

Preliminary review submitted by the Independent Commission for Human Rights (ICHR) to Committee on Economic, Social and Cultural Rights in the United Nations
On the State of Palestine's initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights

Session 74 (25 September-13 October 2023)

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The Independent Commission for Human Rights
(ICHR), Palestine.

ISBN: 978-9950-401-29-7



A series
Of Shadow
Reports

E-1

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August 2023

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Legal standing of the ICESCR within the legal system

So far, an explicit constitutional or legal provision is not in place, making clear the legal standing of international conventions in the State of Palestine. The Declaratory Judgement No. 4 of 2017, dated 8 March 2018, of the Supreme Constitutional Court (SCC) determines the legal status of international conventions within the Palestinian legal system continues to be without legal effect. The SCC decision provides that the international conventions, which the State of Palestine acceded to, take precedence over domestic legislation domestic legislation in keeping with the national, religious, and cultural identity of the Palestinian people. The International Covenant on Economic, Social and Cultural Rights (ICESCR) has not been published in the Palestinian Official Gazette. The ICHR has no information concerning either the forthcoming publication of, or the intention to publish, the ICESCR by relevant authorities.

Due to this obscure legal standing of the ICESCR and other international treaties acceded to by the State of Palestine within the Palestinian legal system, the ICHR has been concerned about the claim that international conventions would be in conflict with the national, religious, and cultural identity of the Palestinian people. That allegation could potentially be used as a basis for failing to apply, or formulating reservations to, some provisions 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

- While the Gaza Strip is under the *de facto* authority of Hamas, Israel retains full security and administrative control over Area C, which comprises some 61 percent of the West Bank, as well as over some areas in the Hebron city, designated as H2 under the Oslo Accords. Hence, the provisions of both domestic legislation and the Covenant cannot be enforced in the said areas. As at the time of reviewing, there have not been any practical and tangible

measures to ensure that the provisions of the ICESCR will be implemented in all parts of the State of Palestine.

- To date, relevant government bodies have failed to implement any procedures or measure to start enforcing and invoking the provisions of the ICESCR before national courts. 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 Presidential Decree No. 3 of 2021 (15 December 2021) called for holding national elections. Promulgated on 30 April 2021, the Presidential Decree No. 12 of 2021 provided for postponing these elections, however. While the latter continues to be in effect, the government has failed to take any action or measure to hold national elections as a constitutional requirement.
- An institutionalised framework has not, so far, been developed with a view to regulating the working relationship between relevant government bodies and civil society organisations. This involves law- and policy making processes, particularly in issues pertaining to the implementation of provisions of the ICESCR and all other international treaties, which the State of Palestine acceded to.
- The ICHR is not aware of executive plans initiated by the government to increase resilience to climate change, both socially and economically. Also, the ICHR has no information on plans that are currently implemented to ensure the fulfilment of ICESCR rights for everyone.

In the light of the foregoing, the ICHR recommends that:

- The Palestinian government publish the ICESCR in the Official Gazette of the State of Palestine. 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 mandate of the State of Palestine over all of the Palestinian territory. In addition to actively engaging civil society organisations in national law- and policy-making processes, the Legislative Harmonisation Committee will be reinvigorated. Membership on the committee will be expanded to ensure the participation of civil society and private sector.

Equality and non-discrimination

- Relevant government bodies have neither amended nor enacted any regulations, which uphold guarantees of the principles of equality and non-discrimination in rights and freedoms. The principles of equality and non-discrimination continue to be subject to restrictions that hinder application on the ground. This fact is demonstrated by some provisions of the Personal Status Law, which 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 should have ensured that the law is duly applied and that needed financial resources 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 ICHR has no information on measures and procedures, by which the Palestinian government seeks to implement the provisions of the Covenant, provide physical access for all groups to the rights enshrined in the ICESCR. Of note, the fact that the budget is programme-based, budget allocations for these groups are clearly delineated.

In the light of the above, the ICHR recommends that:

- A regulation be enacted, providing 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.
- Annual government budgets be prepared in a manner that discloses budgeted allocations for relevant groups. This should show how compliant the government is with realising and protecting the rights enshrined in the ICESCR for all segments of society.

Equality of rights between men and women

- The government has not, to date, adopted a clear definition of discrimination against women. To promote equality of rights between men and women, a law has not been enacted. Such an enactment should include a definition of discrimination as a constitutional principle, on the grounds of which all national regulations, policies, and procedures are aligned. This

is reflected in the ability of women to access their economic, social, and cultural rights, especially in relation to the freedom of choice, equal pay, right to property, education, access to justice, and other rights that directly impact women's capability of integrating into the development process in a broad sense.

- In 2022, women's participation in the labour force was about 19 percent out of the total number of women of working age. By contrast, men's participation in the labour force was as high as 69 percent. On the other hand, unemployment among women participating in the labour force represented some 40 percent in comparison to 20 percent among men. Approximately 50 percent of salaried women employees in the private sector earned a monthly wage less than the average minimum wage (1,880 NIS). Some 40 percent of women employees hired in the private sector worked without an employment contract. Fifty six (56) percent of these working women did not receive a contribution to financing retirement and/or end of the service packages. On the other hand, 54 percent of women in private wage employment did not receive paid maternity leave. Of the total employees in the public sector, some 48 percent were women. The gap is all the more significant in the percentage of those who hold the rank of Director General and higher, namely, 14 percent among women compared to 86 percent among men.¹

Against this background, the ICHR recommends that:

- The government adopt a clear definition of discrimination against women. Regulations and policies will be aligned accordingly.
- Financed executive policies and plans be put in place to eliminate the gender gap in the labour market, which prevents women from accessing their rights on an equal footing with men.

Right to work

- Intended to realise and protect the right to work, government policies and procedures continue to be inadequate. Unemployment rates further reflect a regional and gender gap. In 2022, full employment was 74.1 percent of labour force participation, including 78.2 percent among males and 58.4 percent among females. The unemployment rate in Palestine is still as high as

1 Palestinian Central Bureau of Statistics. Press Release on the Reality of Palestinian Women on the Eve of the International Women's Day, on 08/03/2023 under the title "DigitALL: Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls".

24.4 percent (20.3 percent for males and 40.4 percent for females). In the West Bank, unemployment represented 13.1 percent (10.6 percent among males and 23.7 percent among females). In the Gaza Strip, the unemployment rate registered 45.3 percent (39.1 percent for males and 67.4 percent for females).²

- Budgeted appropriations for realisation of the right to work continue to fall short of providing the cost to bring about the objectives set by relevant strategies.

Against this backdrop, the ICHR recommends that:

- Necessary measures be taken to reduce increasing unemployment, particularly in the Gaza Strip, as well as among women.
- Adequate financial resources needed to achieve the goals set by the Ministry of Labour (MoL) strategies be provided.

Just and favourable conditions of work

- A national committee was established to promote pay equity and ensure the right to equal pay for equal work. In March 2022, the Council of Ministers issued a decision, mandating the MoL to take necessary measures in order to tighten control and guarantee gender equal pay for work of equal value. Nevertheless, 40 percent of wage employees in the private sector receive less than the monthly minimum wage (NIS 1,880) in Palestine, including 19 percent in the West Bank and 89 percent in Gaza Strip.³
- The government does not implement clear measures and procedures to ensure that workers in the informal sector access their rights in accordance with the law, particularly minimum wage and social security.
- In addition to unclear measures and procedures, the Ministry of Social Development (MoSD) budgeted allocations for children are not stated. These should aim at reducing child labour, which comprises some 3 percent of total children in the 10-17 age group.
- To date, a clear government policy has not been in place to combat sexual harassment in the workplace.

² PCBS. Palestinian Labour Force Survey- Annual Report: 2022

³ Palestinian Central Bureau of Statistics. Press Release on the current status of the Palestinian labour force in 2022 on the occasion of the International Workers' Day.

In the light of the foregoing, the ICHR recommends that:

- The government discharge its duty and oblige private sector firms to comply with the minimum wage, including for informal workers.
- All measures and procedures be implemented and necessary financial resources be allocated to reduce child labour.
- Expedited action be taken to enact legislation, which criminalises sexual harassment, particularly in the workplace.

Trade union rights

- Trade unions continue to lack legal regulation, disrupting civil servants' right to organise in trade unions. The government refuses to establish a trade union for public sector staff. Along this vein, the MoL Directorate General of Labour Relations sent a letter to "applicants for establishing a Public Sector Employees Union", reporting that the said union would be prohibited from carrying out any activity. As put by the directorate general, the relationship between civil servants and government is regulated by the Civil Service Law and relevant bylaws.⁴
- The Law by Decree No. 11 of 2017 on the Regulation of the Exercise of the Right to Strike in Public Service continues to completely eliminate 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.

In the light of the above, the ICHR recommends that:

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

⁴ MoL Directorate General of Labour Relations, Letter to "Applicants for Establishing a Public Sector Employees Union", 8 August 2023.

- In 2019, the Law by Decree No. 6 of 2016 on Social Security was suspended. A draft law by decree has been compiled and is now under discussion. A comprehensive social security system in Palestine continues to be lacking. This should in place to bridge the gap in social protection policies in consistency 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 background, the ICHR recommends that:

- The Law on Social Security be approved 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.

Family and child protection

- The ICHR has no information on new programmes adopted by the government to review and bring personal status laws in line with the State of Palestine's pledges and obligations under relevant international treaties. As at the time of reviewing, the Draft Law by Decree on Family Protection has not been enacted. The ICHR is unaware of any measures or procedures implemented by the government to counter violence against women.

In the light of the above, the ICHR recommends that:

- The Law on Family Protection from Violence be approved. Policies will be developed to respond to gender-based violence. Adequate financial resources will be earmarked to implement these policies on the ground.

Right to an adequate standard of living

- Multidimensional poverty still accounts for some 22 percent, while cash poverty registers 29.2 percent.⁵ The 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.⁶ The ICHR lacks any information on budgeted allocations for the eradication of poverty. According to the ICHR monitoring, based on the

⁵ PCBS. 2017. Multi-Dimensional Poverty Profile in Palestine, 2017: Main Results.

⁶ Compared to 44.7 percent in the Gaza Strip, the 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.

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 1,880). 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.

- Gaza citizens continue to struggle for 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.
- The ICHR is not in possession of information on 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 been rebuilt yet. Also, following Israel's offensive of 2018 and 2019, 207 completely destroyed homes were not reconstructed. In the 2021 aggression, the Israeli army totally destroyed more than 500 housing units and caused partial damage to hundreds of homes. Preliminary estimates of losses caused by the offensive were US\$ 73 million.

In the light of the above, the ICHR recommends that:

- Attention be paid to the most economically vulnerable groups in terms of policy-making and allocation of necessary financial resources to create income generating enterprises. Resources will be equitably distributed among economy sectors and social groups.
- The Palestinian government make clear the reconstruction mechanisms based on the principle local and international partnership, while at the same time prioritising the reconstruction of homes belonging to, and provision of adequate housing to, the most vulnerable groups.

Right to physical and mental health

- No government data are provided to lay out 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. Also, there are no data on estimated budgets and government plans to increase the number of hospitals, prima-

ry health care centres, beds, medical staff, and list of medicines and health services to be provided to service recipients. In addition to drugs for chronic and perilous diseases, these data will outline the extent to which the list of medicines available at pharmacies of the Ministry of Health for the health insured are adequate and inclusive.

Against this backdrop, the ICHR recommends that:

- Health be considered as a right, rather than a service. This right should be enshrined in the Palestinian Basic Law. A law on health insurance will 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 will be improved in view of the significant challenges that came to light in the context of the COVID-19 pandemic.⁷ While paying attention to primary health care, medical professionals, medicines, and paramedical services will be made available.

Right to education

- 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 appropriation. On the other hand, development expenditures are just 25 percent of the MoE budget. Of note, the MoE spends little amounts on programmes aiming to improve the educational process. This spending is not sufficient to achieve set objectives. 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.
- According to ICHR monitoring, the right of vulnerable and marginalised groups to education is abused. MoE data showed that the percentage of governmental kindergartens was 18.3 percent only. Pupils at these kindergartens only represented 6.2 percent of the entire pupil population.

⁷ 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 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.

- Based on information provided to the ICHR, the number of persons with disabilities integrated in the governmental school system was just 1 percent of the total student population. MoE data showed that⁸ 68.7 percent of water closets at governmental schools were aligned to the needs of children with disabilities and 60.6 percent had installed ramps for these children. No information is available on the alignment of, or access to, governmental schools with a view to meeting the needs of other types of disabilities, such as aligned means of transportation and classrooms.

In the light of the foregoing, 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, persons with disabilities, etc.

Cultural rights

- The State of Palestine's report makes no mention of programmes provided by the Ministry of Culture to expand access to the internet and digital technology, research and development expenditure, and distribution of this expenditure. Information is also lacking on how effective the Ministry's programmes are and the extent to which they achieve set goals, taking into account poor budgeted allocations (a mere 0.003 percent of the total general budget). There is no information about financial support delivered by the Ministry to community cultural institutions across Palestine.

8 MoE. Yearbook of Educational Statistics 2022.



United Nations

Economic and Social Council

E/C.12/PSE/Q/1

Distr.: General
16 November 2021

Original: English
Arabic, English, French and
Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the initial report of the State of Palestine^{9*}

I. General information

1. Please clarify the status of the Covenant in the domestic legal order, explaining the effect of the Constitutional Court's decisions No. 4 (2017) of 19 November 2017 and No. 5 (2017) of 12 March 2018. Please provide examples of cases in which the provisions of the Covenant have been invoked before or directly enforced by the courts in the West Bank and the Gaza Strip. Please provide updated information on any plans by the State party to publish the Covenant in the Official Gazette.
2. Please provide detailed information on the obstacles to the exercise of the Covenant rights in the context of the occupation, bearing in mind 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*, in which the Court held that Israel, as the occupying Power since 1967, was bound by the provisions of the Covenant in the Occupied Palestinian Territory, and that it was under an obligation not to raise any obstacle to the exercise of the rights enshrined in the Covenant in those fields where competence had been transferred to Palestinian authorities. More precisely, please provide information on how the occupation affects the State party's fulfilment of its human rights obligations under the Covenant in East Jerusalem, Area C, the H2 area of Hebron, and the Gaza Strip. Please describe any efforts undertaken by the State party to alleviate the negative impact of the continued blockade of the Gaza Strip on the enjoyment of economic, social and cultural rights by the population living therein, including through international cooperation and humanitarian assistance.

⁹ * Adopted by the pre-sessional working group at its sixty-ninth session (18–22 October 2021).

3. Please provide information on any progress made in addressing the adverse impact of the political and geographical fragmentation of the State party's territory on the enjoyment of the Covenant rights in the entire territory of the State party. Please provide information on the obstacles to the implementation of the agreement reached between Fatah and Hamas to end Palestinian division, signed on 12 October 2017, especially with regard to the political and economic arrangements that are necessary in order for the State party to discharge its obligations under the Covenant.
4. Please explain the measures planned to hold parliamentary elections with a view to initiating a legislative process to harmonize the different legal systems applicable in the West Bank and the Gaza Strip, and to conduct review of laws to ensure their compliance with the Covenant. Please provide information on the steps taken by the State party to ensure that civil society organizations are consulted and able to participate in law- and policymaking processes, in particular on issues related to economic, social and cultural rights.
5. Please provide information on any strategies and plans to increase socio-economic, including environmental, resilience to climate change, including in the context of human rights-based development efforts and natural resource management. Please indicate plans to address the challenges to effective climate change adaptation and preparedness, such as those posed by the occupation in relation to management of land and water resources, including through international cooperation.
6. Please provide information on the steps taken to ensure that business entities respect the economic, social and cultural rights of all persons, that they assess and address the socioeconomic, including environmental, impacts of their business operations, and that they are held accountable for violations of economic, social and cultural rights. Please indicate any steps taken to ensure that remedies are provided to victims of business-related violations of economic, social and cultural rights.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

7. Please provide information on the steps taken by the State party to protect the right of its peoples to freely dispose of their natural wealth and resources, including agricultural land, water sources, irrigation facilities and marine resources, against the challenges posed by the occupation, and the blockade of the Gaza Strip. Please describe the measures taken to address the challenges to the implementation of the provisions of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II Accords) and its annexes concerning the management of natural wealth and resources.

Maximum available resources (art. 2 (1))

8. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years of:
 - (a) The proportion of persons living below the poverty line and the levels of inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;
 - (b) The proportion of public revenue that is generated through taxes;
 - (c) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of the value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel) and the percentage of total revenue that is generated from personal income taxes collected from the richest 10 per cent of the population;
 - (d) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending (social security, food, water and sanitation, housing, health and education), disaggregated by region;
 - (e) Inflation-adjusted absolute levels of social spending.
9. Please provide information on measures taken to combat corruption effectively in both the public and the private sectors, especially in public service delivery, public procurement and the allocation of licences to the private sector. Please include information on the cases of corruption filed, investigated and prosecuted, including high-level corruption, and the sentences passed on those found guilty. Please respond to reports of arbitrary arrest, harassment and intimidation of anti-corruption activists.

Non-discrimination (art. 2 (2))

10. Please provide information on the steps taken to enact comprehensive anti-discrimination legislation to guarantee non-discriminatory enjoyment of the rights enshrined in the Covenant. Please indicate the progress made in addressing discriminatory stereotypes and de facto inequalities in the State party, and in ensuring non-discriminatory enjoyment of economic, social and cultural rights, paying particular attention to situations of Bedouin communities, women and girls, persons with disabilities, refugees, and lesbian, gay, bisexual, transgender and intersex persons.

Equal rights of men and women (art. 3)

11. Please provide information on the measures taken to address the detrimental impact of armed conflict and occupation on women's enjoyment of their economic, social and cultural rights in the West Bank, including East Jerusalem, and the Gaza Strip. In particular, please describe measures taken or envisaged under the State party's Second National Action Plan on Women, Peace and Security (2020–2024) to that effect, including measures taken to enhance women's socioeconomic empowerment and the impact thereof. Please also provide information on the measures taken by the State party to incorporate a gender perspective into budgeting and into all of its economic, social and cultural policies, including on, employment, health, education, social security, housing, land governance and post-conflict reconstruction efforts.
12. Please indicate the steps taken by the State party to address the gender wage gap.¹⁰ Please include information on the impact of measures taken to address the concentration of women in low-paid sectors of the economy, in particular the service, care and agricultural sectors. Please provide information on measures taken to address the adverse impact of the coronavirus disease (COVID-19) pandemic on women's exercise of Covenant rights owing to, for instance, the increase in domestic violence, limited access to justice as a result of the suspension of court hearings, or increased unpaid domestic and care work during the pandemic.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

13. Please provide statistical data, disaggregated by age group, disability, sex and region, in relation to the levels of employment, unemployment and underemployment, and on the size of informal sector. Please also provide information on the steps taken to decrease unemployment rates, including the impact of measures taken under the Labour Sector Strategy (2017–2022), and on measures envisaged and resources allocated for the implementation of the National Employment Strategy (2021–2025) to that effect. Please indicate the impact of any targeted measures taken to address unemployment and underemployment among women, youth and persons with disabilities. Please describe the measures taken to address the challenges that have emerged since the outbreak of the COVID-19 pandemic on the right to work, unemployment, and just and favourable conditions of work, and the results of these measures.

¹⁰ CEDAW/C/PSE/CO/1, para. 36 (a).

Right to just and favourable conditions of work (art. 7)

14. Please explain the measures in place to review periodically the minimum wage in order to index it to the cost of living, including any consultation held with the social partners, to enable workers and their families to enjoy a decent living. Please indicate the steps taken to extend the coverage of the minimum wage to all workers, including seasonal workers, domestic workers and workers involved in unpaid domestic care. Please provide information on the measures taken to enforce the minimum wage in the West Bank and the Gaza Strip and the principle of equal pay for work of equal value in all sectors of the economy, including enforcement mechanisms and their effectiveness.
15. Please provide information, including statistical data, on the extent of the problem of non-payment and reduction of salaries in the West Bank and the Gaza Strip. Please explain the measures taken to ensure that workers have access to effective remedies, including through liability actions against their employers, and that they have accessible mechanisms that they can use to file complaints. Please also provide information on the measures taken to protect the right for Palestinians working in Israel or in illegal settlements to just and favourable conditions of work, including any efforts undertaken to that effect in cooperation with Israel.
16. Please provide information on the measures taken by the State party to address obstacles to the formalization of its informal economy, especially in the agricultural, hunting, fishing and construction sectors. Please describe the measures taken to ensure that the legal protections provided under the Labour Act also extend to workers employed in the informal sector and workers employed informally in the formal sector. Please include the measures taken by the State party to enforce its occupational health and safety regulations in both the formal and the informal sectors, including protection measures in the workplace and labour inspections.
17. Please describe the measures taken to combat sexual and other forms of harassment in the workplace, and the impact thereof. In the light of the information provided in the State party's report,¹¹ please also provide information on any progress made with regard to the criminalization of sexual harassment under the draft criminal code.
18. Please provide information, including statistical data, on the progress made in tackling the worst forms of child labour in the West Bank, including East Jerusalem, and the Gaza Strip, including in construction and street vending.

11 E/C.12/PSE/1, paras. 71–72.

Trade union rights (art. 8)

19. Please provide information on the legislative measures taken to guarantee the right of employees in both the private and the public sectors to freely form and join trade unions, and their right to strike. Please explain any limitations in place on registration of trade unions for public sector employees, in view of Cabinet decision No. 17/24/50 of 11 November 2014 to close the Union of Public Employees and of the arrest and detaining of two of its leaders. Please describe the measures in place to protect members and leaders of trade unions in the exercise of their trade union rights, and to ensure that they are protected from reprisals, harassment and violence.

Right to social security (art. 9)

20. Please provide updated information on the progress made by the State party with the revision of its social security laws and the establishment of a financially sustainable social security system. Please provide information, including statistical data, on the coverage of the social security schemes, including the number of beneficiaries, disaggregated by age group, sex, disability, region, employment status and sector, and other relevant criteria. Please explain the steps taken to ensure that workers in the informal economy are not deprived of their right to social security. Please also indicate the impact of the measures taken to set a social protection floor that includes basic social security guarantees for all persons, including those from the most disadvantaged and marginalized groups.

Protection of the family and children (art. 10)

21. Please describe the steps taken by the State party to conduct a review of its personal status laws and to bring its legislative framework relating to marriage, divorce, custody and inheritance into line with international norms and standards. Please provide information about the steps taken to adopt the draft family protection bill, in compliance with international norms and standards. Please also describe the legislative and policy measures taken to address gender-based violence against women, and the impact thereof, including the results achieved under the State party's strategic plan for combating violence against women (2011–2019).

Right to an adequate standard of living (art. 11)

22. Please provide information on the measures taken by the State party to address the high incidence of poverty, and the impact thereof. Please indicate the steps taken by the State party to improve food security in the West Bank and the Gaza Strip. Please describe the measures taken to protect

small-scale farmers and fishers and their means of subsistence, also considering the occupying Power's spraying of aerial herbicide over the State party's farmlands, its attacks against Palestinian fishers, their boats and fishing equipment, and its restriction of access by Palestinians to their agricultural land, marine resources and irrigation facilities.

23. Please provide information about the most pressing challenges related to the realization of the right to housing, and about the steps taken:
 - (a) To reconstruct houses that were destroyed during armed conflict, with timelines;
 - (b) To address the energy deficit in the Gaza Strip, and to develop a plan to diversify energy sources and improve electricity facilities;
 - (c) To reconstruct destroyed or damaged public infrastructure, including for water, sanitation and energy;
 - (d) To ensure access to sufficient, affordable and safe drinking water in the West bank and the Gaza Strip.
24. Please provide information on the living conditions in the refugee camps in the West bank and the Gaza Strip, including the availability of basic facilities and amenities, such as drinking water, waste removal, sanitary facilities and electricity. Please also provide information on the measures taken to address overcrowding in these camps.

Right to physical and mental health (art. 12)

25. Please provide information on the allocation and distribution of human, technical and financial resources by the State party to its public health-care sector in the West Bank and the Gaza Strip. Please provide detailed information on the accessibility of health-care services, including information on the coverage of national health insurance and statistical data on household expenditure on health care.
26. Taking into account the reported killing and wounding of Palestinian health-care workers and damage to medical institutions during the conflict in the Gaza Strip, please provide information on the measures taken and plans formulated to restore the capacity of the public health system. Please explain the measures taken to facilitate access by the population of the Gaza Strip to humanitarian aid and medical supply donations.
27. Please inform the Committee about the measures in place to contain the spread of COVID-19, the tools and methods used to monitor the prevalence of COVID-19, and the services rendered to patients and affected communi-

ties. Please describe the progress made by the State party in the vaccination of its population against COVID-19, with information on the criteria applied in the vaccination programme and statistical data on the vaccinated population, disaggregated by age group, sex, disability and region.

Right to education (arts. 13–14)

28. Please provide data, disaggregated by age group, sex, disability, region and household income level, on the school enrolment, dropout and completion rates of children at the various levels of education. Please describe the measures taken to ensure the continuity of education and to address non-attendance and dropouts, especially among girls, children from marginalized households, children with disabilities and Bedouin children. Please explain the impact of measures taken to enhance the quality of education, including by improving educational infrastructure and curriculum content and ensuring the availability of qualified teaching personnel and appropriate learning and teaching materials.

Cultural rights (art. 15)

29. Please provide information on the measures taken to expand access to the Internet and digital technologies, especially for disadvantaged and marginalized groups. Please indicate whether and how the State party plans to increase research and development expenditure in the fields of agricultural sciences, social sciences and humanities, and how it plans to ensure the equitable distribution of such expenditure across all sectors and regions.
30. Please provide information on the measures taken to protect cultural diversity, to promote awareness of the cultural heritage of the different groups that compose the State party's population, including Bedouin and ethno-religious and national minorities, and to create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs. Please describe the measures taken to promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.



United Nations

Economic and Social Council

E/C.12/PSE/CO/1

Distr.: General
1 November 2023

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of the State of Palestine^{12*}

1. The Committee considered the initial report of the State of Palestine¹³ at its 35th and 37th meetings,¹⁴ held on 27 September 2023 and 28 September 2023, and adopted the present concluding observations at its 60th meeting, held on 13 October 2023.

A. Introduction

2. The Committee welcomes the submission by the State party of the initial report and the supplementary information provided in the replies to the list of issues.¹⁵ The Committee expresses its appreciation for the constructive dialogue that it held with the State party's delegation.
3. The Committee recognizes that the ongoing Israeli occupation and partial annexation of the territory of the State party, the expansion of settlements and the continued blockade of the Gaza Strip, which are illegal under international law,¹⁶ pose severe challenges for the State party in fully implementing its obligations under the International Covenant on Economic, Social and Cultural Rights and lead to grave violations of the economic, social and cultural rights of Palestinians, including forced displacement and evictions,

¹² * Adopted by the Committee at its seventy-fourth session (25 September–13 October 2023).

¹³ E/C.12/PSE/1.

¹⁴ See E/C.12/2023/SR.35 and E/C.12/2023/SR.37.

¹⁵ E/C.12/PSE/RQ/1.

¹⁶ See Security Council resolution 2334 (2016) and other relevant Council resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009). See also International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, *Advisory Opinion*, I.C.J. Reports 2004, p. 136; and Human Rights Council resolutions S-9/1 and S12/1.

seizure of private land, house demolitions and illegal settlements, restrictions on gaining access to health-care services, destruction of cultural sites and denial of access to humanitarian aid. It recognizes that the above-mentioned challenges limit the State party's effective control of its jurisdiction over its own territory and resources and its capacity to implement the Covenant. However, it reminds the State party that the Covenant is applicable in its entire territory and that it should take all possible measures to implement it in all parts of the territory. In that regard, the Committee regrets that, notwithstanding the agreement between the Fatah and Hamas movements to end Palestinian division, signed on 12 October 2017, the State party has made limited progress in resolving internal political issues that negatively affect the full enjoyment by Palestinians in the West Bank, including East Jerusalem, and the Gaza Strip of their rights under the Covenant and contribute to the political and geographical fragmentation of the State party's territory. It notes that, owing to this fragmentation, Palestinians continue to be subject to multiple legal systems that impede the full realization of their rights under the Covenant.¹⁷

B. Positive aspects

4. The Committee welcomes the accession of the State party to a significant number of international instruments since its accession to the Covenant, and the issues referred to below.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee is concerned about the interpretation of the Supreme Constitutional Court, in its decisions No. 4 (2017) of 19 November 2017 and No. 5 (2018) of 12 March 2018, according to which international treaties acceded to by the State party take precedence over national legislation only insofar as they are consistent with the national, religious and cultural identity of the Palestinian Arab people. Furthermore, the Committee is concerned about the multiple non-unified legal systems in the West Bank and the Gaza Strip.
6. The Committee recommends that the State party revise existing legislation with a view to preventing legal uncertainty or ambiguity that could provide grounds for legal interpretations contradictory to the State party's legal obligations, and that the State party enact legislation to ensure the unification of its legal systems, as also recommended by the Human Rights Committee.¹⁸

¹⁷ CEDAW/C/PSE/CO/1, para. 9; CERD/C/PSE/CO/1-2, para. 3; CRC/C/PSE/CO/1, para. 4; and CAT/C/PSE/CO/1, para. 4.

¹⁸ CCPR/C/PSE/CO/1, para. 6.

In this regard, the Committee recalls its general comment No. 9 (1998) on the domestic application of the Covenant.

Independence of the judiciary

7. The Committee is concerned about the establishment of the Supreme Council of Judicial Bodies and Authorities, as its control by the executive branch of Government significantly hampers the independence of the judicial system.
8. The Committee recommends that the State party take the measures necessary to prevent and sanction any abuse of the powers granted to the Supreme Council of Judicial Bodies and Authorities, taking into account relevant international standards, including the Basic Principles on the Independence of the Judiciary.

Civil society organizations

9. The Committee is concerned that Decree-Law No. (7) of 2021, amending the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), and Decree-Law No. (39) of 2022 on Anti-Money-Laundering and Terrorism Financing may unduly restrict the right to freedom of association and the funding and operations of civil society organizations.
10. The Committee recommends that the State party consider reviewing Decree-Law No. (7) of 2021, amending the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), and Decree-Law No. (39) of 2022 on Anti-Money-Laundering and Terrorism Financing with a view to removing unduly restrictive requirements regarding the funding and operations of civil society organizations, as also recommended by the Human Rights Committee.¹⁹

Human rights defenders, journalists and lawyers working on human rights

11. The Committee is concerned that certain provisions of the Jordanian Criminal Code of 1960, as incorporated by the State party, notably articles 144 (insulting a public official), 150 (inciting sectarian strife), 191 (slandering a public official) and 195 (insulting a higher authority), unduly criminalize expression in the State party and have reportedly been used to silence human rights defenders, journalists and lawyers working on human rights who voice critical or dissenting opinions of the State party's activities and policies.

¹⁹ Ibid., para. 42 (a).

12. The Committee recommends that the State party review the Jordanian Criminal Code of 1960, as incorporated by the State party, to bring it into full conformity with international human rights law, as also recommended by the Human Rights Committee.²⁰ In this regard, the Committee recalls its statement on human rights defenders and economic, social and cultural rights.²¹

Business and economic, social and cultural rights

13. The Committee is concerned about the absence of a national action plan for businesses and human rights. The Committee is also concerned about reports of monopolies and lack of competitiveness in public tenders, in particular in the water, electricity and telecommunications sectors, as well as in the waste disposal sector, leading to higher prices and thereby negatively affecting households' ability to afford the costs of living (arts. 11, 12, 13, 14 and 15).
14. The Committee recommends that the State party enact a national action plan for businesses and human rights. The Committee also recommends that the State party ensure that companies awarded public contracts do not unduly raise prices for individuals and households to the detriment of their ability to afford the costs of living, such as for housing, food, medicine, education and cultural activities, including sports. In this regard, the Committee recalls its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.

Climate change

15. The Committee is concerned that current emission-reducing policies may not be sufficient for the State party to fulfil its obligations under the Paris Agreement (art. 2 (1)).
16. The Committee recommends that the State party take measures to achieve its nationally determined contributions under the Paris Agreement, including by increasing taxation on emissions and replacing fossil fuel in its energy mix. In this regard, the Committee recalls its statement on climate change and the Covenant.²²

Maximum available resources

17. The Committee is concerned that the political divergence between the West Bank and the Gaza Strip hinders the State party's ability to effectively

²⁰ Ibid., para. 40 (a).

²¹ E/C.12/2016/2.

²² E/C.12/2018/1.

collect taxes and conduct cohesive economic policies, and renders it overtly dependent on fluctuating levels of official development assistance, all to the detriment of the fulfilment of the rights under the Covenant (art. 2 (1)).

18. The Committee recommends that the State party redouble its efforts to end the political divergence between the West Bank and the Gaza Strip to improve its ability to collect taxes and conduct cohesive economic policies and to reduce its dependency on fluctuating levels of official development assistance. In this regard, the Committee recalls its statement entitled “The pledge to leave no one behind: the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development.”²³

Corruption

19. The Committee is concerned about reports that corruption, including nepotism, remains pervasive in many sectors of public life, in particular in appointing and promoting government officials. The Committee regrets the lack of specific information provided by the State party on the concrete measures in place to ensure the independence, transparency, effectiveness and accountability of anti-corruption bodies such as the Anti-Corruption Commission and the Anti-Corruption Court (art. 2 (1)).
20. The Committee recommends that the State party:
 - (a) Promptly, independently and impartially investigate and prosecute all cases of corruption, in particular high-level corruption, including corruption in the Government, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;
 - (b) Ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies, including the Anti-Corruption Commission and the AntiCorruption Court, as also recommended by the Human Rights Committee.²⁴

Austerity measures

21. Noting the State party’s measures to balance its expenses with available resources, the Committee is concerned about the significant adverse impact of austerity measures on the enjoyment of economic, social and cultural rights (arts. 2 (1), 6, 9, 11 and 12).
22. The Committee recommends that the State party assess the impact on the Covenant rights when making budgetary adjustments and take all measures necessary to reduce any negative impact on economic, social and cultural

²³ E/C.12/2019/1.

²⁴ CCPR/C/PSE/CO/1, para. 8 (a) and (b).

rights. In this regard, the Committee recalls its statement on public debt, austerity measures and the Covenant.²⁵

Non-discrimination

23. The Committee is concerned about the absence of comprehensive anti-discrimination legislation providing full and effective protection against all forms of discrimination prohibited under the Covenant and about reports of discrimination, including discrimination based on sexual orientation and gender identity (arts. 2 (2)).
24. The Committee recommends that the State party enact comprehensive antidiscrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity, as also recommended by the Human Rights Committee.²⁶ In this regard, the Committee recalls its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Equal rights of men and women

25. The Committee is concerned that gender disparities persist, in particular in relation to the gender pay gap. The Committee is also concerned that women's representation in senior positions in the public and private sector remains unsatisfactory (arts. 3 and 7).
26. The Committee recommends that the State party:
 - (a) Intensify its efforts to close the gender pay gap, including by addressing the gender-based segregation in the labour market, reviewing its social and tax policies and addressing the factors that discourage women from continuing their careers or taking up full-time employment;
 - (b) Enhance women's participation in senior public and private positions, including by considering quotas.
27. In this regard, the Committee recalls its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

²⁵ E/C.12/2016/1.

²⁶ CCPR/C/PSE/CO/1, para. 12 (a).

Right to work

28. The Committee is concerned about the persistent high level of unemployment, in particular in the Gaza Strip, and the stark overrepresentation of persons with disabilities and women among the unemployed. The Committee is also concerned about reports that the policies of banking and financial institutions restrict access to loans for women working in the agricultural sector (arts. 3 and 6).
29. The Committee recommends that the State party increase its efforts to address unemployment, for example by implementing targeted public sector employment schemes and by paying particular attention to unemployment in the Gaza Strip and among persons with disabilities and women. The Committee also recommends that the State party establish loan schemes targeting women working in the agricultural sector.
30. The Committee is concerned that the youth unemployment rate, in particular among young people who have completed tertiary education, has increased in recent years and about the lack of sufficient measures to address it (art. 6).
31. The Committee recommends that the State party continue to increase its efforts to address youth unemployment, including among young people who have completed tertiary education, and that it continue its efforts to calibrate education with the needs of the labour market, such as by expanding vocational training. The Committee also recommends that the State party work with its development partners for nationbuilding by enhancing cooperation in training, technology, skills development, vocational guidance, project assistance, budgetary support and legislative measures to improve employment opportunities for young people who are unemployed.

Right to just and favourable conditions of work

32. The Committee is concerned about the considerable proportion of workers in the State party who are working in the informal economy and that such workers are de facto not adequately covered by the Palestinian Labour Code (Act No. 7 of 2000). The Committee is also concerned about reports of unsafe working conditions, including instances of injury and death, in particular in the construction, manufacturing and quarrying industries. The Committee is further concerned about reports that the legal minimum wage is not systematically paid by employers and about reports of the withholding of salaries and the deductions of exorbitant administrative fees imposed on persons working in settlements or in Israel proper. Furthermore, the Committee is concerned about the absence of specialized labour courts, despite such courts being prescribed by the Labour Code (art. 7).

33. The Committee recommends that the State party:

- (a) Take measures to regularize the situation of informal sector workers and ensure that they are covered by the Palestinian Labour Code (Act No. 7 of 2000);
- (b) Adopt all measures necessary to ensure just and favourable conditions of work, in particular for workers in the construction, manufacturing and quarrying industries;
- (c) Ensure that all categories of workers have access to medical and accident insurance, as well as to adequate compensation for work-related injuries and diseases;
- (d) Enforce the payment of the legal minimum wage by employers and take measures to prevent the economic exploitation of those working in settlements or in Israel proper, including by increasing labour inspections of labour-referral agencies;
- (e) Establish specialized labour courts.

34. In this regard, the Committee recalls its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Trade union rights

35. The Committee is concerned that the State party has not passed legislation to regulate trade unions (draft trade union organizations law). The Committee is also concerned about the dissolution of the Union of Public Employees. The Committee is further concerned about reports of punitive measures taken against teachers, including layoffs, the withholding of salaries and involuntary transferral to undesired posts, for union activities (art. 8).
36. The Committee recommends that the State party pass legislation to regulate trade unions and consider reviewing its decision to dissolve the Union of Public Employees. The State party should take all measures necessary to ensure that no one, including teachers, is subjected to punitive measures for union activities and take immediate steps to rectify any undue layoffs, pay salaries due and retransfer unduly transferred personnel. In this regard, the Committee recalls its joint statement with the Human Rights Committee on freedom of association, including the right to form and join trade unions.²⁷

²⁷ E/C.12/66/5-CCPR/C/127/4.

Right to social security

37. The Committee is concerned that the draft social security law has yet to be passed and that a substantial share of the population, including those who are employed, is not adequately covered by social security schemes (art. 9).
38. The State party should adopt the draft social security law and ensure that its provisions adequately ensure the right to social security, paying special attention to the needs of the most disadvantaged and marginalized groups and ensuring coverage for all, including those not contributing to private or public social security schemes through their workplace. In this regard, the Committee recalls its general comment No. 19 (2007) on the right to social security.
39. The Committee is concerned about reports that the medium- to long-term financial sustainability of the public pension system is threatened by the State party's continued reliance on borrowing from the public pension fund, as this may negatively affect retirees' enjoyment of economic and social rights (art. 9).
40. The Committee recommends that the State party immediately cease borrowing from the public pension fund.
41. The Committee is concerned about the viability of the Palestinian Cash Transfer Programme, including as a result of overreliance on fluctuating donor contributions (art. 9).
42. The Committee recommends that the State party take all measures necessary to ensure that the Palestinian Cash Transfer Programme is able to disburse payments as intended, including by reducing reliance on donor contributions for its funding, such as by increasing the amount allocated by the State party.

Protection of the family and children

43. The Committee is concerned that the draft family protection law has not been passed, and that matters of personal status, including inheritance, marriage, divorce and child custody, are regulated in the West Bank by the Personal Status Act of 1976 and in the Gaza Strip by the Ottoman Personal Status Act of 1918 and the Family Rights Act of 1954, as these laws may not comply with the State party's international legal obligations under the Covenant, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (art. 10).
44. The Committee recommends that the State party take immediate steps to pass the family protection law and review the Personal Status Act of 1976,

the Ottoman Personal Status Act of 1918 and the Family Rights Act of 1954 with a view to ensuring that the laws comply with the State party's international legal obligations, including the Covenant.

45. The Committee notes with concern that many children exercise some form of economic activity, including hazardous work, in particular in the manufacturing and agriculture sectors, and that these children are also exposed to economic exploitation (art. 10).
46. The Committee recommends that the State party take urgent measures to:
 - (a) Eliminate the worst forms of child labour;
 - (b) Ensure that the laws on child labour are rigorously enforced;
 - (c) Strengthen labour inspection mechanisms with a focus on child labour.

Right to an adequate standard of living

47. The Committee is concerned that large disparities in living standards between the West Bank and the Gaza Strip and between urban and rural areas still persist (art. 11).
48. The Committee recommends that the State party pay particular attention to shortfalls and the differences in living standards between the West Bank and the Gaza Strip, as well as between urban and rural areas, with a view to bringing the lower living standards of rural areas and the Gaza Strip up to the level of urban areas and the West Bank, respectively.
49. The Committee is concerned about food insecurity and the poor living conditions in overcrowded refugee camps, including regarding the quality of housing, electricity, sanitation and access to safe drinking water (art. 11).
50. The Committee recommends that the State party prioritize and allocate sufficient resources to ensuring food security and alleviating poor living conditions in refugee camps, including regarding the quality of housing, electricity, sanitation and access to safe drinking water. In this regard, the Committee recalls its general comments No. 4 (1991) on the right to adequate housing, No. 12 (1999) on the right to adequate food and No. 15 (2002) on the right to water, and its statement on the right to sanitation.²⁸

Poverty

51. The Committee is concerned about reports that a draft law on value-added tax will increase value-added tax on all products without sufficiently taking

²⁸ E/C.12/2010/1.

into account the disproportionate effect on persons and families on low incomes regarding their ability to purchase food items and basic necessities (art. 11).

52. The Committee recommends that the State party, in its application of value-added tax, take adequately into consideration the needs of persons and families on low incomes, including by applying a differentiated, lower value-added tax on food items and basic necessities. In this regard, the Committee recalls its statement on poverty and Covenant.²⁹

Right to housing

53. The Committee is concerned about reports of prolonged efforts to reconstruct homes and businesses destroyed by the occupying Power, and that victims thereof go through lengthy periods of homelessness and absence of livelihoods. The Committee is also concerned about reports of forced evictions by the authorities in the Gaza Strip (art. 11).
54. The Committee recommends that the State party redouble its efforts, including by engaging with international partners, to ensure that persons whose houses and businesses are destroyed by the occupying Power are provided with adequate housing and support to maintain their livelihoods without any undue delay. The Committee also recommends that the State party ensure that evictions, when unavoidable, are carried out in accordance with due process of law, are preceded by consultations with the persons concerned and consideration of alternatives, are subject to appeal and result in adequate compensation or the provision of adequate alternative housing. In this regard, the Committee refers to its general comment No. 7 (1997) on forced evictions.

Climate change adaptation

55. The Committee is concerned about the absence of a national adaptation plan for climate change and that the environmental consequences of climate change, including the degradation of arable land, droughts and lack of freshwater resources, have a considerable impact on the enjoyment of economic, social and cultural rights in the State party (art. 11).
56. The Committee recommends that the State party develop a national adaptation plan for climate change and take all adaptation measures necessary to protect the environment and address environmental degradation, taking into account its effects on economic, social and cultural rights. This could, for example, take the form of crop rotations and agroforestry, water rationing and the expansion of drip-irrigation techniques.

²⁹ E/C.12/2001/10.

Right to physical and mental health

57. The Committee is concerned about the general inadequacy of funding for and the persistent disparities in access to public health-care services in the West Bank and the Gaza Strip. The Committee is also concerned about reports of inadequate mental health care, including for women and children who are victims of domestic violence (art. 12).
58. The Committee recommends that the State party:
- (a) Take all measures necessary to improve its health-care services and guarantee the enjoyment of the right to good-quality and affordable health care to all persons throughout the State party;
 - (b) Earmark funding to improve mental health-care services at both the preventive and the curative levels, including for women and children who are victims of domestic violence.
59. In this regard, the Committee recalls its general comment No. 14 (2000) on the right to the highest attainable standard of health.
60. The Committee is concerned about the highly restrictive legal framework for legal access to abortion, which subjects both doctors and patients to criminal prosecution under articles 321, 322 and 324 of the Jordanian Criminal Code of 1960, as incorporated by the State party, and which also results in unsafe abortions (art. 12).
61. The Committee recommends that the State party:
- (a) Amend parts of the domestic legal and institutional framework, including articles 321, 322 and 324 of the Jordanian Criminal Code of 1960, as incorporated by the State party, to ensure that women and girls who undergo abortions and the doctors or others who attend to them are not subject to criminal penalties, as also recommended by the Human Rights Committee;³⁰
 - (b) Duly takes into consideration the World Health Organization Abortion Care Guideline.³¹
62. In this regard, the Committee recalls its general comment No. 22 (2016) on the right to sexual and reproductive health.
63. The Committee is concerned about reports that the State party's health insurance system is governed by multiple legislative and administrative frameworks, which increases the transactional and administrative burdens for patients and health-care providers alike, and about reports that referrals

³⁰ CCPR/C/PSE/CO/1, para. 16 (a).

³¹ Geneva, 2022.

from public health-care providers to private health-care providers increase the health-care costs borne by the State party (arts. 9 and 12).

64. The Committee recommends that the State party review its legislative and administrative frameworks for health insurance to unify and simplify the system and make said revisions public with a view to ensuring transparency and reducing transactional and administrative burdens for health-care providers and patients, and strengthen its public health-care system with a view to lowering expenses linked to referrals to private health-care providers. In this regard, the Committee recalls its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Right to education

65. The Committee is concerned about reports of non-attendance and drop-outs in the compulsory education system, in particular among children with disabilities and Bedouin children. The Committee is also concerned about the State party's inability to ensure adequate funding for the education system in a context of austerity and reduced donor support (arts. 13 and 14).
66. The Committee recommends that the State party take all measures necessary to combat non-attendance and dropouts in the compulsory education system, in particular among children with disabilities and Bedouin children. The Committee also recommends that the State party allocate sufficient resources to the education system, including by engaging with international partners and donors to this effect. In this regard, the Committee recalls its general comments No. 11 (1999) on plans of action for primary education and No. 13 (1999) on the right to education.
67. The Committee is concerned about reports that students whose schools have been destroyed by the occupying Power are unable to pursue education (arts. 13 and 14).
68. The Committee recommends that the State party continue to take all adequate measures, including by engaging with civil society organizations and international partners, to ensure that students' education is affected to the least possible degree in cases of destruction of their schools.

Academic freedom

69. The Committee is concerned about reports of infringements on the academic freedom of university students and staff by the State party, including students and staff being detained by the State party's security agencies in connection with the exercise of the freedom of expression and student union activities (arts. 13 and 14).

70. The Committee recommends that the State party take all measures necessary to ensure the academic freedom of university students and staff, including by monitoring the activities of the State party's security agencies.

Cultural rights

71. The Committee is concerned about reports that law enforcement agencies do not take adequate measures to ensure the protection of independent cultural institutions and individual artists, and about reports that threats against and attacks on those institutions and individuals have increased in recent years, including as a result of a climate of impunity (art. 15).
72. The Committee recommends that the State party take all measures necessary to ensure the protection of independent cultural institutions and individual artists, and ensure that all cases of threats and attacks are investigated promptly, effectively and impartially, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims of such violations receive full reparation and redress. In this regard, the Committee recalls its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

Access to the Internet

73. The Committee is concerned that the measures taken by the State party to expand access to the Internet and digital technologies, in particular for disadvantaged and marginalized groups, in refugee camps and in the Gaza Strip, have been insufficient (art. 15).
74. The Committee recommends that the State party expand Internet access, in particular in refugee camps and in the Gaza Strip, and allocate specific funding for access to the Internet by disadvantaged and marginalized groups.

D. Other recommendations

75. The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.
76. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sus-

tainable Development at the national level, including in the recovery from the coronavirus disease (COVID-19) pandemic, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment to the decade of action and delivery for sustainable development. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.³²

77. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Independent Commission for Human Rights, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.
78. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 36 (trade union rights), 38 (right to social security) and 44 (protection of the family and children).
79. The Committee requests the State party to submit its second periodic report in accordance with article 16 of the Covenant by 31 October 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties.³³

³² E/C.12/2019/1.

³³ HRI/GEN/2/Rev.6, chap. I.