



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Seventy-fourth session

### Summary record of the 37th meeting\*

Held at the Palais Wilson, Geneva, on Thursday, 28 September 2023, at 10 a.m.

Chair: Ms. Crăciunecan-Tatu

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Consideration of reports (*continued*)

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

*Initial periodic report of the State of Palestine (continued)*

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\* No summary record was issued for the 36th meeting.

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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 periodic report of the State of Palestine (continued) (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. Hennebel** (Country Task Force) said that he would like to hear the delegation's comments on reports that teachers had suffered reprisals for their trade union activities, including transfers to undesirable posts, and specifically in relation to reports that several teachers in the West Bank had been questioned and their places of work changed after participating in a strike.

3. **Mr. Awdala** (State of Palestine), resuming his delegation's replies to the questions raised at the previous meeting (E/C.12/2023/SR.35), said that the fall in international aid was due mainly to pressure on the Palestinian people and leaders to accept conditions that undermined their rights. Although there was international support for the reconstruction of areas destroyed by the occupying forces, Israel was hindering the entry of the necessary materials into the Gaza Strip – and profiting from high taxes on them – as well as destroying projects funded by international donors in marginalized areas of the West Bank.

4. With regard to the reported reprisals against teachers, it would be unacceptable for the State to engage in such action against its own citizens systematically; any such violations or abuse were isolated incidents.

5. **A representative of the State of Palestine** said that some teachers were transferred to other posts at the end of each academic year depending on needs, because of funding shortages or at a teacher's own request. The number of teachers who had been transferred had fallen between 2022 and 2023 to around 4,500, far below the 25,000 who had participated in the strike. Teachers could lodge appeals against transfer decisions with a committee within the Ministry of Education, and most of the teachers who had been dismissed after refusing a transfer – a measure provided for in law – had failed to engage with that committee. Nevertheless, teachers could be reinstated if they agreed to the transfer. The Ministry of Education protected teachers' rights and provided compensation in cases of arbitrary decisions or abuse.

6. **A representative of the State of Palestine** said that the data gathered during a poverty mapping exercise had been disaggregated by age, gender and other variables and were available in an interactive map on the website of the Palestinian Central Bureau of Statistics. Statistics were drawn from national registers, and indicators linked to the Sustainable Development Goals were monitored efficiently. The resources available to strengthen the Palestinian economy included the country's young, highly literate population and a number of emerging economic sectors, such as tourism and information and communications technology.

7. **A representative of the State of Palestine** said that internal and external debt represented 80 per cent of gross domestic product, and foreign aid had fallen by 80 per cent since 2013. The financial challenges facing the State included the exclusion of Palestinians from much of Area C, which prevented them from benefiting from reconstruction efforts there; the requirement imposed by the Israeli Government on Palestinian companies to register with an electronic value added tax system which did not apply to all Israeli companies; and unilateral financial decisions by the Israeli authorities, such as the removal of tax on mineral water, which had caused a significant fall in the Palestinian Government's tax revenue.

8. **A representative of the State of Palestine** said that decent living conditions were promoted through regular assistance for 110,000 households and financial assistance for 185,000 individuals. Households that received cash transfers were also exempt from school

fees and benefited from subsidized health insurance. Additional assistance, such as the distribution of food, was provided during religious festivals. Children, older adults, women and persons with disabilities had access to shelters and psychosocial care. Persons with disabilities received vocational training, and their rights were guaranteed. A national social register had been created and the details of 135,000 families updated.

9. **A representative of the State of Palestine** said that although the Ministry of Health placed great importance on continuous, high-quality health services, efforts in that area were hampered by the actions of the Israeli Government, which, for example, stole funds owed to the Palestinian authorities, thus preventing the recruitment of sufficient health-care professionals. Health-care facilities and ambulances were regularly attacked by the occupying forces. Nevertheless, free health care had been extended to all children up to the age of 6 years, and prenatal care had been strengthened, including through the establishment of a home visiting service. A national commission to monitor early childhood development had been established, and improvements to maternal care had helped to reduce infant mortality significantly. A law providing for free medical insurance for persons with disabilities had been adopted.

10. Abortion was permitted under medical supervision in the first two months of pregnancy in certain circumstances, for example in cases of incest or rape, or to save a pregnant woman's life. The courts had not heard any cases involving illegal abortion. The list of drugs provided free of charge had been updated and now contained 645 medications, and the inclusion of drugs and vaccines used to combat coronavirus disease (COVID-19) had been expedited.

11. **A representative of the State of Palestine** said that Israel occupied 62 per cent of the West Bank and controlled 85 per cent of the State's water sources, making development impossible. In the wake of the COVID-19 pandemic and the conflict in Ukraine, work to protect consumers and strengthen food security had included measures to guarantee flour and wheat supplies, such as the construction of wheat silos and monitoring to prevent price surges; around 5,000 inspections had taken place and 1,400 contraventions detected. Fines had consequently been issued to 40 businesses, and 237 business owners had been prosecuted. Shareholders' rights were protected in the new Companies Act, and they could lodge complaints with specialized courts.

12. Thanks to the adoption of legislation to promote women's representation on company administrative boards, they now represented one third of board members, and international standards had been adopted to strengthen their leadership in the private sector. Women's economic participation, including as leaders of new businesses, had risen by 18 per cent. Cognizant of the need to address monopolies, the Government had submitted draft legislation on competition and patents to the President.

13. **A representative of the State of Palestine** said that economic crime was dealt with by a specialized court that undertook investigations and had processed almost 1,300 cases in 2022, 86 per cent of which had been closed. Economic crime was also tackled through legislation on money-laundering and terrorism. Under a recently adopted law on torture, which contained a definition of the offence that aligned with international instruments, any person working in the State of Palestine who committed torture or ill-treatment against a Palestinian citizen was prosecuted.

14. Although the family protection bill had yet to be adopted, there were strict legal provisions in place to protect women from violence. Indeed, almost 1,500 women had received protection in 2022, although there were difficulties in reaching women in areas under Israeli control. Sexual harassment was criminalized, including in the workplace and public institutions. While the courts had not heard any cases of sexual harassment, there were plans, strategies and laws in place to address the problem, including legislation on cyberexploitation. Although rates of violence against women had fallen, more work was required to reduce them further still. Rates of early marriage, however, had decreased significantly.

15. **A representative of the State of Palestine** said that while violence against women by the occupying forces was on the rise, violence against them within the Palestinian community was decreasing thanks to the establishment of several mechanisms, including a

national committee against violence against women, the adoption of plans and projects, for example a national anti-violence project, and the allocation of financial resources. Other measures included training for police officers; the establishment of a free hotline for lodging complaints of violence, which could also be made via family protection units and government ministries; a legal assistance project; and protection, rehabilitation and integration services. A system had been set up to refer women victims of violence to one of three shelters, and they received professional opportunities and training. The Ministry of Women's Affairs had received around 100 complaints of violence against women between 2020 and June 2023, while the family courts had dealt with around 1,500 cases between 2020 and 2022.

16. Videos on the subject of violence and sexual violence against women in public and private spaces had been disseminated, and a special monitoring unit had been established to detect violence against women by the occupying forces. A national commission that addressed such violence had been set up, and victims had received legal aid. To lessen the impact of the occupation, financial assistance had been provided to around 33,000 families in the West Bank and 73,000 in Gaza, with particular attention paid to households headed by women. Women working in settlements had also received assistance.

17. **Mr. Hennebel** said that he wished to know whether the State party had any plans to decriminalize abortion or to give women the effective right to abortion for specific medical reasons. He would appreciate further information about the adoption process of the family protection bill and why it had been suspended, and clarification of the figures cited by the State party concerning measures to protect women from violence. He wondered whether police officers were trained on how to treat female victims of sexual violence and whether there were ad hoc support mechanisms in place.

18. He would welcome more specific details on the measures taken to reduce disparities between the West Bank, including East Jerusalem, and the Gaza Strip in terms of access to public health-care services, and to streamline the health insurance system, which were governed by different legal frameworks. He wondered whether, under the value added tax (VAT) bill, different rates of VAT would be applied to goods such as staple foods in order to ensure that individuals and families on low incomes were able to afford basic necessities. He wished to know what specific measures had been taken to provide compensation for the destruction of farms and how victims could claim such compensation.

19. **Ms. Lee** said that she would appreciate information about the legislative or administrative measures taken to guarantee the right to adequate housing and to protect people from forced eviction.

20. **Mr. Fiorio Vaesken** asked whether the legislative framework for the protection of women included physical, psychological and economic protection.

21. **A representative of the State of Palestine** said that abortion procedures were handled in strict confidentiality and a technical committee had been established to investigate the situation of and provide care to women wishing to undergo the procedure. No woman had been prosecuted for having an abortion; on the contrary, those women were placed in shelters and given the necessary care. Women who, for medical reasons, could not undergo an abortion were placed under medical supervision until they gave birth.

22. A national committee comprising all relevant stakeholders had been set up to ensure that all sectors of the Palestinian population had mandatory comprehensive health insurance. The Ministry of Health was working on improvements to the health insurance system.

23. **A representative of the State of Palestine** said that staff working for specialized bodies for the protection of women and children received appropriate training. The Palestinian police had recently undergone a training course, which had covered lessons learned and experiences from other countries, on handling cases involving women and children, especially domestic violence cases. The absence of a specific law did not mean that there were legislative gaps in terms of family protection; the Palestinian authorities had been working on protection strategies and action plans since 2000. A national network had been established in cooperation with civil society to provide protection for women who had been victims of physical, psychological and other forms of violence. The number of cases of violence had decreased as a result.

24. Ad hoc entities received complaints of violence or abuse and referred them to the relevant authorities, such as the specialized branch of the Public Prosecution Service that dealt with family matters. Cases were investigated and any risks were identified swiftly. All perpetrators of violence were prosecuted, and victims were provided with psychological and financial support. Victims were not returned home until the authorities were completely satisfied that they were no longer at risk, and their identities were kept confidential by law. The police were well trained and handled violence cases with the utmost professionalism.

25. The right of all citizens to lodge a complaint with or bring a lawsuit to the relevant court was guaranteed, and their right to claim compensation from the State was enshrined in the Basic Law. A register was kept of such claims. The State of Palestine cooperated at the international level with organizations such as the International Criminal Police Organization (INTERPOL), and Palestinian citizens living outside the country could seek compensation and redress through international legal cooperation mechanisms.

26. **Mr. Awdala** (State of Palestine) said that the Government was making every effort to translate the provisions of the Covenant into measures and actions on the ground. The Government, in partnership with non-governmental organizations (NGOs), provided ongoing human rights training to the police and other law enforcement officials. The authorities in the Gaza Strip were outside the control of the Palestinian Government and had engaged in acts of abuse against citizens. The Government was working on building national unity in order to fulfil its obligations under the Covenant and protect the rights of the Palestinian people. While the occupying Power was responsible for destroying farms, compensation was provided by the Government of the State of Palestine.

27. **A representative of the State of Palestine** said that a 16 per cent rate of VAT was imposed on all local goods and services and was paid by the end consumer. The Ministry of Social Development provided in-kind assistance in the form of wheat, sugar and other staples to families on low incomes through the World Food Programme and other relief agencies. A fund for agricultural disasters and an agricultural loans programme provided compensation for farmers in case of natural disasters. Farmers could also reclaim VAT through those funds since agricultural products were exempt from that tax.

28. **A representative of the State of Palestine** said that the law regulating the Agricultural Risk Prevention and Insurance Fund established the procedure whereby farmers could make a compensation claim.

29. The occupying Power disposed of waste, including hazardous and industrial waste, close to Palestinian residential areas. In the few cases where Palestinian people had been evicted by other Palestinians, the eviction procedure had been conducted in accordance with the law and had not been arbitrary.

30. **A representative of the State of Palestine** said that observations and opinions on the family protection bill had been received, and a final version was currently undergoing consultation. The legislative process had been meticulous given the sensitive nature of the topic.

31. Whenever police received a complaint concerning gender-based violence, the case was referred to the relevant department for examination by properly trained staff who developed an early intervention plan. Where appropriate, the victim was transferred to a shelter, in cooperation with women's protection organizations, prosecutors specializing in family matters and the police department.

32. **Mr. Shen** (Country Task Force) said that he wished to know what steps had been or would be taken by the State party to fulfil its obligations under articles 13, 14 and 15 of the Covenant, in view of the challenges it faced as a result of the foreign occupation and internal political division; to improve conditions in schools, make them more accessible and provide appropriate sanitary facilities; to combat bullying and ensure students' safety on their way to school; and to ensure the right to education of students whose schools had been demolished or damaged. It would be useful to hear about the steps the State party had taken to enable those students to continue their education if it was not in a position to rebuild such schools. He would appreciate further information regarding the review of the school curriculum and the establishment of vocational education institutions, and the outcome of those measures. It

would be interesting to hear the State party's views on reports of violations of academic freedom in universities.

33. He wondered to what extent it was true that events in support of, or believed to be in support of, lesbian, gay, bisexual, transgender and intersex persons had been the object of incitement to violence and hate speech, including by religious and political figures, and that the police had failed to provide appropriate protection in such cases. He would be interested to learn what measures had been taken by the State party to punish the perpetrators of such acts, address the reasons for the police officers' inaction and combat cultural intolerance in general.

34. With regard to the right to science, he wished to know whether the Government had a strategy to promote use of the Internet and digital technologies among the population in general and among teachers and students in particular, and whether there were any laws or other legal instruments to protect the privacy of Internet users and regulate the operations of telecommunications companies.

35. **Mr. Awdala** (State of Palestine) said that the Government worked with civil society to safeguard the right to education of the Palestinian population and made every effort to rebuild schools that had been demolished by the Israeli occupiers.

36. **A representative of the State of Palestine** said that, since 2016, Israel had demolished 12 schools under vague pretexts, including schools funded by the European Union that had been specifically built to ensure that children, particularly young girls, in Bedouin and remote areas received an education. To overcome such challenges, the State of Palestine had reached a \$60 million agreement with the World Bank Group to improve education and prevent school dropout, with a focus on literacy, vocational training and the application of science, technology and mathematics to solving everyday problems.

37. Since 2015, the Ministry of Education had opened 24 preschools and 84 primary schools in remote areas and had provided infrastructure for the establishment of private preschools in overpopulated areas. As a result, the State of Palestine had one of the highest preschool registration rates in the region.

38. Parents and educational assemblies, made up of experts from academia and retired teachers, were integral to ensuring the provision of education. Since 2016, the Minister of Education had convened a youth parliament to ensure that students' voices could be heard on issues affecting them. A directorate for creativity and excellence had been established within the Ministry to address the needs of gifted children, and a number of teams representing the State of Palestine had competed in international competitions for students. Guidance for teenagers on health and other issues was included in school curricula.

39. A new directorate within the Ministry was responsible for ensuring the full integration of students with disabilities, including through the provision of tools such as Braille textbooks and adapted computers. Specialized units provided psychological support to students when, for example, their schools were negatively affected by the occupying Power or their classmates were killed or imprisoned.

40. An initiative by the Ministry of Education aimed to meet 70 per cent of the needs of a school through partnerships with the local community, which would then be responsible for the school's premises, infrastructure and supplies. Of 1,890 schools in the State of Palestine, 1,835 had Internet access, but the Israeli occupation had hindered such access in areas near the Dead Sea.

41. **A representative of the State of Palestine** said that the Ministry of Culture could not be sure that all reported cases of attacks on cultural events were genuine. One such event had been organized at a culturally sensitive religious site and had therefore received backlash from the local community. Following reports to the police of an attack on an event in Ramallah, an investigation had been conducted and appropriate legal measures had been taken. Such attacks were one-off cases and did not reflect the Ministry's policies. Meetings were held with stakeholders every three months to encourage the staging of cultural events in all areas of the State and to discuss possible policies to change cultural attitudes and to support international artists.

42. Initiatives to promote digital culture had included a project with the United Nations Children's Fund (UNICEF) to expand Internet access to a further 67 schools and an annual programme with the International Telecommunication Union to provide Internet access to cultural centres. The number of broadband and fibre broadband users had increased by 282 per cent.

43. **A representative of the State of Palestine** said that educational counsellors from the Ministry of Social Development were present in schools. Article 50 of the Education Act of 2017 sanctioned any person depriving a child of his or her mandatory education; that provision had already been invoked in a judicial decision regarding a father who had prevented his child from attending school. Judicial mediation had supported 5,000 children in returning to school in 2022. Juvenile detention centres contained registered schools which provided educational resources for children in conflict with the law.

44. The occupying Power controlled the Internet in the State of Palestine and was responsible for the blocking of websites. The State of Palestine therefore could not guarantee Internet access to its citizens, although Palestinian legislation provided for the right to Internet access and guaranteed competition between Internet providers. Freedom of expression was guaranteed; however, if Internet content threatened national security or amounted to a criminal offence, appropriate measures were taken. Articles 50 and 51 of Act No. 3 of 2001 on Criminal Procedure provided that evidence against a person could be acquired only through a warrant issued by a competent judicial authority.

45. **A representative of the State of Palestine** said that the labour market could only accommodate 10,000 of the 40,000 new university graduates each year. University courses had therefore been reformed, programmes aimed at unemployed graduates had been created, and a university for vocational and technical training had been established in Nablus. A body had been established to promote entrepreneurship and provide grants to entrepreneurs, particularly persons with disabilities and women. The State of Palestine had signed agreements to send workers to countries such as Libya, which had increased the capacity for new graduates in the labour market to 12,000. Vocational and technical training centres in the West Bank and the Gaza Strip offered alternatives to university education. Employment centres were open to the public, and campaigns on vocational and technical training were conducted in schools.

46. **Mr. Awdala** (State of Palestine) said that human rights defenders faced defamation in the State of Palestine, and web pages published the names and photos of human rights defenders who worked with human rights treaty bodies. The State of Palestine was against cultural intolerance and the imposition of one culture on another.

47. **Mr. Hennebel** said that he would welcome clarification of whether articles 321, 322 and 324 of Act No. 16 of 1960, the Jordanian Criminal Code, under which doctors and patients were subject to prosecution for abortion, had been repealed or amended, and on the circumstances under which abortion was prohibited by law. He wished to know whether reports that persons seeking public health care had been directed towards private health care, with all costs covered by the State of Palestine, were true.

48. He wondered what measures had been taken to protect academic freedom, particularly against interference by the security services and intelligence agencies, and how Internet control measures affected that freedom. He wished to know whether there were plans to reduce the cost of higher education. He would welcome further information on reported cases in which students in the State party had been arrested and ill-treated because of their union activities. He also wondered what measures had been taken to eliminate discrimination in the education system and to review school textbooks to eliminate stereotypes regarding the role of women and girls. He wished to know whether classes on health and sexual and reproductive rights had been included in school curricula and whether there had been any resistance to that inclusion. He was eager to learn what specific measures had been taken to help women and girls who had left school to return to education. He wondered what reasonable accommodations were made in schools for children with disabilities and how teachers were trained to meet their specific needs.

49. He wished to know how the State party had responded to attacks on the promotion of Palestinian culture and history and to the intimidation and harassment of artists and damage

to cultural institutions. The Committee took reprisals extremely seriously and would be particularly attentive to any allegations thereof.

50. **Mr. Abdel-Moneim** said that he wished to know the extent to which article 15 (a) of the Covenant, which enshrined the right to take part in cultural life, was implemented in the State party, particularly in the city of Jerusalem.

51. **Ms. Lee** said that she wished to know whether legislation providing for exceptional evictions was implemented in accordance with the Convention and with the Committee's general comment No. 7 (1997) on forced evictions.

52. **Mr. Fiorio Vaesken** said that he would like to know whether the State party was considering acceding to the Optional Protocol to the Covenant, as well as to the Optional Protocol to the International Covenant on Civil and Political Rights.

53. **Mr. Awdala** (State of Palestine) said that academic freedom existed in the State of Palestine for both academics and university students, including the freedom to participate in trade union activities within university. However, if such individuals violated the law outside university, they would be held accountable before the Palestinian legal system. The State of Palestine did not carry out or accept reprisals against citizens, including academics and university students.

54. The Palestinian curriculum no longer contained harmful stereotypes of Palestinian women, following initiatives taken in cooperation with the Committee on the Elimination of Discrimination against Women.

55. Although the State of Palestine was continually striving to offer Palestinians in Jerusalem access to cultural activities, many establishments in the city had closed due to high taxes imposed on them by Israel. At times, the State had paid the taxes on behalf of those cultural establishments in order to preserve them and, by extension, Palestinian culture. The State of Palestine had no means of filing a complaint against Israel in that regard.

56. **A representative of the State of Palestine** said that concrete steps had been taken towards eliminating discrimination in the education system. The establishment of girls' schools in remote and marginalized areas had partially failed because the occupying Power had demolished them. Palestinian society was divided into Bedouins, villagers and urban dwellers, and the Ministry of Education made no distinction between them in the quality and breadth of education offered. The Ministry of Education had created a religious curriculum covering Christianity; established schools inside several hospitals; set up a special committee to review the Palestinian curriculum's representation of women in society, leading to several amendments in the latest version of the curriculum; and developed a programme on teenage and reproductive health which featured in both science and humanities classes.

57. Students who had been absent from school could rejoin the education system through literacy classes and eventually become university graduates. Recently, centres had been established to train Palestinian women in technical skills. The State of Palestine was striving to integrate students with disabilities into the education system and to train teachers in that regard; a specialized department had been set up for that purpose. Approximately 92 per cent of female students completed their secondary education, compared to 70 per cent of male students, who were more likely to leave school after primary education because of poverty caused by the occupying Power.

58. **A representative of the State of Palestine** said that cultural initiatives supported by the Ministry of Culture in Jerusalem could not feature any symbols representing Palestine without the risk of attack or closure and that Palestinian artists from Jerusalem with a public presence were also liable to prosecution. The Ministry of Culture had financially supported several cultural institutions in Jerusalem including El-Hakawati Theatre and Al-Kasaba Theatre. Other cultural projects involved promoting Islamic heritage; developing the cinema sector; developing a bill on intellectual property; examining artists' resilience during the COVID-19 pandemic and offering them financial assistance; planning to build cultural complexes in Tulkarm and Qalqilya; and republishing around 100 books written before the Nakbah. Norway donated €700,000 per year to the Palestinian Cultural Fund, and a project financed by the Government of Italy would be implemented in 2023 to develop women and young people's artistic skills.

59. **A representative of the State of Palestine** said that the rate of school dropout was now less than 1 per cent. Legislation existed to ensure that measures were taken to combat the phenomenon.

60. Abortions performed outside the Palestinian legal framework were considered a violation of the embryo's right to life. A doctor performing an abortion in such circumstances would be prosecuted.

61. **A representative of the State of Palestine** said that abortion was a controversial issue around the world and that Palestinian legislation was a forerunner in that regard. Article 8 of the Public Health Act set out the three circumstances in which abortion was permitted. The Ministry of Health stipulated that legal abortion must not cause harm to the mother, who must give explicit consent, and must take place in a medical institution.

62. **A representative of the State of Palestine** said that the Government undertook rebuilding projects where housing had been demolished by the occupying forces. Incentives to develop the housing sector existed, notably through the Cooperative Associations Act, and a bill had proposed the self-governance of housing cooperatives under supervision of the competent authority. In July 2023, the registration fees for such cooperatives had been reduced by nearly half; cooperatives wishing to serve women and young people were offered public land at a reduced price with all fees and taxes waived.

63. **A representative of the State of Palestine** said that among the challenges to becoming a self-determining State was the obligation imposed by the occupying Power to buy children's vaccines from certain companies that sold the products at much higher prices than others. In addition, while the State of Palestine would like to join a number of organizations within the United Nations system, such as the World Health Organization, the International Labour Organization and the World Intellectual Property Organization, there was a possibility that the United States of America would consequently stop funding them. The Government did not wish to bring harm upon those organizations.

64. **Mr. Caunhye** (Country Rapporteur) said that he had appreciated the constructive dialogue with the State party and recognized its unflinching commitment to effectively implement the Covenant, despite the challenges.

65. **Mr. Awdala** (State of Palestine) said that the State of Palestine looked forward to receiving the concluding observations and was willing to work towards implementing them. He invited the Committee, in its work, to address the root issue faced by Palestinians, namely the colonial occupation by Israel.

*The meeting rose at 1 p.m.*