

The State of Political Economic and Social Rights in Palestine

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Within the project



PalThink Academy for Democracy and Human Rights

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A Highlight on Political, Economic, and Social Rights in Palestine

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Preface

Omar Shaban

Director of PalThink for Strategic Studies

As part of the efforts made by “PalThink” for Strategic Studies to monitor the political, economic, and social system in the Palestinian Territories, “PalThink” issues a report “the state of the political, economic, and social rights in Palestine”. This is the second paper within the activities of the “PalThink Academy for Democracy and Human Rights” project in cooperation with the German organization “IFA”.

The report does not provide a detailed record of human rights violations as this is the role of human rights organizations, rather, it delivers a qualitative analysis and a general view of these rights under the Palestinian division and its direct reflections on society with all its segments and components. In a serious attempt to cover the political, social, and economic rights, the researchers focused on research and analysis of the key indicators within the last three years. These indicators are good governance, political participation, public freedoms, education, health, and labor. The report reached a set of policy recommendations to promote the rights and freedoms of Palestinian people.

Introduction

This paper presents the general situation of the public rights in the Palestinian territories since 2019. The paper is based on six fundamental indicators: good governance, political participation, public freedoms, education, health, and labour. This paper does not, in any way, monitor violations against these six indicators—since it is the competent human rights organizations' mission—as much as it merely analyzes the situation of human rights.

The paper seeks to analyze different aspects of the human rights system in Palestine and identify the root causes and the consequences of the continuation of the human rights violations. It also provides a new form of intensive human rights reports and contains policy recommendations for Palestinian decision-makers, researchers, and those interested in bettering the human rights situation in Palestine.

Indicators of political, economic, and social rights in the Palestinian Territories

– Good governance

Good governance in the Palestinian territories is closely linked to the political division and is affected by its catastrophic repercussions. The internal Palestinian division has long worsened the foundations of good governance in Palestine.

The disruption of general elections since 2006 has negatively impacted Palestinian public institutions and the whole governance system. Accountability and supervision over the Palestinian presidency and government were absent, and juridical power was limited. Meanwhile, the Hamas government's performance in the Gaza Strip was no better.

In light of the prolonged anarchy in Palestine, the civil society organizations (CSOs) continued to advocate for good governance, defend human rights, and monitor public institutions despite the challenges they face including lack of funding, licensing bank accounts, and Israeli violations.

– Public freedoms

The volume of public freedoms people enjoy in a country can be measured by examining their activities in terms of quality and quantity, enacted laws, administrative decisions, and the executive authority's procedures vis-à-vis the rights and freedoms

people enjoy. In Palestine, a package of laws guaranteed the protection of public rights and freedoms, primarily the 2003 Amended Basic Law. The situation of public freedoms in the Palestinian territories can be examined by analyzing the nature of citizens' activities and practices as follows:

1. Public freedoms and media and press organizations: Journalists are constantly harassed, arrested, or summoned by security services in the West Bank and the Gaza Strip on political or professional backgrounds. Some journalists were targeted for covering public meetings, marches, sit-ins, or popular movements, or for publishing reports exposing corruption. In many cases, press and media organizations' headquarters were raided and their equipment was confiscated after they published reports challenging decision-makers orientations. Such practice constitutes a blatant violation of the right of freedom of opinion and expression and the freedom of the press guaranteed by the Palestinian Basic Law and international human rights standards.

2. Public freedoms and the right to freedom of expression: The Palestinian Basic Law guarantees the right of freedom of opinion and expression in Article 19, which stipulates that “Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish their opinion orally, in writing, or any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law.” Thus, the authorities’ preventing people and activists from expressing their opinions freely is a clear violation of the Basic Law.

As such, attacks on the media, its workers, and the freedom of publication and printing without judicial justification constitute a blatant violation of the Basic Law and the Press and Publication Act No. 12 of 1995, which banned the executive authority from taking any actions against journalists and writers by administrative decisions. It also stipulated that such measures should only be taken through the judiciary.

3. Public freedoms and the right to peaceful assembly: Article 26, paragraph 5 of the Basic Law guaranteed the Palestinians' right to participate in political life both individually and in groups, particularly in conducting special meetings without the presence of police members, and conducting public meetings, processions, and assemblies, within the limits of the law.

Thus, all the security services' methods and procedures in the West Bank and the Gaza Strip, including dispersing public gatherings, peaceful sit-ins, and rallies organized by activists, in the context of practising their right to freedom of expression (such as the movement to end the division between the West Bank and Gaza) are illegal.

Examples of such oppressive practices in the West Bank include the crackdown of the demonstration that demanded justice for activist Nizar Banat and the sit-ins of the salary-deprived prisoners. In the Gaza Strip, the authorities carried out similar practices against the “We Want to Live” movement protests.

All restrictions imposed on public freedom in the West Bank and the Gaza Strip violate Palestinian and international laws. An atmosphere of public freedoms requires respecting the right to access information through research so that individuals could express their opinions and beliefs through written, visible, audible, or any other means of their choice. Individuals also have the right to convey and deliver their opinions and ideas regardless of geographical boundaries.

Consequently, the previously-mentioned practices of the authorities in Gaza and the West Bank have distorted people’s rights and lives. Moreover, the gap has even grown wider due to the systematic marginalization of democracy and ideological pluralism.

– Political participation and human rights

The International Covenant on Civil and Political Rights emphasized the right to public participation and that each citizen has the right to participate in the conduct of public affairs, directly or through representatives, and to elect and be elected in fair elections. Article (20/1) of the Universal Declaration of Human Rights stipulated that “Everyone has the right to freedom of peaceful assembly and association.” Article (27/1) stipulated that: “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” All citizens have the right to public participation regardless of their age, religion, sex, or location. Political participation and human rights in Palestine can be examined as follows:

1. **Public elections:** For the last 15 years, the political division has deprived Palestinians of effective political participation, in light of the disruption of legislative and presidential elections. Many generations, especially the youth, were denied to participate in the electoral process, even after they hoped elections would be held in 2021. Yet, a decree postponed the elections under the pretext that the Israeli government would not allow elections to take place in Jerusalem.

Nonetheless, unlike the Gaza Strip, local elections continued to be held in the West Bank, with the latest being two-stage elections. This is a dangerous indicator for the situation of the democratic and political process.

2. **Political participation of women and youth:** Palestinian women suffer political marginalization as a result of the inherited concepts of male guardianship and dominance running throughout the socialization process, which, in the Palestinian society, is based on indoctrinating individuals with a set of values and norms, based on wrong conceptions that degrade women. Youth (aged between 18-29) are almost completely absent from decision-making circles. Although they made up about a fifth (22%) of the Palestinian society in mid-2021, according to the Palestinian Central Bureau of Statistics (PCBS), their representation was less than 1% at best, according to statistics.

– **The right to education**

Even in the light of internal division, all statistical indicators provide that Palestinian education is making quantitative progress in terms of literacy rates. Enrolment rates in primary school reached 99.3%, in secondary school 94.2%, and in high school 66.81%, according to PCBS's 2021 indicators. As for higher education, the Palestinian interest in establishing universities has increased following the establishment of the Palestinian Authority (PA), with 51 higher education institutions (32 in the West Bank, and 17 in the Gaza Strip).

The right to education in the Palestinian territories faces a variety of impediments that limit its effectiveness in empowering the Palestinian society on the social and developmental levels, most notably:

1. The education sector is affected by Israeli policies that aim to impair the Palestinian education structure. It is enough to point in this paper to what the Palestinian education sector suffered during the latest Israeli aggression on the Gaza Strip in May 2021. As for the West Bank and East Jerusalem, the Israeli occupation continues its numerous assaults on the Palestinian education sector, from the many checkpoints on the students' way to their educational facilities to the attacks on schools and the of firing gas and sound grenades in or near them, making the daily trip to school fraught with fear and danger.
2. Poor educational systems threaten the right to education since they are based on rote learning and unidirectional instruction instead of a participatory system that would inspire creativity and bring about tangible improvements in the life of Palestinians.
3. The Coronavirus has exposed the Palestinian education system's poor infrastructure in terms of technical and human readiness to adopt online education requirements. It also exposed the lack of efficient training for teachers on the use of remote learning tools.

4. Political interventions, unchecked political appointments, and the disruption of students' council elections permanently and periodically have affected academic facilities. The continuation of the political division has allowed university administrations to infringe on students' rights. There have been no student council elections in the Gaza Strip's universities for nearly 15 years.
5. Donor influence also constitutes a major challenge facing the right to education, as donors demand teaching curricula that are free of political content (incitement from the donor's point of view).

- The right to health

Similar to the situation of other rights and public freedoms in the Palestinian territories, in the past years, the right to health has been facing several challenges that made citizens' access to this fundamental right very difficult. Especially during Israeli aggressions, health institutions, centres, and medical personnel were directly targeted. The Israeli forces also tried to deprive citizens of access to hospitals to receive health care.

The political division also affected the performance of the Ministry of Health and its services as a result of the inconsistency and conflict of decisions during the Coronavirus crisis, which overburdened the already fragile Palestinian health sector. The following indicators show the reality of the right to health:

1. The right to comprehensive and equitable health insurance for all citizens: The number of Palestinians with government health insurance reached about 31.5% of the population, according to PCBs in 2017. Whereas the number of those uninsured reached approximately 924,730, which is 21% of the population.
2. The number of beds in hospitals: There are 53 hospitals in the West Bank with 3,950 beds, compared to 32 hospitals in the Gaza Strip with 2,485 beds. This means there are 1.3 beds for every 1,000 citizens in both the West Bank and the Gaza Strip. This reflects the existing gap between the two geographical areas in terms of the health sector and the medical services provided for citizens, bearing in mind that the Gaza Strip has experienced four consecutive Israeli aggressions between 2008 and 2021.
3. Medical staff in Palestinian hospitals: The number of workers in the Palestinian Ministry of Health in 2020 was 14,009 (8,314 in the West Bank and 5,695 in the Gaza Strip) including general practitioners, specialists, and nursing personnel, administrative staff, and others. In the Gaza Strip, hundreds of doctors migrated abroad in the last years due to the low salaries and payment cuts, which has

negatively affected the quality of medical services provided to citizens since most of those doctors were specialists in highly demanded fields.

4. Maternity and child care services: Indicators show a rise in the quality of maternity and child care services, as the percentage of women who received healthcare during pregnancy in Palestine in 2020 was 98.7% (98.3% in the West Bank, and 99.2% in the Gaza Strip). The percentage of women who received post-partum healthcare from qualified medical personnel in Palestine reached 88.9% (89.4% in the West Bank, and 88.5% in the Gaza Strip). These rates show a rise in the healthcare services provided to pregnant women and children, which can be attributed to the efforts of all governmental, non-governmental, and UNRWA health bodies, particularly those providing primary services to Palestinian refugees in refugee camps.
5. The continued siege on the Gaza Strip: The continuation of the siege imposed on the Gaza Strip since 2006 has limited citizens' ability to receive treatment or necessary healthcare in hospitals in the northern governorates or Israel. Additionally, the siege has affected the entry of necessary medicines, which are controlled by Israel. Israel also prevents the arrival of foreign medical delegations to provide services and perform surgical operations, which Gaza lacks specialists.
6. Medical transfers of the Gaza Strip patients: One of the most pressing issues facing Gazans is their need for medical treatment abroad. Gaza's fragile health system does not provide the necessary healthcare to citizens in normal situations, not to mention the acute shortage of some medical specialists, such as oncologists, and specialists of other serious diseases. Consequently, citizens turn to the Directorate of Treatment Abroad Affairs seeking the needed transfer to the West Bank or Israel. This process costs the PA's treasury billions of shekels annually.

Furthermore, the political division has negatively affected the health sector in the Gaza Strip in particular. The PA's measures against the Gaza Strip not only included reducing medical transfers but also cutting financial allocations and operational expenses. This deprived citizens with low income of receiving higher quality health care.

7. Fighting the Coronavirus since 2020: The right to health is one of the most affected rights by Coronavirus. All the measures taken to counter the spread of the virus have directly or indirectly affected the citizens' access to quality and proper health services. Although Palestine was one of the first states to declare an emergency and impose quarantine measures such as closures, restrictions on movement and travel, home quarantines, remote working, social distancing, and providing vaccines, citizens' access to health services during the pandemic was

substandard. Public health departments and primary care centres were closed, the surgical schedule was cancelled except for emergencies, and the supply of medicines and treatments was delayed.

- The right to work

The right to work is one of the most important economic and social rights that attracts humanitarian attention nationally and internationally since it is related to providing a proper living standard that people should enjoy, and with which they can maintain their human dignity. Therefore, by signing the International Covenant of Political, Economic, and Cultural Rights, Palestine is obliged to implement the standards regulating the right to work. However, given the Palestinian situation, the realization of this important right is not easy, due to many obstacles and challenges.

These challenges include the Israeli occupation's violations of the rights of Palestinian workers employed by Israeli employers, the Palestinian division, and the siege imposed on the Gaza Strip, which exacerbated the economic conditions and increased unemployment rates, especially among youth. In addition, the Coronavirus pandemic continues to affect the Palestinian and global labour market and the right to work. The most prominent indicators in this regard can be shown as follows:

1. Unemployment rate: The unemployment rate in the Gaza Strip reached 45% compared to 15% in the West Bank. And the unemployment rate for females reached 41% compared to 21% for males. The unemployment rate among labour force participants (15 years and over) in 2020 was about 26%, compared to 25% in 2019, due to the spread of the Coronavirus pandemic.

The unemployment rate in the Gaza Strip reached 47% while it reached 16% in the West Bank. These rates reflect the large gap between the West Bank and the Gaza Strip in terms of the labour market, the increase in unemployment rates, and the poor economic conditions, especially in the Gaza Strip.

2. Employment rate for people with disabilities: As for the employment rate for people with disabilities and the realization of their right to work, the gap between their need to work and the government's fulfilment of its obligations remained wide. The unemployment rate for people with disabilities reached about 90%. Adding to that, their share in the public service did not exceed 1.5% despite the Disabled Persons' Act No. 4 of 1999, which sets a rate of 5% of employment for people with disabilities.
3. The minimum wage decision and non-compliance with it: The Palestinian Cabinet's decision No. 11 of 2012 adopted a minimum wage in all the Palestinian

territories. In session No. 121 of 2021, the cabinet decided that the minimum monthly wage in all regions of Palestine and all sectors is 1,880 INS per month. The continuous political division since 2007 has led to the non-application of minimum wage decisions since both governments in the West Bank and the Gaza Strip do not recognize their counterpart's decisions. In addition, the PA in the West Bank have no political will to apply a comprehensive social protection policy, this can be seen in the absence of competent labour courts that enable workers to exercise their right to litigation and better enjoy their work rights.

4. Failing to follow occupational health and safety standards in workplaces: It is of utmost importance to meet occupational health and safety standards in workplaces to ensure a safe and comfortable work environment. These standards protect the lives of workers and maintain their health, which consequently improves their work performance and all for the benefit of the business itself. Not complying with occupational health and safety standards in different workplaces, especially constructions, workshops, and industrial facilities resulted in tens of accidents, work injuries, and consequent conflicts in the absence of competent labour courts.

Recommendations

On the political level:

- Palestinian decision-makers should address the root causes that stand between Palestinians and the full realization of their rights and freedoms, particularly the freedom of opinion and expression. This includes ending the Palestinian political division and ensuring a safe environment to hold legislative, presidential, and National Council elections within a fair democratic process, in which all political and civil rights are taken into consideration.
- The Palestinian legal structure should be modified by conducting a comprehensive and detailed review of all the legal texts contained in the current Palestinian legislative environment, which should be amended to be in line with the basic international human rights conventions and other relevant human rights standards and principles that the Palestinian legislation should respect, especially after entering the international arena as an “observer”.

On the political policymakers level:

- Official support and community contributions should be directed to supporting plans and programs that work to realize the right to education in times of disasters and crises and to develop the education sector and all its facilities.

- Palestinian government should increase the volume of public budget allocations dedicated to education and increase spending on the development of the education infrastructure to enable students to acquire the technology tools necessary to enjoy their right to education.
- Added value tax on all commodities and services related to online education should be lowered to ensure its success and effectiveness, especially for marginalized and poor groups who cannot afford these commodities and services. This would ensure that all citizens have access to online education.
- Educational policies and plans should be developed to respond to the developments of the information revolution so that the educational system contributes to preparing the student's personality with the necessary skills for the labour market.
- The health sector should be developed, and the necessary budget should be allocated to help face health emergencies, viruses, and natural pandemics. The Palestinian health system has not faced a pandemic spread before and has not had the necessary information or knowledge to manage such crises.
- An integrated national employment policy should be adopted to integrate the working forces into the Palestinian labour market, including the youth and people with disabilities, to guarantee that all citizens enjoy the right to work depending on the available resources.