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Summary record of the 35th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 27 September 2023, at 10 a.m.

Chair: Ms. Crăciunean-Tatu

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of the State of Palestine (E/C.12/PSE/1; E/C.12/PSE/Q/1; E/C.12/PSE/RQ/1)

1. *At the invitation of the Chair, the delegation of the State of Palestine joined the meeting.*

2. **Mr. Awdala** (State of Palestine), introducing his country's initial report, said that the colonial Israeli occupation was the main impediment to the implementation of the Covenant and to the Palestinian people's enjoyment of their inalienable right to self-determination and to sovereignty over land and resources. The Palestinian Declaration of Independence, the Palestinian Basic Law, the decisions of the Palestinian National Council and the country's policies, national plans and national strategies all upheld the State's commitments to the Covenant.

3. The year of adoption of the Universal Declaration of Human Rights had coincided with the terrible ethnic cleansing of the Palestinian people as part of the Nakbah, a crime against humanity that had turned Palestinians into refugees and had led to a colonial project of forced displacement and the denial of the existence of the Palestinian people. Palestinians had been and continued to be deprived of the most basic human rights, particularly the right to life. Occupation was antithetical to and incompatible with human rights, and so the colonial occupation and apartheid regime of Israel needed to come to an end for Palestinians to exercise their rights, including those contained in the international treaties to which the State of Palestine was a party.

4. The preparation of the State's initial report had begun a process of reassessing compliance with human rights standards. Accomplishments in recent years included the publication of the Covenant in the Official Gazette, making it part of domestic law; the inscription of the art of embroidery in Palestine and related practices, skills, knowledge and rituals in the Representative List of the Intangible Cultural Heritage of Humanity in order to protect Palestinian culture from misappropriation by the occupying Power; and the development of numerous national strategic plans that were aligned with the 2030 Agenda for Sustainable Development. The Government had set up a national database for international instruments, bringing together all relevant reports, recommendations and concluding observations in order to disseminate information and increase awareness of the country's international obligations. It had also launched a national strategy to combat multidimensional poverty covering the period 2023–2030, making the State of Palestine the first Arab country to adopt that methodology, and had delivered an economic empowerment programme involving 90 projects, with a special focus on persons with disabilities.

5. The proportion of women elected to local councils had increased to 21 per cent, while women represented 23 per cent of members in the Central Council, 19 per cent of members in the Palestinian National Council, and 12 per cent of the Cabinet. Government and civil society bodies had drafted a bill on combating trafficking in persons that complied with international treaties; the bill was being considered by the Cabinet. The Government had worked with the International Labour Organization to revise its legislation on social security. A technical committee had been established to monitor the Israelization of education in Jerusalem and counter the occupying Power's vicious campaign to undermine the curriculum of the State of Palestine.

6. While the State of Palestine had abided by its legal obligations, that did not in any way exempt Israel from its own legal obligations and responsibilities as an occupying Power under international law, as the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory had stated.

7. Israel strived to undermine the Palestinian economy and had caused a decline in agriculture and manufacturing. Almost 37 per cent of Palestinian villages were dependent on agriculture as their main source of income, yet the wall constructed by Israel had left them with no source of income. Furthermore, Israel was stealing the equivalent of 600 million new shekels (NIS) in tax revenue, making it difficult for the State of Palestine to pay its employees, directly impacting economic, social and cultural rights. Between 2000 and 2020, the Palestinian economy had lost \$50 billion.

8. Poverty and food insecurity were on the rise due to the actions taken by Israel to prevent Palestinians from accessing international markets. An illegal siege had been in place in the Gaza Strip for more than 16 years, violating all the rights of Palestinians living there, particularly their rights to life and food security. According to a report by the United Nations Conference on Trade and Development, the economy of Gaza had lost \$16.5 billion.

9. Israel targeted and sought to silence and undermine the work of independent Palestinian civil society organizations defending human rights, in particular the right to self-determination. It had also introduced a vindictive law, considered null and void by the State of Palestine, that listed six leading human rights organizations as terrorist organizations, an act that had politicized terrorism and been condemned by the international community.

10. The end of the Israeli occupation must be the basis for implementing the rights of the Palestinian people, including the rights in the Covenant.

11. **Mr. Caunhye** (Country Rapporteur) said that the ongoing illegal Israeli occupation, which involved severe rights abuses, no doubt constituted a violation of the inalienable right of the Palestinian people to self-determination and to freely pursue their economic, social and cultural development. The situation was further compounded by the political and geographical fragmentation of the Palestinian territory. For the dialogue to be constructive, it should be focused on the actions taken by the State of Palestine to implement its obligations under the Covenant, independently of the acts and obligations of the occupying Power.

12. Welcoming the publication of the Covenant in the Official Gazette, he said that he wished to understand what concrete measures had been taken to ensure the primacy of Covenant rights over any national legislation in the light of decisions No. 4 and No. 5 of the Supreme Constitutional Court, which stated that those rights were subject to the national, religious and cultural identity of the Palestinian people. He also wished to know what measures were in place to provide effective legal remedies to protect the Covenant rights of Palestinians. He would be grateful if the delegation could indicate what measures were being taken to raise public awareness on the justiciability of Covenant rights. In the light of the cancellation of the 2021 elections, he wished to know what steps were being taken to hold legislative and presidential elections in the near future in order to ensure the proper functioning of the parliamentary and legislative processes and to make national laws compatible with the Covenant. He also wished to understand what legal and institutional frameworks were in place for the holding of free and fair elections.

13. He would appreciate information on the institutional framework for ensuring the independence of the judiciary and the security of tenure of judges and preventing undue interference or favouritism on the part of the executive branch in their appointment. He would also like to know what measures were in place for the specialized training of judges, lawyers and public officials on the application and enforcement of the Covenant rights and their justiciability. He would be grateful to receive examples of cases where Palestinian citizens had obtained remedial action in the courts to enforce their Covenant rights.

14. He was curious to know what the authorities had done to ensure the follow-up to and implementation of decisions and recommendations of the Independent Commission for Human Rights in relation to Covenant rights. He also wished to know what steps had been taken to allocate adequate financial, technical and other resources to the Commission to enable it to fully exercise its mandate.

15. He would appreciate more information on the steps taken to ensure the full participation of civil society organizations in the formulation and implementation of policies and projects for the realization of Covenant rights. In the light of recent reports of harassment and persecution of journalists, human rights defenders and representatives of civil society

organizations, including through the use of the Civil Society Organizations Act and laws on money-laundering and the financing of terrorism, he would be grateful for information on measures and mechanisms in place to prevent such harassment.

16. He would like to know what action was being taken to adopt comprehensive and appropriate anti-corruption legislation, auditing processes and codes of conduct for State officials, including ministers, involved in managing public resources and finances. He was curious to know what steps were being taken to ensure the independence, transparency and effective functioning of the Anti-Corruption Commission, the Anti-Corruption Court and the Public Prosecution Service. He would appreciate information on the impact and effectiveness of the national cross-sectoral strategy for integrity and anti-corruption (2020–2022) and on the legal and institutional framework for the protection of whistle-blowers and anti-corruption activists.

17. He would be interested to learn what measures had been taken and what progress had been achieved in the implementation of the national climate change adaptation plan; the plan for nationally determined contributions drafted in 2021; the 14 operational plans mentioned in the replies to the list of issues (E/C.12/PSE/RQ/1); and the State party's nationally determined contributions for reducing emissions under the Paris Agreement on climate change. He would also like to hear about the actions taken to assess the effects of climate change on the enjoyment of economic, social and cultural rights, in particular for vulnerable and disadvantaged groups. He would appreciate information about the measures taken to improve preparedness for, and the response to, natural disasters and to allocate adequate resources for disaster risk reduction.

18. He was curious about whether there were plans to develop a national action programme and legislation in respect of business and human rights. He would also appreciate information on the legislative, administrative and institutional measures in place to ensure that businesses applied human rights due diligence in all their operations, with a particular focus on economic, social and cultural rights. He would welcome information on the mechanisms in place to monitor and ensure compliance by businesses, to afford appropriate remedial action to victims of human rights abuses committed by businesses and to provide consumer protection against the practices of cartels and monopolies.

19. Could the delegation provide statistical data, disaggregated by age, sex and region, on the 36 per cent of the Palestinian population reportedly living below the poverty line? In each region, what proportion of the public budget and the percentage of the gross domestic product (GDP) was allocated to spending on social security, food, housing, health and education? Could the delegation outline the measures taken to eradicate poverty and its impacts and to increase financial assistance to disadvantaged individuals and groups, including households living in extreme poverty, older persons and persons with disabilities, who had been more seriously affected by recent austerity measures? What had been done to reduce dependence on foreign aid and to overcome the political divergence that hindered tax collection and, in turn, the mobilization of the maximum available resources to implement the Covenant?

20. What steps had been taken to enact comprehensive anti-discrimination legislation which would provide effective protection and remedial action against all forms of discrimination addressed by the Covenant, and in particular against acts of violence, harassment and stigmatization perpetrated against persons on the basis of their sexual orientation and gender identity and against persons with disabilities and members of the Bedouin community? What were the steps taken to provide training, awareness and educational programmes to tackle stereotypes and stigmatization of those groups?

21. What legal, institutional and administrative measures had the State party taken to ensure gender equality between men and women in the enjoyment of Covenant rights and to ensure that all women and girls were effectively protected in accordance with the recommendations of the Committee on the Elimination of Discrimination against Women? How did the State party plan to address the gender-differentiated impact of the conflict, especially in the Gaza Strip, and what were the measures in place for the effective protection of the Covenant rights of women and girls in that context? What measures had been taken and what progress had been achieved in reducing the gender wage gap in the labour market

and in promoting increased representation of women in decision-making positions in both the public and the private sectors?

22. **Mr. Awdala** said that the decision handed down by the Supreme Constitutional Court did not represent a reservation to the Covenant. The provisions of the Covenant had to be implemented directly in Palestinian law, and the State of Palestine remained fully committed to respecting that principle. The 2021 elections had not been cancelled; rather, they had been postponed until such time as they could be held in Jerusalem, with the refusal of the occupying Power to allow voting there being the main obstacle, particularly after former President Trump's illegal recognition of Jerusalem as the unified capital of Israel, in contravention of United Nations resolutions. The holding of elections was a political rather than a technical issue. The State of Palestine intended to hold the elections as soon as possible. Elections at all other levels and for all other institutions, including municipal elections, had taken place.

23. All Palestinian people and civil society organizations were suffering from the shortage of financial resources, as institutions' access to international aid was subject to unfair conditions, including the need to adopt the philosophy of the occupying Power.

24. **A representative of the State of Palestine** said that any citizen could lodge an appeal, including in relation to rights under the Covenant, with the Supreme Constitutional Court, the highest legal authority. The judiciary's structure and independence were set out in law, and there was no overlap between the different branches of government. Judges, some of whom specialized in particular areas of law, were appointed independently by the judiciary after they had completed training at a dedicated centre, and administrative authorities could not interfere in cases or rulings. The right to a fair trial was upheld.

25. **A representative of the State of Palestine** said that there was a significant deficit in the 2023 State budget that had been covered through credit, donations and arrears. State spending on health had amounted to 3.4 per cent of GDP, while spending on education had represented more than 5.1 per cent and spending on social security 4.1 per cent. In 2022, the State had been unable to provide all of the financial assistance to which poor and marginalized families were entitled because of the Israeli blockade on its income – NIS 102 million were currently being blocked each month – and because financial support from donors had fallen significantly. Income and business taxes were levied at rates of 5, 10 and 15 per cent, while the income of businesses that held monopolies was taxed at a rate of up to 20 per cent.

26. **A representative of the State of Palestine** said that the Anti-Corruption Commission worked with the Anti-Corruption Court and around 70 other public, private and civil society organizations to eradicate corruption. Legislation and working methods had been adopted to that end, along with a youth strategy. Another strategy aimed at women had been developed by civil society. Approximately 45,000 persons, including high-level officials, had received training on implementing anti-corruption codes of conduct in the private sector. Standardized internal monitoring methods had been implemented in all institutions, and legislation had been adopted that provided for protection for witnesses and whistle-blowers and limited the receipt of gifts by public officials, who were also required to declare any conflict of interest; a failure to do so was considered corruption. Nepotism, along with 12 other acts, had been criminalized in an anti-corruption law adopted in 2005. Unlike previous years, most of the 1,600 complaints received by the Anti-Corruption Commission in 2022 had been lodged by public institutions rather than private individuals.

27. **A representative of the State of Palestine** said that the Government had introduced a range of measures to meet its commitments under the United Nations Framework Convention on Climate Change and the Paris Agreement, including the establishment of a national climate change committee responsible for adopting and monitoring climate change strategies, programmes and legislation. The extent to which school curricula covered climate change had been reviewed, and a plan of action was consequently under development. Moreover, environmental issues and sustainable development had been incorporated into the education system. Waste management was regulated by specific legislation, and three projects were under way at the local level to ensure the environmentally friendly disposal of medical waste, with technical guidelines on that subject having been issued. Furthermore, as

part of a project in the Governorate of Janin, waste was used to provide clean energy. Solar energy powered several health-care facilities and State institutions.

28. **A representative of the State of Palestine** said that the Government took a comprehensive approach to poverty reduction, having adopted a strategy that promoted a range of rights and addressed prevention, protection, development and empowerment. Financial assistance for older persons and persons with disabilities had been introduced following a study of those groups. Rates of poverty were higher in Gaza than elsewhere in the State of Palestine. The national register maintained by the Ministry of Social Development provided information on all aspects of deprivation and facilitated the provision of health care to all of the Ministry's beneficiaries. The Palestinian National Economic Empowerment Institution provided assistance for small businesses and projects run by persons with disabilities and women, while around 180,000 persons received food assistance. The authorities aimed to optimize the use of resources in their efforts to reduce poverty. A special fund had been established to mitigate the effects of the coronavirus disease (COVID-19) pandemic, and cooperation with the European Union and civil society had been improved.

29. **Mr. Fiorio Vaesken** said that it would be useful to know whether the State party had incorporated the Rome Statute of the International Criminal Court into its legislation, whether it planned to sign or ratify the International Convention for the Protection of All Persons from Enforced Disappearance and whether the mechanisms in place to implement the recommendations made by treaty bodies also applied to those made by special procedure mandate holders, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

30. **Mr. Abdel-Moneim** said that although the Covenant required States parties to take steps to realize the rights recognized therein to the maximum of their available resources, it was important to remember that the Government of the State of Palestine did not have complete control of its resources.

31. **Mr. Hennebel** (Country Task Force) said that he would like to hear the delegation's comments on alleged politically motivated arrests and prosecutions and violations of the right to a fair trial; the apparent lack of independence of the Supreme Judicial Council, which seemed to be under the control of the executive branch; and the reported use of provisions of the Criminal Code to silence human rights defenders, journalists and human rights lawyers. He also wished to know what specific steps had been taken to mitigate the negative consequences of austerity measures on the enjoyment of economic, social and cultural rights.

32. **Mr. Windfuhr** said that it would be useful to know how much funding was required to tackle poverty in the State party, how much could be provided by the State, how big the shortfall was and how it affected individuals. He would also like to know how the Government planned to address the shortfall and how funds could be raised, both domestically and from the international community. He would also welcome details of how decisions were made on the distribution of available resources between the Gaza Strip and elsewhere in the State party.

33. **Mr. Amarti** said that he wondered whether the right to challenge the constitutionality of laws, especially those that ran counter to the provisions of the Covenant, was guaranteed, and what role national courts played in upholding economic, social and cultural rights. He wished to know why the level of international financial support had fallen by 25 per cent, how that reduction had impacted the State party's ability to safeguard the rights to education, health, housing, food and social protection in accordance with the Covenant, and which of those rights the State party regarded as a priority.

34. **Ms. Rossi** said that she would appreciate further information about the tax system, including whether it was a progressive or regressive system and whether taxes were imposed directly on wealth and income or indirectly on consumption. She would be interested to learn what the percentage of foreign debt was in relation to GDP and how the debt burden and the conditions attached to loans restricted the State party's ability to comply with its obligations under the Covenant. She wondered whether the State party had requested support from the Special Climate Change Fund for mitigation and adaptation and, if so, whether it had received subsidies or credit of any kind.

35. **Mr. Awdala** (State of Palestine) said that his country was a party to the Rome Statute of the International Criminal Court, which had been incorporated into national law and published in the Official Gazette. Owing to discrimination against his country and a veto by the United States of America, the State of Palestine was not a member of the United Nations. The country would endeavour to ratify the International Convention for the Protection of All Persons from Enforced Disappearance once it had attained full membership. The reduction in funding had affected international organizations that were supporting the Palestinian people, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was unable to provide services to refugees because of a shortage of resources.

36. **A representative of the State of Palestine** said that all citizens, regardless of sex, ethnic origin, language and disability, had the right to employment, housing, health, education and justice. The Ministry for Women's Affairs and various local bodies were responsible for combating discrimination, and a national commission had been established to ensure that the national budget was gender-sensitive. Following a decision by the Prime Minister, gender units had been set up within national institutions and training had been provided to the advisory council for the security sector.

37. A national action plan for the period 2020–2030 had been developed to enhance women's participation in politics, and a gender equality plan would be published in the near future. In the national budget, around \$1 million had been set aside for the implementation of Security Council resolution 1325 (2000) on women and peace and security and \$200,000 had been allocated to women's empowerment initiatives. Funds had also been earmarked to ensure that the budget was gender-sensitive. A specialized body of public officials had been set up to implement strategic plans for women's empowerment.

38. The State of Palestine had incorporated the provisions of the Covenant into domestic law. Ill-treatment, abuse and harassment in the workplace were prohibited in both the public and private sectors, and senior public officials who committed such offences did not have immunity. Laws had been passed to ensure equal inheritance rights between men and women, and legal assistance was provided to enforce those rights if required. Incitement to racial hatred and similar offences committed over the Internet were criminalized.

39. Human rights defenders were involved in the implementation of general government policies and strategies. They enjoyed the same rights as all Palestinian citizens and were entitled to lodge court appeals and receive legal aid.

40. **Mr. Awdala** (State of Palestine) said that the Legislative Harmonization Committee had provided training to the national team monitoring the implementation of the Covenant, and the Ministry of Foreign Affairs and Emigrants followed its work closely. The Palestinian authorities took the recommendations and comments of all special procedure mandate holders into account.

41. **A representative of the State of Palestine** said that the Attorney General was a member of the Supreme Judicial Council and his or her appointment was approved by the President, who did not interfere in the appointment process. The Supreme Judicial Council comprised competent and experienced judges and was presided over by an appeals court judge. The executive branch was prohibited by law, including through decrees issued by the Head of State, from interfering in judicial affairs.

42. Clear laws were in place to guarantee the right to due process. The Public Prosecution Service upheld people's rights and freedoms and adopted a range of measures to counter violations of the human rights of all persons on Palestinian soil, including journalists and lawyers. Prosecutors inspected all places of detention where there had been allegations of unlawful arrests or enforced disappearance, and an inspection department registered complaints and carried out investigations. In cases of human rights violations, legal assistance was provided according to the needs of the person in question. A lawyer was appointed and all procedural safeguards provided for by law were respected. Specialized bodies, which worked in cooperation with civil society organizations, liaised with the judicial authorities to ensure that the rights of suspects were upheld. They reported any instances of abuse, which were investigated in accordance with the law. All citizens were entitled to lodge

appeals with the Constitutional Court and to representation by counsel. The Court played a key role in protecting the economic, social and cultural rights of the Palestinian people.

43. **A representative of the State of Palestine** said that in the Gaza Strip, government expenditure was \$136 million per month. In the State of Palestine, 35 per cent of government revenue came from domestic taxation and the remaining 65 per cent came from the occupying Power. Under the Protocol on Economic Relations between the Government of the State of Israel and the Palestine Liberation Organization, Israel charged handling fees of 3 per cent. The tax revenues of the State of Palestine had more than quadrupled since the Protocol had been signed, and the fees paid to the Israeli tax authorities had covered around a third of their budget in 2019. That same year, the Israeli Knesset had passed a law, as a punitive measure, under which Israel would deduct all funds paid by the Palestinian authorities to the families of the country's martyrs. The amount deducted exceeded NIS 100 million per month, which was the equivalent of the budget deficit of the State of Palestine. The amount of any bills that went unpaid, such as those issued by Israeli electricity companies, was also deducted.

44. The Palestinian authorities imposed direct taxes on income, which rose with earnings, and indirect taxes, in the form of value added tax (VAT) and customs duties. Under the Paris Protocol on Economic Relations, the Palestinian rate of VAT must not diverge from the Israeli rate by more than two percentage points.

45. **Ms. Saran** (Country Task Force) said that she wished to know what legislative and other measures the State party had taken to enhance cooperation with external development partners in developing technology and skills and providing training, vocational guidance, project assistance and budgetary support in order to boost employment opportunities. She wondered whether the State party had introduced any specific measures to address the structural causes of unemployment; whether there was any plan to revisit vocational and university programmes to ensure that they were aligned with current labour market needs; what steps had been taken to monitor the labour market using statistical indicators and data; and what role labour inspectors played. She would be interested to hear what measures had been adopted to address the challenges related to the right to work, unemployment and just and favourable conditions of work that had emerged since the outbreak of the COVID-19 pandemic; what the outcome of those measures had been; what steps the State party had taken to protect the rights of the most disadvantaged workers, particularly those living in rural areas; and what progress had been made in gender and disability mainstreaming. She wondered to what extent the principle of equal pay without discrimination based on gender and disability was applied in practice; what steps had been taken to improve women's representation in decision-making positions in State institutions; why the number of health-care workers had declined; and what efforts the State party had made to address that decline.

46. She would be pleased to learn what recent measures had been introduced to increase the minimum wage for workers and ensure that wages were in line with the provisions of the Covenant; how the State party ensured fair wages, an adequate standard of living and accountability for those who disregarded employees' rights; and what steps had been taken to enforce the minimum wage in the West Bank and the Gaza Strip and to apply the minimum wage to all workers. She wondered whether the State party worked with the relevant authorities to protect the rights of Palestinian workers in Israel, Israeli settlements and other countries in the region to just and favourable conditions of work, and whether there were any plans to increase employment opportunities for women in the agricultural sector. She would appreciate further information about the steps taken to ensure access to justice for women in the agricultural sector who had been victims of harassment and to improve inspection policies and practices. Given the recent rise in the number of children engaging in hazardous work, she would be interested to hear what progress had been made in tackling the worst forms of child labour, such as forced labour, work in construction and street vending, throughout the Occupied Palestinian Territory, including East Jerusalem.

47. She wished to know what steps the State party had taken to ensure the full realization of the right to strike under article 8 of the Covenant, especially in view of the postponement of elections for trade unions and similar organizations in 2021; what the current status was of the trade unions bill that had been pending since 2019; whether the State party intended to review its decision to dissolve the Union of Public Employees; and what measures had been

adopted to enforce labour laws and regulations in the Gaza Strip. It was unclear whether striking teachers in Gaza had been paid their salaries. She wondered what time frame was envisaged for the adoption of a social security law that complied with international standards and principles to ensure that beneficiaries, workers and persons belonging to the most disadvantaged and marginalized groups enjoyed all their rights and were guaranteed a decent standard of living. Lastly, it would be helpful to know what steps were being taken to reduce borrowing from public pension funds.

48. **Mr. Awdala** (State of Palestine) said that, owing to the political division between the Gaza Strip and the West Bank, the legitimate Government of the State of Palestine was unable to fulfil its legal duties in the Gaza Strip, which explained the high levels of unemployment there. However, that did not prevent the Government from providing all necessary assistance and allocating a significant portion of the national budget to social development in Gaza.

49. **A representative of the State of Palestine** said that, in the public sector, the quota stipulating that 5 per cent of the workforce should be made up of persons with disabilities was fully observed, and there were plans to increase the quota to 6 per cent. To ensure observance in the private sector, labour inspectors had increased in number to 105, had conducted 14,000 visits in 2021 and had imposed 800 fines for non-compliance in 2022. However, no sanctions for non-compliance were set out in the draft criminal code.

50. The wage committee, established under the Palestinian Labour Code (Act No. 7 of 2000) to set the minimum wage, addressed the support needed by vulnerable sectors, such as the agricultural sector, to meet minimum wage requirements, particularly in the Gaza Strip, where adherence to those requirements was much lower than in the West Bank. The draft amendment to the Labour Code would guarantee the rights of domestic workers and allow labour inspectors to carry out visits and issue fines to ensure that remote workers, flexible workers, domestic workers and agricultural workers received the minimum wage.

51. The proportion of women in the workforce had increased from 17 per cent in 2020 to 19 per cent in 2022, and women held 49 per cent of posts in the public sector. The principle of non-discrimination was integral to the draft amendment to the Labour Code, and government decisions had been issued to ensure strict implementation of salary scales. Labour inspectors had received training from the International Labour Organization, and the Ministry of Labour was now part of a national observatory for the elimination of all forms of discrimination.

52. Decree-Law No. 11 of 2017 guaranteed that the provisions of article 67 of the Labour Code, enshrining the right to strike, applied to civil servants, with some exceptions, including for law enforcement agencies and health-care professionals. The Supreme Court of Justice provided oversight to ensure compliance with the Decree-Law by all relevant public entities.

53. The results of consultations on the draft amendment to Social Security Decree-Law No. 6 of 2016 were currently being compiled for their incorporation into the bill, which would be adopted in the coming months. Although Palestinian legislation criminalized and sanctioned child labour for children under 15 years of age and restricted the work that could be done by children aged 15 and above, the occupying Power allowed children to work in farms in the Jordan Valley; eight Palestinian children had died while travelling to work there. The annual report of the International Labour Organization on the situation of Palestinian workers in Israel set out the losses incurred by the Palestinian economy as a result of violations of those workers' rights; for example, the commission charged by Israel on labour permits amounted to NIS 1.2 billion each year.

54. Although no official statistics about harassment in the workplace were available, the new Labour Code would define the offence and establish sanctions for it. Legislation was in place to define and criminalize sexual harassment, and the offence would also be addressed under a family protection bill, which was currently under consideration by the Government.

55. The Union of Public Employees had been dissolved because it had failed to comply with requirements for legal entities. It had since been reconstituted, but without substantive changes to its organization, and had violated rules governing the calling of strikes. The Union was therefore required to submit a request to regularize its situation and was seeking a decision on the issue from the Supreme Judicial Council. Although two versions of the trade

unions bill had been signed by the three parties involved in its production process, on both occasions the parties had later withdrawn their signatures, and the bill had not been adopted. The new Labour Code would include provisions for the organization of trade unions.

56. **A representative of the State of Palestine** said that efforts to formalize the informal economy had centred on small and medium-sized enterprises, which made up 99 per cent of all Palestinian businesses. Decree-Law No. 42 of 2021 on companies incentivized the electronic registration of businesses and, in 2022, the number of registered businesses had increased by 17 per cent, and the capital value of those businesses had increased by 100 per cent. The authorities had begun classifying small and medium-sized enterprises according to their capital value and number of employees. In the e-commerce sector, which had seen huge growth, 90 per cent of workers were women, largely because they could work from home.

57. **A representative of the State of Palestine** said that the unemployment rate was over 45 per cent in the Gaza Strip and 14 per cent in the West Bank, with the highest levels in refugee camps. The rate was 37 per cent among women and girls and 40 per cent among Palestinian refugees. The informal sector, which constituted 22 per cent of the GDP, was worth NIS 3.7 billion and was concentrated among young entrepreneurs who used modern technology to export their products.

58. Private sector wages in Israel exceeded those in the State of Palestine, leading many workers to seek employment in Israeli settlements. No such wage disparity existed in the public sector. The average monthly income was NIS 4,000 for men and NIS 2,000 for women.

59. **A representative of the State of Palestine** said that the higher education sector now included public, semi-public and private universities, and grants and scholarships, funded by internal and external donors, were available through an application portal. The Ministry of Labour and the Ministry of Education planned to establish a national institute for technical and vocational education and to reassess the regulations governing such education so as to break down stereotypes regarding technical and vocational training and to provide opportunities for young people. Striking teachers in the Gaza Strip had continued to receive wages, and all projects financed by the Ministry of Education in the area had continued to benefit students.

60. **A representative of the State of Palestine** said that statistical data were used to ensure that international aid from the World Bank and the European Union was used effectively, and financial audits of that aid were conducted. A national commission bringing together the Ministry of Social Development, the Public Prosecutor, the Ministry of Justice and the Ministry of Labour conducted inspections to identify and address cases of child labour, and shelters were available for children in street situations. To tackle the root causes of child labour, studies were conducted on the situation of families and awareness-raising campaigns were carried out for at-risk families and children.

61. **A representative of the State of Palestine** said that the Green Climate Fund had provided \$23 million for projects addressing health and water issues, including a \$500,000 project to combat COVID-19.

62. **Mr. Awdala** (State of Palestine) said that the United States of America, which presided over the Green Climate Fund, had unlawfully rejected the application of the State of Palestine to accede to the Fund, thus preventing the State from receiving aid.

63. **Mr. Hennebel** said that he wished to know whether the State party planned to ratify the Optional Protocol and to accept the inquiry procedure or inter-State communications procedure set out therein. He wondered what measures had been taken to eliminate harmful practices affecting women, to protect women within civil marriages and to ensure equality between men and women, including by repealing discriminatory legal provisions regarding personal status in the context of marriage, divorce and inheritance. He wished to know what measures had been taken to guarantee that marriage was fully consensual, to guarantee the rights of women in cases of divorce and to abolish guardianship practices whereby women required their husband's permission to work outside of the home. He would like to know what steps had been taken to prohibit polygamy. He wished to know what measures were in place to tackle gender-based violence, including domestic violence, whether statistics were

available regarding the issue, and whether steps had been taken to investigate and punish perpetrators of gender-based violence, especially honour crimes. He wondered whether marital rape was included in the definition of rape set out in the draft criminal code, and, if so, what sanctions were envisaged for the offence.

64. He wished to know what specific measures and strategies had been introduced to tackle poverty. He wondered how the State party guaranteed access to affordable food, drinking water, housing and other basic needs and addressed food and water security in the West Bank and the Gaza Strip. He was interested to know what policies and measures were in place to guarantee economic, social and cultural rights, particularly the right to an adequate standard of living, in refugee camps in the State party. He wished to know whether there were plans to rebuild houses that had been destroyed during military attacks and to improve access to water and electricity, particularly in areas affected by such attacks.

65. He wondered what strategies were in place to improve access to health care and the quality of specialized medical care, particularly prenatal and postnatal care. He wished to know what steps had been taken to address shortages of medicine and medical equipment, to build the capacity of medical staff, to pay doctors fairly, to improve the effectiveness of medical equipment, to guarantee the availability of medicine and to strengthen medical infrastructure. He was eager to learn how health-care services, particularly local clinics, maternity wards and urgent care facilities, had been made available in areas of the Gaza Strip affected by hostilities and the Israeli blockade. He wished to know whether the State party planned to decriminalize abortion in all cases and to permit abortion in cases of rape, incest, risk to physical or mental health or serious fetal malformation, and how many women and girls had been detained and prosecuted for having an abortion. He was keen to learn how the State party guaranteed that young persons, particularly those living in rural areas, could obtain access to sexual and reproductive health services and information and modern contraceptive methods. He wondered what budget had been allocated to health insurance and what steps had been taken to ensure access to health-care services, including health insurance, for persons with disabilities, particularly women with disabilities, and all other marginalized groups.

66. He was interested to know what steps had been taken to provide rehabilitation services, psychological support and medical care to children, in particular those who had been victims of violence or military hostilities. He wondered whether there were plans to increase human, technical and financial resources to guarantee the physical and mental well-being and food security of refugee and displaced children and to facilitate the professional reintegration of their parents.

The meeting rose at 1 p.m.