

COUNTRY STUDY

PALESTINE

Social Protection Monitoring

The EU-Palestine Partnership should:

- Take immediate and concrete steps to end the Israeli Occupation and stop the expansion of settlements across the West Bank. Implementation of Article 2 should ensure Israel's accountability for its violations of human rights in the Occupied Palestinian Territories and result in genuine measures to ensure Israel's compliance with international law.
- Support the development of a universal and comprehensive social protection system, by supporting the implementation of the 2014-16 social protection sector strategy to achieve social protection for all (with particular focus on women, young people and PWDs) bridging the gap between the West Bank and the Gaza Strip.
- Take steps to develop a national long-term development plan that can improve the equitable access to quality essential services.
- Foster the development of a national strategy for implementing the International instruments for the defense and promotion of human rights in the OPT.
- Ensure the development of a National Accountability Strategy, based on a law on access to information to ensure that civil society can exercise their right to.





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EXECUTIVE SUMMARY

In 2015, Palestine continued to recover from the damage inflicted during the July-August 2014 military operation in Gaza. Palestine, and Gaza in particular, have not yet recovered from the last military operation, and the reconstruction process has achieved very little due to the lack of political commitment and the Israeli closure of the Gaza Strip. In addition, the West Bank experienced an increase in violence and armed clashes between Palestinians and Israelis, with a track record of a disproportionate use of violence by the Israeli army. In addition, the country continues to show structural problems in terms of providing access to essential services and infrastructure, such as health and education facilities, water and sanitation, food and housing security, mainly as a result of the Israeli Occupation, including the Gaza closure. According to SOLIDAR's members and partners in Palestine, the Israeli policy of displacement and dispossession, coupled with the increasing geographical fragmentation of Palestine, growing settler violence and the human rights violations committed by the Israeli authorities, remain the most urgent issues to be tackled. The economic dependence of the West Bank on the Israeli economy, the almost total absence of a functioning economic system in Gaza, food and housing insecurity, access to water and sanitation in area C and in the West Bank are also serious problems that need to be dealt with. SOLIDAR's members and partners in Palestine also point out the disproportionate labour market marginalisation of women, young people, and Persons with Disabilities (PWDs), the lack of universal coverage in social protection programmes, as well as restrictions on freedom of association for CSOs and trade unions—significantly worsened by the internal division between the Palestinian Authority (PA) and Hamas.

Most urgent issues to be tackled

- The Israeli occupation remains the major cause

of political, social, economic and security unrest in the country. In particular, the Israeli policy of displacement and dispossession, coupled with the increasing geographical fragmentation of Palestine have resulted in a tight control on almost all aspects of Palestinian life, severely hampering freedom of movement and access to essential services, in breach of international humanitarian law; The **political and administrative division between the Palestinian Authority and the Hamas government in Gaza** is an additional critical issue of concern.

- **The lack of universal coverage of social protection programmes highlights the urgent need for the adoption of a long-term National Development Plan**, as do the economic dependence of the West Bank on the Israeli economy, the almost total absence of a functioning economic system in Gaza (coupled with the lack of basic essential services for the population in Gaza, including health and education facilities, access to water and sanitation), food and housing insecurity and access to water and sanitation in area C and in the West Bank.
- **Unemployment and the informal sector:** the disproportionate labour market marginalisation of youth, Persons with Disabilities (PWDs) and women; the growing number of Palestinians, including children, employed in the informal sector or working in Israeli settlements, without enjoyment of social security rights and collective bargaining rights.
- **Restrictions on the activities of trade unions and CSOs:** the internal division between the PA and Hamas has worsened conditions for the exercise of freedom of association and the right of workers to organise both in Gaza and the West Bank.

Key recommendations

The EU-Palestine Partnership should:

- Take immediate and concrete steps to end the



Israeli Occupation and stop the expansion of settlements across the West Bank. Implementation of Article 2 should ensure Israel's accountability for its violations of human rights in the Occupied Palestinian Territories and result in **genuine measures to ensure Israel's compliance with international law;**

- **Support the development of a universal and comprehensive social protection system,** by supporting the implementation of the 2014-16 social protection sector strategy to achieve social protection for all (with particular focus on women, young people and Persons with Disabilities (PWDs) bridging the gap between the West Bank and the Gaza Strip. This should entail focusing on:
 1. Promoting a universal mandatory health insurance system that ensures access for all to health services regardless of their occupational status or income, while improving the financial situation of the public health sector.
 2. Promoting a rights-based approach to education, by promoting an equal and non-discriminatory approach in terms of access to primary education for all, and by integrating technology in the learning process, formal and informal education, psychological support for children and support for PWDs.
 3. Addressing women's unemployment by improving working conditions and opportunities, promoting inclusive policies, supporting women's economic initiatives and needs by combining different interventions; improving the livelihoods of women (especially divorced or widowed women and women without any source of income).
 4. Implementing the Minimum Wage policies already approved in 2012 and ensuring compliance by employers regardless of the employees' sex, age and/or disability.
- **Take steps to develop a national long-term development plan** that can improve equitable

access to quality essential services, such as water and sanitation, food and housing security, taking into account the essential needs of the communities, in consultation with civil society

- **Foster the development of a national strategy for implementing the international instruments for the defence and promotion of human rights in the OPT,** such as the ICCPR, the ICESCR and its Optional Protocol, and the CEDAW, among others, and integrate the Conventions ratified by the PA into Palestinian legislation;
- **Ensure the development of a National Accountability Strategy,** based on a law on access to information to ensure that civil society can exercise its rights.

PALESTINE

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Social Protection Monitoring

Improving equitable access to essential services and infrastructures

The Israeli Occupation, including the Gaza closure, represents the main obstacle to the Palestinian people's access to essential services and infrastructures, including health and education facilities, water and sanitation, food and housing security.

In terms of access to health care facilities, the ENP Progress Report confirms that the Palestinian health system is operating under political and economic pressures, highlighting how the implementation of the new 2014-2016 national health strategy – adopted by the PA in February 2014 – was hampered by inefficiencies in the referral system along with the depressed fiscal situation. SOLIDAR's members and partners in Palestine stress that the already dire health sector has been massively further disrupted by



the Israeli military operation Protective Edge in Gaza: 58% of all health facilities damaged and only 50% of primary care centres operational, an increase in neonatal and maternal mortality, a rise in violence against women and girls, an increase in substance abuse and approximately 11,000 Palestinian people injured at that time, putting significant additional pressure on government health services.

Moreover, according to SOLIDAR's members and partners in Palestine, PWDs have even more limited access to health services, mostly due to the closure of numerous centres in Gaza, hours-long electricity cuts in care and rehabilitation centres and the absence of assisting devices. Moreover, the situation is worsened by the limited opportunities for health professionals in Gaza to attain new medical techniques and the travel restrictions for health staff (especially to East Jerusalem), as well as a chronic shortage of pharmaceuticals and supplies. In addition, the internal political division between the Palestinian Authority (PA) and the Hamas government in Gaza significantly contributed to hampering the implementation of the Health Sector Strategic Plan (HSSP), within the National Health Strategy (NHS) framework.

SOLIDAR's members and partners in Palestine strongly recommend the promotion of a universal mandatory health insurance system in order to ensure access for all to health services, by improving the financial situation of the public health sector. While recognising the 2014-2016 national health strategy, concrete actions need to be urgently taken in order to: a) increase the budget allocated for medication to avoid chronic drug shortage; b) review the referral system, paying more attention to the hospitals and their staff capacity, given the lack of funds and experts in mental health programmes; c) improve coordination with other health providers – UNRWA and NGOs - and fundraising; d) implement projects which take into account the needs of women and vulnerable people (PWDs, marginalised groups in rural areas and near the buffer zone); and e) operate professional nutritional

health interventions, jointly with experienced sectors of civil society.

In terms of access to education, the ENP progress reports stress that significant efforts have been made to support the reconstruction of Gaza in the education sector in the aftermath of the last conflict in Gaza in 2014. Similarly, the ENP progress reports shed light on the demolitions in East Jerusalem and Area C, 'due to the threat of demolition and difficulties obtaining permits for new construction', and the need for psychological support for traumatised children. In this context, SOLIDAR's members and partners in Palestine emphasise an alarming increase in attacks against schools in recent years, namely airstrikes on schools in the Gaza Strip and the military use of premises and military demolitions – or threat of demolition - of schools in the West Bank. Moreover, they underline the lack of protected access to education for children and the obstacles that they face on their way to and from school - travelling long distances with long delays and harassment at the military checkpoints. This results in: lack of attendance, decreased learning time in school, deterioration of the quality of learning, loss of children's right to access education with the destruction of 26 schools and another 122 schools damaged, shortage of almost 200 schools in Gaza and a shortfall of 2,200 additional classrooms in East Jerusalem. In general, SOLIDAR's members and partners in Palestine deplore the lack of a proper legal framework for the Palestinian education system, as the Palestinian Education Law still awaits approval by the Palestinian Legislative Council (PLC).

While the ENP Progress Report insists on the positive development of an initiative launched to establish research centres of excellence in different fields within Palestinian universities, which has led to the submission of almost 20 proposals from several universities in both the West Bank and Gaza, SOLIDAR's members and partners in Palestine highlight that only a limited percentage of the population can access higher education since university fees are very high



for families on an average income, while Persons with Disabilities (PWDs) face serious challenges in terms of gaining equal access to basic and higher education, and access to funding to support higher education and universities in both West Bank and Gaza.

For this reason, SOLIDAR's members and partners in Palestine suggest that the construction of education facilities and schools, the integration of informal education, psychological support for children, support for Persons with Disabilities (PWDs) to provide equal opportunities in basic and higher education, access to funding for higher education, access to universities and more cooperation between the Ministry of Labour and the Ministry of Education should be the principal elements of the Cooperation plans for education.

With regard to access to Vocational training (VET), the ENP Progress Report confirms that technical and vocational education and training (TVET) does not currently meet the needs of the economy. On the same lines, SOLIDAR's members and partners in Palestine point out that the current VET system is characterised by institutional fragmentation, the lack of coordination between stakeholders; the absence of cooperation mechanisms and incentives to engage private stakeholders, and the lack of financial resources in the national TVET Strategy. For this reason, the development of the role of TVET in continuous education is key in order to build the capacity of informal economy workers to run their own business, to enable female and male workers to switch to a different professional specialisation and for youths, child workers over the minimum working age and adults to upgrade their skills.

In terms of food security, the ENP Progress Report acknowledges that there were delays in adopting the Food Safety Strategy and Law because of fragmented legislation and gaps in institutional capacity. SOLIDAR's members and partners in Palestine stress that food security is a critical problem especially in Area C where restrictive planning and zoning, settler violence and military activities among other measures

prevent residents from accessing land and livestock and undermine their livelihoods. Notably, according to the Food Security Sector, they report that 73% of Palestinians in the Gaza Strip and 21% in the West Bank are currently short of food, with 1.9 million Palestinians dependent on food aid.

Likewise, Area C is suffering from sanitation and water issues. SOLIDAR's members and partners in Palestine specify that more than 70% of communities in Area C are not connected to the water network, relying on expensive tinkered water (water consumption is around 20 litres per capita per day – one-fifth of the WHO's recommendation). For example, in Gaza it is estimated that between 95% and 97% of water is unfit for human use. They specify in particular that in the West Bank the PA is not able to extract the full amount of water allotted - according to the Israeli-Palestinian Joint Water Committee - as several water facilities have been destroyed by the Israeli authorities. This situation represents a big risk for public health. However the EC underlines that the EU is assisting the PA in the water sector with investments in large infrastructure projects.

Concerning housing security, SOLIDAR's members and partners in Palestine point out how the Israeli practice of demolishing homes and basic infrastructure or confiscations of donor-funded structures – documented in the first quarter of 2015 - continues to devastate Palestinian communities in East Jerusalem and Area C. At the same time, Palestinian people are denied permits to build homes, with more than 94% of permit applications rejected in recent years and at least a third of all Palestinian homes in East Jerusalem constructed without Israeli building permits. There was a deficit of 71,000 housing units in the housing stock in Gaza prior to the 2014 Israel's military operation. After that nearly 22,000 homes were made uninhabitable and 12,600 houses destroyed, and not one has yet been reconstructed, due to limited access to construction materials – because of the blockade imposed by Israel - and lack of funding.



Ensuring Income Security

Income security indicators - minimum wage, living income, unemployment benefits and decent livelihoods – reveal that there is a disproportionate labour market marginalisation of women, young people and Persons with Disabilities.

SOLIDAR's members and partners in Palestine report that, despite the adoption of the minimum wage policy in 2012, 20.4% of waged employees in the West Bank are still paid less than the minimum wage (1450 NIS), particularly women in the textile industry, services and the childcare sector and young people. The implementation of the minimum wage policy has not been extended to Gaza, so that 70.7% of all private sector wage employees are paid on average only half the minimum wage and they cannot even claim this right. The minimum wage situation is also critical for women holding menial positions or Persons with Disabilities who, even when they have access to employment opportunities, are paid lower wages than women without disabilities.

In terms of a living income, SOLIDAR's members and partners in Palestine point out that up to a third of the Palestinians working in the Israeli economy do not enjoy the benefits of collective bargaining agreements or other organised labour market mechanisms. Palestinian workers usually work without regular permits through unregulated channels and in precarious and exploitative conditions. They specify that this is particularly true for Palestinian workers in settlements, especially women who are exposed to abusive practices, such as excessive fees or wage deductions and sexual violence. SOLIDAR's members and partners in Palestine also stress that Palestinian minors are used as labour for the agricultural industry in Israeli settlements, working 'under dangerous conditions in violation of international standards' (according to Human Rights Watch's latest report). In detail, informal workers' average daily wage is 60 NIS (about 27% less than that of formal workers), and an

estimated 32,000 minors aged 10-17 mainly work as unpaid family workers or self-employed workers. The EC recommendation for 2015 includes steps towards civil service and pension reform, the reduction of non-wage costs to ensure sustainability and better targets for social protection spending.

With regard to unemployment, SOLIDAR's members and partners in Palestine report that unemployment in Gaza reached 45% even before the hostilities of August 2014. More than half of unemployed people are young (aged 15-24) with an unemployment rate of 67%. Women are particularly affected – with an unemployment rate at over 59% - by their labour market marginalisation. The EC highlights the consequences of the increase in unemployment and poverty linked to girls' early marriages and girls dropping out of school. Among Persons with Disabilities, the unemployment rate stands at 78% and at 73% for women with disabilities. Moreover, SOLIDAR's members and partners in Palestine point out that there is no mention of unemployment benefits in the draft on social insurance funds within the social security system. They suggest several interventions to tackle women's unemployment needs, including improving working conditions, imposing sanctions on employers who discriminate against women, developing policies in this regard, providing greater support to women's cooperatives in the agricultural sector and vocational training for setting up their own business / self-employment.

In terms of decent livelihoods, the EC recognises that the PA has developed a comprehensive strategy for tax policy reforms, by re-examining tax laws and tax holidays, widening the tax base, as well as strengthening tax administration. At the same time, SOLIDAR's members and partners in Palestine point out that CSOs are asking for the repeal of the National Solidarity Tax Law in Gaza, as it will seriously affect poor families who will have to pay taxes on many basic commodities, deteriorating their social and economic situation. Furthermore, they report that



housing demolitions and forced evictions in Area C disrupt livelihoods with an increase in poverty and aid dependency. In terms of informal economy workers, 86% of informal entrepreneurs are self-employed (compared to 63.3% of formal entrepreneurs), 13.6% of whom are female workers (compared to 9.4% of formal entrepreneurs) and 66.5% of informal workers are unpaid family members. For about 80% of private sector employees, basic rights such as severance pay or paid vacations and leaves are not recognised.

Promoting a Rights Based Approach to Social Protection

While the PA was seeking to develop an integrated system of social protection within the 2014-16 social protection sector strategy, the EC reports that over 110,000 families benefited from social assistance payments ('estimated annual cost of EUR 110 million, 45% of which continued to be funded by the EU and World Bank'). Agreeing with the EC's assessment, SOLIDAR's members and partners in Palestine highlight that the Palestinian National Cash Transfer Programme – administered by the Ministry of Social Affairs – provides a basic safety net through cash and in-kind assistance to nearly 119,000 families, more than 60% of whom live in Gaza. However, they point out that the cash transfer programmes are not promoting a rights-based approach, since they do not focus on Persons with Disabilities. In fact, their standard of living has been adversely affected by irregular payments of social allowances for long periods or by waiting more than 13 years for the issuance of the disabled card that should enable them to have access to the key essential services. Generally, social assistance payments are not sufficient yet to ensure a decent standard of living for families, who still require other sources of income.

Concerning the universality of social protection, SOLIDAR's members and partners in Palestine stress that policies and legislation lack practical measures to protect working women's rights, particularly with

regard to the system of minimum wages and the absence of social protection laws.

Furthermore, in terms of social inclusion, the EC recommends the development and implementation of a policy addressing women's socio-economic vulnerability. Agreeing with the EC's assessment, SOLIDAR's members and partners in Palestine highlight that legislation on women's employment needs to include women in agricultural and domestic work and to promote measures to increase their participation in trade unions. At the same time, the EC underlines that the summer conflict in Gaza has increased the number of Persons with Disabilities (especially mental disabilities) suffering from social exclusion and lacking access to appropriate care. Nevertheless, the EC stresses that 'steps were taken over the year to establish a national mechanism to monitor and document disability-based discrimination'. SOLIDAR's members and partners in Palestine believe there is a lack of will to protect and promote the rights of Persons with Disabilities under the Palestinian Law (no. 4 of 1999) and the Convention on the Rights of Persons with Disabilities.

Freedom of Association and an enabling environment

Firstly, concerning the access to ESCRs, the EC underlines that one of the big challenges for Palestinian society remains women's socio-economic vulnerability. From their side, SOLIDAR's members and partners in Palestine recommend the development of a national strategy for implementing the international instruments in the OPT, such as the ICCPR, the ICESCR or the CEDAW, among others, amending Palestinian legislation (for example, the penal code) to fight discrimination against women and gender based violence.

Secondly, regarding the ability to establish associations and access to funding, SOLIDAR's members and partners in Palestine report that another special Committee was established in August in order



to evaluate the activities of CSOs and their internal laws in compliance with Palestinian Law 1/2000 ("Law on Charitable Associations and Community Organisations"), whose implementation is very difficult in the OPT. They also specify that in East Jerusalem, Palestinian organisations are subject to the "Israeli Law of Association" under the Israeli Ministry of Justice, so that they have to register with and report to two authorities to be considered legal by each one.

The EC notes in particular that freedom of association in both Gaza and the West Bank remains under pressure with various obstacles to CSO activities created by the officials from the de facto authorities: demanding continuous information on financial and staffing matters, imposing additional requirements for granting exit permits for the national staff of national and international CSOs and requiring particular licenses to organise a public event (in violation of the Palestinian Basic Law). SOLIDAR's members and partners in Palestine agree with the EC's assessment and stress that the peaceful assembly rights of political opponents have been strongly restricted in recent years in areas under the full authority of the PA or by the Hamas authorities in the Gaza Strip.

There are also important restrictions at the trade union level. For example, in Gaza the Union Law - adopted in 2013 by the Hamas government - severely restricts workers' freedom of association, in violation of ILO standards. At the same time, in the West Bank, public sector employees (except employees in education and health) are deprived of representation, after the Union of Public Employees was banned in November 2014. Generally, restrictions on the right to strike in both the public and private sector continue to represent a threat to workers' rights, including unlawful killings or the arbitrary detention of protesters by Israeli forces in the West Bank (and East Jerusalem).

Thirdly, in terms of political and social dialogue, SOLIDAR's members and partners in Palestine point out that, although there are modalities for

CSO participation in the national planning process, the coordination between civil society and public authorities is not defined. Hence, the openings for political dialogue with CSOs have been quite limited with varying degrees of success. However, with regard to the national TVET Strategy, they report that CSOs play a consultative role, while employers' organisations are considered as social partners, involved in shaping some aspects of TVET policy, and the trade union confederations are invited to participate from time to time.

Lastly, concerning the participation of social movements, trade unions and political parties, SOLIDAR's members and partners in Palestine stress that legislation should aim to guarantee the participation of women and youth in trade unions and social movements. Moreover, in terms of access to information, the EC and SOLIDAR's members and partners in Palestine recommend that the progress in the integrity and transparency of the public finance system be consolidated, in order not to have discretionary information in the hands of ministries and other public institutions.

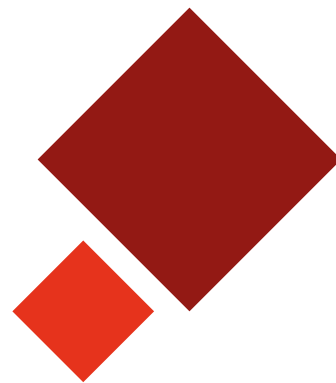




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SOLIDAR is a European network of membership based Civil Society Organisations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organisations to the EU and international institutions across the three main policy sectors; social affairs, lifelong learning and international cooperation.



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