



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

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 23 to 26 July 2018 .

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 ninth meeting of the Open-ended Working Group on Aging , to be held in New York from 23 to 26 . July 2018



**Guiding Questions for the focus areas of the IX Session of the
Open-ended Working Group on Ageing: Autonomy and independence**

- 1) In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?

The Palestinian Basic Law affirms the right of every human being to decent living, regardless of sex and age, and to provide the elderly with health, social care , psychological and social rehabilitation, thus reducing the health and psychological problems caused by aging.

The Ministry of Social Development has also worked on the draft law on the rights of older persons, as well as drafting the executive regulations for centers for the elderly and the executive regulations of the draft law.

Reference Basic Law, Draft older persons law .

- 2) What other rights are essential for the enjoyment of the right to autonomy and independence by older persons, or affected by the non-enjoyment of this right?

- 1- Suitable Job opportunity for those who want and can work.
2. The right to benefit from adult education and life skills.
3. Living in safety and stability.
4. The right to live where and with whom they choose.
5. The right to community participation .

- 3) What are the key issues and challenges facing older persons in your country/region regarding autonomy and independence? What studies and data are available?

The Challenges :-

1. The Israeli occupation, policies and procedures against the older persons, there is no international protection for the them , and accountability for the state of occupation.
2. There is no special law for older persons .
3. There is no social security .
4. There is no comprehensive health care .

Studies and Data :-



1. The National study entitled "Analysis of the situation of the rights and needs of older persons in Palestine"
2. The Data and reports issued by the Ministry of Social Development and the Palestinian Central Bureau of Statistics .
 - 4) What steps have been taken to ensure older persons' enjoyment of their right to autonomy and independence?
 - 1- Providing health insurance for poor older persons .
 2. Providing Limited financial assistance. 3. Awareness of their rights.
 - 4- providing limited home services, limited day care services.
 5. The Family support.
 6. Encourage the older persons to continue living with their families for as long as possible .
 - 5) What mechanisms are necessary, or already in place, for older persons to seek redress for the denial of autonomy and independence?
 - 1 .The General laws and legislation on human rights.
 - 2 .The Cultural, religious and social values.
 - 3 . The role of the family.
 - 4- The role and programs of governmental, NCOs and private institutions .
- 6) What are the responsibilities of other, non-State, actors in respecting and protecting the right to autonomy and independence of older persons?
 - 1- The lobbying and advocacy.
 - 2- The Psychological, social and legal support.
 3. Providing the social services.

**Guiding Questions for the focus areas of the IX Session of the
Open-ended Working Group on Ageing: Long-term care and palliative
care**

- 1) In your country/region, how is long-term care for older persons defined and provided for in legal and policy frameworks? What types of support and services are covered?

Long-term care is providing home care for older people such as changing clothes, showers and other personal needs, 24-hour care services in accommodation institutions for the elderly, housing provision in homelessness, and rehabilitation of older persons in follow-up centers.

Reference: Draft Law on Older Persons, Regulations for the Draft Law .

The types of support and services :-

These services are financial, health, rehabilitation, domestic adjustment, home care, legal, lobbying and advocacy.



2) What are the specific challenges faced by older persons in accessing long-term care?

- 1-The Older people live alone most of the time, and the nuclear family has replaced the extended family.
2. Limited and non-comprehensive financial and health services.
- 3 - limited centers, programs, institutions and staff.
- 4- Limited specialized health services such geriatrics nursing and Doctors specializing in aging.
- 5- Limited psychosocial and mental health services, home care and palliative care .

3) What measures have been taken/are necessary to ensure high-quality and sustainable long-term care systems for older persons, including for example:

1. Providing limited social care services (health, financial, rehabilitation).
- 2- Providing the care in accommodation institutions .
3. Limited day care services .

For example :-

Providing the internal care for the elderly in governmental center in Jericho .

4) What other rights are essential for the enjoyment of the right to long-term care by older persons, or affected by the non-enjoyment of this right?

- 1- The day care services.
- 2- The home services .
3. The Legal services .
4. The right to decision-making in care .
5. Respect their dignity , beliefs in care centers, and during the provided of care services.

5) In your country/region, how is palliative care defined in legal and policy frameworks?

Palliative care : the Ministry of Social Development seeks to provide all aspects of social, psychological , health care for the elderly, and to prepare the psychological and social environment surrounding the elderly , care for them, and provide assistance, treatment services and all requirements and follow-up conditions of accommodation, their relationship with their families and care after the exit of accommodation institutions.

Reference: Draft of older person law .

6) What are the specific needs and challenges facing older persons regarding end-of-life care? Are there studies, data and evidence available?

- 1 . The lack of specialized Staff and services.
2. Living alone and having no family.
3. The limited financial resources.



4. The older persons refuse to stay in the centers .

There are no specific studies , data and evidence available .

7) To what extent is palliative care available to all older persons on a non-discriminatory basis?

They are not available in all Areas , its available in cities more than villages, also its available in institutions according to the Resources and staffs , but are generally limited because palliative care teams are limited, and expensive .

8) How is palliative care provided, in relation to long-term care as described above and other support services for older persons?

1-Through services provided by the family at its expense or at the expense of the elderly.

2 - Through teams working with the older by NGOs and volunteers.

3- Through the staff of accommodation institution and day care centers .

9) Are there good practices available in terms of long-term care and palliative care? What are lessons learned from human rights perspectives?

1. Encouraging older persons to remain in the family, and access the care of their own families .

2. Give older patients hope for recovery and improve their lives.

Promote the right to care and live as long as possible in good condition .

Guiding Questions: Equality and non-discrimination

1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

Yes, the Palestinian Basic Law of 2003 guarantees equality for all , and prohibits discrimination based on age. This is defined on the basis that everyone is equal in rights regardless of gender, age, religion, race, etc in Palestine .

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

- Employment
- Access to goods and services
- Social protection
- Health care
- Social care
- Justice, Inheritance
- Decision-making and autonomy, Living environment
- Other areas (please specify)

No specific information is available on these topics .

3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?



- Availability of, access to and quality of health care services
- Financial services .

No specific information is available on these topics .

- 4) Are there any areas where differential treatment based on old age is explicitly justified?

Examples:

- Access to goods
- Mandatory age of retirement
- Age limits in financial services and products
- Age-based benefits

No specific information is available on these topics .

Guiding Questions: Neglect, violence and abuse

- 1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

Yes, there is a national study entitled Analysis of the situation of the rights and needs of older persons in Palestine. It was implemented by the Ministry of Social Development and in cooperation with help age international in 2015, which dealt with all aspects related to the older persons in Palestine, not violence and neglect in particular.

- 2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrators?

- 1 - The violence of the Israeli occupation against the older persons in Palestine , the perpetrators are soldiers, settlers.
2. Neglect and violence in the family and society, the perpetrators are members of the family or community.
3. Neglect and violence in institutions such as hospitals and care centers, the perpetrators are doctors , nurse, social worker etc .

- (b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Yes, violence, neglect and abuse particularly affect certain groups, such as elderly people with disabilities, patients, and those living alone , because they are unable to protect themselves. In addition older persons are exposed to the violence of the occupation (Soldiers and settlers) while working in their fields , when they are at checkpoints to obtain health , social services, during military operations .

- 3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?



The Palestinian Basic Law deals with issues of violence and neglect in general, and not particularly for the elderly. The applicable legislation is the Jordanian Penal Code, which is old law dating back to 1960. There is a draft penal code in Palestine but this draft is not yet valid.

The draft law on the rights of older persons in Palestine , speaks explicitly about the issues of neglect, violence , and abuse against the elderly, but this draft is not valid , and we are working to approve this year as expected .

- 4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

The Personal Status Law derived from Islamic law .

Finally It is essential that the International Convention on the Rights of Older Persons, which is being prepared in 2018, guarantees the rights of older persons to 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 well as 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 .

With best wishes,

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