



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the initial report of the State of Palestine*

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.

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 socioeconomic, including environmental, resilience to climate change, including in the context of human

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



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.¹ 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.

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

¹ CEDAW/C/PSE/CO/1, para. 36 (a).

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,² 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.

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

² E/C.12/PSE/1, paras. 71–72.

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 communities. 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.
