

**Report Submitted to the Committee on the United Nations Covenant of
Economic, Social and Cultural Rights**

**On the List of Issues necessary to enable the Committee to Monitor the
Implementation of Covenant in the State of Palestine Report**



A Report Submitted by:

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Introduction

Palestinian Working Woman Society for Development (hereof referred to as PWWSD or the Organization) is an independent human rights organization involved mainly in advocating women's rights and promoting gender equality. PWWSD has been active within the Palestinian community since the year 1981 and associated itself with advocating women's human rights in the light of the Palestinian Legal set/ social contract, International Human Rights Law Instruments, including the United Nations Covenant on Civic and Political Rights (ICCPR), International Humanitarian Law, and the International Criminal Law. The organization believes that women's human rights are an indivisible part of the human rights set that should be protected by default in both the private and public spheres. . As women face discrimination, mainly through the applied legal set, they will remain excluded from public life and they will be left behind forever. The applied legal set in Palestine is a mixture of outdated laws some are from the Ottoman period, the British Mandate, the Jordanian era (West Bank), the Egyptian era (Gaza Strip), and some military orders from the occupation period. There are synergies between the colonialism context and the patriarchal structures.

Since the year 2007 (the year that marked the political division between the West Bank and Gaza Strip), the Palestinian Legislative Council (PLC) has been paralyzed. Since that time, the executive authorities in the two regions (Palestinian Authority in the West Bank and Status Quo Government in the Gaza Strip), encroach on both the legislative and judiciary authorities. Laws in the West Bank are issued through presidential decrees while in the Gaza Strip, the laws are issued through the (Bloc of Reformation and Change- Hamas Bloc) in the outgoing PLC. The PLC was dismantled based on a resolution from the Constitutional Court, but the Hamas Government continued issuing the laws through the given bloc. All the issued laws within the mentioned mechanisms did not take into consideration the fundamental rights of human beings. The Palestinian Authority decided to associate the role and mission of the PLC with the Central Council. The Central Council is not an elected body and it is not capable of issuing legislation. According to the Palestinian Basic Law, the process of issuing laws is associated with the Palestinian Legislative Council, which should be elected directly by the people.

Revising the issued laws indicates clearly that they are designed to ensure the dominance of the legislative and judiciary authorities by the executive authority. The laws contributed to militarizing the Palestinian context and guaranteed that the executive authority controls all the details of people's lives. The issued laws in the two regions contributed to shrinking the civic space and violating the constitutional rights of Palestinians in the field of economic, social, and cultural rights that are fundamental and inherit in the International Covenant.

Executive Summary:

PWWSD, through this report, would like to highlight the status of some issues raised by your esteemed committee in response to the State of Palestine report. Taking into consideration that the economic circumstances of women in Palestine are facing currently terrible deterioration, PWWSD would like to comment on some issues related to economic rights in the list of issues submitted by your esteemed committee to the state party. PWWSD believes in the significance of all the issues raised in the list of issues, but will limit its comments to some specific issues believing that they are the most important.

Although the State of Palestine acceded to the Covenant 9 years ago, but it had not been published in the official gazette yet. The Covenant had not been utilized by the Palestinian Judiciary Authority as a reference for litigation. There is reluctance from the executive authority to publish the Covenant and harmonize the applied laws. PWWSD is aware that the decision regarding localizing the Covenant in the local legal set is the responsibility of the Legislative Institution (Palestinian Legislative Council) that has been paralyzed since the year 2007. All the International Conventions and Treaties to which the State of Palestine had acceded since the year 2004, are still dangling waiting for a Parliamentary Decision to localize them with the applied legal set. Therefore, the executive authority should declare a clear date for the public elections (Parliamentary and Presidency) to ensure the smooth localization of the conventions and treaties. The abstaining from conducting the public elections in itself represents a violation of the commitments of the state party under international conventions and treaties. Additionally, it violates the Palestinian Basic Law (Constitution) and the other tools of the social contract that connect the Palestinian community.

The Impacts of the Political Division on the Constitutional Rights:

The political division between the Fateh is reflected negatively on the fundamental human rights in Palestine where women are the most affected social segment in such a situation. The two conflicted parties are refusing to end the division though, since the year 2007, tens of reconciliation agreements have been signed between the two parties, yet, none of them came into effect. The ongoing division resulted in blocking the democratic life in Palestine and it looks as if the two parties are interested in administrating the status quo situation more than ending the division. The two conflicted parties utilized the division to strengthen their control of the overall situation. Both the Palestinian Authority in the West Bank and the status quo government in the Gaza Strip, act without restraint due to blocking the Palestinian Legislative Council as the constitutional institution that is associated with monitoring the performance of the executive authority. At the same time, the issued laws shrank the space and banned civil society from performing monitoring roles.

The Palestinian Authority declared in 2021 that the presidential and Legislative Elections would take place in May of that year, but the president decided to cancel the elections and postpone them till an unknown time. The denial of Palestinians' constitutional rights to elections (public elections), resulted in profound violation of fundamental human rights. Although the Palestinian Basic Law states clearly that the presidential and legislative terms are four years each, yet, Palestinians are denied such rights. As long as the political division continues, then basic human rights would remain violated and the totalitarian regime in both the West Bank and Gaza Strip would be embodied. In the Gaza Strip, the status quo government of Hamas makes unilateral decisions. It banned all forms of elections (local authorities, student councils, professional leagues...) while these elections were allowed in the West Bank.

I. List of Issues:

1. Although the ICCPR was published in the official Gazette through a decree-Law (18/2023) on 26/7/2023, this step is not enough. It should be localized with the national legal set and all the legal articles that contradict with the Covenant should be canceled (according to Article 2 of the given law- decree). Localizing it with the national legal set should be done through the PLC to become effective. For that, there is a need first to arrange public elections and enable Palestinians to elect their representatives to the legislative institution that is associated with localizing the ICCPR within the local legal set. Without electing a legislative council, publishing the Covenant in the Official Gazette has no effect.

2. PWWSD demands your esteemed committee to hold the state party accountable for the reason for not publishing this Covenant, the Convention on the Elimination of All Forms of Discrimination against Women, and all other conventions and treaties to which the State of Palestine has acceded since 2014 in the Official Gazette.

3. PWWSD demands your esteemed committee to ask the state party to establish both administrative and legal actions aimed at enacting the International Covenant on Economic, Social and Cultural Rights.

4. No progress was been made by the Palestinian Authority towards ending the political division. Following the 2017 Cairo Agreement, there were two other agreements signed between the two parties. The first is the Istanbul Agreement in 2020 and the second is the Algeria Agreement in 2023. No steps were taken to make the given agreements effective on the ground. Women had been excluded from the delegations involved in the reconciliation negotiations. During the last meeting for the Palestinian political parties that took place in Egypt and was dedicated to exploring the possibility of achieving reconciliation between the Palestinian political parties to contribute to ending the division, only one woman was invited to participate. In the previous rounds of negotiations to realize negotiation, only 5 women participated and were associated with secondary roles. Under the division, there is no possibility to ensure the protection of implementing the international human rights law instruments. Additionally, the division is utilized by the two controlling powers (Fateh and Hamas), to confiscate the public freedoms and increase the pressure on the civil society, mainly women CSOs. Recently, there was a huge ongoing incitement and hate speech campaign against the women's movement, women's organizations, and women leaders while the Palestinian government in the West Bank stands hands-cuffed, doing nothing to protect the victims. Additionally, although the 2020 Istanbul Reconciliation Agreement included forming committees to deal with the impacts of the division, yet, no practical steps were taken to activate these committees. There is an absence of a political will from the Palestinian Authority to end the division.

The Organization recommends your esteemed Committee to request further information from the state party about the steps and measures to be applied to achieve reconciliation. Furthermore, to ask the state party about the reasons for excluding women from the negotiations to the division.

5. The Palestinian Authority declared the legislative and presidential elections to take place in May 2021. There were 36 lists nominated to the elections (29 lists were independent). The elections were supposed to take place in both the West Bank and Gaza Strip according to existing electoral law at that time. There was no respect for the Central Council and National Council (2015 and 2018 in sequence) decisions, to

increase women's quota to 30%. However, under the pretext that the Occupying Power (Israel), denied allowing elections in Jerusalem, the Palestinian president decided to cancel elections and postpone them till an unknown time. There had been no political campaign by the Palestinian Authority to press on the Israeli Government to allow elections. The Palestinian Authority did not refer to the United Nations or the International Justice Court to press on the Occupying Power to allow elections in Jerusalem, though these international entities declared that Israel is an occupying power and should respect its commitments by the occupation law.

The Palestinian Authority turned back to the demands of civil society to amend the electoral law and increase women's quota to 30%. The laws are issued by the president of the Palestinian Authority without consultation with the civil society and there is no discussion arranged with the representatives of the CSOs once laws are issued. Not only that but also there is an attempt from the Executive Authority to silence civil society. In this regard, a case was lodged by the government recently, against AMAN- Transparency Palestine, for issuing a documentation report about corruption in Palestine.

6. The Palestinian government did not take the required steps to increase awareness about the importance of combating global warming and climate change. There is no campaign at schools to sensitize students to the importance of combating environmental deterioration and climate change. The Ministry of Local Governance did not issue regulations to condition licensing buildings through the local authorities, with planting trees that are capable of contributing to eliminating the impacts of climate change. The main risk to the environment in Palestine is the practices of the Israeli occupation. The Palestinian Authority did not appeal against the crimes of the Israeli occupation against the Palestinian environment. Internally, although the Palestinian Authority created the Environment Quality Authority, yet, the role of the authority is not well-seen within the Palestinian context. The Authority does not engage civil society in its work and plans to contribute to protecting the environment in Palestine. The Ministry of Agriculture does not support environmental agricultural projects. There is no plan within the Ministry of Agriculture to encourage utilizing green energy in agriculture or to encourage organic agricultural projects.

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

7. PWWSD demands your esteemed committee to ask the state party about the reasons of reduction in the portion of expenditure allocated to the social development budget within the overall general budget over the past two years, particularly impacting initiatives aimed at supporting impoverished and marginalized communities.

8. Poverty among women is relatively high within the Palestinian community. There are no clear measures taken by the State of Palestine to eliminate poverty among women. The Palestinian economy is Rentier Economy and Service Based Economy, with no plans from the State of Palestine to shift towards a productive or agricultural economy. The developmental plans released by the Government did not contribute to decreasing the level of poverty and unemployment in Palestine. The plans of the government to overcome the economic impacts of Covid 19 pandemic, were limited to providing temporary work opportunities. The community is still suffering as a result of the impacts of the pandemic.

9. PWWSD demands your esteemed committee to ask the state party about the share of the education, health, and other essential services within the overall state budget. The majority of the state's budget goes to the security sector (33%).

10. The State of Palestine prosecuted the executive director and the legal advisor of AMAN- Transparency Palestine¹ following issuing a report about corruption within the public sector. The behavior of the executive authority indicates clearly the absence of a political will to combat corruption; on the contrary, by protecting those involved in corruption and litigating those who uncover corruption crimes, the executive authority is institutionalizing corruption. The corruption has great destructive impacts on the rights that Palestinians are entitled to, in accordance with the Covenant. Women are the most affected by corruption within the Palestinian community taking into consideration that corruption is a waste of the national resources and so, women usually are the most affected group within the limited resources. Corruption affects people's right to development and leading a decent life. Women's economic rights are the most violated due to corruption, which leads to increased poverty among women and pushes many women to live below the poverty line. Women's households are the most affected as there are currently 12% of Palestinian households headed by women. The report published by AMAN highlighted one of the major issues which is laundering the agricultural products of the Israeli occupation illegal settlements built on the Palestinian agricultural lands (mainly in the Jordan Valley that serves as the food basket of Palestinians). Laundering the agricultural products of the illegal Israeli colonies affected the agricultural products of the Palestinian farmers. In this sense, the Organization would like to draw the attention of your esteemed committee to the fact that approximately 60% of worker women are involved in the agricultural sector. PWWSD urges your committee to ask the State of Palestine about the measures it takes to combat corruption within the various sectors.

11. Discrimination against women within the Palestinian community is still well-seen on more than one level. The applied legal set in Palestine is outdated as there are still laws from the Ottoman period, British Mandate, Jordanian period (in the West Bank), Egyptian period (Gaza Strip), and some of the military orders from the occupation period. There is no political will among the duty-bearers to amend the laws that discriminate against women. Amending the laws and abiding by international conventions and treaties could be through localizing these instruments within the national legal set. The localization is the responsibility of the legislative authority. Therefore, the Organization urges your esteemed committee to ask the state party to schedule public elections to ensure the protection of the rights stated in the Covenant. The Organization emphasizes that as long as the executive authority in the state party is imposing encroachment on both the legislative and judiciary authorities, then discrimination against women would last longer. On the other hand, the rights of persons with disabilities are violated where although the law states that 5% of employment opportunities should be dedicated to persons with disabilities, this percentage is not respected and the Ministry of Labor is not performing its monitoring role to ensure respecting the law.

¹ <https://www.aman-palestine.org/>

12. The conflict in the State of Palestine affects women, the most, on all levels. Women in Jerusalem are subject to systematic violation of their rights by the Israeli occupation authorities. Women are affected the most by the policy of home demolishing in Jerusalem in particular where it violates their right to residency. Additionally, the Israeli authorities apply the policy of home arrest against Jerusalemite Palestinian kids where such policy transfers mothers into jailers, which harms women a lot and destroys their relationship with their kids. The Organization urges your respectful committee to address the occupying power (Israel) in response to its related reports, to stop its arrogance procedures, and to ensure respect for the rights of Palestinian Jerusalemite women. Additionally, PWWSD urges your Committee to address the State of Palestine to accelerate the process of appealing against the crimes of the occupation in Jerusalem and the West Bank, to the appropriate international legal channels, to pave the road in the face of implementing the rights endorsed within the Covenant. On a related level, PWWSD urges the Committee to address the State Party to accelerate the process of ending the political division between the West Bank and Gaza Strip as within the continuation of this status, the rights would be permanently violated. Although several agreements of reconciliation had been signed between the two conflicted parties, yet, none of them came to light. PWWSD urges the Committee to address the State of Palestine to ensure taking concrete steps to end the division and then other steps including public elections. The status quo government in Gaza is imposing laws that violate the Covenant and so, violate the Palestinian legal set itself. An example in this regard is imposing the death penalty, which violates the commitment of the State of Palestine under international conventions and treaties to which it had acceded (mainly the second optional Protocol against the Death Penalty annexed to the UN Convention against Torture). The death penalty in the Gaza Strip is implemented without the approval of the Palestinian president (as it is conditioned within the Palestinian Basic Law). The Death Penalty violates the Covenant as well as other International Human Rights Law Instruments. Ending such violations could not be achieved, but by ending the political division and reforming the Palestinian regime. The Organization urges the Committee to ask the state party about the applied steps to achieve WPSA in Palestine. The State of Palestine should explain why women are excluded from the negotiations of the reconciliation (Istanbul 2020 and Algeria 20223 and the meeting in AL-Alamein- Egypt- 2023). Excluding women represents a clear violation of WPSA and the state party should provide answers as to why women are excluded. It seems that the dominating authority in the State of Palestine is apathetic to women's participation.

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

13. Worker women's rights in Palestine are violated widely in the labor market. The Ministry of Labor is not performing an adequate role in monitoring the respect of workers' rights in general and women's rights in particular. The Checking and Investigation department within the Palestinian Ministry of Labor, which is associated with monitoring the respect of the labor law, has a deficit in the cadre, and the working team is not enough. The Ministry is not monitoring all the establishments and in the best cases, the monitoring is just limited to some big establishments. The Labor Law does not provide protection for women and so, many women avoid enrollment in the labor market. The overall percentage of women in the Labor Market is around 19% (as of 2022), though women represent the majority in the high educational institutions (approximately 62%). Women enrolled in the labor market are working with

denial of their rights such as vacations, maternity leave (in the private sector), minimum wages, health insurance, and equal wages with men for the same work. There is also discrimination against women in the work sphere and there is a clear gap in wages. In the public sector, women represent 49% of the employee's community but they are subject to discrimination in promoting and occupying high positions. Women who serve as director-general and above, represent 14% compared to 86% for men, which indicates the discrimination in promoting employees for high positions and providing equal opportunities for training and capacity building.

14. There is reluctance from the State Party to amend the Labour Law to ensure the protection of the rights of worker women. Women in the labor market are subject to GBV and the law does not provide protection for them. The Labor Law does not include an article that criminalizes GBV in work sites. Thus, the State Party should amend the Labor Law to ensure the protection of worker women.

15. The Majority of women are working in the informal sector (mainly in the agricultural sector which absorbs 60% of the women's labor force). Women in the informal sector lack any kind of social or legal protection and they are left to face the challenges imposed on them, alone. The State of Palestine should take measures to ensure the protection of women in the informal sector to be able to lead a decent life. Many women work in women's cooperatives and the State Party should amend the applied Cooperative Law in order to facilitate for women to improve their living standards thanks to being involved in such sector. The State of Palestine applies the policy of open market, which weakens the capacity of women cooperatives to compete. There is no adequate support from the state party for women involved in income-generating activities. There is no law to exempt women's products from taxes and that leads to weaken women's economic role.

16. Approximately, 80% of unpaid and caregiving work in Palestine is accomplished by women. The State of Palestine does not recognize unpaid work and caregiving work as economic activities that have value to be considered within the national economic sector. Recognizing the unpaid and caregiving works within the national economy would contribute to eliminating discrimination against women in the economic sphere as well as enhance women's civic engagement.

17. No tangible steps are taken by the state party to fill the gap in the wages between males and females. Although the Labor Law and the Basic Law equal between women and men in the various fields, yet, there is still a well-seen gap when it comes to wages. The absence of a monitoring mechanism for implementing the labor law makes women's rights subject to systematic violations. Although the Labor Law identifies the minimum wages, yet, the employers do not respect such rules and they enjoy impunity as the ministry is not performing a role in monitoring the respect of women's wages. Additionally, most women are working in the informal sector and no monitoring is imposed on such sector by the state party. The organization recommends your esteemed committee request more information from the State of Palestine about the measures taken to fill the gap in wages between males and females for the same work and to fill the gap in wages between the West Bank and Gaza Strip.

18. The Ministry of Labor amended the regulation of the minimum wage and decided it without consultation with the civil society and although it was increased to 1880 NIS (It was 1450 NIS before), yet, this amount falls short of providing a decent life for people. The minimum wage was identified without

considering the horrible price increase, especially within the basic commodities. Even if the minimum wage law was respected and implemented, this amount is not enough to sustain the families. There were no consultations with Civil Society and revision of the Economic Studies and research when the ministry identified the minimum wages. The Organization recommends your esteemed committee request information from the State of Palestine about the strategy applied to identify the minimum wages.

19. There is no article in the Labor Law that criminalizes harassment in work sites. Harassment in work sites is not criminalized by the applied penalty code. As women are not protected against harassment in the work sites, many women abstain from enrollment in the work sector. Additionally, some conservative and patriarchal powers tend to justify preventing women (in their families) from joining the labor market, under the pretext that they want to protect them against harassment. The alternative space for women to work becomes unpaid work in the family business and informal sector that is under the control of other relatives from the family. Such a situation denies women the right to be economically empowered and lead a decent life. The organization recommends your esteemed committee to ask the state party to provide information about the measures taken to protect women against harassment in the worksites based on the ILO Violence and Harassment Convention, 2019 (No. 190) and protect women against harassment in public spaces. In this regard, the organization recommends your esteemed committee request information from the state party about the measures taken to protect women against GBV as harassment in the workplace is categorized as GBV.

20. PWWSD recommends your esteemed Committee request information from the State of Palestine about the status of the Family Protection from Violence Bill that was drafted in the year 2006 and has not been released yet. The last version of the Family Protection from Violence Bill was released by the conclusion of 2021. This came after a series of nationwide discussions about the preceding version put forward by the Ministry of Social Development on February 23, 2020. The Minister of Social Development took the initiative to establish a committee responsible for a comprehensive review and revision of the legislation. This committee was led by the Fatwa and Legislation Office, in collaboration with the Ministries of Women's Affairs, Justice, and Social Development, along with the Public Prosecution, the Supreme Judicial Council, the Sharia Judge's Court, and the Palestinian Police. Their primary task was to rework the law, integrating input from the legal advisor to the President and ensuring alignment with international human rights norms, all while maintaining harmony with the Palestinian legal framework.