



INDEPENDENT  
COMMISSION  
FOR HUMAN RIGHTS

**Parallel report submitted to the United Nations Committee on Economic, Social and Cultural Rights**

**On the initial report of the State of Palestine on the implementation of the International Covenant on Economic, Social and Cultural Rights**

**Palestine Independent Commission for Human Rights  
(ICHR)**

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**Palestine**

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### **List of Abbreviations**

GANHRI: the Global Alliance of National Human Rights Institutions  
ICESCR : the International Covenant on Economic, Social and Cultural Rights  
ICHR : the Independent Commission for Human Rights  
ILO : the International Labor Organization  
MoC: the Ministry of Culture  
MoH : The Ministry of Health  
MoL : the Ministry of Labour  
MoSD: The Ministry of Social Development  
PA: the Palestinian Authority  
PCBS: the Palestinian Central Bureau of Statistics  
PLC : the Palestinian Legislative Council  
SCC : the Supreme Constitutional Court  
TVET: technical and vocational education and training  
WHO : World Health Organisation

## **Profile of the Independent Commission for Human Rights**

As the Palestinian national human rights institution, the Independent Commission for Human Rights (ICHR) is a full member of the Global Alliance of National Human Rights Institutions (GANHRI). On 30 September 1993, the ICHR was established in accordance with a Presidential Decree promulgated by the late President Yasser Arafat. The Decree was subsequently published under number 59/1995 in the Palestinian Official Gazette in 1995. According to the Presidential Decree, ICHR functions and responsibilities are outlined as follows: “To monitor and ensure that requirements for safeguarding human rights are fulfilled by various Palestinian laws, bylaws and regulations, as well as by functions of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organisation.”

The Presidential Decree tasks the ICHR with drafting its own bylaws in a manner that ensures the Commission’s independence and effectiveness. The ICHR commenced its activities in early 1994. Having been approved by the Palestinian Legislative Council (PLC) in 1997, the Palestinian Basic Law was promulgated and published in the Palestinian Official Gazette in 2002. Article 31 of the Basic Law provides that “[a]n independent Commission for Human Rights shall be established by law, which shall specify its formation, duties and jurisdiction. The Commission shall submit its reports to the President of the National Authority and the Palestinian Legislative Council.” Despite the fact that the law has not yet been approved or passed, the ICHR clearly operates on the basis of the 1994 Presidential Decree until such time the ICHR Law is endorsed.

In its capacity as the national human rights institution and ombudsman office, the ICHR monitors and ensures that requirements for safeguarding human rights are fulfilled by Palestinian laws, bylaws, and regulations, as well as by functions of Palestinian departments, agencies and institutions. The ICHR scope of work extends to address human rights violations, handle complaints of human rights abuses committed against citizens by the Executive branch of government, promote legal literacy, and monitor national legislation and policies, ensuring consistence with international human rights standards.

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For more information on the situation of the rights contained in the International Convention on Economic, Social and Cultural Rights (ICESCR), see <https://ichr.ps/en/1>.

## **Legal value of the Convention in the legal system**

In paragraph 44, the report refers to the declaratory judgement rendered by the Supreme Constitutional Court (SCC) in Case No. 4 of 2017, dated 12 March 2018, regarding the legal status of international treaties in the Palestinian legal system. The SCC decision affirmed that international conventions take precedence over domestic legislation whereby the norms of such conventions acquire superior force to domestic legislation, in keeping with the national, religious, and cultural identity of the Palestinian people.

The SCC decision was made in the absence of an explicit constitutional or legal provision, which demonstrates the legal force of international conventions in Palestine. Consequently, the ICHR has been concerned about the claim that the provisions of international conventions are in conflict with the national, religious, and cultural identity of the Palestinian people can potentially be used as a basis for failing to apply, or formulating reservations to, some of these conventions. The obscure terms used by the SCC render accession to international conventions meaningless. Accordingly, the State of Palestine would derogate from its obligations, including in relation to harmonising domestic legislation and correcting national policies. Such obligations could not, therefore, be invoked before national courts.

## **General measures of implementation**

- The report does make a mention of a primary obligation of the Palestinian government, namely, the status of implementation of the ICESCR provisions in the entire Palestinian territory. While the Gaza Strip is under the *de facto* authority of Hamas, Israel retains full security and administrative control over Area C. Therefore, the provisions of both domestic legislation and the Convention cannot be enforced in both areas. Still, the State of Palestine's report does not outline any measures or intentions, ensuring that the provisions of the Convention will be implemented in all parts of the State of Palestine.
- The report does not make clear whether any measures or actions have been taken by the Palestinian government and/or judicial bodies to implement international conventions and invoke relevant provisions before national courts. According to ICHR monitoring, the official position suggests a vague approach to adopting measures, which would ensure the enforcement of international human rights conventions on the domestic judicial system of Palestine.
- Based on judicial interpretation, the State of Palestine has not developed a formula, which provides the needed mechanisms for incorporating international conventions into the domestic legal system. The ICESCR has neither been published in the Palestinian Official Gazette nor has it been made publicly available.

- The report, in paragraph 1, does not state that after the second presidential elections of 2005 and second legislative elections of 2006 were held, no elections have ever been in place. Presidential decrees were promulgated, providing for holding presidential and legislative elections in 2021. However, in spite of demands from civil society, elections were subsequently abolished by the Palestinian President. Against this background, the ICHR recommends that:
  - The Palestinian government publish the ICESCR in the Official Gazette and disseminate it at the national level. National legislation will be amended and brought in line with the rights and freedoms protected and safeguarded by the Covenant. Action will also be initiated to earmark budget allocations needed to realise the rights contained in the ICESCR.
  - Expedited action be taken to hold national elections as a legal requirement, which can empower the elected government to impose sovereignty, extend control, and put in place legal and judicial jurisdiction over all of the Palestinian territory.

## **Equality and non-discrimination**

- In paragraphs 2 and 3, the report makes reference to the legislation and procedures guaranteeing the principles of equality and non-discrimination in rights and freedoms. Most importantly, these include Article 9 of the Palestinian Amended Basic Law of 2003, as amended. Notwithstanding the provisions of this article, the principles of equality and non-discrimination continue to be subject to unjustified restrictions, which hinder application on the ground. There remains a set of regulations and procedures that run counter to these principles. For example, some provisions of the Personal Status Law establish guardianship, custodianship, and family responsibilities. The principle of partition of matrimonial property is absent. The Law further associates women's economic and social rights to man's will. In addition, the Law No. 4 of 1999 on the Rights of Persons with Disabilities is impaired by unclear regulations and bylaws, which ensure that the law is duly applied and that needed financial costs for enforcement are provided. So far, a reasonable timeline that is commensurate with the financial resources of the Palestinian Authority (PA) has not been set forth to put the law into effect.
- The report omits any reference to the measures or processes, by which the Palestinian government seeks to implement the ICESCR provisions. In the context of a programme-based budget, the report fails to mention the size of appropriations earmarked to all groups to ensure economic accessibility to all rights. Budgeted allocations are also unclear. Accordingly, the ICHR recommends that:

- The Palestinian government provide a definition of discrimination under law or enact a regulation, which will provide for non-discrimination for any reason whatsoever in all aspects. At the same time, the regulation will prescribe measures at all levels to ensure that this principle is enforced within a particular timeframe. Any provisions that are in contrariety with the principle of non-discrimination will be repealed.
- The budget be re-enacted in a manner that discloses budgeted allocations for relevant groups.

## **Right to work**

- Paragraphs 54-75 of the report make reference to domestic regulations, national strategies, and procedures to realise the right to work. However, the report fails to lay out the measures taken to this effect, including adequate budgeted appropriations for realisation of the right to work, mechanisms for networking between the trio of employers, labour organisations, and workers in order to assimilate the unemployed and promote a public-private social contribution policy. Unemployment continues to be on an upward trajectory, reaching 26.6 percent in 2020. The percentage of labour force in employment declined by 10 percent in the West Bank and 17 percent in the Gaza Strip. Towards the end of the second quarter of 2020, unemployment was as high as 49 percent in the Gaza Strip.<sup>1</sup>
- The report does not outline the government measures taken to oblige employers to comply with the Decision of the Council of Ministers No. 01/21/14/CoM/SF, which entered into force on 1 January 2013 and set the national minimum wage at NIS 1,450. Data from the Palestinian Central Bureau of Statistics (PCBS) indicated that some 28 percent of paid employees in the private sector received a monthly salary below the minimum wage in Palestine. This raises a question about the effectiveness of control by the Ministry of Labour (MoL) over employers' compliance with the national minimum wage.
- The report does not refer to the MoL inadequate measures to obligate employers to abide by the provisions of the Palestinian Labour Law. The number of MoL inspectors continues to be short because the government has failed to provide needed financial and human resources for control over economic enterprises.
- On an annual basis, the ICHR consistently monitors worker deaths as a result of failure to put in place occupational safety and health standards in the work environment. In addition to lacking awareness-raising programmes on occupational safety, employers are not obliged to provide personal protective equipment to

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<sup>1</sup> Palestinian Central Bureau of Statistics (PCBS), *Results of the Labour Force Survey Second Quarter (April-June, 2020) Round*.

workers. Compared to 28 in 2019<sup>2</sup> and eight in 2018, 23 incidents of death were reported to have taken place in workplaces across the West Bank in 2020.<sup>3</sup> By contrast, 10 deaths were documented by the MoL in 2017. In comparison to 16 incidents in 2017, 25 workers died inside the Green Line in 2018.<sup>4</sup> Against this backdrop, the ICHR recommends that the government:

- Take necessary measures to reduce increasing unemployment, particularly in the Gaza Strip, as well as among women.
- Provide needed financial resources to ensure control over work premises, ensure that children are employed in favourable conditions of work, and realised the rights of working women.
- Allocate the financial resources needed to implement the Strategy on Occupational Safety and Health.

## **Right to freedom of association and right to strike**

The report states that a legal provision on the right to freedom of association and right to strike is in place. Both rights are enshrined in the Palestinian Basic Law. However, the report does not reflect on the absence of a legal regulation of trade unions. All the more so, the report does not refer to the Law by Decree No. 11 of 2017 on the Regulation of the Exercise of the Right to Strike in Public Service, which completely eliminates the protection of the right to strike. It prohibits persons employed in some public service sectors from exercising this right. Based on this law by decree, the State of Palestine has halted by a court decision all the strikes, which it had already requested to put an end to. These included the strikes declared by the Palestinian Bar Association and Federation of Unions of Palestinian University Professors and Employees. Against this background, the ICHR recommends that:

- A legal framework be developed for trade union regulation, allowing and safeguarding freedom of action, freedom to strike, and exercise of all union activities.

## **Right to social security and retirement**

The report, in paragraphs 88-95, provides a detailed account of the Law by Decree No. 6 of 2016 on Social Security. However, the report does not explain that this enactment was approved without adequate consultation with all relevant parties and stakeholders,

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<sup>2</sup> MoL reply to the ICHR, 18 January 2021.

<sup>3</sup> MoL Letter no. 93, dated 28 January 2019, in response to ICHR Letter no. TS/87/2018, dated 19 November 2018.

<sup>4</sup> ICHR, *The Status of Human Rights in Palestine 2017: Twenty Third Annual Report*, 2017.

including civil society organisations and private sector. An agreement was not made on all details or phased enforcement of the law by decree. No longer in force, this legislative act was suspended by the Law by Decree No. 4 of 2019. The report does not account for any procedures initiated by the government to establish an inclusive social security system in Palestine after the law by decree in question ceased to have effect. These processes should bridge the gap in social protection policies. Of note, a key requirement has been the need to create a legal regulation, which will ensure citizens' right to social security in consistence with relevant international standards. Furthermore, the Law on Public Retirement only covers protection from senility, disability, and illness. Benefits furnished by the law are only available to government personnel and persons of similar status. Against this backdrop, the ICHR recommends that:

- The Law on Social Security be developed jointly with civil society organisations and the ICHR. It will be more inclusive of Palestinians and cover unemployment insurance, maternity, informal employment, and most economically vulnerable groups.

#### Protection of working mothers

With reference to the protection of working mothers, in paragraphs 99-102, the report differentiates between the provision of protection in the public sector (governed by the Civil Service Law) and in the private sector (regulated by the operative Labour Law). While the latter grants a 10-week maternity leave, the former entitles working mothers to a paid maternity leave for a period of three months, starting from admission to hospital for delivery. Working mothers are also given one-hour breastfeeding break during working hours until the child attains one year of age. This is inaccurate, however. Pursuant to Article 88(1) of the Civil Service Law, effectively applicable to female civil servants, “[a] pregnant civil servant shall be granted leave on full pay for a period of ten successive weeks before and after the birth.” This provision is in violation of the Maternity Protection Convention of the International Labor Organization (ILO), which provides that “a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.” PCBS data show that approximately 40 percent of working women do not enjoy paid maternity leave. This puts in question the MoL role in the oversight of law enforcement by employers and private sector enterprises. In addition, the report makes no mention of ongoing impingements on the rights of mothers working in the private sector. After they gave birth, mothers were dismissed to avoid paying maternity leave wages. Employers also evade obligations under the Labour Law, including shorter working hours for new mothers. The report also fails to touch on the status of mothers in informal employment, family businesses, and domestic work. In the light of the above, the ICHR recommends that:

- The principle of equal rights and obligations be applied to female employees in public and private sectors, ensuring non-discrimination on the basis of employment sectors. Informal employment, family businesses, and domestic work will be subject to supervision and oversight.
- The private sector be encouraged to employ women, particularly mothers, by approving social regulations and policies. In conjunction with the private sector, the State will contribute to affording the costs of women’s reproductive role. Nurseries in close proximity to mothers’ workplaces also need to be provided.

### Protection of children

- In paragraphs 103-117, the report elaborates on the protection of children under effective domestic legislation, but fails to show budgeted allocations for children within the MoSD budget line items. The report does not account for the scale of child labour, which amounts to 3 percent of total children in the 10-17 age group. It does not provide an account of deaths among child workers as a result of failure to put in place occupational safety and health standards in the work environment. Between 2014 and 2018, the ICHR monitored 14 incidents of death among these children. According to the ICHR estimation, injuries among children have been reported due to failure to implement occupational safety and health standards. However, statistical data on these casualties are not provided by neither relevant government bodies nor employers.
- On a continuous basis, the ICHR receives complaints on the rights of children. Compared to 152 in 2019 and 2018 as well as 204 in 2017, a total of 190 complaints on the rights of children were filed to ICHR in 2020. These complaints involved violations of the right to health, right to education, assault, torture, and right to legal recourse.

Against this background, the ICHR recommends that:

- Policies and strategies be developed and proper measures taken to provide protection to children in employment and ensure that they complete their education and enjoy their right to welfare and culture.
- Children’s complaints be handled and processed, ensuring that their rights are realised and child rights violators are held to account.

### Persons with disabilities

- In paragraphs 118-119, the report makes reference to care and rehabilitation for persons with disabilities, but does not state the percentage of beneficiaries from

- social and shelter services or how inclusive and adequate these services are. The report also fails to indicate the percentage of persons with disabilities who have benefited from emergency assistance programmes, which provide assistive devices and medical equipment. It does not elaborate on the nature of these devices and how they can be accessed by beneficiaries. Information is also lacking on the percentage of schools adapted to the needs of persons with disabilities, participation in the labour market, and conditions of work among this group. The report does not provide data on exercises to raise awareness about the rights of persons with disabilities to contribute to changing prevailing perceptions of these people.
- In the same context, the ICHR received 134 complaints from persons with disabilities in 2020, 76 in 2019, and 62 in 2018. These addressed abuses of the right to health, deprivation of liberty, right to social insurance, torture, absence of fair competition, and access to public services.

Accordingly, the ICHR recommends that:

- o The Ministry of Health (MoH) implement the Regulation on Health Insurance for Persons with Disabilities, which was approved in 2020 with the ICHR contribution.
- o The MoL promote its role in oversight of the employment of male and female persons with disabilities. The Palestinian government will also implement awareness raising programmes to change mainstream cultural patterns.
- o Service providers put an end to abuses of the rights of persons with disabilities, ensuring that abusers are held to account.

### Older persons

- In paragraphs 120-122 of the report, reference is made to care and protection of older persons. However, in the absence of an integrated database on older persons, it is hard to make policies and develop plans and strategies, which help to construct indicators to measure the situation of older persons in Palestine. While a dedicated law on the elderly is lacking, national legislation does not contain any provisions on these persons. Official bodies do not provide any financial assistance to community institutions, which care for this group.
- Regarding health rights, the Law on Public Health and 2004 Regulation on Health Insurance turn a deaf ear to older persons. Apart from being dependent on family providers or impoverished, older persons are not treated as individuals who deserve health care as a result of ageing and loss of economic resources. Accordingly, poor older persons can receive health care services in the context of social affairs programmes or if their son has health insurance. Furthermore, the report does not account for cultural and recreational activities or programmes for the social

integration of older persons with a view to improving their quality of life and engaging them in public life. Against this backdrop, the ICHR recommends that:

- The Ministry of Social Development (MoSD) publish and roll out as widely as possible the survey and analytical study it compiled on older persons in 2015, namely, *Analysis of the Status and Needs of Old Persons in Palestine*, as well as the Strategic Plan for Older Persons in Palestine 2016-2022,.
- The MoSD, PCBS, and relevant ministries develop adequate indicators on older persons in Palestine.
- A legal framework be in place for the rights of older persons, ensuring their rights without discrimination with other social groups.
- Health care services be provided. Disability due to ageing will be a component of the social security system in order to protect older persons from poverty.
- Government bodies and community institutions pay more attention to establishing day-care clubs for older persons, given increasing women's work outside the home and sustained increase in the proportion of older persons.<sup>5</sup>

## Poverty reduction

In 2007, multidimensional poverty accounted for 22.1 percent, while cash poverty registered 29.2 percent.<sup>6</sup> Poverty rate is higher in the Gaza Strip than in the West Bank, in the south than in the north, and in urban and rural areas.<sup>7</sup>

The report does not state budgeted allocations for the eradication of poverty. According to ICHR monitoring, based on the MoSD target, the government designates an amount of NIS 750-1,800 per poor household every three months; i.e., NIS 250-600 every month. This amount is mediocre compared to the national minimum wage (NIS 1,450). It does not meet the basic needs of a single individual. Hence, cash assistance involves two problems: (1) value and adequacy, and (2) inclusiveness. While some 200,000 households are in need of assistance, the MoSD targets 111,860 households only. Consequently, the ICHR recommends that:

- Attention be given to the most economically disadvantaged groups at policy level and by allocating financial resources needed to launch income-generating

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<sup>5</sup> In 2018, the ICHR published a report on older persons, titled *Older Persons Caught between Rights and Negligence*. The report investigates how responsive domestic policies, practices, and legislative frameworks are to international standards and declarations on older persons.

<sup>6</sup> PCBS. 2017. *Multi-Dimensional Poverty Profile in Palestine, 2017: Main Results*.

<sup>7</sup> Compared to 44.7 percent in the Gaza Strip, poverty rate stands at 13.6 percent in southern West Bank, 10.5 percent in northern West Bank, and 38.1 percent in refugee camps.

enterprises, taking account of dimensions, regional formations, and human characteristics of poverty.

- Attention be paid to equal distribution of economic resources across economic sectors, social groups, and geographical areas.

## **Right to adequate food**

In paragraphs 148-153, the report does not address the problems facing Gaza citizens to enjoy their right to adequate food. According to certain data, some 70 percent of the Gaza population are affected by food insecurity. Nearly 1.5 million out of 2 million citizens depend on humanitarian assistance delivered by international and local organisations. In light of the above, the ICHR recommends that:

- Equal distribution of economic resources be highlighted, together with providing necessary budget appropriations to the Gaza Strip due to the Israeli economic and political blockade, closure of crossing points, and movement restrictions.

## **Right to adequate housing**

Paragraphs 161-171 of the report review government efforts to provide adequate housing, but do not examine approved policies to finalise Gaza reconstruction in the aftermath of Israel's military aggression of 2021. After the Israeli offensive in 2014, just 70 percent of Gaza reconstruction projects have been completed. In other words, some 2,000 destroyed housing units have not yet been rebuilt. Also, following Israel's offensive of 2018 and 2019, 207 completely destroyed homes were not reconstructed. In the 2021 aggression, the Israeli army destroyed more than 500 housing units and caused partial damage to hundreds of homes. Preliminary estimates of losses were US\$ 73 million. To this end, the ICHR recommends that:

- The Palestinian government make clear the reconstruction mechanisms based on the principle local and international partnership, while at the same time prioritising reconstruction of homes belonging to, and provision of adequate housing to the most vulnerable groups, including impoverished persons and women.

## **Right to health**

In paragraphs 172-201, the report provides an overview of the regulations, strategies, and procedures, which ensure the realisation of the right to health. However, the report fails to mention that the Palestinian Basic Law does not provide for the right to health as one of

the constitutionally guaranteed rights. Although in force, application of the Law by Decree on Medical Protection and Safety is impeded by significant challenges due to the lack of relevant bylaws. The report does not make reference to the policies needed to enhance the health system in the light of a natural population increase of 2.5 percent, continuing rise in the number of older persons, and health care gaps revealed by the COVID-19 pandemic. This requires that the government state estimated budgets and plans to increase the number of hospitals, primary health care centres, beds, medical staff, and list of medicines and health services to be provided to service recipients. Additionally, the report does not provide the ratio of hospital beds to the population, nor does it show the extent to which the list of medicines available at MoH pharmacies for the health insured are adequate and inclusive, and the availability of drugs for chronic and perilous diseases.

Dozens of complaints are filed to the ICHR in relation to the right to health. In 2020, the ICHR received 42 complaints on unavailable health care services, eight on the lack of access, and 102 on the quality of health services. The Commission also monitored a surge in deaths caused medical malpractice, up from eight in 2019 to 16 in 2020.

In 2019, the ICHR received complaints, involving 66 violations. These included five complaints on unavailable vaccinations and medicines, 37 on lacking basic medical services, one on unavailable treatment centres in remote areas, and 13 on liability for medical errors. The latter featured seven complaints on deaths following medical treatment, including five in 2019 and two in 2018 and 2017. Seven complaints concerned the quality of medical service provision, including five resulting from the purchase of medical services (patient transfers). By contrast, in 2018, the ICHR received 48 complaints, including five on unavailable vaccinations and medicines, 32 on the lack of basic medical services, three on unavailable treatment centres in remote areas, and eight on liability for medical errors.

Against this background, the ICHR recommends that:

- Health be considered as a right, rather than a service. This right should be enshrined in the Palestinian Basic Law.
- The Law by Decree No. 13 of 2018 on Medical Protection and Safety be put into effect.
- A law on health insurance be approved to replace the current Regulation on Health Insurance, based on World Health Organisation (WHO) standards of health care provision.
- The existing health system be improved in view of the significant challenges that came to light in the context of the COVID-19 pandemic.<sup>8</sup> In addition to paying

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<sup>8</sup> Within the framework of its persistent activity, the ICHR carried out the *National Inquiry into Health Insurance 2019-2021*, an exercise that is at the core of the work of national human rights institutions. Informed by international human rights benchmarks and WHO standards, the inquiry adopted a public wide approach through a quantitative survey conducted by the PCBS in 2019. It also used regional focus groups

attention to primary health care, medical professionals, medicines, and paramedical services will be provided.

## **Right to education**

The Law by Decree No. 8 of 2017 on General Education does not provide for free secondary education. It involves a breach of the principle of free education at public schools, institutes and institutions. The law by decree does not include a clear and explicit provision, asserting the freedom of belief, free circulation of ideas, and right to freedom of opinion and expression. It does not expressly prohibit corporal punishment in schools.

The Law by Decree No. 6 of 2018 does not explicitly provide that higher education is a right and free of charge, just like general education. Furthermore, the law by decree does not confirm that higher education is a non-profit service, which is incumbent on the State. The Law by Decree on Higher Education does not include separate and clear provisions on integrating technical and vocational education and training (TVET) within higher education. TVET is essentially an integral part of education at all levels. The law by decree does neither explicitly nor clearly confirm that higher education institutions and scientific research centres enjoy full independence. Additionally, it does not ensure freedom of scientific research, literary, cultural and artistic innovation. The law by decree does not provide for protection and maintenance of human dignity, respect for pluralism and equality, and safeguarding of intellectual property and copyright issues. Contrary to paragraph 6 of the General Comment No. 13 of 1999, the law by decree does not contain a separate provision, emphasising key principles of the educational process.

Although budgeted allocations of the Ministry of Education (MoE) account for almost one fifth of the State's general budget, salaries and wages take up half this budget. On the other hand, development expenditures are just 25 percent of the MoE budget. Of note, the MoE spend little amounts on programmes aiming to improve the educational process. This spending is not sufficient to achieve set objectives. As a result, the whole educational process faces difficult conditions that inhibit the development of both material and human infrastructure. Accommodating some 78 percent of all university students, Palestinian universities are crippled by a permanent budget deficit, ranging from 20 to 50 percent. A primary cause of this deficit is the lack of regulations and policies, which should regulate government financing of the higher education sector.

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across the West Bank, Gaza Strip, and East Jerusalem. The inquiry reached many conclusions. Mainly, the current health system is incompatible with WHO standards on all levels: availability, accessibility, acceptability and quality. Beneficiaries expressed low satisfaction with the services provided by health insurance. Key recommendations included the need to enact a law on health insurance and establish an independent body to manage and supervise health care service delivery.

According to ICHR monitoring, the right of vulnerable and marginalised groups to education is abused. MoE data showed that the gross enrolment ratio at kindergartens (KG 1 and KG 2) was approximately 56 percent. Pupils at government kindergartens only represented 1.5 percent of the entire pupil population. Out of a total 2,391, there were 105 government kindergartens. The number of persons with disabilities integrated in the government school system was just 1 percent of the total student population.

With respect to the school curriculum, human rights principles and values need to be incorporated and reflected in the Palestinian school books clearly, smoothly, meaningfully, and both quantitatively and qualitatively. Education of human rights should be value-oriented, not only knowledge-based. Contents in conflict with human rights or those which present a stereotypical image of women in school books should be neutralised. Textbooks of all grades should have a fully consistent and integrated approach to human rights-based education. To this avail, the ICHR recommends that:

- Financial resources needed for development expenditures be provided to improve education and develop educational programmes for all social groups and marginalised (rural) areas, Wall-adjacent communities, remote villages, and persons with disabilities.
- Secondary education be free of charge.
- Curriculum development be continued, based on a human rights perspective.<sup>9</sup>
- The Palestinian government grant full independence and freedom of scientific research, literary, cultural and artistic innovation to higher education institutions and scientific research centres. The government will ensure protection and inviolability of human dignity, respect for pluralism and equality, and protection of intellectual property and copyrights.

## **Cultural rights**

In paragraph 251-274, the report refers to the right to participation in cultural life and to relevant regulations. Nevertheless, the report does not make a mention of the Law by Decree No. 11 of 2018 on Tangible Cultural Heritage, which holds great significance to the conservation of movable and immovable tangible cultural properties. Available information indicates that the provisions of this law by decree are not respected. In particular, buildings viewed by the law by decree as cultural heritage are being pulled down. The Ministry of Tourism and Antiquities has not established the Advisory Council of Heritage as provided for under the law by decree. A bylaw of this council has not been

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<sup>9</sup> In 2019, the ICHR analysed the content of school textbooks from a human rights and gender perspective. Reports were deliberated with the MoE and relevant civil society organisations. Discussions demonstrated that some content was insensitive of human rights or entrenched traditional social patterns.

published either. In addition, the report does not state the reasons for lacking a law on copyright, nor does it delineate the efforts made to protect copyrights as part of the intellectual property right. The report does not indicate how effective the programmes carried out by the Ministry of Culture (MoC) are and the extent to which they have achieved set goals in light of inadequate budgeted allocations to the MoC (just 0.003 percent of the overall public budget). Also, the report does not state the amount of financial support provided by the MoC to community-based cultural institutions in Palestine.