



## **Contribution of Palestine to support the International Convention on the Rights of Older Persons 2020.**

The State of Palestine strongly supports the International Convention on the Rights of Older Persons, which is being discussed by the Open-ended Working Group on Aging of the United Nations in New York from 6 to 9 April 2020.

The older persons are suffering from difficult and complex conditions, and facing challenges in the various health, social, economic, housing and other fields. Their numbers are increasing significantly in all countries of the world. They need an international convention to guarantee their rights recognized by the United Nations , independence, participation, care, self-realization, dignity , and also to stop discrimination against them on the basis of age, as well as to provide protection and care for them under occupation , in wars , and armed conflicts.

The older persons in Palestine have a special situation in their suffering under the Israeli occupation since 1948 , where their rights are violated in all fields social, health, economic and legal, so we emphasize the importance of the International Convention to providing the protection for the elderly , and their property , from the policies and procedures of the occupation , and to guarantee the rights of older people to live in safety, freedom , dignity , and to ensure legal accountability for the state of occupation based on international law and international humanitarian law.

The State of Palestine is committed to international human rights conventions, the United Nations Principles for Older Persons, the Madrid International Plan of Action on Aging in working with older persons and developing their plans, programs and policies. We also participate actively in the regional review of the Madrid International Plan of Action on Aging that Organized by the United Nations Economic and Social Commission for Western Asia (ESCWA), as well as partnership and cooperation with the help age International .

It is worth mentioning here that the Ministry of Social Development / Palestine is working on reviewing the draft law on the rights of older persons in Palestine in cooperation with the relevant governmental, civil and international institutions for the development and approval. The legal reference for this draft was the Palestinian Basic Law of 2003, The United Nations Principles on Older Persons, the International convention on Economic, Social and Cultural Rights, the International convention on Civil and Political Rights and the Madrid International Plan of Action on Aging.



## **The Guiding questions and the answers.**

**Please find below the answer to the guiding questions on rights to be discussed at the Eleventh working session of the Open-ended Working Group on Aging, to be held in New York from 6 to 9 April 2020.**

### **Guiding Questions for Focus Area: Access to Justice**

#### **National legal framework**

1. How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?

The Palestinian Basic Law of 2003 guarantees access to justice for older persons.

There is no legal framework for the elderly, and therefore the laws that apply to other citizens, such as the Code of Criminal Procedure and the Civil and Legislative Law, apply to them.

It is worth mentioning that the draft law for the elderly has not yet been approved, will be reviewed and developed during this year and then work on its adoption.

#### **Availability**

2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?

The most important steps are to increase the number and spread of courts in most areas due to geographical expansion, increase the number of judges, review and development of laws, the interest of the judiciary to provide judicial treatment of all cases in various regions and quickly. Raising legal awareness of rights and urging citizens to go to the judiciary, providing protection by the security services, and the State's interest in the rule of law and the maintenance of rights and security.

Alternative dispute resolution mechanisms are mediation, family solutions, security leaders and governor's intervention.

#### **Accessibility**

3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?

#### **The steps are as follows:-**

Increasing the number of courts, this helps the elderly to reach the courts .

Increase the number of judges.

Attention to security and the rule of law.



Government attention to the judiciary, activating the role of courts, and follow-up complaints and cases, and deal with them in the courts as soon as possible.  
Review and develop laws and legislation.

4. What are the existing provisions to guarantee legal assistance for older persons?

There are no special legal provisions for the elderly, since the law of the elderly is still a draft .

The Palestinian Basic Law includes general articles that concern all citizens, including the elderly.

5. What are specific challenges encountered by older persons in accessing justice and remedy in your country?

There are no special legal provisions for the elderly, since the law of the elderly is still a draft .

6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?

**The Good practices are as follows:-**

Increase the number and spread of courts in most areas.

Increase the number of experienced and competent judges working in the courts.

Completion of many cases in the courts.

Existence of complaints and follow-up mechanisms in the judicial system.

**Equality and non-discrimination**

7. What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

There is equality and non-discrimination, because the Palestinian Basic Law of 2003 guarantees equality for all citizens without discrimination based on age, sex, color, etc. in relation to the judiciary.

However, there are no appropriate measures for their age during administrative and legal proceedings , there is no especial law for them .

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

There is a general policy based on equality and non-discrimination among citizens on the basis of age, sex, color, etc. This is mandated by the Palestinian Basic Law of 2003, professional procedures manuals, professional ethics, codes of conduct, training for new



employees, and there is a legal penalty for employees of the judicial system Who discriminate on the basis of age .

### **Accountability**

9. How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.

**There are mechanisms that deal with judicial sector employees in such cases : -**

Human Rights Unit in the Public Prosecution .  
Judicial Inspection Authority in the Supreme Judicial Council .  
Complaints Department of the Supreme Judicial Council .

### **Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group: Education, Training, Life-long Learning and Capacity-building**

#### **Definition**

1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The Palestinian Basic Law of 2003 affirms the right of everyone, regardless of sex, age, religion, etc., to education, training, capacity building, life skills, etc., so that they can live independently, freely and with dignity. Other relevant laws, such as the Education and General Education Act of 2017 and the Higher Education Act of 2018, have affirmed this right, in addition to the relevant national plans and strategies as follows :-

Strategic Plan for Adult Education 2014 - 2019  
Strategic Plan for the Education Sector 2017-2022  
Ministry of Education Strategy  
National Policy Agenda 2017-2022  
Strategic Plan for the Elderly Sector in Palestine 2016-2020

#### **Scope of the right**

2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.

**The relevant normative elements are as follows :-**

Literacy programs .  
Life skills .



Volunteering and benefiting from experiences .  
Community participation .  
Continuing Education .  
Training .

**References related to the normative elements are :-**

The Strategic Plan for Adult Education 2014 - 2019  
Strategic Plan for the Education Sector 2017-2022  
Ministry of Education Strategy  
National Policy Agenda 2017-2022  
Strategic Plan for the Elderly Sector in Palestine 2016-2020

**State obligations**

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?

**The measures that the government should take are :-**

Providing adequate and continuous budgets  
Developing the legislation and laws  
Drawing, developing the relevant policies.  
Developing and modernization the programs.  
Activating partnerships with relevant institutions  
. Developing the monitoring and evaluation for the programs  
. Providing the necessary centers and institutions  
Preparation of experienced trainers.

**Special considerations**

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

**The measures and considerations in this context are as follows :-**

Access the older persons to programs and centers .  
Availability of programs and activities .  
Equitable geographical distribution of programs and centers .  
Gender response .  
These programs are recognized through a professional and legal framework  
The programs should be modern and suitable for the elderly and their needs  
Respect human rights .



5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity-building?

Through partnerships and cooperation in providing the education , training services and programs for older persons , the private sector is a key partner in the implementation of the National Plan for Adult Education .

### **Implementation**

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

### **The best practices here are as follows :-**

The Ministry of Education in Palestine prepared the Strategic Plan for Adult Education in cooperation with the ministry of Labor, the ministry of Social Development, the ministry of Communications and Information Technology, the ministry of Agriculture, NGOs and Chambers of Commerce, UNESCO and the German Association for Adult Education / dvv international.

In addition, a national team for adult education has been established, plans and strategies for education and training have been developed, legislation and laws have been developed, training of trainers, centers, teachers , budgets , a partnership and cooperation agreement with the German Association for Adult Education ( dvv international ) , and educational visits to countries such as Germany, Adult education programs, annual conferences , the National Qualifications Framework, which recognizes education and training through public education, non-formal education , and university scholarships for older persons .

### **The main challenges here are as follows:-**

- 1- The Israeli occupation and its procedures and policies.
- 2- The Lack of adult education programs in all regions and their concentration in some cities .
- 3-Some programs are covered by donors and are unsustainable.
- 4-Some older people do not have access to programs because of poverty and difficulty in transportation.
- 5-Some programs are old and traditional.
- 6-Disease and disability
- 7-Lack of coordination between adult education providers.



## **Guiding Questions for Focus Area: Right to Work and Access to the Labour Market**

### **National Legal and Policy Framework**

1. What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?

The Palestinian Basic Law amended in 2003 and the Palestinian Labor Law in 2000 .

2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?

### **The challenges that facing the older persons in employment and access to the labor market are as follows:-**

Legislation and the lack of their own law.

Being older and employers prefer young people.

Work is prohibited in the public sector as they are of retirement age.

There is limited access to private sector employment.

The Disability .

The disease.

Centralization of work in cities.

Occupation measures and policies.

Most older people are self-employed, such as agriculture and small businesses.

There is high unemployment for the elderly.

3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?

No data or statistics are available for this topic .

### **Availability, Accessibility, Acceptability and Quality**

4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?

No steps have been taken to ensure that older persons have access to the labor market, etc. It depends on the efforts and willingness of the elderly to work .

5. What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?

No steps have been taken in this aspect



6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?

Unfortunately there are no good practices in this aspect .

7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?

There is no protection for the elderly in this aspect, and most of the elderly are working in private or small business or without work .

### **Equality and non-discrimination**

8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?

Discrimination in employment on the basis of age is not prohibited .

### **Remedies and Redress**

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?

There is no mechanism in this aspect, Unfortunately the labor law did not address the elderly , In addition there is no legislation of their own .

## **Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group: Social Protection and Social Security (including social protection floors)**

### **Definition**

1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

Providing economic, social and health security in cases of work injuries, occupational diseases, old age, disability, illness, unemployment and the death of the breadwinner .

There is a social security law in Palestine No. 19 of 2016, but it was suspended for reasons related to its implementation and mechanisms of affiliation to it .

Social security and social protection in Palestine is provided through legislation related to social security issues such as labor and retirement legislation (civil and military), public



health, health insurance and the application of civil service provisions when an employee is sick while on duty .

### **Scope of the right**

2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:

**The normative elements of the right to social protection and social security are as follows :-**

Allocations from civil retirement

Allocations from military retirement .

health insurance .

Healthcare.

Compensation after injury and accidents .

Social assistance programs that represent social protection for poor, vulnerable and marginalized groups such as the disabled and the elderly.

a) Availability of contributory and non-contributory schemes for older persons.

### **Programs based on contributions are as follows:-**

The Civil and military retirement.

The Savings funds in institutions such as municipalities, UNRWA, banks, etc.

### **Programs based on non-contributions are as follows:-**

The Services and programs of the Ministry of Social Development and partners in the field of social protection.

b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care.

It's inappropriate and not enough.

c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions.

Older people who have worked in civil government institutions receive civil retirement

Older people who have worked in security and military institutions receive military retirement .

Older people who worked in international organizations, municipalities and banks received savings from pension funds .



Older people benefit from social protection programs (social assistance) such as financial assistance and medical insurance.

There are older people who do not receive retirement or any social assistance.

d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation .

There is no social security for the elderly in Palestine. There are limited social protection programs for vulnerable and marginalized groups such as the elderly, but they are simple and do not guarantee a decent life .

e) Participation of older persons in the design and administration of the social security system .

The Older people do not participate in the design and management of the social security system .

### **State obligations**

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

**The most important measures in this context are as follows : -**

Developing the relevant laws and legislations .  
Drawing social policies that provide decent life for the elderly.  
Providing the necessary budgets  
Providing comprehensive health care for the elderly .  
Providing health and social centers and institutions that provide comprehensive services for the elderly .

### **Special considerations**

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

**The measures and considerations in this context are as follows:-**

Providing the adequate financial provisions covering the needs of the elderly and related to the standard of living.  
Providing comprehensive health care and integrated medical services.  
Ensure a decent life for the elderly.



Participation of older persons in the design and development of social protection and social security programs.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

The responsibility of these parties is determined through partnership, cooperation, complementarity and social responsibility, in the context of the right of older persons to social protection and social security, as the private sector is an active player in this field .

### **Implementation**

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

#### **The best practices in this context are as follows:-**

Providing financial assistance to poor older persons through programs of the Ministry of Social Development and the partners in the social protection sector.

Providing health insurance for the elderly

Providing health care for the elderly.

The Civil Retirement.

The Military Retirement.

Saving funds in municipalities, banks, companies and international organizations .

Compensation for accidents, work injuries and others

#### **The challenges in this context are as follows: -**

There is no special law for the elderly that guarantees them social protection and a decent life.

Suspension of the implementation of the Social Security Law No. 16 of 2016 due to protests against its implementation mechanisms and others.

The lack of coverage of social protection programs for all elderly persons.

There is more than one pension system in Palestine.

Israeli occupation policies and procedures.



Finally It is essential that the International Convention on the Rights of Older Persons, guarantees the rights of older persons in social security , decent living , equality , non-discrimination and protects them from violence, neglect and abuse through the existence of legal provisions in the Convention guaranteeing the full rights of older persons as the other members of the family and society, and criminalize discrimination in access to rights and services on the basis of age .

The need for commitments by governments, the existence of complaints reporting systems in specialized units, accountability systems and penalties for those who violate the rights of older persons, centers for the protection and rehabilitation of older persons and psychological, social and legal services .

Best wishes,  
Ghanem Omar  
Director of the Department of older persons care  
Ministry of Social Development  
Palestine  
October 16, 2019