Decree No. 6 of 2013, which concerns domestic workers and states that their wages are to be paid in cash and are to be no less than the legally stipulated minimum wage.

### **Conditions of work**

69. Palestinian law includes general provisions setting minimum standards to ensure that all workers are able to enjoy suitable working conditions.

Some of the basic conditions envisaged in the Labour Code are set forth below:

- An upper limit of 45 hours of work per week, distributed over 5 or 6 days. The Code also envisages a reduction of at least 1 hour per day for jobs that are dangerous or harmful to health or that are performed at night;
- An upper limit on overtime of 12 hours per week;
- The right to paid weekly rest, which workers may accumulate and take once a month;
- Daily working hours are to be interspersed with one or more periods of rest of up to 1 hour;
- For each hour of overtime workers are to be paid for one and a half hours;
- Workers are entitled to an annual paid holiday of two weeks, which is to be increased to three weeks for workers engaged in jobs that are dangerous or harmful to health, and for workers who have been employed for more than five years;
- Workers are entitled to other holidays for religious and cultural festivals, which are not to be calculated as part of their annual holiday. They are also entitled to leave for the death of relatives and for other reasons, as well as sick leave of up to 28 days per year.

The Palestinian Labour Code includes a number of additional provisions concerning the work of women, in which regard see article 3 of the Covenant concerning non-discrimination against women.

70. The issue of sexual harassment in the workplace – or even of sexual harassment in general – is not contemplated in any legislation currently in force in the State of Palestine, be it criminal legislation (the Jordanian Criminal Code (Act No. 16 of 1960) in the West Bank or the Mandate Criminal Code (Act No. 74 of 1934) in the Gaza Strip) or in labour legislation (the Palestinian Labour Code (Act No. 7 of 2000) or the Palestinian Civil Service Act).

The provisions applied in such cases, then, are the general legal provisions concerning crimes against honour or crimes against public order and public morals, with their respective penalties. This covers offences such as rape, indecent assault, inappropriate advances and indecent acts or comments. The penalties for such offences are more severe if the perpetrator has responsibility or authority over the victim; for example, employers or hierarchical superiors.

71. The Palestinian draft criminal code aspires to overcome the shortcomings in current legislation by envisaging the crime of sexual harassment which it defines as: “Any repeated and insistent annoyance of others through acts, words or gestures such as would undermine their dignity or offend their modesty with a view to eliciting a response to sexual desires – or to the sexual desires of a third party – or to applying pressure such as to weaken their resolve to resist such desires.” The draft criminal code penalizes sexual harassment with a fine and a term of imprisonment of up to 6 months, that term being increased to up to 2 years if the perpetrator has professional or effective authority over the victim.

72. Sexual harassment is a sensitive topic about which it is difficult to obtain accurate statistics and figures, due to the associated social stigma that may lead victims not to report offences. In addition, prevalent societal norms in some sectors of the community might tend to place the blame, at least partially, upon the female victim in cases of crimes against honour. This is particularly so in marginalized areas and areas where, due to the occupation, the Government of the State of Palestine faces difficulties in exercising effective control. In those areas, which often suffer grim socioeconomic circumstances, ancestral social customs are strengthened and, in the absence of effective State control, provide an alternative source of protection and security for individuals and families.

73. As concerns the working environment and occupational health and safety, the Palestinian Labour Code contains general provisions defining the responsibilities of companies and employers to meet occupational health standards and to make working conditions as safe as possible. Under the Code, the Council of Ministers, acting on a proposal of the Minister of Labour, is to issue occupational health and safety regulations. These cover the following:

- Personal protection to shield workers against workplace hazards and occupational diseases;
- Workplace health standards;
- First aid for workers in companies;
- Periodical medical tests for workers, as determined by the Ministry of Health, with the costs being borne by the companies concerned.

74. The Labour Code requires employers to issue occupational health and safety instructions accompanied by a list of relevant sanctions, once these have been approved by the Ministry of Labour in order to ensure that they meet minimum occupational health and safety requirements. Employers must then display those instructions in a place visible to all their workers. Under the Code, moreover, it is forbidden to make workers bear any of the costs arising from health and safety measures.

75. Under the Public Health Act No. 20 of 2004, the Ministry of Health also has some responsibilities vis-à-vis occupational health and safety. The Act allows the Ministry to establish the means to ensure health and safety in the workplace and to create a continuous inspection mechanism. The Act also gives the Ministry authority to license companies and to issue prior written approval for any kind of activity that might affect public health or the environment.

### **Right to form trade unions**

76. Article 25 (2), (3) and (4) of the Palestinian Basic Law, as amended in 2003, regulates labour relations in such a way as to ensure justice for all parties involved and to provide welfare, security and health and social care to workers. Under the Basic Law, union organization and strikes are defined as rights that are regulated by law.

77. The Palestinian Labour Code guarantees workers in the private sector the right to form trade unions but it does not set forth the objective conditions or official requirements to do so. The Ministry of Labour monitors the activity of trade unions in the State of Palestine by attending their conferences, approving their budgets and overseeing their elections to ensure they are consistent with the statutes of the union concerned, as approved by its general assembly and endorsed by the Ministry of Labour.

78. In cooperation with workers' and employers' representatives, and with funding from the International Labour Organization (ILO), the Ministry of Labour is drafting a trade union law. A draft text has been completed and is currently being examined by representatives of the three parties involved in the production process.

79. Collective bargaining mechanisms are protected and regulated under the Labour Code, which defines them as the dialogue between a trade union or its representatives and the employer or employers, or their representatives, the purpose of which is to resolve a collective grievance, improve working conditions or enhance productivity. Collective bargaining is conducted in accordance with the law, either at company level between

employers and management on the one hand and workers' representatives on the other or, at the level of a particular economic sector, between representatives of employers in that sector and the relative trade union or, at the national level, between the employers' federation and the trade union federation. The aim of such negotiations is to reach a collective working agreement that is binding upon both sides for a period of three years. Negotiations for the next agreement begin, at the request of one of the two parties, three months prior to the end of the previous agreement and the first agreement remains in force until a new agreement is reached. At a minimum, the agreement must make provision for the following:

- Freedom to engage in trade union activity;
- Minimum wage for all types of work;
- Conditions for employing and dismissing workers;
- A bilateral committee to resolve any dispute that may arise concerning the application of the agreement.

80. The Palestinian Labour Code envisages a mechanism for resolving collective labour grievances, which are defined in the Code as any dispute that arises between, on the one hand, one or more employers and, on the other, workers or a group of workers regarding a matter of collective interest. In such a case, and if the dispute cannot be resolved by negotiation, either of the two parties involved may have recourse to a mediator of the Ministry of Labour who then has 10 days to resolve the dispute. If the mediator is unable to find a solution, the matter is referred to the Minister of Labour who, in turn, refers it to a conciliation committee, which is headed by an official of the Ministry of Labour and has representatives appointed in equal numbers by employers and workers. If the conciliation committee is also unable to resolve the dispute, either of the two parties may turn to the courts. If neither of the parties chooses to exercise this right and the dispute in question has a bearing on the public interest, the Minister of Labour can require the two parties involved in the dispute to appear before a committee of arbitration, which is headed by a judge and has a representative from the Ministry of Labour, a workers' representative and an employers' representative. In 2015, the department of the Ministry of Labour responsible for collective labour grievances helped to conclude 12 collective labour agreements, all of which were deposited with the Ministry of Labour in accordance with the law.

### **Right to strike**

81. The right to strike is guaranteed under the Basic Law, article 25 (4) of which stipulates that it may be exercised within the limits of law. The same right is envisaged in the Labour Code where the legality of strikes is enshrined in article 66, while article 67 regulates the conditions under which the right to strike may be exercised. The Civil Service Act and other laws governing workers in certain public sector institutions – such as the Palestinian Security Forces Military Service Act No. 8 of 2005 and the Palestinian Diplomatic Corps Act of 2005 – do not contain explicit provisions regulating strike action. For this reason, strikes in the public sector are based on general norms that are drawn from the Basic Law, with recourse also to the provisions of the Labour Code. In this connection, article 67 of the Labour Code includes provisions governing strike action as well as company closure by management. Under that article, the party intending to strike must give written notification to the company management and to the Ministry of Labour at least two weeks prior to the action. This period is extended to four weeks in the case of a company that constitutes a public facility. The notification must be signed by 51 per cent of the workers in the company in the case of a strike or by the administrative board in the case of a company closure. Under the law, it is forbidden to strike during the course of collective bargaining to resolve a dispute and a strike must cease when the dispute that occasioned it has been submitted to an arbitrating body.

### **Work in illegal settlements and in Israel, the occupying power**

82. Many Palestinians find themselves obliged to work in illegal settlements located in the Occupied Palestinian Territory and within the Green Line between the Occupied Palestinian Territory and Israel, the authority responsible for the unlawful occupation. They are compelled to do so due to high unemployment and low income and standards of living, particularly among citizens residing in "Area C" and East Jerusalem, who face various

obstacles to their socioeconomic development due to the colonialist and racist policies the occupation authorities apply against them. Data collected by ILO indicates that the income that can be earned by working in the illegal settlements or within the Green Line is 2.2 times the amount that can be earned on the Palestinian labour market, particularly for residents of “Area C”. Indeed, many Palestinians living in those marginalized areas resort to working in the settlements and within the Green Line without obtaining work permits from the occupation authorities, which renders them more vulnerable to exploitation, curtailment of their labour rights and arbitrary dismissal.

83. ILO data also indicates that the number of Palestinians working in the illegal settlements or within the Green Line is steadily increasing, reaching 131,000 in 2017. The wages those workers earn constitute 24.4 per cent of the entire amount of wages earned by Palestinians in the Occupied Palestinian Territory. There is no precise figure as to the number of persons working without a permit, as such data is difficult to obtain.

84. The Palestinian Ministry of Labour follows up on all matters related to the receipt and distribution of work permits and the labour rights of Palestinians who work within the Green Line. This does not apply to the settlements because work in the settlements is illegal under Decree-Law No. 4 of 2010, which aims to prohibit and boycott products from the settlements. At the end of 2015, 57,000 Palestinians were working inside the Green Line and the social rights those workers accrued in that year amounted to 185,426,649 shekels.

## **Article 9**

### **Public pensions**

85. Public officials who come under the Civil Service Act are also subject to the Public Pensions Act No. 7 of 2005, which was amended by Decree-Law No. 5 of 2007 and Decree-Law No. 1 of 2008. The Public Pensions Act applies to all employees in the public sector, including diplomatic and law enforcement personnel (although certain aspects regarding the security sector are covered in the Palestinian Security Forces Insurance and Pensions Act No. 16 of 2004). The Public Pensions Act is also applicable to staff of local bodies and of civil society institutions that are affiliated to the retirement system, and to members of the Palestine Liberation Organization who hold positions of responsibility abroad. These categories receive a pension as envisaged in the Public Pensions Act in the following cases:

- Retirement;
- Old age or incapacity;
- Decease.

86. The Public Pensions Act was a brainchild of the Palestinian Pension Agency, which regulates pensions and disburses benefits in accordance with the law. The Agency’s resources come from deductions made to participants’ salaries, contributions from the organizations that pay out the salaries and returns on the Agency’s investments, as well as other resources resulting from its activities.

The public pensions system has two fundamental components:

- (a) Defined benefits system;
- (b) Defined contribution system.

87. Under the defined benefits system, the government pays in the equivalent of 9 per cent of the employee’s salary while the employee pays in 7 per cent. In the defined contribution system, both the employee and the Government pay in 3 per cent of the salary. When it comes to calculating benefits, old-age pension is calculated on the basis of 2 per cent for each year of service, taking account of the average salary over the last three years of pensionable service. Contributors are also entitled to a pension in case of incapacity on grounds of health, which is likewise calculated on the basis of 2 per cent for each year of service, taking account of the average salary over the last three years of pensionable service, the years of service calculable for the purposes of the pension being the number of years of effective service up to the date of the injury or incapacity plus half the remaining years up to the age of mandatory retirement.

Thus, the number of years calculable for pension purposes cannot exceed 35. In addition to this, in case of incapacity or old age, employees (or their heirs if they have died as the result of a workplace injury) are entitled to an insurance pay-out from the Pension Agency, which is calculated as a percentage on the basis of age, as set forth in the following table from article 25 of the Public Pensions Act.

<i>Up to the age of</i>	<i>Insurance pay-out (%)</i>	<i>Up to the age of</i>	<i>Insurance pay-out (%)</i>
25	267	43	147
26	260	44	140
27	253	45	133
28	247	46	127
29	240	47	120
30	233	48	113
31	227	49	107
32	220	50	100
33	213	51	93
34	207	52	87
35	200	53	80
36	193	54	73
37	187	55	67
38	180	56	60
39	173	57	53
40	167	58	47
41	160	59	40
42	153	60	33

Employees acquire eligibility to a pension under the following rules and conditions:

- Reaching the mandatory retirement age of 60 with not less than 15 years of service;
- Completing 20 years of service and being 55 years old;
- The lower limit of pension entitlement is reached by persons who have completed 25 years of service and reached the age of 50 and who work in security, radiology laboratories and centres, oil and gas exploration or mines;
- Persons who are 60 and are not entitled to a pension receive their contributions and the interest accrued in a single pay-out upon reaching the age of 60.

In order to obtain an incapacity pension, persons must meet the following criteria:

- The person concerned must be under the age of 60;
- The person concerned must not be eligible to an old-age pension or early retirement;
- The person's state of incapacity must be confirmed by a committee appointed by the Pension Agency, which reviews and assesses the case.

Heirs' entitlement to a pension arises if the deceased was receiving or was entitled to receive a pension at the time of death.

### **Social security**

88. The State of Palestine adopted a comprehensive social security system in September 2016 with the passage of Social Security Decree-Law No. 6 of 2016, which was drafted in cooperation with ILO. The purpose of the Decree-Law is to provide social security benefits to insured persons and their families, on the basis of principles of equity, sustainability, transparency and efficiency. The system covers groups that are outside the insurance and

security schemes for government workers. In fact, the Social Security Decree-Law includes a raft of social insurance provisions for persons who are not covered under the Public Pensions Act No. 7 of 2005 or the Palestinian Security Forces Insurance and Pensions Act No. 16 of 2004. To that end a separate fund has been set up, overseen by the Social Security Corporation, which was brought into being under the Decree-Law. The following forms of social security are envisaged:

- Coverage for old age, incapacity and natural death;
- Coverage against workplace injuries;
- Maternity coverage;
- Coverage against illness;
- Health coverage;
- Unemployment coverage;
- Family compensation.

89. Coverage for old age, incapacity and natural death, coverage against workplace injuries and maternity coverage are mandatory for all groups. Initially, the Social Security Decree-Law was applied to these three basic categories (i.e., coverage for old age, incapacity and natural death, coverage against workplace injuries and maternity coverage) with the rest being introduced gradually. Social security under the Decree-Law is contribution-based with a 7.5 per cent deduction from the worker's monthly salary and a payment of 8.5 per cent of the worker's monthly salary on the part of the employer.

90. When the Social Security Decree-Law was first enacted in March 2016, it met with a wave of criticism from civil society and trade unions. Thus, consultations to amend the Decree-Law were held between the Palestinian Government and its critics, and those amendments were effectively introduced by September 2016. One of the criticisms levelled against the Social Security Decree-Law concerned the issue of contributions, because it envisaged that workers should pay 7.5 per cent of their monthly salary while the employer paid 8.5 per cent, which is the same percentage as employers pay for end-of-service indemnities. The Social Security Decree-Law has also been criticized for not granting the same privileges as those envisaged under the Public Pensions Act. Yet another criticism concerns the way in which the family of a deceased worker receives indemnity, which requires the worker to have spent 24 months in his post, something that is not required under the Public Pensions Act where the family of the deceased receives payment immediately after the death.

91. The question of the minimum amount of benefits is addressed in several provisions of the Decree-Law. Article 52, for example, states that the mandatory minimum pension for an insured person entitled to a pension must not be less than 75 per cent of the minimum wage or of the individual poverty threshold, whichever is higher. In cases of complete and permanent incapacity, article 58 of the Decree-Law sets the minimum incapacity pension for insured persons at not less than 40 per cent of the average monthly wage during the period in which the contributions were being made, up to a maximum of 10 years prior to the onset of the incapacity, or at not less than 75 per cent of the minimum wage or of the individual poverty threshold, whichever is higher. Under article 59, the pension for partial permanent incapacity is to be calculated as a percentage of the full pension for complete and permanent incapacity. Lastly, article 67 of the Decree-Law states that the pension in cases of natural death must not be less than the minimum wage or the individual poverty threshold, whichever is higher.

92. With regard to the periodic review of minimum levels, article 101 of the Decree-Law states that benefits are to be revised, at least once every three years, by decree of the administrative board of the Social Security Corporation, on the basis of the increase in the consumer price index in the country during that period. It should be noted that the minimum levels stipulated in the Decree-Law are insufficient to ensure an adequate standard of living for beneficiaries and their families, even if the higher of the minimum amounts stipulated in the text are applied. The underlying problem lies in the value of the minimum wage which,

being 1,450 shekels, means that the mandatory pension for insured persons is 1,087 shekels, which is not enough to meet basic monthly needs, given standards of living in Palestine.

93. This Decree-Law does not guarantee benefits received under the system of non-contributory social assistance for disadvantaged and marginalized persons and their families, who are not covered by contribution-based social security programmes. However, this matter is addressed indirectly in article 102 of the Decree-Law which states that it is not permissible to withhold the benefits to which insured persons or their heirs are entitled under the Decree-Law save to pay a debt of spousal maintenance or a debt due to an institution. The amount withheld must not amount to more than a quarter of the benefit concerned and the priority is to be given to spousal maintenance.

94. The Social Security Decree-Law also envisages an optional supplementary system for old-age pensions, which depends on fixed contributions that are applicable – on a voluntary basis – to insured persons, but not to trainees. The system is funded through contributions paid by the employer and the insured person, calculated on the basis of the part of the insured person's monthly wage that surpasses the maximum insurable wage, as per article 42 (1) (a) of the Decree Law. This is without prejudice to acquired rights or to the right to end-of-service indemnity, which surpasses the maximum insurable wage specified in the Labour Code, and to all agreed financial rights which surpass the maximum end-of-service indemnity. The insured person receives a lump sum equivalent to the value of the amount accumulated on his personal account plus interest, which can also be changed into life-long or fixed-term instalments. If the insured person dies before reaching the legal retirement age, that person's heirs are entitled to a lump sum equivalent to the amount accumulated on the person's personal account plus interest.

95. With regard to health care, article 74 states that medical coverage for workplace injuries should include the costs of medical treatment and hospitalization as well as costs for transportation resulting from the injury and rehabilitation services and devices, including prosthetic limbs. As concerns maternity care under the Decree-Law, article 88 states that maternity coverage should include a monthly cash payment during the period of maternity leave (insured women are entitled to 12 weeks of maternity leave on the basis of a medical report establishing the expected date of birth). This is conditional upon the payment of at least three months' contributions during the year prior to the maternity leave. The insured woman may also absent herself from work for reasons specified by law while receiving a monthly amount equivalent to the average monthly wage she was receiving during the last three months she was paying contributions prior to maternity leave.

## **Article 10**

### **Family rights**

96. Issues relating to family and personal status in the State of Palestine are regulated by a number of different laws. Muslims in the West Bank come under the Jordanian Personal Status Act No. 61 of 1976 while Muslims in the Gaza Strip are subject to the Ottoman Personal Status Act of 1918 and to the Family Rights Act of 1954, which was issued during the Egyptian administration of the Strip. The provisions of these laws are drawn directly from rules governing the family enshrined in Islamic sharia. The Palestinian Basic Law allows Christian communities to establish their own legal and judicial system wherewith to regulate matters relating to personal status. As a consequence, Christians are subject to a variety of personal status laws according to the particular community to which they belong. For example, the Code of Canon Law of 1983, the Personal Status Act for Catholic Communities and the Byzantine Family Code (for the Orthodox Churches).

97. Under Islamic personal status laws, women do not enjoy the same legal power to conclude a marriage contract as do men. Indeed, men are considered to have full jurisdiction over themselves and are entitled to conclude a contract of marriage without the consent of a "guardian" once they are over the age of 13, but women do not have the same faculty. As a general rule, women cannot marry of their own volition and power to arrange their marriage lies with a man in their family (for example, a father, brother, paternal uncle, etc.). This does not apply to women who have already been married. The same holds true for Christian

communities where, under personal status laws Christian women (like Muslim women) often cannot marry of their own volition, whereas men can.

98. Palestinian courts have taken a number of preventive legal measures to expedite cases involving families that have forced their daughters into marriage and, sometimes, into prostitution. For example, the Chief Qadi and President of the Supreme Council of the Sharia Courts issued a circular to sharia court judges emphasizing the importance of ascertaining the conditions for marriage. These include the consent of the woman, corroboration that she is over the age of 18, verification of the future place of residence of the couple following their marriage, existence of a medical examination showing that the man is not carrying HIV/AIDS and verification that there are no other sharia or statutory impediments to the marriage.

#### **Protection for working mothers**

99. The Palestinian Labour Code envisages special protection for mothers. Article 103 of the Code states that working women who, before each birth, have spent 180 days working have the right to paid maternity leave of 10 weeks, of which at least 6 weeks following the delivery. It is prohibited, moreover, to dismiss a woman during such leave unless it is shown that she did other work during that period.

100. Under article 101 of the Code, pregnant women may not work overtime hours during their pregnancy or for six months after giving birth. Moreover, article 1 of Decree No. 2 of 2004 of the Minister of Labour prohibits the employment of women in work that is hazardous or arduous such as the manufacture and use of insecticides, welding which gives rise to harmful rays and noxious gases and work with solvents used in chemical cleaning processes on machines and clothing. Article 3 of the Decree prohibits the employment of pregnant or breastfeeding women in the following: industrial process involving the use of mercury, such as the silvering of mirrors; work at metal or glass smelting furnaces; work involving the use or manufacture of lead or metal alloys containing more than 10 per cent lead; work requiring exposure to fumes or smoke from oil derivatives; work requiring exposure to ionizing radiation; spray painting; rubber manufacture; manufacture of fertilizers of any kind; and the manufacture or repair of batteries.

101. The concept of protection for working mothers is applied differently by, on the one hand, private establishments that are subject to the Labour Code and, on the other, public-sector institutions that are subject to the Civil Service Act. The Act grants paid maternity leave of three months from the time the person concerned enters hospital as well as an hour off work each day to breastfeed until the infant reaches the age of 1. In addition to this, pregnant women are granted paid leave if their state of health requires home rest. Although both laws envisage non-discrimination between men and women, they do not grant paternity leave to men.

102. Pregnant women are provided with all forms of preventive care free of charge. This includes prenatal monitoring throughout pregnancy, the free provision of dietary supplements and other preventive interventions. Medical services are also made available in cases of high-risk pregnancies with free specialist consultancies, except in cases where the pregnant woman needs to be admitted to hospital.

#### **Protection for children**

103. Under the Palestinian Children's Act No. 7 of 2004, all children have the right to a standard of living that is adequate to ensure their physical, mental, spiritual and social development, while the State is to take all measures necessary to secure that right. Parents bear joint responsibility for the upbringing of their offspring, ensuring their development, providing guidance and meeting their needs in a manner consistent with their evolving abilities. The parents or guardians also have a duty to pay for their children's food, clothing, housing and education.

104. The Act also insists on the importance of preventive efforts within families as part of the actions they undertake on behalf of their children. This is to maintain the fundamental role that families have and to reaffirm parents' responsibility vis-à-vis the care, upbringing and education of children and thus ensure their optimal natural development. In cases where

children do not obtain the care to which they are entitled from the persons who are naturally supposed to provide that care – i.e., parents or guardians – they are placed as a matter of urgency in the child protection centre in Beitunia or the care home for girls in Beit Jala where they can be provided with basic psychosocial, counselling and educational services. If children are found to require permanent care, a process of inter-institutional coordination takes place after which they are transferred to a permanent care home. The condition of children in such homes is professionally monitored by child protection counsellors who work for departments of social development.

105. All children who meet certain conditions set by the State and by State institutions are entitled to social assistance. They are:

- (a) Orphans or children of unknown parentage;
- (b) Children in social care institutions;
- (c) Children of divorced or abandoned women who have no one to maintain them;
- (d) Children of persons who are incarcerated, missing or incapable of work due to illness or disability and who have no one to maintain them;
- (e) Children of families whose homes have been destroyed or burned down;
- (f) Children of persons with disabilities or with chronic diseases;
- (g) Children who are triplets, quadruplets, etc.

Through its orphan protection counsellors in the governorates, the Ministry of Social Development, coordinates with associations and institutions involved in caring for such categories. The Ministry also provides assistance to orphaned children and to families with special needs.

106. As concerns protection measures, the Palestinian Children's Act recognizes the right to protection against all forms of physical, moral or sexual violence and abuse, as well as against abandonment, neglect and other forms of ill-treatment and exploitation. In that regard, the State is to take all legislative, administrative, social, educational and preventive measures necessary to secure the rights of children. Child protection counsellors provide children with protection and care against all forms of abuse and neglect, and it is up to them to decide – having fully assessed the family's circumstances and taking account of the child's best interests – whether to reintegrate a child into the family or to place the child in a permanent care home. According to article 56 of the Palestinian Children's Act, when a case is reported child protection counsellors must take measures to protect the child in question, also by preventing any contact between the child and the parties responsible for the situation that threatens his or her physical or mental health and safety. This might involve protecting the child within the family or placing the child with another family or in a temporary protection centre. For its part, the Ministry of Health is currently working on a child-protection system of its own, which will involve investigation, referral, early intervention, awareness-raising among families and the community and communication with relevant government agencies to curb violence, abuse and exploitation against children.

The Palestinian Children's Act addresses the issue of child labour and places an outright ban on the employment of children under the age of 15. It prohibits, furthermore, the employment or involvement of children in hazardous work or in jobs and professions – as specified by the Ministry of Labour – which could hinder their education or damage their physical and mental health and well-being. This applies even if they work for first-degree relatives. Anyone who violates these provisions is liable to a fine of between 1,000 and 2,000 Jordanian dinars (JD). The penalty is increased according to the number of children who are victims of the violation and is redoubled in the case of repeat offences. Moreover, in the case of repeat offences, the Minister of Labour can, at the proposal of the Minister of Social Development, order the full or partial closure of the establishment responsible for the violations.

107. The Act also addresses the conditions of employment and labour rights of juveniles. It requires employers to arrange for an initial medical examination of juveniles, before they join the workforce, to be followed by periodic medical checks. For its part, Decree No. 1 of

2004 of the Minister of Labour prohibits the employment of juveniles in remote locations far from civilization, and it prohibits juveniles from working overtime or being employed on a piecework basis. The Children's Act requires that the daily working hours of juveniles be reduced by not less than one hour per day. It also states that juveniles may not work for more than four hours consecutively and stipulates their right to one or more periods of rest of not less than one hour as well as annual leave of three weeks, which cannot be postponed. The Act also includes provisions to ensure that juveniles are able to participate in vocational training programmes run by the Ministry of Labour and to attend Ministry-supervised private centres that provide training in trades and professions of all kinds.

108. The employment of children is regulated by a number of policies, plans, strategies and procedures:

- A strategic plan for the labour sector and a charter for decent work in the State of Palestine, which prioritize the improved effectiveness, reach and quality of the labour inspection body to enable it to exercise its legal mandate to regulate and protect working juveniles;
- The annual and periodic plans of the Ministry of Labour, which include activities and interventions intended to regulate working juveniles across all areas of the Ministry's operations. This includes inspections, work protection, employment, vocational training, labour relations, wages and social security;
- Under chapter VI of the Palestinian Labour Code, the Ministry of Labour has legal jurisdiction to monitor the application of the Code in the workplace, particularly vis-à-vis the work of juveniles;
- The Palestinian Labour Code envisages penalties of between JD 200 and JD 500 against employers who violate its article 134. The penalty is increased according to the number of workers who are victim of the violation and is redoubled in the case of repeat offences;
- The National Committee on Child Labour was established pursuant to Decree No. 80 of 2013 of the Minister of Labour. The Committee, which includes representatives from Government and from employers' organizations, evaluates and reviews national child labour policies and ensures coordination between official and unofficial bodies.

109. Child protection networks run campaigns in the field and carry out tours of inspection in shopping centres, industrial facilities and public establishments. These activities are carried out in cooperation with representatives of partner institutions that are part of child protection networks such as the family protection unit of the Palestinian Police, the governorates, the Ministry of Labour and the Palestinian Red Crescent Society. Checks are made to detect cases of working children under the age of 15, or of children who are over 15 but who work under inadequate health and safety conditions. Children under the age of 15 are referred to the police family protection unit and are dealt with by child protection counsellors in the departments of social development. The children's cases are examined individually to understand the reasons that led them to work and a plan of action is put in place along with measures to guarantee the child's right to education and protection. In addition, the child's parents or caregivers are required to sign a pledge in which they undertake not to exploit the infant economically.

110. Child protection networks work in schools to raise awareness about children's rights and the dangers of child labour. These activities target both children and their parents and seek to draw attention to the risks of children working when under the legal age. Other awareness-raising campaigns take place across audiovisual media focusing on child rights and child labour, the negative impact of work, the risks children face when working and their deprivation of the rights envisaged in the Palestinian Children's Act.

111. The Palestinian Children's Act includes provision for the welfare of children who have been deprived of a natural family environment, be it permanently or temporarily. This is delivered via alternative care, either in another (alternative) family or, if no family is available, in a public or private social care institution.

112. The Ministry of Social Development acts to ensure the due implementation of the Palestinian Children's Act and of the Foster System Regulations, which were endorsed by the Palestinian Council of Ministers in 2013. Children placed with foster families receive a number of services including protection, medical care and treatment and the possibility to obtain a birth certificate and passport, as well as regular follow-up for both the child and the foster family.

113. The State of Palestine has made significant progress on the question of juveniles in conflict with the law. Decree-Law No. 4 of 2016 regarding the protection of juveniles defines a juvenile as a child who is under the age of 18 at the time of committing a criminal act or when at risk of falling into delinquency. The juvenile's age is established by an official document, in the absence of which the age is to be determined by an expert appointed by the courts or by the Office of the Public Prosecutor for Juveniles. The new Decree-Law – which represents a step forward in the criminal policies applied to juveniles, who are now treated as victims – came as the culmination of the State's concern for juveniles, which began a number of years ago. The National Committee for Juvenile Justice was established in 2010 under the leadership of the Ministry of Social Development and with the following institutional membership: the Ministry of the Interior (Police), the Ministry of Justice, the Ministry of Education and Higher Education, the Supreme Judicial Council, the Office of the Public Prosecution, the Ministry of Health, the Ministry of Labour, the Ministry of Women's Affairs, the Independent Commission for Human Rights and Defense for Children International – Palestine Section. The National Committee has the role of identifying needs and priorities at the national level and developing plans and programmes regarding juvenile justice. The Committee then established a technical subcommittee, which drafted the 2016 Decree-Law regarding the protection of juveniles. Prior to that, the law applicable to juveniles had been the Jordanian Juveniles Act No. 16 of 1954 in the West Bank and the Egyptian Juvenile Offenders Act of 1937 in the Gaza Strip. An executive committee has been set up by the Ministry of Social Development to follow up on the application of the new Decree-Law.

114. In 2013, thanks to collaboration between the Ministry of Social Development and the United Nations Development Programme (UNDP), the State of Palestine came up with a system of legal aid for juveniles in conflict with the law. The system was rolled out in the West Bank where three lawyers were appointed to deal with such cases in the north, centre and south of the region. The legal aid offered to juveniles and their referral to different institutions has contributed to their reintegration. Legal assistance has been provided to 919 juveniles since the programme was launched. In the years 2014 and 2015, 645 cases were resolved while a further 274 were processed. In 2015, legal assistance was provided in 167 cases of robbery, 120 cases involving violence, 19 cases involving sexual disorders, 7 drug-related cases, and 24 cases of minor infractions such as traffic violations. Alongside the non-governmental organizations (NGOs) that offer these services, the Bar Association adopted a legal aid system in 2016 under which it will provide legal representation to all persons of insufficient means who stand accused of crimes that attract a prison sentence. Under the system, juveniles will receive this service automatically irrespective of their lack of means or possibility of going to prison. The Bar Association is developing a legal mechanism for the care and protection of adolescents as well as a code of conduct that takes account of the interests of marginalized groups, including children.

115. In 2016, the Ministry of Social Development developed and reviewed its strategic plan for juvenile justice, with support from the United Nations Children's Fund (UNICEF). This process led to a long-term five-year plan and a short-term one-year plan (a road map). The plans envisaged the formation of a committee to monitor law enforcement as part of the National Committee for Juvenile Justice, with members from competent ministers and from Defense for Children International. They also included provision for a survey regarding the services provided to juveniles by civil society institutions in the areas of, firstly, rehabilitation and, secondly, non-custodial measures. Lastly, the plans aimed to build capacity among childhood counsellors with theoretical and practical training.

116. Another step taken by the State of Palestine to provide a judicial system specifically for juveniles was the establishment of a special unit to deal with juveniles, as part of the structure of the Palestinian Police. In addition, 12 members of the Office of the Public

Prosecution have been assigned to deal with cases involving juveniles. More recently, under the new Decree-Law regarding the protection of juveniles, a special juvenile court has been established as part of each court of first instance.

117. At departments of social development in the governorates, probation officers are present when juveniles are questioned by police or prosecutors, and they maintain contact with the parents regarding the provision of legal assistance to the juvenile. A social report about the young person is submitted to the court with a recommendation as to the best course of action to pursue in the case. The Ministry provides juveniles who have been convicted by the courts with protection and welfare in juvenile care institutions.

### **Persons with disabilities**

118. Article 10 of Persons with Disabilities Act No. 4 of 1999 states: "The Ministry is responsible for coordinating with all relevant stakeholders authorities to provide care and habilitation for persons with disabilities." Article 5 of the Act stipulates: "The State is to provide various forms of habilitation for persons with disabilities, depending upon the nature of their disability."

119. Accordingly, the Ministry of Social Development makes the following services available to persons with disabilities: residential social welfare services for persons with severe disabilities who have no one to provide for them; health insurance and access to diagnosis and classification to determine degree of disability; early detection of disability; assistive devices and equipment as part of an emergency assistance programme; school and university fee exemptions for persons with disabilities in education; and assistance in cash and in kind. Under article 6 (2) of the Persons with Disabilities Act, all means of transport for individuals with disabilities are exempt from fees, customs duties and taxes. The Ministry grants the exemptions to applicants who meet the required conditions.

### **Older persons**

120. Article 21 of the Basic Law grants all individuals irrespective of their age the freedom to engage in economic activity, in accordance with the law. Article 22 of the Basic Law states that social and health insurance, as well as pensions for incapacity or old age are to be regulated by law.

121. The draft criminal code addresses the protection of older persons from all forms of violence and abuse, and makes children responsible for caring for their parents. A draft law on the rights of older persons was completed a few years ago and is part of the legislative programme of the Palestinian Government, although it has yet to be approved. The fact that the new law has not been enacted means that its implementing regulations have not been issued and nor have the regulations governing care homes for older persons.

122. Nonetheless, via its home for older persons in the governorate of Jericho, the Ministry of Social Development provides care and accommodation for older persons who have suffered violence or have no one to care for them and nowhere to stay. In addition to this, through geriatric care counsellors at departments of social development in the governorates, the Ministry coordinates with institutions in the local community to provide care and shelter for older persons who have suffered violence or ill-treatment or have no one to care for them and nowhere to stay.

### **Asylum seekers**

123. Due to the specific nature of the Palestinian situation, the State of Palestine is unable to take in refugees. This is because the occupying State controls all entry and exit crossings of the Occupied Palestinian Territory and has usurped the power to decide whether or not foreigners are allowed to enter the State of Palestine.

124. It should be noted that nearly half the Palestinian people have been refugees in the diaspora since 1948 and that the occupying State does not allow Palestinian citizens in the diaspora to return to their homeland, even though that State was primarily responsible for their displacement. The Palestine Liberation Organization continues to work with the State

of Palestine to find a just solution to the refugee issue and to implement the right of return, in accordance with General Assembly resolution 194 (1948).

### **Domestic violence**

125. Article 295 of the Jordanian Criminal Code (Act No. 16 of 1960) penalizes sexual relations between a girl aged between 15 and 18 and a person charged with her care. According to that provision, a fixed term of imprisonment with hard labour is to be imposed on any legitimate or illegitimate ascendent of a girl aged over 15 but under 18 who has sexual relations with that girl. This also applies to the husband of the girl's mother or paternal grandmother as well as to persons responsible for the girl's education or who hold authority over her. The same penalty is applicable if the author of the offence is a cleric or a director or employee of an employment bureau and they commit the offence by abusing their authority and the facilities that arise from such authority. A full chapter of the Code (arts. 273 to 278) focuses on offences affecting the family.

Articles 42 to 49 of the Children's Act No. 7 of 2004 envisage protection for children from all forms of violence and exploitation.

The Social Development Act No. 14 of 1956 gives the Ministry overall responsibility for the welfare of children and mothers.

Under Regulation No. 12 of 2011 regarding centres for the protection of female victims of violence, those centres are to provide protection, support and rehabilitation for victims of domestic violence.

Council of Ministers Decree No. 01/79/13/M.W/S.F, which was issued in 2013, concerns a national referral system for female victims of violence and regulates the relationship between the three partner institutions (the Ministry of the Interior, the Ministry of Social Development and the Ministry of Health) in protecting women who have suffered violence.

The Government is working on the final version of its draft law on the protection of the family from violence, which criminalizes aggression against children or women, including spousal rape.

126. Spousal rape, however, is not criminalized under current law in the State of Palestine; indeed, the Personal Status Act overlooks it entirely. This is because the cultural heritage surrounding family life, which is linked to certain schools of Islamic sharia, considers that a husband has a right to have sex with his wife, irrespective of her consent. This is why new laws, and particularly the draft criminal code, need to address this issue and close the loopholes in existing legislation, which the State of Palestine inherited from earlier periods in its history.

127. A person who commits rape is liable to a term of imprisonment of not less than 5 years and, if the victim is under 15, to a term of imprisonment of not less than 7 years. If the victim is over 15 but under 18 and the perpetrator is a legitimate or illegitimate ascendent of hers, the penalty is imprisonment for between 3 and 15 years, at the discretion of the judge. If a valid contract of marriage is concluded between rapist and victim, the prosecution of the offender is discontinued or, depending upon the circumstances, the enforcement of his sentence is suspended. This constitutes a double punishment for the victim and opens the way to impunity for perpetrators. Thus, the Office of the Public Prosecution has retained its right to prosecute the offence (or to enforce the sentence) in cases where the marriage ends with divorce for the woman, without legitimate reason, within 3 years in the case of less serious offences and within 5 years in the case of more serious offences. According to records held by the gender unit of the Office of the Public Prosecution, there were some 30 cases of rape in the West Bank in the period between 2013, 2014 and up to 22 June 2015.

128. The draft Palestinian criminal code envisages rigorous imprisonment or life imprisonment for anyone responsible for raping a female who is under the age of 18 or who, due to weakness or physical, psychological or mental incapacity, is unable to oppose resistance. Moreover, it does not exempt perpetrators from criminal proceedings if they marry their victim; however, it does not criminalize spousal rape. In general terms, the draft criminal code expands the scope of criminalization of gender-based acts of violence, with a particular

focus on offences against women, which attract more severe penalties. These include offences such as incest, indecent assault, inappropriate advances, indecent acts or comments, seduction through promise of marriage and instigation to break marital ties. For example, under current criminal law, persons who commit incest are liable to a term of imprisonment of between 2 and 3 years, irrespective of whether one of the offenders has legal or effective authority over the other. This is because, in all cases, incest is considered to be a less serious offence. However, the new draft code distinguishes between two different situations. In the first case, where one of the parties to the incest has legal or effective authority over the other, the party holding that authority is liable to a term of imprisonment of not less than 7 years (the act being considered a more serious offence) while the other is liable to a term of imprisonment of up to 3 years (the act being considered a less serious offence). In the second case, where incest occurs between two persons neither of whom has authority over the other, each of them is liable to a term of imprisonment of not less than 5 years (the act being considered a more serious offence). The draft criminal code goes even further by considering the mere fact of committing a crime against a woman to constitute, of itself, a circumstance liable to aggravate the penalty prescribed for that crime, whatever it may be.

129. As for protection, women's counsellors at departments of social development take in and assist female victims of violence who turn to the departments or to the family protection units run by the police or by the governorates. There, the women and their children can be provided with protection, care and guidance, and efforts can be made to reintegrate them into the community. In cases where their lives might be at risk, they are given protection in cooperation with three centres present in the West Bank (the Mehwar Centre in Bethlehem, which is a governmental institution run by the Ministry of Social Development; the Safe House in Nablus, which belongs to the Family Defence Society; and the Emergency Centre in Jericho, which is associated with centres for the legal and social guidance of women). There, the women and their children can receive all the legal, psychological, social and health services they require.

130. The provision of protection to female victims of violence also involves empowering them across a range of areas:

- Education: providing beneficiaries with secondary and university-level education;
- Economic empowerment: providing beneficiaries in protection centres with training in professions of their choice, such as cosmetology or tailoring;
- Providing work for survivors of violence: the work is provided in centres run by the Ministry as well as in other centres, although there are some difficulties in this regard;
- Awareness-raising: activities are conducted to raise awareness about women's rights, gender, domestic violence and protection. These activities are directed at beneficiaries themselves, at women's counsellors and at the residents of protection centres.

### **Human trafficking**

131. Certain provisions contained in some domestic Palestinian laws contemplate traditional offences that are akin to human trafficking. In particular, the Palestinian Children's Act, the Palestinian Labour Code and the Jordanian Criminal Code, which is in force in the West Bank, cover offences such as prostitution, child labour and child abuse. For its part, the draft Palestinian criminal code includes detailed provisions that explicitly and directly criminalize and punish human trafficking offences. The draft code also considers slavery to be a form of human trafficking and focuses particular attention on the categories most at risk, particularly women and children.

132. Many pieces of legislation in Palestine serve to protect women and girls from sexual exploitation in all its forms, although they do not make explicit provision for human trafficking offences. Thus in 2014 – pending the enactment of the draft Palestinian criminal code – the State of Palestine acted to protect such persons by signing and ratifying the relevant international treaties; i.e., the Convention on the Rights of the Child and the United Nations Convention against Transnational Organized Crime. In addition to this, while still under the British Mandate in 1932, Palestine acceded to the 1904 International Agreement

for the Suppression of the White Slave Traffic and the 1921 International Convention for the Suppression of the Traffic in Women and Children.

133. Prostitution is illegal under the criminal laws of the West Bank and the Gaza Strip, which penalize incitement or coercion to practise prostitution, the exercise of prostitution and living off the earnings of prostitution. The relevant provisions, which are contained in a separate section dedicated to licentious behaviour and offences against public morals, envisage a term of imprisonment of between 1 month and 3 years for anyone who, whether in Palestine or abroad, leads or attempts to lead a female under the age of 20 into prostitution or who leads or attempts to lead anyone under the age of 15 to commit sodomy. The same laws envisage a penalty of up to 2 years' imprisonment for anyone, male or female, who knowingly derives their income entirely or in part from the earnings of a woman who exercises prostitution.

134. The same laws also prohibit opening locations in which to exercise prostitution, and anyone who furnishes, rents or owns a site for purposes of prostitution, or who participates in the use of a site as a place of prostitution, is liable to a term of imprisonment of up to 6 months. The laws also punish the offence of trafficking in women, and anyone who detains a woman against her will in any place to practise prostitution or in a house of ill-repute is liable to a term of imprisonment of up to 2 years. Moreover, anyone who – using threats, intimidation, deception or drugs – leads or attempts to lead a woman into an act of illicit intercourse is liable to a term of imprisonment of between 1 and 3 years. The law also envisages punishment for anyone who, entrusted with the care of a child, allows the child to reside in or frequent a house of ill-repute.

135. Child marriage is considered to be a form of trafficking in women, and the criminal laws in force in the West Bank and the Gaza Strip envisage a term of imprisonment of up to 6 months for anyone who marries a girl under the age of 15, or officiates or helps to officiate at such a marriage in any way. Moreover, under the criminal laws of the Gaza Strip, anyone married to a girl under the age of 15 who has conjugal relations with her or who attempts to facilitate such relations using any material means or device is liable to a term of imprisonment of 2 years. The Gaza laws also impose a sentence of 5 years' imprisonment upon anyone who has illicit intercourse with a female aged between 16 and 21, or who assists another to engage in such intercourse, if the female is a descendant of the perpetrator or of the perpetrator's wife or if he is her guardian, responsible for her upbringing or otherwise holds authority over her.

136. These laws also penalize sexual offences committed against women such as rape, indecent assault, inappropriate advances, indecent acts or comments. The Palestinian Labour Code, moreover, prohibits women from working at night.

137. Under Decree-Law No. 9 of 2007 concerning money laundering, money resulting from the sexual exploitation of women and children is considered to be illicit and to constitute grounds for the offence of money-laundering. Perpetrators are liable to a term of imprisonment of 15 years as well as heavy fines.

138. The draft Palestinian criminal code envisages severe penalties for vice-related crimes, and it dedicates an entire section to crimes that offend human dignity, including the crime of human trafficking. Article 468 of the draft code, for example, envisages a term of imprisonment of up to 7 years for anyone who, whether in Palestine or abroad, leads or attempts to lead a female into prostitution or who leads or attempts to lead a boy under the age of 18 into vice and immorality. That penalty increases to up to 10 years' imprisonment if the female is under the age of 18 or if force, threats or deception are employed against her. Any person, male or female, who habitually engages in prostitution is liable to a term of imprisonment of up to 7 years, while anyone who opens a house or other location in which to exercise prostitution, who administers such an establishment or assists in running it in any way is liable to a term of imprisonment of up to 10 years. The draft code also covers the question of living off the proceeds of prostitution by stating that anyone who knowingly derives their income from the earnings of a female or male who practises prostitution is liable to a term of imprisonment of up to 7 years. All the aforementioned provisions also envisage the imposition of heavy fines.

139. The draft Palestinian criminal code penalizes all forms of human trafficking, particularly trafficking in women. Perpetrators of the offence face a fixed term of imprisonment as well as a fine of between JD 20,000 and JD 40,000 or a fine equivalent to the proceeds of the offence, whichever is greater. The penalty is increased if the offender has established an organized criminal group for the purposes of human trafficking; if the act was accompanied by threats, abuse or torture; if the offender is related to – or has authority over – the victim; if the offender is a public official; if the crime results in the death, disability or illness of the victim; or if the victim lacks capacity or has a disability.

140. There are no detailed studies or accurate statistics regarding the trafficking of women and their exploitation in prostitution in the State of Palestine. This is due to the sensitivity of that issue in the Palestinian cultural and social milieu. However, the studies that do exist indicate that human trafficking activities are practised in a limited and unregulated manner. It is important also to mention other factors that further complicate efforts to curb human trafficking, gain access to victims and prosecute and punish perpetrators. These factors are the Israeli occupation with its fragmentation of Palestinian territory; the isolation of large areas; the military checkpoints, the settlements, the wall of expansion and annexation and the bypass roads; the continuing control of the borders of Palestine; and the absence of government control over the facilities that employ Palestinian workers (men and women) or over the working conditions to which they are subjected, both in Israel and in the settlements.

141. The Minister of Labour has issued a decree regulating domestic work. Under the decree – which defines the nature of such work, working hours and employer obligations – it is the responsibility of the Ministry of Labour to stipulate and oversee adherence to domestic employment contracts. The Ministry also has the power to take measures and impose penalties if it receives complaints or information concerning violations to the rights of domestic workers.

142. With regard to trafficking in human organs, article 16 of the Palestinian Basic Law stipulates: “It is prohibited to conduct any form of medical or scientific experiment without the prior legal consent of the party involved, while medical tests and treatment or surgical procedures may be conducted only under the relevant law. The transplantation of human organs and other new scientific developments are to be regulated by law and are to serve legitimate humanitarian purposes.” The draft criminal code envisages a term of imprisonment of up to 5 years for persons who undertake to sell an organ of their own body while purchasers and intermediaries are liable to the same penalty. Anyone who, knowing an organ to have been sold, performs a surgical operation to remove that organ from a body or to transplant it into another body is liable to a term of imprisonment of up to 7 years. The sentence is to be one of rigorous imprisonment if the offence was committed by an organized group or if it was committed in the context of *hudud*.

## **Article 11**

### **Poverty**

143. The State of Palestine is among the least developed countries according to General Assembly resolution 43/178 of 1988, which recognizes the difficulty of achieving development for the benefit of the Palestinian people under occupation. Thus, the main cause for the widespread poverty is the Israeli occupation and the policies of that occupation, which aim to assign all life sustaining resources to settlers in the illegal settlements at the expense of the Palestinian people, their natural resources and their land. This restricts the Palestinian people in the exercise of the very rights they need to exercise in order to overcome poverty, such as the right to self-determination, the right to sustainable development, the right to movement and the right to life.

144. The Palestinian Central Bureau of Statistics has set the national poverty line in accordance with a domestic definition of the concept of poverty, which is based on the official definition of poverty established in 1997. The definition, which embraces absolute and relative criteria, is based on a budget for the basic needs of a family of five (two adults and three children). Two poverty lines have been traced on the basis of the real consumption patterns of families (issued by the Palestinian Central Bureau of Statistics on 10 July 2015).

145. It should be noted that there is, as yet, no national plan to combat poverty although, as of mid-2017, a national team has been working on drafting a multi-dimensional poverty plan and there are policies and programmes that aim to reduce the impact of poverty on families and individuals. In addition, economic empowerment and social rehabilitation programmes enable families and individuals to launch income-generating projects, and this too acts as a form of relief assistance.

146. The Ministry of Social Development is responsible for monitoring programmes aimed at combating and reducing the impact of poverty. As part of those programmes, baskets containing relief aid are provided to families living below the poverty line. The families are also given cash assistance every three months, free health insurance for all their members and full exemption on charges for external medical treatment, while 36 per cent of them receive food assistance every three months. Furthermore, the families are provided with emergency assistance as required; they are exempted from school fees and pay lower university tuition fees in some universities.

147. The Ministry of Social Development gives all families, without exception and unconditionally, the right to apply for its services. Methodologies for targeting families have been introduced, with the approval of the Council of Ministers. The Ministry provides basic services to the family as a single unit, while also focusing on each individual family member. Single persons are considered to constitute a family while persons with special needs within a family are assisted with additional services over and above the basic services. In this way, the services and interventions reach all the subgroups within the family.

#### **Right to adequate nourishment**

148. Under article 17 of the Public Health Act of 2014, the Ministry of Health coordinates with the bodies responsible for overseeing the circulation of foodstuffs. Those bodies monitor imported foodstuffs, which arrive at customs posts and are not allowed to enter without clearance from the Ministry, as well as locally produced foodstuffs in the places where they are prepared and processed. According to article 18 of the Act, foodstuffs may not be marketed if “they contravene the specifications and conditions set by the Ministry, if they have been adulterated in any way, if they are unfit for human consumption or if they are harmful to human health”. The department for nutrition registers all special foodstuffs and monitors them on the market. These include: “Micronutrient-fortified foods, infant formula, follow-on formula, baby and infant food, nutritional products for athletes, dietary supplements, medically prescribed foodstuffs, foods for weight loss and foodstuffs that claim to have health or nutritional benefits.” On a separate front, the Ministry is implementing a national system for the marketing of breast milk substitutes, which includes a ban on advertising or promoting any breast milk substitute.

149. Under article 25 of the Act, officials of the Ministry are to test samples of the food in circulation using a sampling mechanism governed by regulations issued in accordance with the Act. Under article 26, the samples are to be tested in Ministry-designated laboratories as soon as they have been taken and the parties concerned are to be informed of the results of the analysis within no more than 15 days. The Ministry collects samples on a random basis to ascertain food quality and addresses any violations it encounters.

150. The Ministry also takes steps to raise awareness about the principles of nutrition. In that regard, and acting in cooperation with the competent authorities under article 36 of the Act, the Ministry develops text-based and audiovisual educational programmes on health and the environment. Article 38 of the Act states that it is the responsibility of the Ministry, acting through its department for school health and cooperating with the competent authorities, to develop educational programmes on health and the environment then roll them out in nurseries, schools and universities. As part of its national strategic plan for health 2014–2016, the Ministry has intensified its health awareness and education campaigns, particularly on non-communicable diseases and their various risk factors. The second programme under the strategic plan includes the promotion of healthy lifestyles and public health programmes.

151. Ministry of Health departments for school health, health education, nutrition and environmental health conduct awareness-raising campaigns among school students, mothers

and the community at large on healthy and balanced diets and the avoidance of unhealthy eating habits.

152. A document on policies, strategies and a national plan for nutrition in Palestine 2015–2017 was developed on the basis of the right to food, as part of a food security programme the third pillar of which concerns food security and nutritional safety. The document prioritizes food security, and efforts to implement it are being made by the competent authorities in Palestine.

153. The Ministry of the Economy organizes the various sectors of the market and regulates business transactions. It monitors the commodities entering the market in order to ensure the safety and quality of goods and products and to protect citizens from fraudulent practices. It accomplishes this task via the department for consumer protection, which operates under Consumer Protection Act No. 21 of 2005 and its implementing regulations of 2009. For its part, Act No. 4 of 2010 regarding the boycott of goods from the settlements aims to block any goods and services produced in illegal settlements on the Palestinian Occupied Territory, to provide better marketing opportunities for Palestinian goods and to raise citizens' awareness about the negative effects of promoting products from the settlements.

### **Right to access water**

154. Measures taken to ensure that all persons are able to access affordable and sufficient water that is safe for personal and domestic use are regulated by Water Act No. 14 of 2014. The purpose of the Act is to develop water resources in Palestine through integrated sustainable management, with a view to increasing capacity, improving quality, preserving and protecting water resources from pollution and depletion, and improving and increasing the standard of water services.

155. The Act considers all hydric resources in Palestine to be public property and grants power to manage those resources to the Water Authority, which is mandated to distribute them fairly and efficiently. The Act, furthermore, decrees the inviolability of hydric resources and of water and sewage facilities, in line with criteria established by the Council of Ministers, and it states that all individuals have the right to obtain sufficient potable water of adequate quality, at prices to be determined under a system of tariffs issued by the Council of Ministers. Under the Act, it is forbidden to interrupt the supply of water to users who, due to financial inability, fail to pay their bills.

156. The management of water resources in the State of Palestine is divided into different levels that operate integrally. Regulation and oversight is the responsibility of the Water Sector Regulatory Council, which oversees the quality of water and sewerage services and ensures that prices remain reasonable for all the parties involved. It also issues authorization for water-related facilities and projects. On a separate front, the Palestinian Water Authority is responsible for strategy and planning in the water sector and, thus, regulates the supply of water to service providers.

157. Under article 2 (11) of the Public Health Act, the Ministry of Health conducts periodic tests of drinking water to ensure that it remains fit for human consumption. Indeed, the Ministry acts to ensure the availability of safe drinking water by screening it for biological or chemical contaminants in the Central Public Health Laboratory. The Ministry also chlorinates collective wells, wherever they may be located, as well as wells run by local authorities whence water is distributed to homes. Ministry policies also include a system for the epidemiological monitoring of diseases, including waterborne diseases. The system envisages rapid intervention to reduce the propagation of disease as well as the testing and treatment of water, the raising of public awareness, the treatment of persons who fall sick and the provision of free medicines. Also under the system, samples are collected from open water reservoirs and from wastewater sites and tested for the presence of the poliovirus. The actions of the Ministry of Health are not limited to drinking water but also include the water of swimming pools, which also undergoes periodic testing and is regularly chlorinated. The Ministry also monitors compliance with the sanitary conditions set forth in instructions issued by the department for environmental health.

158. The water sector in the State of Palestine is being affected by the occupation, which depletes Palestinian national resources, including water resources, and denies the Palestinian

people access thereto. Israel, the occupying power, supplies large amounts of Palestinian water in the West Bank to the illegal settlements. This water is, in fact, stolen. Data supplied by the Water Authority and by the Palestinian Central Bureau of Statistics indicates that the amount of water available to an Israeli settler in the West Bank is about eight times the amount available to a Palestinian citizen. And the water crisis in “Area C” of the West Bank, including East Jerusalem is growing. Those areas are, in fact, under the complete control of the occupying forces who apply discriminatory policies the overall effect of which is to provide a high level of well-being for settlers while almost entirely neglecting local Palestinians. The occupiers have raised the cost of permits for building facilities, including water facilities, in those areas while, at the same time, preventing the Palestinian Government from establishing the necessary infrastructure there. In the Gaza Strip – which already suffers from overpopulation and difficult living conditions as a result of the blockade that began in 2007 and the three wars waged by Israel since then – the water sector is affected by the fact that upwards of 90 per cent of groundwater is polluted. This fact has led a number of United Nations agencies to express concerns about whether the Strip will be liveable by the end of the current decade. In general, the population of the Gaza Strip is reliant on desalination plants which do not produce enough water to meet their needs.

159. Despite these problems, public water supply networks in the State of Palestine are largely able to ensure access for citizens, and data from the Palestinian Central Bureau of Statistics shows that 94.9 per cent of Palestinian families are connected to the public water system. Those who are not connected to the system rely for drinking water on unofficial suppliers, a process that often requires walking long distances and making a physical effort to transport the water, not to mention the elevated costs involved. The Palestinian Government is doing what it can to close this gap by supporting citizens who rely on such services and monitoring the prices of the water thus supplied. Although the Government has drawn up a plan for the communities that are cut off from the water supply or that do not receive water as they should, it is nonetheless forced to rely on unofficial suppliers as those communities remain under occupation.

160. The infrastructure crisis in the water sector essentially concerns sewerage, and the significant shortage in sanitation infrastructure outside the main cities has left communities in “Area C” and “Area B” without sewerage altogether. In that connection, 38.4 per cent of families in the West Bank are connected to the sewerage system as compared to 83.5 per cent of families in the Gaza Strip. This means that not less than 32.6 per cent of Palestinian families rely on absorption pits or other alternative means of sanitation.

### **Right to adequate housing**

161. In 2014, in collaboration with the United Nations Human Settlements Programme (UN-Habitat), the Ministry of Public Works and Housing conducted an in-depth study on housing in the State of Palestine. In addition to this, at the end of 2013, the Ministry issued a document on the condition of the housing sector in the State. The document considered all matters related to housing, taking account of its significance, the impact of the occupation on its development and the political, institutional and legal frameworks affecting it as well as its financial, economic and cultural dimensions. The results of the study, and of a 2015 survey into housing conditions conducted by the Palestinian Central Bureau of Statistics, showed that 0.5 per cent of families in the State of Palestine are deprived of adequate shelter, 8.7 per cent live in unsafe structures, 13.2 per cent live in inadequate and severely overcrowded structures and 5.5 per cent do not have a waste collection service.

162. The Ministry of Public Works and Housing has formulated national housing policies with a view to promoting that sector and to identifying a global vision that embraces strategic objectives and plans of action. Undoubtedly the most important objective is to develop operational strategies and plans that will enable all citizens to enjoy adequate housing; however, there are a number of obstacles that stand in the way of achieving this. One of these is the lack of available financial resources and the fact that the State of Palestine is reliant on donations and support from abroad in order to finance its budget. The Ministry of Public Works and Housing is attempting to overcome this obstacle by developing a strategic partnership between the public sector and the private sector (developers, contractors, housing cooperatives and investors) to build accommodation units and to plan and develop the

necessary infrastructure and services to enable citizens to enjoy adequate housing. In addition, a strategy is being studied that would involve cooperation with donor States to provide support for housing projects and infrastructure.

163. The other obstacle consists in the policies of the Israeli occupation which involve the confiscation of lands, the construction of illegal colonies and bypass roads, the division of the territory of the State of Palestine and the arbitrary obstruction of development in the West Bank, including East Jerusalem. These policies weigh heavily against the completion of housing projects. The Israeli occupation holds authority over more than 60 per cent of the area of the West Bank, which is the area necessary for Palestinian urban expansion there, while the remaining areas are constantly diminishing due to population growth rates and the intensification of forced displacement of marginalized communities from “Area C” and the countryside, generally towards the big cities. In 2017, according to the Office for the Coordination of Humanitarian Affairs (OCHA) bureau in the Occupied Palestinian Territory, the occupying authority appropriated more than one third of East Jerusalem to build illegal Israeli settlements, with only 13 per cent remaining for Palestinians. At least one third of the houses in East Jerusalem were built without authorization from the occupying authorities, which means that they are at risk of being demolished. In addition to this, the arbitrary policies pursued by the occupying authorities by establishing “permanent residency” for Palestinians living in Jerusalem has led many of them to reside in specific areas in order to preserve their status and to be able to live and work in Jerusalem. This has led to severe overcrowding and urban congestion in vital areas located at the entrances to Palestinian cities.

164. These policies have led to a significant rise in land and real estate prices in all West Bank cities and in the costs of building housing units, meaning that broad swathes of society are no longer able to own their own home. This has had a negative impact on government programmes and plans to provide out adequate and low-cost housing projects for large segments of Palestinian society.

165. Occupation policies that violate Palestinians’ right to housing are not limited to confiscating land and obstructing the development of the Palestinian people, they also include arbitrary demolitions. These are carried out by Israel, the occupying power, either as a punitive measure contrary to international law (a policy which increased during the first and second intifadas) or as an administrative measure in the context of refusing to concede authorizations for Palestinian urban expansion. It also involves the destruction of Palestinian homes under other pretexts, a practice that has rendered many Palestinian families homeless.

166. The obstacles the occupation places in the way of the right to housing for Palestinians also extend to the Gaza Strip, which is already suffering from severe overcrowding as well as difficult living conditions for the vast majority of its inhabitants, of whom Palestinian refugees account for an estimated two thirds. Moreover, with its aggression of summer 2014, the occupying State completely destroyed a total of 12,576 housing units and partially destroyed a further 6,455. This means that, by the end of the attacks, some 19,000 units were uninhabitable, according to OCHA statistics. Moreover, because of the obstacles the occupation authorities places on the importation of construction materials, those houses have still yet to be rebuilt and refurbished.

167. In spite of these difficulties, the State of Palestine had been able to carry out a number of low-cost housing projects, mostly aimed at public-sector employees as detailed below:

#### **Northern governorates**

<i>Name of project</i>	<i>Governorate</i>	<i>Number of dwellings built</i>	<i>Date of completion</i>
Marj al-Ghazal	Jericho	50	1998
Austrian project (Al-Karama), first phase	Nablus	136	2000
Arab Al-Rashayida	Bethlehem	105 rooms	2000
Austrian project (Al-Karama), second phase	Nablus	22	2012

<i>Name of project</i>	<i>Governorate</i>	<i>Number of dwellings built</i>	<i>Date of completion</i>
Qalqilya project	Qalqilya	74	2012
<b>Total</b>		<b>387</b>	

### **Southern governorates**

<i>Governorate</i>	<i>Governorate</i>	<i>Number of dwellings built</i>	<i>Date of completion</i>
North Gaza	1 450	75	2000
Gaza	33	204	2000
Al-Wusta	660		2001
Khan Younis	360	145	2001
Rafah	30		2001
<b>Total</b>	<b>2 533</b>	<b>424</b>	

<i>Indicator</i>	<i>Indicator updated</i>	<i>Year</i>	<i>Value</i>
Average number of rooms per dwelling	Annually	2017	3.6
Average population density	Annually	2017	1.4

168. The Ministry has provided cooperative housing associations with government land at symbolic prices, benefiting some 5,800 families.

169. Housing policies include strategies to provide housing to persons with special accommodation requirements, including families with female breadwinners, the very poor, families with members with disabilities and disadvantaged families many of which have large numbers of children. Notably, these strategies include the creation of a government-backed housing fund to help low-income families access affordable housing. The target groups are families with lower-than-average income who are below the family poverty line as defined by law. This can include government employees, private-sector wage earners or other groups; it can also include vulnerable and highly disadvantaged families in which the head of the household is a woman, a widow or a combat veteran. In such cases, the target group will require additional subsidies in order to participate in the programme.

170. In the case of families where the head of the household is a woman, priority is given to developing infrastructure, supporting efforts to recondition homes and building decent new housing in villages and other areas where such disadvantaged households live. This is achieved by supporting women's associations, which are the principal institutions of coordination, and by targeting subsidies to enable families with female breadwinners to enjoy adequate accommodation and to help them pay for the services they require.

171. As concerns the environmental safety of housing, responsibility for building housing units lies with municipalities and village councils. The department for health in the governorate then approves the construction following an environmental assessment to ensure that there are no risk factors that may threaten the health of residents and that the natural environment is such as to ensure safe and suitable housing.

## **Article 12**

172. The right to health is addressed in several articles of the Palestinian Basic Law. Article 16 considers the right to health in the context of the right to physical safety and prohibits any form of medical or scientific experiment without the prior legal consent of the party involved. It also prohibits medical tests, treatment or surgical procedures except in the framework of the law. Article 22 states that public institutions have a duty to provide health care as well as health and social insurance to the families of martyrs, detainees, the injured and persons with

disabilities. The same article also regulates labour rights and guarantees health and social care for workers.

173. The details of national health policy are enshrined in the Public Health Act according to which it is the responsibility of the Ministry of Health to run the State's preventive, diagnostic, therapeutic and rehabilitative services. The Ministry is also to create the health institutions necessary to that end, to provide health insurance in line with available resources and to perform other duties with a view to supporting the health sector.

174. The State of Palestine has adopted a health policy that embraces preventive health initiatives such as a national vaccination programme against communicable diseases and preventable disabilities, and early disease and disability detection programmes accompanied by the provision of the necessary treatment, depending upon the Ministry's available resources. The policy also envisages initiatives to raise awareness in all health-related areas in order to increase the knowledge of citizens, improve their attitudes and behaviour and help them embrace healthy lifestyles that will promote their own health and that of their families.

175. The costs of health-care services and private or public health insurance are such as to make them accessible to all, including socially marginalized groups. The Ministry of Health provides primary health-care services, testing and treatment for communicable diseases and treatment for mental illness and cancer free of charge and without the need for health insurance. Other medical treatment services are covered by a health insurance system that is affordable and available to all citizens. It should be noted, moreover, that 7.7 per cent of insured families are covered by free health insurance from the Ministry of Social Development or the Ministry of Labour.

176. Health insurance covers treatment in centres and clinics run by departments of health and in State-run hospitals. It also covers 95 per cent of the costs of treatment in private hospitals, when patients have been referred there by the referrals committee and the service procurement department of the Ministry of Health, and it covers rehabilitation services and physiotherapy for cases referred by the Ministry's service procurement department. However, it does not cover cosmetic surgery, orthodontics, fertility treatment, prosthetic limbs or assistive medical devices.

177. There are six kinds of government health insurance in Palestine. These are compulsory insurance (for employees of the government sector and of municipalities and contractual workers), voluntary insurance, insurance for workers in Israel, contractual insurance, social development insurance and insurance for Palestinian prisoners and their families. In 2014, a total of 150,464 families were participating in these various forms of insurance in the West Bank, in addition to 12,515 families with free health insurance. Since 2000, the Government has been covering unemployed persons with its "Al-Aqsa insurance". This is a form of free health insurance that is made available to the unemployed, families in need and persons whose earnings are lower than the minimum wage. In all, some 215,000 families benefit from this insurance. Under a presidential decision issued on 26 June 2007, all residents of the Gaza Strip are fully exempt from fees for health services provided by ministries and government agencies or institutions, including services dispensed for the first time after that date. This means that the free health insurance coverage for residents of the Gaza Strip is 100 per cent. In the West Bank, 162,979 families have government insurance, including 12,515 families with free health insurance. Alongside government health insurance, there is also a private health insurance as well as NGO insurance and UNRWA insurance.

178. Primary health-care centres in Palestine – which numbered 767 in 2014 – are distributed throughout the country, particularly in rural communities and in "Area C". Of these, 61.5 per cent belong to the Ministry of Health while the others are run by UNRWA and NGOs. The Ministry of Health is the main provider of secondary health-care services (hospitals) in Palestine where it owns and operates 26 hospitals containing 3,259 beds in all governorates. In all, there are 80 working hospitals in the State of Palestine with a capacity of 5,939 beds. Of these, 50 are located in governorates of the West Bank with a capacity of 3,052 beds (59 per cent of the total) while the rest are in the Gaza Strip. The Ministry oversees the issuance of licences to hospitals and other health institutions belonging to the private sector and NGOs. It also has authority to monitor and inspect health-care institutions to

ensure that they are adhering to the standards laid down in the Public Health Act and operating in accordance with the conditions set forth in their licence.

179. Civil society organizations run 34 hospitals with a capacity of 1,967 beds, while the private sector has 16 hospitals with a capacity of 512 beds. For its part, UNRWA has just 1 hospital in the governorate of Qalqilyah, with a capacity of 63 beds. The military provides medical services via 3 hospitals with a capacity of 138 beds. In addition to this, the Ministry is currently overseeing the construction of a private cancer and marrow transplant hospital and a private ophthalmology hospital.

<i>Indicator</i>	<i>Indicator updated</i>	<i>Year</i>	<i>Value</i>
Number of hospitals	Annually	2015	80
Number of doctors per 1,000 inhabitants	Annually	2016	1.7
Number of beds per 1,000 inhabitants	Annually	2015	1.3

180. Measures are taken to ensure that preventive, therapeutic and rehabilitative health facilities, as well as medical equipment and services, are available to everyone, including older persons. As concerns persons with motorial disabilities, certain obstacles remain regarding the adaptation of buildings (especially departments of health) where access is available only on the ground floor but not on upper floors. This is not a problem in primary health-care clinics which, since in general they are single-storey, are easily accessible to persons with disabilities. Nonetheless, such centres lack beds that are suitable for persons with motorial disabilities, unlike State-run hospitals, which are equipped to take in persons with such disabilities. No health centres, departments of health or State-run hospitals are equipped to deal with persons with visual and hearing disabilities.

181. The Ministry of Health does not offer habilitation services and there are no habilitation centres in the institutions it runs. However, it does purchase such services from the private sector and it ensures they are covered under the health insurance it provides. As part of its disability programme, the Ministry of Health has issued directives that aim to improve adaptation in departments of health and clinics in rural areas. Due to the shortage of financial resources, the Ministry cooperates with international organizations such as Handicap International and with Palestinian institutions such as the Young Men's Christian Association to refurbish certain clinics and health centres for persons with motorial disabilities. The Ministry has also adopted guidelines for the future to train medical personnel on optimal ways of dealing with persons with disabilities and to train health workers in sign language.

182. There are areas in which there are no hospitals run by the Ministry of Health. One of these is occupied Jerusalem and its suburbs and "Area C", where there are only primary health-care centres. Citizens in the Jerusalem suburbs who have health insurance can access treatment in the Makassed Charitable Society Hospital (which is run by a private association) via a direct referral from the department of health for the suburbs of Jerusalem, without need for a referral from the service procurement department.

183. Medicines are provided to sick persons who have medical insurance under a policy whereby the patient contributes 5 shekels per dose, with the dose varying according to the kind of medicine involved (be it pills, liquid or suppositories) and the nature of the illness (acute or chronic). In the case of acute illness, the patient contributes 5 shekels per 20 pills, 6 suppositories or single bottle of liquid medicine. Patients with chronic conditions pay 5 shekels per 30 pills. Some medications, due to their nature or effectiveness are excluded from this regime, such as certain antibiotics and injections.

184. The allocation for medicines amounts to 12 per cent of the budget of the Ministry of Health including salaries and for 21 per cent not including salaries. In 2015, it stood at US\$ 205 million while in the same year the Ministry distributed medicines to hospitals and health departments to a value of 230 million shekels.

185. The national drug policy followed by the Ministry of Health aims to ensure the provision of first-rate medication, something it achieves by verifying the quality, safety and effectiveness of all medicines, medicinal herbs and dietary supplements. Thus, using

different systems, the Ministry of health strives to provide secure, effective and high-quality drugs that conform to approved standards. To this end, the Ministry registers medications, certifies the factories where they are produced, inspects pharmaceutical corporations, monitors drugs in circulation and ensures that medicines are justly distributed and affordable.

186. Pharmaceutical corporations are inspected and monitored according to specific standards and rules. The drugs they produce are checked for quality then, once they are on the market, random tests are carried out in public health laboratories, which are responsible for monitoring medicines and medical devices. For its part, the general pharmaceutical department of the Ministry of Health runs an annual or biannual programme to monitor the manufacture and distribution of drugs. It also examines quality-related complaints, in which regard it takes all measures envisaged under laws, regulations and decrees, and it monitors counterfeit medications that circulate illegally.

187. As concerns appropriate training for health workers, including training in health and human rights, health teams receive constant training from the technical departments of the Ministry of Health to help them keep abreast of scientific and practical developments. In addition, specialized training is offered to new staff so as to prepare them to work in the Ministry of Health. At the same time, various forms of training (such as short and medium-length courses) are offered outside Palestine with support from international and foreign institutions such as the World Health Organization (WHO) and UNICEF. In cooperation with An-Najah National University, the Ministry of Health has provided scholarships to a number of doctors in areas such as psychology and family health. New nursing staff undergo a two-month training course in the operational mechanisms of the various sections (including health clinics) within departments of health. This training is dispensed by the heads of section.

188. Article 22 (3) of section IV of the Palestinian Children's Act No. 7 of 2004, as amended, states that the Ministry of Health is to provide free health-care services to children under the age of 6, in accordance with rules and standards defined in the Act and in a way that does not conflict with the Public Health Act, the Health Insurance Act or other relevant laws. Under article 4 of the Public Health Act No. 20 of 2004, the Ministry is to accord priority to health care for women and children, this being an integral part of development strategy. Article 5 of the Act stipulates that the Ministry is to provide preventive, diagnostic, therapeutic and rehabilitative services related to the health of women and children, including the following:

- Premarital medical examinations conducted in coordination with the Ministry of Islamic Endowments, which is the authority responsible for marriages between Muslims. In order to preserve the health of the spouses and of their eventual offspring, a marriage contract cannot be concluded until after the test has been carried out. The procedure consists in a blood sample taken at a department of health, which exist in all Palestinian governorates, which is then tested for thalassemia, hereditary haemophilia and AIDS;
- Care for women, particularly during pregnancy, childbirth and breastfeeding. Nurses at primary health-care clinics conduct awareness-raising activities aimed at encouraging mothers to breastfeed their offspring, while community activities are carried out by female health educators at the department for health education and promotion, which is part of the General Department for Public Health. The development of a pregnancy is monitored to ensure it is proceeding well and laboratory tests are conducted free of charge. Women are provided with dietary supplements, also free of charge and, in the last three months of pregnancy, inoculated against tetanus to protect their infant against that disease. Pregnant women facing complications are referred to a specialist government doctor for diagnosis, treatment and ultrasound examinations;
- Follow-up on the development and growth of the child. Nurses in "healthy child" clinics at the primary health-care centres run by departments of health monitor children's growth and development with measurements of height, weight, head and chest circumference and fontanels. In addition, departments for community health, which are part of the General Department for Public Health, monitor the motorial, psychological, mental and sensory development of infants up to the age of 3.

189. The Ministry of Health provides children with postnatal care in “healthy child” clinics and medical clinics. It monitors the children’s growth and development, promotes breastfeeding, works on the early detection of potential disabilities or diseases and administers vaccinations.

190. The department for school health monitors children in kindergartens where it conducts activities to raise health awareness among teachers and monitors the environmental health situation of kindergarten structures. The department has issued a guide for kindergarten teachers to enable them to deal with matters related to the children’s physical and psychological health and to provide first aid. The guide also identifies factors and issues that have a bearing on health, such as the kindergarten environment and the health education of the children there. In this regard, it should be noted that 54 per cent of children between the ages of 3 and 6 attend kindergartens in Palestine. The Ministry of Health is currently working in partnership with other ministries to develop a national strategy for early childhood that will cover all children from birth to age 6, including those who do not attend kindergarten.

191. Children receive various vaccinations, according to their age and the disease concerned, on the basis of vaccination protocols determined by the national immunization committee, and they undergo clinical examinations for the early detection of hip dysplasia and other physical deformities and disabilities. Preventive testing is also conducted to detect the presence of phenylketonuria. This consists in taking a blood droplet from the infant’s heel, which is then tested free of charge at the Central Public Health Laboratory. All children up to the age of 1 are given free supplements (vitamin A and D drops) as well as a dose of blood supplements between the ages of 6 months and 1 year. Treatment for sick children is provided free of charge in primary health-care clinics with parents contributing 2 shekels per dose of any medication the child requires, up to the age of 6.

192. The Ministry of Health provides sexual and reproductive health services to mothers using the methods of family planning available. It also conducts preventive health campaigns such as pap smears for the early detection of cervical cancers and free biennial breast-cancer screening for women over the age of 40. In addition to this, it provides health advice for mothers in all matters concerning the health of women and children, particularly with regard to pregnancy, childbirth, family planning, prevention of sexually transmitted diseases, cancer and the importance of early detection, breastfeeding and the importance of monitoring children’s growth and development.

193. Under the Public Health Act, the Ministry is to take preventive and therapeutic measures to limit the spread of communicable diseases. For this reason, Palestine implements a broad-ranging national immunization programme which, in line with the relevant WHO recommendations, employs vaccinations to control preventable communicable diseases. One of the most significant achievements of the Ministry of Health in this connection is the eradication of polio, no cases of which have been recorded for some 20 years. In addition to this, Palestine has been free from measles and neonatal tetanus since 1999.

194. Immunization takes place in primary health-care clinics and centres, while in the case of remote areas, small and marginalized rural communities, zones that fall within “Area C” and Bedouin areas, immunization services are provided by mobile clinics. The bulk of immunization services is provided by the Ministry of Health, followed by UNRWA, while the Union of Health Work Committees (an NGO) provides immunizations in East Jerusalem. As for mosquito-borne communicable diseases, the department for environmental health of the Ministry of Health conducts spraying operations and drains swamps and water collection sites using integrated vector management. This process takes place three times a year in areas particularly exposed to the spread of germ-carrying mosquitoes.

195. As of April 2016, there had been a total of 88 cases of HIV/AIDS. Of these, 69 were cases of persons who had tested positive for HIV and 19 were cases of persons who had developed AIDS. The Ministry seeks to prevent HIV and other sexually transmitted diseases through blood screening campaigns, which are conducted with full confidentiality by departments of health, and it runs educational and awareness-raising activities that are aimed in particular at adolescents, university students and persons who work in the occupying State. HIV tests are offered in departments of health and at two central clinics, one in the West Bank and the other in the Gaza Strip. Analyses are then conducted by the Central Public

Health Laboratory. Persons who fall ill with the disease are also treated at the two aforementioned clinics. For patients with other sexually transmitted diseases, the Ministry of Health provides medicines free of charge and offers psychosocial support for patients and their families with a view to achieving acceptance and reducing the social stigma of the disease.

196. Article 6 of the Anti-Smoking Act No. 25 of 2005 prohibits the sale, distribution, display or advertising of tobacco for persons under the age of 18. Work is currently under way on drafting a law on dangerous drugs and psychotropic substances. For its part, the Ministry runs activities and campaigns at the national level to reduce smoking and curb the use of dangerous drugs. According to statistics of the Ministry of Health, there are between 80,000 and 85,000 drug users in the West Bank and East Jerusalem and 220,000 in the Gaza Strip, while drug addicts number around 22,000 or 23,000 in the West Bank, including East Jerusalem, and around 40,000 in Gaza. The Ministry of Health has established a centre that offers substitution treatment where addicts receive psychosocial support and help to throw off their addiction and integrate back into normal life. Around 140 heroin addicts have turned to the centre, of whom 6 per cent have been cured, reintegrated into the community and found decent work. Substitution treatment consists in giving addicts doses of heroin substitutes, under medical supervision. Patients must first undergo the necessary laboratory tests and they are provided with psychosocial support throughout the process. The Ministry of Health has plans to build two more substitution treatment centres in the northern and the southern regions of the West Bank as the current centre serves only the central region. The Ministry also plans to build a drug-addiction treatment centre in Bethlehem. The new centre will be able to offer accommodation for cases that need particular care and its services will cover the entire country.

197. As concerns mental health, article 2 (1) of Decree No. 113 of 2004 of the Council of Ministers concerning the government health insurance system stipulates that treatment for persons with chronic mental conditions is to be part of the services provided free of charge by the Ministry of Health. Thus, patients with psychological and mental conditions are treated in facilities run by the Ministry where they are provided with medication free of charge and their condition is constantly monitored by doctors, psychologists and social workers. There are 13 community psychological health centres in the West Bank as well as a specialized children's centre in the Hebron department of health, while in Gaza there are 6 community psychological health centres. In addition to this, the West Bank and the Gaza Strip each have a psychiatric hospital.

198. The strategic psychological health plan 2015–2019 highlighted the importance of continuing to develop community psychological health services and of integrating them into primary care, with a particular emphasis on interventions in times of crisis. Community psychological health services have been developed over recent years and professional staff have been trained to provide optimal services. A rehabilitation programme has been developed for patients at the psychiatric hospital, and a day centre has been established in the Gaza Strip. In 2014, a total of 2,257 new psychological cases were recorded in the West Bank (which amounts to 89 per 100,000).

199. The department for school health in the Ministry of Health is working to implement a psychological health programme in schools. This preventive programme – which is based on the principle of early detection of behavioural, psychological and neurological disorders – is being run in partnership with the educational guidance department, which is part of the department of education. Once a case has been detected, psychologists refer it for follow-up to the psychological health clinics run by the department of health. The same psychologists also organize awareness-raising activities on psychological, mental and behavioural health topics for school students.

200. The Ministry of Health is developing programmes to make psychological health services part of the public health services delivered through primary health-care clinics, and it will continue to provide training to doctors and medical staff to facilitate that end. With the signing of the Juveniles Act on the part of the President of the State of Palestine, the Ministry is also drawing up policies and programmes regarding health and juvenile justice.

### Challenges and constraints

201. The Ministry of Health faces numerous challenges and constraints that significantly affect the implementation of many of its programmes and strategies. These include the following:

- The Israeli occupation, the political situation under that occupation and the complete blockade of the Gaza Strip are all factors that hinder access to health services, especially in “Area C”. Moreover, Israeli control over crossing points hinders or delays the entry of the medical equipment necessary for the work of the Ministry of Health and its institutions. In addition, the proliferation of illegal colonies increases the inflow of wastewater into Palestinian territory and makes it more difficult to travel between cities, villages and the countryside. The arbitrary policies pursued by the Israeli occupiers have also contributed to rises in indicators of disability, poverty, unemployment, psychological disorders and violence.
- The shortage of qualified personnel, particularly specialized doctors and nurses, has been provoked by a number of causes. These include the brain drain, low wages, a poor system of incentives in the public sector and inadequate human-resources planning at the national level.

### Articles 13 and 14

202. Article 24 of the Palestinian Basic Law, as amended, states: “Education, which is the right of all citizens, is compulsory up to the end of the basic level at least and is free of charge in public schools, academies and institutions.” Under article 37 of Palestinian Children’s Act No. 7 of 2004, all children have the right to free education in State-run schools until completion of the secondary level; moreover, education is compulsory up to the end of the higher basic level at least, and the State take all measures necessary to prevent children dropping out of school early. Article 38 of the Children’s Act states that all children are to be able to enjoy their right to education on an equal footing.

203. The Ministry of Education and Higher Education has accorded particular attention to the roll-out of plans and programmes aimed at improving the school environment, enhancing teaching methods, enriching the curriculum, imparting life skills, developing relationships with the local community and promoting other mechanisms intended to make schools child friendly in all aspects of the educational process. In addition to this, the Ministry of Education and Higher Education has been working to develop a policy to curb violence in schools, in which regard it has issued a number of regulations and instructions prohibiting the use of any form of violence within schools.

204. The educational process in the State of Palestine includes the following stages:

- Stage 1: Pre-school education (kindergarten), which covers children between the ages of 4 and 5 years and 5 months;
- Stage 2: General education, which includes the following:
  - (a) Basic (compulsory) education: This begins when students enter first grade at the age of 5 years and 6 months, and it continues for 10 years until the end of tenth grade. These stages are compulsory;
  - (b) Secondary education:
    - Academic secondary education: This lasts two years and includes science, humanities, legal and commercial subjects. The students prepare to take the general secondary (orientation) examination and those who succeed can be admitted to university;
    - Vocational secondary education: This too lasts two years and covers five subjects: industry, commerce, agriculture, nursing and hoteliery and home economics. The students prepare to take the general vocational secondary examination, which enables them to enrol in community colleges and in some university faculties.

205. The duration of the academic year is as follows: It begins on 1 September of one solar year and ends on 30 June of the following solar year; in other words, it lasts nine months and contains an estimated 180 or 190 school days. The school week lasts five days. There are two stages of study:

- Basic education, which is subdivided into the lower basic level (first to fourth grade) and the higher basic level (fifth to tenth grade);
- Secondary education, which is subdivided into academic secondary education, which covers literature, science, commerce and law (first and second secondary grades), and vocational secondary education, which is further subdivided into home economics and hoteliery.

206. With a view to ensuring that education is consistent with the needs of life and work, the Ministry of Education and Higher Education has rolled out its third strategic plan which has a number of goals. These include promoting national identity and citizenship; focusing on strengthening the values system and the rule of law; expanding the vision of education with a view to getting beyond the mere acquisition of local or international diplomas and underlining the importance of citizenship and twenty-first century skills; student-focused learning; and promoting opportunities for creativity, enterprise and balanced development. Emphasis is also given to striking a balance between Palestinian education and the labour market. This requires an effort on the part of State institutions, the Ministry of Education and Higher Education and local and international partners to integrate vocational and technical subjects into general education through the official curriculum as well as through curricular and extracurricular activities up to the end of the basic level (tenth grade). It also requires that a greater proportion of students be enrolled in vocational courses at the secondary level. To this end, it is important to intensify awareness-raising and vocational counselling to direct parents and students towards vocational education and training; to draw attention to factors that lead to success in employment and self-employment; to adapt vocational education curricula to the needs of community life; to ensure that the skills required by the labour market are taught in existing training units; and to establish new training units that focus on life skills and business enterprise. A plan was rolled out in the academic year 2017/18 to expose students in the seventh to ninth grades to three areas of vocational training (painting and woodwork, interior décor and tailoring). In that same academic year, around 2.3 per cent of students were enrolled in vocational education (3.6 per cent in the West Bank and 0.6 per cent in the Gaza Strip).

207. Efforts have also been made to promote enterprise, creativity and the use of technology in education. In fact, the Ministry of Education and Higher Education dedicates particular care to enterprise and creativity, which it considers to be vital for leveraging the Palestinian economy, encouraging critical thinking in students, fostering a competitive and productive spirit and exploiting modern technology to bridge gaps and reconcile differences between educational areas in Palestine. Thus, in order to promote enterprise and creativity in the educational system, strategic partnerships have been forged with Palestinian, regional and international institutions. In addition, support initiatives have been launched and the technological infrastructure of schools has been brought into line with unified standards established by the Ministry of Education and Higher Education in cooperation with its strategic partners. This has opened horizons for Palestinian students with creative ideas in science or literature or who have entrepreneurial projects, to communicate with their peers in the wider world and represent the State of Palestine on the international stage. The Ministry is also pursuing digitalization as one of the most important aspects of educational development with a view to improving the quality of education in Palestinian schools through the use of information technology.

208. The smart learning programme concerns schools that focus on educating their students in the competencies and outcomes of the main curricula. Under an annual plan for 2019, the Ministry will continue to extend the smart learning programme, with two main objectives: firstly, a horizontal expansion of the schools that currently implement the programme and, secondly, the integration of an estimated 50 new schools into the programme.

209. Curricula are based on national, intellectual, social and cognitive foundations and have the goal of promoting culture and respect for others. Palestine is a peace-loving nation

that pursues international understanding and cooperation on the basis of justice, equality, freedom, dignity and human rights. It adheres to values and principles that promote human beings and enhance their intellectual qualities, focusing particularly on science, work, ethics and ideals, the role of education in economic and social development and active participation in the construction of a humane society. The State works to consolidate democracy and the rule of law and to provide equal educational opportunities for all Palestinians without discrimination. To this end it ties education to development and seeks to consolidate its link to vocational and technical training, thereby responding to the economic needs of society by creating a well-trained work force and seeking to ensure that each individual can contribute to the advancement of the community.

210. The Palestinian curriculum was compiled and standardized across the West Bank and the Gaza Strip in 2000, a process that was completed in 2006. Before that date, the Jordanian curriculum had been followed in the West Bank and the Egyptian curriculum in the Gaza Strip. The new curriculum includes the following features:

- A change in the stereotypical view of women and an emphasis on their participation alongside men in social, cultural and political roles;
- The integration of certain features of international humanitarian law, children's rights and human rights.

211. Efforts are currently being made to develop a comprehensive, integrated and unified plan wherewith to evaluate and reform school curricula. The plan embraces a number of components such as a teacher training strategy, an e-learning initiative, the digitalization of the curriculum, kindergarten curricula and curricula for informal education (literacy and adult education).

212. Palestinian school curricula cover economic, social and cultural rights in the world and in Palestinian society. They also embrace issues such as gender and there are special curricula for Christian and Islamic education from first grade up to secondary (orientation) level. Students are provided with a stimulating environment thanks to guidance for teachers in the use of technical educational equipment. Moreover, students are encouraged to learn by following textbook-linked activities and to discover the environment through various educational, cultural and social activities. Curricula also focus on communication with parents and take account of the psychological needs of students thanks to the presence of educational counsellors in schools.

### **School enrolment fees**

213. Article 24 (1) of the Palestinian Basic Law, as amended, stipulates that education is the right of all citizens, is compulsory up to the end of the basic level at least and is free of charge in public schools, academies and institutions. This is reaffirmed in the Decree-Law on Public Education which, consistent with the international obligations of the State of Palestine, promotes the right to education as enshrined in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. As concerns higher education, article 2 of the Higher Education Act No. 11 of 1998 states: "Higher education is the right of all citizens who meet the academic and substantive requirements prescribed in the present Act and in regulations issued pursuant thereto."

214. As concerns school fees and the measures taken to rescind them, contributions for schooling are collected from students on the basis of criteria established at the beginning of the academic year. According to those criteria, symbolic fees are paid by students who are able to do so, while students in difficult circumstances, families of martyrs, the injured, detainees, persons with disabilities and persons suffering from thalassaemia or haemophilia are exempted from the fees, wholly or in part. Students whose families receive cash assistance from the Ministry of Social Development are wholly exempted from payment of contributions, with the Ministry paying 50 per cent of the contributions due from each student under lists submitted by the regions to the department for social development.

215. The sharia courts also play an important role in ensuring that children of both sexes are able to exercise their right to education up to university level, at the expense of their father or, if the father is absent, of the person responsible. This is conditional upon the student being

successful in his or her studies, upon not working and earning a living and, in the case of females, upon being unmarried.

216. The contributions collected at the beginning of the academic year are as follows:

- (a) Fifty shekels (US\$ 15) for the basic level from first grade to tenth grade;
- (b) Seventy shekels (US\$ 20) for the secondary level from eleventh grade to twelfth grade;
- (c) Seventy shekels (US\$ 20) for the vocational secondary level, in addition to which vocational students of industry or agriculture are required to pay a further 60 shekels (US\$ 18) in insurance, which is returned to the student wholly or in part upon graduation;
- (d) Four hundred shekels (US\$ 115) if a student has to repeat the second secondary level (twelfth grade) in a State-run school and has made no other contributions.

#### **Partial exemption from school fees**

217. Partial exemption from contributions for schooling is accorded as follows:

- (a) Children of persons who – whether in service, retired or deceased – work or worked in education and higher education, in State-run universities and faculties receive a 50 per cent reduction in school fees;
- (b) A reduction of 10 shekels (US\$ 2.5) is made from the fees of each student who has one or more siblings enrolled in the two levels; only the higher rate of deduction is admitted and the two exemptions may not be accumulated;
- (c) School finance and social committees are granted the power to exempt students with special needs – such as the children of the poor or of the unemployed – from between zero and 100 per cent of the fees. Any exemptions must not exceed 10 per cent of the overall school fees due to the establishment in question and the department of education is to be provided with a detailed list of the names of the students who require such exemptions.

218. Textbooks for the basic level of education are distributed free of charge to all students, with the exemption of English textbooks for which students are required to pay. This latter provision does not apply to students who are registered as special cases with the Ministry of Social Development or to the children of martyrs. Students are required to provide a uniform at their own expense, depending upon their age category.

#### **School enrolment rates**

219. There is a 55.1 per cent rate of enrolment in kindergartens most of which belong to the private sector and are not free of charge. Efforts are being made to add propaedeutic classes in State-run schools for girls, and 63 such classes were established by the 2014/15 school year.

220. Although education at the basic level is mandatory and practically free of charge in State-run and UNRWA-run schools, the overall enrolment rate in basic level education in the academic year 2013/14 stood at just 95.3 per cent. This means that 4.7 per cent of students were not enrolled in school.

221. The net enrolment rate in secondary education (eleventh and twelfth grades) stood at 68.2 per cent in the academic year 2013/14. This means that 37.8 per cent of young people of an age to pursue secondary education were not, in fact, attending school, although this proportion is dropping year on year. The net enrolment rate in basic level education for 2016/17 was 97 per cent, meaning that just 3 per cent of students were not enrolled in the system. In 2017/18, the net enrolment rate in higher education was 45 per cent (35 per cent among males and 56 per cent among females).

222. Vocational education remains weak, attracting just 1.92 per cent of students most of whom are male because, given the current social climate in Palestine, it is difficult for females to attend vocational education.

### Right to education for persons with disabilities

223. The adoption on the part of the Ministry of Education and Higher Education of a policy of integrating students with disabilities into State-run schools through its inclusive education programme was followed by the enactment of the Disability Rights Act No. 4 of 1999. The Act regulates all the rights of persons with disabilities, including their right to education; however, it lacks accountability mechanisms and monitoring systems to ensure it is fully enforced. In addition to this, it conflicts with other legislation regulating disability rights, such as the Labour Code which requires employers to reserve at least 5 per cent of available posts for persons with disabilities.

224. Data compiled by the Palestinian Central Bureau of Statistics in 2011 indicates that illiteracy rates among persons with disabilities are high (50 per cent), being greater in the Gaza Strip than in the West Bank. The statistics also show that – despite the fact that 16 years have passed since the roll-out of the inclusive education programme in State-run institutions – 37.6 per cent of persons with disabilities have never been enrolled in school at all, 33.8 per cent enrolled then dropped out without completing the secondary level and 87.3 per cent are unemployed.

225. As of the year 2012/13, 5,152 students with special needs were integrated into State-run schools in the West Bank, where they account for 0.96 per cent of the entire student body. It should be noted that the statistics do not reflect the true situation for students with disabilities because they focus solely on visible disabilities and not on other conditions, such as learning difficulties, intellectual disabilities and autism. This is due to a lack of appropriate assessment and diagnosis tools to determine the real number of students with disabilities who have been integrated into school.

226. The Ministry appointed inclusive education counsellors to monitor the students and facilitate their integration into schools; however, by the end of the academic year 2012/13, the number of such counsellors had fallen from 36 in 16 departments (an average of 2 or 3 counsellors per department in West Bank schools) to 27 (an average of one per department). The counsellors were able to attend various training courses on disability; however, they did not undergo systematic development in disability studies or follow specializations in a particular form of disability, and most of them do not have an academic background in disability.

227. Although the Ministry of Education and Higher Education has provided educational aids and assistive devices to persons with manifest disabilities (hearing aids, Perkins Braille, wheelchairs, spectacles, etc.), evidence points to a lack of equipment and facilities in many schools, particularly institutions where students with non-manifest disabilities have been integrated. It is, in fact, difficult to identify such students and precisely understand their needs in the Palestinian context due to a lack of diagnostic equipment suitable for identifying such non-manifest conditions (intellectual disabilities, autism, learning difficulties).

228. The evaluation mechanisms used lack credibility because they are unable to take account of the individual capacities of the integrated students.

229. The Ministry has produced a Braille curriculum in a number of subjects for students who are blind, although it is still in need of some readjustment in order to be suitable for all students. The physical environment has still not been adapted for all categories of disability because efforts have thus far focused only on motorial disabilities while overlooking other kinds of disability. By the academic year 2012/13, 1,013 State-run schools in the West Bank had been physically adapted with special staircases and ramps for students. A further 492 schools had not been adapted while a further 62 establishments could not be adapted.

230. A secondary level examination for students with disabilities has been developed which, at the current stage, is limited to manifest conditions (visual, hearing and motorial disabilities). This process has encountered a number of challenges, the most important of which are:

(a) The examination is presented to students with disabilities in the same way as that in which it is presented to students without disabilities. In fact, no allowance can be made for certain students with disabilities, such as by presenting the exam in Braille or printed

using a special machine for students who are blind, as that would reduce the number of observers and books for other students;

(b) The examination is presented to all students without exception, without specific evaluation criteria for certain categories, some of whom have a great deal of difficulty in writing;

(c) Persons with certain categories of disability face considerable difficulties in following the established curriculum.

231. The Ministry has allocated resource rooms in the form of classrooms annexed to regular schools. The resource rooms, which contain equipment, educational games and special furniture, are staffed by special education teachers. Students spend part of their day there to study Arabic and mathematics while they study other subjects in the regular classroom. As of 2013, there were 82 resource rooms distributed across the various departments of education; however, they have still not been incorporated into the school system as a whole as an integral part of the education of students with disabilities, because there is no clear policy on how they should operate.

232. A project for resource centres was rolled out in 2005 and centres have been opened in Ramallah, in Gaza and in the department of education of South Hebron. The concept behind the resource centres, each of which has five specialists, is that they should provide support services and other facilities for speech therapy, occupational therapy, counselling and special education. The services are provided by a specialized mobile team, which makes field visits, provides evaluations and individualized plans and trains teachers and families with a view to the optimal integration of students with disabilities.

### **Vocational and technical education**

233. Vocational schools provide students with the knowledge and skills they need to join the labour market or to enrol in institutions of higher education. Students – who are trained to master all skills related to a profession – spend half of their time studying academic subjects, in accordance with their study plan, and the other half on specialized subjects and practical training. Vocational education has various branches: industry, agriculture, home economics and hotelery. The Ministry of Education and Higher Education has developed a national strategy for vocational and technical education and training that is in line with global trends. The strategy has been reviewed by specialized teams composed of a wide range of public- and private-sector stakeholders.

### **Educational syllabus in vocational schools**

234. *Vocational syllabus*: This is available to students who have successfully completed the eleventh grade of vocational education in specialized and general subjects. At the end of the secondary level, the students sit the examination for the secondary level general certificate, which qualifies them to enrol in institutions of higher education (universities and technical colleges) or in colleges that specialize in their particular area.

235. *Applied syllabus*: This is available to students who have successfully completed only the specialized subjects. At the end of the secondary level, they sit the vocational schools' comprehensive practical examination, which qualifies them to enter the labour market or to enrol in a number of specialized vocational diploma programmes. Once a year has passed, they can sit the examination for the secondary level general certificate in the general subjects that are still outstanding then complete their education in institutions of higher education (universities and technical colleges) or in colleges that specialize in their particular area.

236. There are 18 vocational schools in Palestine, including 13 State-run schools, which offer specializations in industry and agriculture. Vocational schools exist in all educational departments in the West Bank, except Jericho and Tubas. There are no State-run vocational schools in the educational departments of Jerusalem and its environs, or in Bethlehem. In addition, there are vocational schools, also offering specializations in industry and agriculture, in the educational departments of northern, eastern and central Gaza.

**The table below shows the number of students enrolled in vocational and industrial education across all schools and centres**

<i>Year</i>	<i>First year of secondary education</i>	<i>Second year of secondary education</i>	<i>Total</i>
2010/11	5 167	4 453	9 620
2011/12	5 171	4 575	9 746
2012/13	4 907	1 571	6 478

237. Overall enrolment rates for secondary education in the academic year 2012/13 were 73.5 per cent, of which 72.2 per cent in general secondary education and 1.3 per cent in vocational education.

238. The problems that hinder women from taking up vocational and technical education have been highlighted in a number of studies. They are:

- The small number of institutions offering programmes suitable for women, which limits their options regarding this form of education;
- The cultural and social heritage that underpins the general attitude of society towards vocational and technical education as being inferior;
- The limited awareness among female principals, teachers and students at the secondary level about the importance of vocational and technical education;
- The fact that a large number of girls tend towards open education, which reinforces their reluctance to enrol in institutions of vocational and technical education;
- The low rate of participation of women in the labour market (15 per cent, compared to 67 per cent among men); the reason for this is that 65 per cent of women are involved in housework and 27 per cent are studying;
- The high rate of female unemployment (22 per cent), a rate which increases with increasing level of education and reduces with increasing age.

### **Higher education**

239. There are 52 accredited and licensed institutions of higher education in Palestine. Of these, 14 are universities in the traditional sense, 1 is an open university, 19 are university faculties and 18 are colleges. A total of 221,395 students were enrolled in the academic year 2014/15, 133,363 males and 88,033 females, while the teaching staff numbered 7,130.

240. In the academic year 2014/15, the overall enrolment rate for higher education among the population aged between 18 and 22 was 44 per cent, 34.6 per cent among males and 53.8 per cent among females.

241. The proportion of persons aged 15 and over who have completed at least degree-level university education is 12.1 per cent, while 9.4 per cent of persons have not completed any level of education whatsoever. The figures show that there is a bias in academic attainment in favour of men rather than women as the proportion of males who have completed at least degree-level university education is 12.4 per cent while the proportion of females is 11.7 per cent.

242. Students who have completed the twelfth grade in all subjects proceed to the general secondary (orientation) examination which, if they pass successfully, gives them entrance to State-run and private universities and institutes, depending upon their grades. They are accepted on the basis of standards that each educational institution sets for itself, in line with its own vision and philosophy of student admittance and university education.

243. A decree-law was enacted in March 2018 to regulate higher education in the State of Palestine. It guarantees the right to higher education under specific conditions and grants academic freedom and freedom to conduct research. The decree-law envisages the formation of the Higher Education Council and includes provision to update regulations and directives enshrined in existing laws. It also envisages the formation of the Advisory Council of the

Scientific Research Support Programme (Horizon 2020) and the restructuring of the Scientific Research Council.

### Literacy and adult education

244. A number of institutions are involved in activities related to adult education and literacy: the Ministry of Education and Higher Education, the Ministry of Labour, the Ministry of Social Development, civil society organizations, cultural centres and the private sector.

245. The most significant programmes in this regard are:

(a) *Illiteracy eradication programme*: This programme is offered to all persons aged between 14 and 64 who have not mastered reading, writing or numeracy and who have no formal education or who completed one or two years of basic education before circumstances forced them to leave school. Illiteracy is not a major phenomenon or intractable problem in the State of Palestine. In 2013, in fact, 96.3 per cent of the above-mentioned age group could read and illiteracy rates stood at 2.9 per cent among males and 9.1 per cent among females. Students in this field enrol for a period of two academic years at the end of which they sit an examination and, if successful, receive a certificate that is equivalent to the basic sixth grade certificate. The following figures give some indication of the efforts made by the Ministry of Education to combat illiteracy. There has been a rise in the number of literacy and adult education centres, with 90 centres in the year 2013/14 as compared to 79 in the year 2011/12. In all, 1,533 students frequented literacy centres in 2013/14, of whom 51.34 per cent (787) were males and 48.66 per cent (746) were females.

(b) *Parallel education programme*: This programme is offered to persons who, having completed five or six years of basic education, have dropped out of school and engaged in working life. Students in this field enrol for a period of two academic years at the end of which they sit the prescribed examination and, if successful, receive a certificate that is equivalent to the basic ninth grade certificate. There has been a rise in the number of parallel education centres, with 23 centres in the year 2013/14 as compared to 11 in the year 2011/12. In all, 277 students frequented parallel education centres in 2013/14, of whom 51.99 per cent (144) were males and 48.01 per cent (133) were females. The concept of literacy has evolved into adult education and continuing education, and a strategy for adult education was launched in 2016. The Ministry of Education and Higher Education grants permits to cultural and educational centres in the private sector that teach vocational and semi-vocational skills to the public at large, in order to serve the Palestinian labour market. In addition to this, there are continuing education centres in Palestinian universities.

(c) *Evening classes programme*: This is intended for secondary school students with low levels of attainment.

(d) *Semi-formal and continuing education*: Semi-formal education is usually provided by ministries other than the Ministry of Education and Higher Education (the Ministry of Labour and the Ministry of Social Development among others), as well as by local and international charitable organizations, employers' organizations, workers' federations, religious bodies and private institutions. Continuing education, for its part, is a key element of engagement with processes of economic and social change. Part of continuing education is vocational training, which is provided by two types of institutions: (1) Those offering formal training programmes; i.e., community colleges, Palestinian technical colleges and vocational secondary schools; (2) Those offering semi-formal training programmes; i.e., vocational training centres run by the Ministry of Labour.

<i>Indicator</i>	<i>Indicator updated</i>	<i>Year</i>	<i>Value</i>
Illiteracy rate in persons aged 15 and over	Annually	2016	3.1 %
Number of schools	Annually	2017/18	2 998
Number of students	Annually	2017/18	1 253 238

### Vocational training programmes

246. Vocational training programmes can best be summarized according to the entity responsible for delivering them, as follows:

- *Vocational training programmes of the Ministry of Labour:* These are basic training programmes for young persons and retraining programmes to improve the skills of adults. More than 37 training programmes are offered in centres run by the Ministry of Labour (9 centres in the West Bank and 4 in the Gaza Strip). The programmes can be divided into two groups: vocational training programmes for the industrial sector and vocational training programmes for the commerce and service sectors. In order to be admitted to the centres, applicants must be more than 16 years old and meet the academic requirements for the course they wish to follow.
- *Vocational training programmes of the Ministry of Social Development:* These programmes are aimed at the reintegration of young persons who have dropped out of school, persons with social issues, persons with disabilities and marginalized groups. The 26 different programmes are offered by 7 centres in the West Bank and 12 in the Gaza Strip. In order to be admitted to these youth habilitation centres, applicants must be under 19, they must have been referred by a probation officer of the Ministry of Social Development and they must be in a fit state of health. Only applicants with limited income can be admitted to centres for persons with disabilities while admittance to the other centres is conditional upon applicants being from families that already benefit from services provided by the Ministry of Social Development or being former detainees.
- *Vocational training programmes of UNRWA associations specializing in long-term training:* The purpose of these programmes, which are aimed exclusively at refugee children, is to turn out a trained workforce capable of performing skilled labour in the industrial and service sectors, in order to meet the needs of a developing society. There are 22 such programmes in the West Bank while 36 programmes are delivered through 7 centres run by UNRWA in the Gaza Strip. In order to be admitted to the centres to pursue specializations that result in diplomas equivalent to those issued by vocational training centres, applicants must have successfully completed the ninth or tenth grade; whereas, in order to be admitted to pursue specializations that result in diplomas equivalent to those issued by community colleges, applicants must have obtained the general secondary education certificate.
- *Vocational training programmes of development institutions and NGOs:* The programmes offered by these entities include basic training programmes, capacity-building programmes and special programmes for marginalized social groups. The entities involved have linked the concepts of training and development in industry, services, agriculture and management, particularly regarding the creation and running of small-scale enterprises, which are sometimes also linked to loan programmes.
- *Training programmes provided by charitable organizations:* These programmes mainly target marginalized social groups, particularly women, the poor and others, and their purpose is to help members of those groups access job opportunities.
- *Training programmes provided by private training centres:* These are provided by for-profit organizations that operate – mostly as cultural centres licensed by the Ministry of Education and Higher Education – in the field of vocational education and training with a view to building capacity in line with the needs of the local market. The courses mostly focus on management, computing, languages and other areas that do not require large financial investments. There are 91 licensed cultural centres in the West Bank and about 80 private centres in the Gaza Strip.
- *Training programmes provided by government institutions:* The activity of the Government has been accompanied by an expansion in the number of institutions that provide training with the specific aim of turning out qualified personnel to work in certain public-sector posts that are vital in order to construct and protect the nation. These include training, inter alia, in policework and criminology. Six government institutions in the Gaza Strip offer 22 programmes to all social groups, with the

exception of the Public Security Forces and Police College, whose programmes are available only to the military and persons who work in government institutions.

- *Training via literacy and adult education programmes:* Adult education and training programmes are provided mainly through cultural centres, where courses focus on computing, commerce, health care, engineering, agriculture, journalism, electronics, mechanics, etc.
- *Cultural centres:* These centres are located throughout the West Bank and Gaza Strip. Some are licensed by the Ministry of Education and Higher Education while others are unlicensed. The importance of cultural centres lies in the fact that they provide education and training to all sectors of society of all age groups and educational levels, enabling the targeted groups to gain all the skills and competencies they need.
- *Continuing education departments in Palestinian universities:* These departments provide high-quality and up-to-date training to develop and build the capacity of certain target groups, based on the needs of Palestinian society. They also contribute to identifying and defining local needs using scientific methods, promoting networking and cooperation across various sectors of society, forging regional and international relations to locate sources of material and moral support, strengthening coordination and communication, providing a resource centre for academic research and conducting polls and surveys on important issues affecting Palestinian society.
- Training and habilitation programmes for teachers and officials of the Ministry of Education and Higher Education and departments of education, as well as courses for new teachers and administrators.

### **Gender equality in the right to education**

247. There is nothing to prevent either males or females from enrolling in education at any level. This applies particularly to kindergarten and to the basic level of education; however, there are some cultural barriers that prevent a small proportion of the population from enrolling their daughters at the secondary and/or university levels. Reasons for this include early marriage or the distance between the school or university from the female student's place of residence, particularly in "Area C" where access to schools can require students to pass close to Israeli colonies. Nonetheless, it is decreasing dramatically as a cultural phenomenon as the education of girls has become part of the culture of Palestinian society, also because of the important contribution they make to family income.

### **Relevant indicators**

- Using the criterion of a ratio between 0.95 and 1.05 as parity or quasi-parity, most quantitative indicators show that gender parity has been achieved. The most significant of these are enrolment in kindergarten, enrolment in basic education and the rate of school retention up to fifth grade;
- Some elements of disparity have emerged in indicators regarding secondary education, the rate of school retention up to tenth grade, the completion of basic education, the rate of transition from basic to secondary education and the percentage of qualified teachers;
- Qualitative indicators regarding attainment in standardized national and international exams (Trends in International Mathematics and Science Study (TIMSS)) show that females exceed males. The same applies to the life skills indicator where females excel against males in all grades, while the school life expectancy indicator also shows a difference in favour of females;
- There are numerous studies to indicate that levels of violence, of whatever form or type, are more prevalent in male schools than female schools;
- The gap in reading ability between females and males (adults and young persons aged 15 and over) narrowed in the period 2004–2013, although reading abilities among males remain higher than among females;

- The gap in reading ability between females and males (adults and young persons aged between 15 and 24) narrowed in the period 2004–2013; reading abilities were higher among males than among females in 2004 but parity has been achieved since 2009;
- The gap in overall kindergarten enrolment rates between females and males narrowed in the period 2004–2013; overall enrolment rates were higher among males than among females in 2004 but parity has been achieved since 2013;
- In the period 2004–2013, overall enrolment rates in first grade fluctuated somewhat, sometimes in favour of males, sometimes equal and sometimes in favour of females, without following any consistent pattern;
- Over the years, the parity indicator in overall enrolment rates in basic level education has tended to move in favour of females although with some fluctuation up and down;
- The parity indicator in net enrolment rates in basic level education was even in 2004 but began to tilt in favour of females from 2009–2013 with some fluctuation in the rate of increase;
- The parity indicator regarding rate of school retention up to fifth grade (basic education) tended in favour of females in 2004; by 2009 it had evened out and, as of the current year, it remains even;
- Over the years, the parity indicator regarding rate of school retention up to tenth grade has tended to increase steadily in favour of females.

248. The Ministry has taken a number of steps to make all forms of secondary education accessible to everyone:

- It has expanded vocational and technical education, especially for females after tenth grade, whom it has encouraged to enrol in this kind of education;
- It has opened new schools and courses of study in remote areas, particularly for female students;
- It has introduced vocational guidance into schools;
- It has introduced science classes into rural schools to serve close-knit communities;
- It has separated certain mixed classes in community environments where mixing is considered unacceptable.

### **School dropout**

249. The dropout rate for the academic 2016/17 was 0.92 percent: 1.6 per cent for males and 0.78 per cent for females. These figures are not considered to be high.

250. Nonetheless, the Ministry makes significant efforts to reduce school dropout rates to the extent possible and to address the impact of the phenomenon through outreach programmes and follow-up with individuals who have dropped out of school. It has also introduced parallel education and literacy programmes as well as other initiatives listed below:

- (a) It has opened new schools and courses of study in remote areas, particularly for female students;
- (b) It has opened new “caravan” schools for Bedouin communities;
- (c) It refers students who have left school in order to work to the child protection network, in partnership with the Ministry of Social Development, with a view to protecting them against child labour and making them aware of their right to education;
- (d) It runs programmes to integrate children with disabilities into schools.

### **Article 15**

251. The Ministry of Culture is the official body overseeing cultural life and cultural rights. It holds that authority within the institutional structure of the State of Palestine wherewith it

guarantees the cultural rights of the Palestinian people within the territory of the State of Palestine. The right to participate in cultural life is enshrined in article 24 (3) of the Palestinian Basic Law, which guarantees the independence of universities, institutes of higher education and centres of scientific research and states that the law is to guarantee the freedom of academic research as well as of literary, cultural and artistic creativity. Cultural rights are an integral part of the exercise of the right to self-determination on the part of the Palestinian people, as well as being an instrument with which to resist the occupation and a means to empower individuals to achieve economic and social development.

252. The issue of cultural rights is addressed in a number of Palestinian domestic laws:

- Press and Publication Act No. 9 of 1995;
- Decree-Law No. 16 of 2015 regarding the State of Palestine Awards in literature, arts and humanities;
- Cable and Wireless Communications Act No. 3 of 1996;
- Act No. 1 of 2000 regarding charitable and civil society associations and the registration of cultural centres;
- Decree No. 367 of 2005 of the Council of Ministers regarding the establishment of a cultural development fund to support creativity and excellence.

253. A number of bills with a bearing on cultural life have been proposed and are awaiting enactment at the appropriate time. They include:

- A bill regarding freedom of access to information and confidentiality of information;
- A bill regarding copyright and related rights;
- A bill regarding the deposit of works;
- A bill regarding the Palestinian National Library;
- A bill regarding the Palestinian National Archives;
- A bill regarding the protection of intangible cultural heritage;
- A bill regarding industrial property (patents, trademarks, etc.).

254. At the institutional level, cultural rights cut across the jurisdictions of a number of official bodies in the State of Palestine, all of which are active in the cultural sphere. Thus, apart from the Ministry of Culture itself, the Ministry of Tourism and Antiquities, the Ministry of Education and Higher Education, the Ministry of Information, the Ministry of Islamic Endowments and Religious Affairs and the Ministry of Foreign Affairs all play a cultural role, in one way or another, in that their activities have a bearing on the administration of cultural property and cultural resources and they are responsible for policies that have some impact on the cultural sector. In addition to this, a number of quasi-governmental institutions also play a role. These include the Higher Council for Youth and Sports, and the Supreme National Committee for Education, Culture and Science, which is responsible for coordinating between Arab, regional and international institutions and the Government of the State of Palestine. Another body is the Supreme Council for Education, Culture and Science, which is part of the Palestine Liberation Organization; it develops public policies and strategies, publishes works by Palestinian writers and organizes initiatives such as an education project in Palestinian refugee camps in Lebanon, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

255. Under a 2009 decree of the Council of Ministers, the Ministry of Culture has established cultural advisory councils in each governorate. The councils act as an institutional infrastructure that regulates cultural interaction within the governorate, brings official and civil society institutions operating in the cultural sphere into contact with cultural personalities and figures, helps to form a pluralistic national cultural landscape and creates an environment conducive to the future development of the culture of the Palestinian people, within the framework of a humanitarian culture based on respect for others.

256. Official institutions of the State of Palestine that operate in the realm of cultural rights undertake the following activities:

- Enhancing and promoting pluralistic and egalitarian cultural awareness, and broadening the scope of cultural and artistic activities;
- Supporting the cultural status of East Jerusalem in order to preserve its special position in the formation of the Palestinian-Arab cultural identity;
- Improving the level and quality of cultural productions, supporting and nurturing creative and gifted persons, and establishing an annual tradition of motivational prizes;
- Investing in curricular and extracurricular activities aimed at establishing the values of pluralism, democracy, participation, citizenship and equality of the sexes;
- Reactivating, encouraging and developing communication between Palestinians at home and abroad;
- Strengthening and expanding the range of cultural communication and exchange with Arab and non-Arab peoples;
- Investing in the material and intangible infrastructure of cultural life;
- Investing in the protection and preservation of Palestinian heritage and cultural identity;
- Encouraging traditional and craft industries and protecting their production facilities.

257. Government institutions active in the cultural sector operate through programmes, including the following:

- The Culture for All programme, the intention of which is to foster a more enabling environment for the dissemination of a democratic and humane Arab national culture; the development of citizenship based on pluralism and respect for the values of equality, social justice and human dignity; the establishment of a stimulating environment for cultural innovation; attention to Jerusalem, marginalized areas and areas vulnerable to attacks by the occupation and settlers; and the official promotion of cultural communication between Palestinians, wherever they may be, Arab peoples and humankind;
- The Cultural Heritage Protection programme, the purpose of which is to protect and revive Palestinian national heritage by collecting, documenting, archiving and cataloguing that heritage; supporting cultural products rooted in cultural heritage as well as Palestinian traditional and craft industries, and disseminating Palestinian national heritage at home and abroad.

258. The cultural sector in the State of Palestine is notable for the plethora of activities run by both civil society and governmental institutions. These institutions have played an important role in the protection and promotion of Palestinian cultural life in the territory of the State of Palestine that has been occupied since 1967. That role has not been limited merely to promoting Palestinian cultural identity as part of the national struggle against occupation, it has also extended to embrace the rise of feminist and student movements in the West Bank, including East Jerusalem, and the Gaza Strip. There are currently 400 civil society institutions operating in the field of culture in the State of Palestine where they work to preserve historical and oral heritage.

259. In addition to this, a number of institutions belonging to the private sector – as well as foreign and international institutions – are also involved in cultural activities. Private companies operating in the realm of culture, though few in number, often work in the creative industries, film production and publishing. Nonetheless, the cultural role played by the private sector, particularly as regards funding cultural activities, is currently limited and infrequent in the Palestinian cultural milieu. Foreign institutions frequently act as a platform for exchange and communication between Palestinians who speak foreign languages and foreigners who reside in the State of Palestine, providing educational programmes on the cultures of the various countries in question and of the State of Palestine. Many of those same institutions are also involved in funding the activities of local cultural organizations. Some of the foreign institutions that fund such activities may not themselves be cultural in nature, such as the European Union which provides annual support for a number of cultural activities

in the Occupied Palestinian Territory. Because of the poor funding of local civil society cultural institutions and the limited financial returns that cultural activities bring, many institutions rely on foreign funding to support their work. This in turn conflicts with certain elements inherent to Palestinian cultural identity such as the legacy of the struggle against occupation and the symbolic significance of martyrs and detainees.

260. Lastly, the cultural institutional structure of the State of Palestine also includes a number of artistic and cultural federations and unions. Like civil society cultural institutions, these bodies play an important role in promoting Palestinian national cultural identity in the context of the struggle against occupation. Using various channels, they offer readings of revolutionary texts, poetry and theatre that help to reinforce the cultural component of the Palestinian national movement. These bodies include the General Union of Palestinian Women, the General Union of Palestinian Writers and Journalists, the General Union of Palestinian Figurative Artists, the General Union of Palestinian Expressive Artists and the General Union of Palestinian Teachers.

### **Government actions**

261. The Government of the State of Palestine is working to revive the culture sector through strategies of which the most recent were the strategy for culture and heritage 2011–2013 and the strategic plan for 2014–2016, which the Government adopted as part of its programme to end the occupation and to build State institutions. In partnership with the cultural advisory councils in the West Bank and with other cultural institutions, and in coordination with ministries active in cultural affairs, the Ministry of Culture has – in the context of the implementation of national plans – acted to disseminate a discourse that emphasizes the promotion of a democratic, creative and renewed national culture, a culture that respects and safeguards pluralism, ensures openness to others, works to develop citizenship and upholds the values of equality, freedom, social justice and human dignity. At the same time, it seeks to expand the circle of participants in cultural life by targeting young people in schools, universities and marginalized areas. The Ministry of Culture is also concerned to promote the developmental aspects of culture as a means of economic and social advancement by empowering different groups of people to participate actively in the formation of a renewed cultural identity and by changing negative stereotypes in society, thereby further expanding the circle of cultural participants.

262. The activities of the Ministry of Culture include the protection and renewal of heritage, the preservation of Palestinian literary patrimony and the development of a programme to safeguard the cultural status of Jerusalem in order to preserve its special position in the formation of the Palestinian-Arab national identity. The Ministry seeks to enliven cultural life in East Jerusalem by allocating grants from the Cultural Fund (fourth session) to support cultural institutions in the City. In fact, according to a decree adopted at a conference of ministers of culture of the League of Arab States on 27 October 2010, Jerusalem is the permanent capital of Arab culture and is twinned on an annual basis with each designated Arab cultural capital.

The Ministry of Culture also supports cultural exchange activities and it participates – either directly or via groups of artists – in both regional and international festivals. One of the most outstanding initiatives of the State of Palestine in this connection was the Palestinian cultural week in Tlemcen, which was designated as the capital of Islamic culture in 2011. In addition, a number of writers and artists participated in the “Philastiniat” programme in Milan and the Ministry also took part in an Arab-Chinese arts festival. In addition to this, the State of Palestine holds the annual Palestine International Book Fair, which involves local, Arab and international publishing houses and plays host to a number of Arab writers, poets and intellectual figures. As part of its efforts to promote culture among children, the Ministry of Culture organizes an annual children’s creative story writing competition in which regard it cooperates with the Ministry of Education and Higher Education to ensure the broadest possible involvement of children in the initiative. Each year, the Ministry of Culture presents the State of Palestine Awards in literature, arts and humanities the purpose of which is to motivate artists and literary figures to continue giving the best of themselves.

### **Higher Council for Innovation and Excellence**

263. This Council – which was established under Presidential Decree No. 7 and Presidential Decree No. 95, both of 2012 and is answerable to the Office of the President – seeks to create a Palestinian society that is rich in creativity and that performs outstandingly in all areas of life. This is to be achieved by investing in the creative energies that are latent among the Palestinian people so that innovation can play its vital role in fostering strength, resilience and prosperity; to establish a culture of innovation and excellence within Palestinian society, to empower creative persons equally and to reinforce the creative structure across different sectors. The Higher Council for Innovation and Excellence has the following objectives:

- Disseminating and promoting a culture of innovation among young Palestinians through the development of a code of conduct that incorporates values, guidelines and standards that aim to stimulate creativity;
- Reinforcing the creative structure across different sectors by supporting institutions that work in the field of innovation and excellence, building their institutional capacity, encouraging them to coordinate and combine their efforts, and integrating roles so as to improve their social impact and avoid overlap; also, encouraging the private sector in the Occupied Palestinian Territory and in the diaspora to invest in innovation and to form multilateral partnerships;
- Ensuring that the State of Palestine is appropriately and effectively represented within regional and international innovation systems; this includes facilitating access to networking opportunities and transferring appropriate innovations, technology and knowledge into the national setting;
- Opening channels of communication with Palestinians in the diaspora by creating innovative ways and programmes to facilitate and encourage the use of the resources they can offer in the field of excellence and innovation;
- Defining national priorities in the field of creativity and innovation by collaborating with other competent institutions, both official and unofficial.

### **National register for the documentation of oral heritage**

264. The purpose of the register is to gather and document Palestinian oral heritage, with a particular focus on folk stories (*hikaye*), and to preserve that heritage, which risks being lost due to the ongoing disintegration of Palestinian communities in the Occupied Palestinian Territory and the diaspora and adulterated by developments in technology and communications. In this regard, the Ministry of Culture has, to date, collected numerous *hikaye* from across the Palestinian governorates after UNESCO included the Palestinian *hikaye* as part of the intangible cultural heritage of humankind. Some of the *hikaye* have been collected in a book entitled “*Law la salamak sabaqa kalamak*” and a new method of writing the *hikaye* has been developed that accurately reflects the dialects in which such stories are recounted.

### **Palestinian Heritage Day**

265. Palestinian Heritage Day is celebrated annually on 7 October with the involvement of a large number of cultural institutions and associations. Events are held at schools and universities in governorates across the Occupied Palestinian Territory and include various heritage-related programmes and activities organized in partnership with civil society institutions.

### **National Culture Day**

266. The State of Palestine celebrates its National Culture Day each year on 13 March. On that day, the Ministry of Culture holds an event at which the Palestinian people can rejoice in their cultural symbols and it seeks to increase cultural interaction in order to establish a national structure to promote cultural presence and identity. Activities are held throughout the Occupied Palestinian Territory, including Palestine refugee camps in the diaspora and some Palestinian towns and villages inside the Green Line.

### **Scientific and technological development in communications media**

267. The State of Palestine strives to promote cultural rights in parallel with advances in science and technology, particularly in the communications media, and it seeks to protect citizens from any infringement to their personal freedoms that might result from such advances. The State has taken a stance on this question that avoids any restriction of freedoms, particularly the freedom to opinion and expression. In that connection, the State of Palestine has incorporated a body of cultural rights, which it deems worthy of protection, into its national development plans, including the right of access to information and the right to individual privacy. Specifically, this covers:

- Individual privacy in the circulation of information;
- The right to access and use services without discrimination;
- The rights of persons with disabilities and persons in marginalized areas;
- Freedom of access to information.

268. Israel, the occupying power, holds a hegemony over frequency allocations in the Occupied Palestinian Territory, including telephone, radio, television and satellite broadcasting frequencies, mobile phone bandwidths and international telecommunications channels. The occupying State also requires Palestinian telecommunications companies to use Israeli networks to reach abroad, which imposes a heavy financial burden on those companies to purchase licenses and strengthen networks in “Area C”. All this affects individuals and their full enjoyment of cultural rights and access to information. Moreover, people are concerned that the occupying authorities are exploiting their dominance of the communications media to keep the Palestinian people under surveillance and monitor their private information.

### **Cultural rights of minorities**

269. The cultural rights of minorities in the State of Palestine are not excluded from the principles applicable to cultural rights in general under the Palestinian legal system, as per the tenets enshrined in the Declaration of Independence and the Palestinian Basic Law. Indeed – in line with a multiculturalism based on non-discrimination among Palestinians for any reason, including race, gender and religion – the minority cultural component is considered to be an integral part of Palestinian culture as a whole.

270. Palestinians from various ethnic groups (Syriac, Armenian, African and Samaritan) enrich Palestinian culture by exercising their right to participate in cultural activities such as scouting movements, cultural associations, libraries, museums, sporting events and special schools which, in addition to the regular curriculum, teach languages such as Syriac, Armenian and Samaritan.

### **Cultural rights and persons with disabilities**

271. Under the Palestinian Labour Code and Decree No. 45 of 2005 of the Council of Ministers, all governmental and non-governmental institutions are required to ensure that 5 per cent of their workforce is made up of persons with a disability. This provision also applies to cultural associations of all kinds. Positive measures towards promoting the cultural rights of persons with disabilities are still relatively limited in the State of Palestine, although the Palestinian Government has made a number of attempts in that regard. These include providing financial and moral support to groups of creative persons all of whom are blind, printing children’s stories in Braille, distributing audiobooks and improving access to cultural institutions and events for persons with disabilities.

### **Women and cultural life**

272. The Palestinian legal system envisages complete equality between men and women vis-à-vis cultural rights, in line with principles enshrined in the Palestinian Declaration of Independence and the Basic Law. However, the practical reality is that, thanks to certain factors rooted in families and local communities, some groups refuse to contemplate the creation of theatres or reject the idea that men and women can appear on stage together. In

this connection, advances have been made in some regions while in other regions matters remain unchanged. The increased involvement of women in education in recent years has enhanced their access to cultural life, chiefly through educational institutions, empowering them and enhancing their capacity, not merely as spectators but as active participants in cultural life.

### **The occupation and cultural rights**

273. The practices of the Israeli occupation of the territory of the State of Palestine affect the cultural rights of Palestinians, directly and indirectly. Direct effects include the denigration of Palestinian national culture by the occupying authorities and hostility towards the Palestinian curriculum for its adherence to the historical narrative of the Palestinian people, their forced displacement and the denial of their cultural development. This is in addition to the demonization of the Palestine national liberation movement. Such practices also include the closure of theatres and cultural institutions such as the El-Hakawati Theatre in Jerusalem, which has been repeatedly closed by the occupying authorities.

274. Indirect impacts arise from the general effect of occupation practices on the cultural rights of Palestinians. The widespread displacement, which the Palestinian people have suffered since 1948 and which is constantly renewed, has contributed to rapid and radical changes in Palestinian society, which in turn undermines national cultural identity. In addition to this, practices such as the displacement and arbitrary detention of thousands of Palestinians deprives people of an environment conducive to creativity, in culture and in other areas. Arbitrary detention, which is often carried out in violation of the right to freedom of opinion and expression, leaves many Palestinian literary and artistic figures fearful of arrest for the work they do. In addition, the military checkpoints of the occupation, the racist separation wall and all the barriers put in place by the occupying State in pursuit of its illegal settlement policies hamper Palestinian access to exhibitions, theatres and other cultural forums.

Violations of cultural rights by the Israeli occupiers extend to Palestinian history and its material and intangible heritage. This includes the Judaization of Palestinian cities, particularly occupied Jerusalem, and the evacuation of Palestinian villages, which have been demolished without any regard for their cultural and historical value. Occupation policies seek to impose an artificial reality on Palestinian cities, particularly Jerusalem and Hebron, even going so far as to give streets and neighbourhoods Hebrew names and stealing the cultural patrimony of the Palestinian people and presenting as part of Israeli heritage, such as Palestinian embroidery and Palestinian traditional foods. This goes against UNESCO decrees that aim to safeguard the educational and cultural rights of the Palestinian people and to protect Palestinian heritage sites.

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