

**GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES
EXAMINED AT THE
IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:
Autonomy and Independence**

National legal framework

1. What are the legal provisions in your country that recognizes the right to autonomy and independence? Do they have a constitutional, legislative or executive foundation?

Palestine is still under Israeli occupation, and there are still many Jordanian, Egyptian and British laws and regulations in force, which is the laws that prevailed before 1967. However, after the arrival of the Palestinian Authority, which was established under the Palestinian Basic Law. This law includes an article that enhances and protects the autonomy and independence of citizens, and doesn't specify the categories benefiting from this law, and does not mention elderlies particularly; therefore, there is no special constitutional, legislative or executive written law for it.

Normative elements

2. What are the key normative elements of the rights to autonomy and independence?

Please provide references to existing laws and standards where applicable.

- *A social security law and a health insurance law that does not discriminate between government and non-state retirees and does not discriminate between males and females*
- *The Basin Palestinian Law*
- *The International Humanitarian Law*
- *Goals and targets of the Sustainable Development Plan for autonomy and independence of elderly*
- *The existence of judicial mechanisms to do elderlies their fairness*

→ There are no Palestinian laws for the social and health protection for elderly

3. How should autonomy and independence be legally defined?

The independence for the elderly is to have all social, health, educational and cultural rights through a law regulating these rights without any interference to influence these rights.

Implementation

4. What are the policies and programs adopted by your country to guarantee older person's enjoyment of their right to autonomy and independence?

The policies adopted in Palestine are policies that distinguish government and non-government retirees. They provide government retirees with a pension and health insurance, while some of the non-government retirees (11%) receive social assistance that doesn't get them through the week, and they don't receive any free health services.

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

The best practices proposed in Palestine to achieve the normative elements is to harmonize Palestinian laws and policies relating to elderlies' rights with international humanitarian law and the SDGs and to develop implementation mechanisms and judicial procedures.

Equality and non-discrimination

6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to autonomy and independence, paying special attention to groups in vulnerable situation?

- 1. The existence of a law guaranteeing equality between males and females of elderlies in having access to independence and autonomy*
- 2. Equality among all social strata of elderlies in having access to independence and autonomy*
- 3. Equality of elderlies with special needs in access to independence and autonomy*
- 4. Positive recognition in favor of the most vulnerable segment of the elderly (refugees and Bedouins)*

Participation

7. The design and implementation of normative and political framework related to autonomy and independence included an effective and meaningful participation of older persons?

- 1. Involvement of elderly in determining the basic elements of the right to independence and autonomy*
- 2. Involvement of the elderly in the design and implementation of the normative and political framework on independence and autonomy*

3. *Involving the elderly in monitoring the implementation of the normative framework*
4. *Involving the elderly in adopting judicial mechanisms that give them access to their rights*

Accountability

8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to autonomy and independence

There are no judicial mechanisms in place for elderlies in Palestine to file complaints to seek compensation for their right in independence and autonomy, despite the national campaign led by the PCCDS for elderlies' access to their rights without any discrimination based on the goals of the sustainable development plan; so that these rights include judicial mechanisms to access their rights.

**GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES
EXAMINED AT THE
IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:
Long-term and Palliative Care**

National legal framework

1. What are the legal provisions in your country that recognizes the right to long-term and palliative care? Do they have a constitutional, legislative or executive foundation?

There is no Palestinian law that provides long-term and palliative care for elderly who are non-government-pensioners, while those who are government-retirees are entitled under the Palestinian Pension Law.

Normative elements

2. What are the key normative elements of the rights to long-term and palliative care?

Please provide references to existing laws and standards where applicable

- 1. Palestinian Health Law based on the third goal of the Sustainable Development Plan Goals*
- 2. All elderlies have access to free comprehensive health services*
- 3. The existence of judicial mechanisms to do elderlies their fairness*

→*There is no Palestinian law except for the Health Insurance Law, which targets only government retirees*

3. How should *long-term care* and *palliative care* be legally defined?

Long-term care and palliative care are the health, psychological and social care that the elderly can obtain for life under a health Palestinian law based on the 3rd SDG.

Implementation

4. What are the policies and programs adopted by your country to guarantee older person's enjoyment of their right to long-term and palliative care?

There are no government policies in Palestine on palliative and long-term care, especially for older non-state pensioners. There are policies for government retirees, but they are not fully implemented.

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

- *Forming alliances of institutions working in health care, human rights and institutions of elderlies*
- *Launching a national advocacy campaign to establish a just Palestinian health law that doesn't discriminate in the palliative care between government and non-governmental retirees*
- *Establishing Palestinian policies for the concept of elderlies' palliative care and mechanisms to apply them based on the 3rd SDGs*
- *Establishing judicial procedures*

Equality and non-discrimination

6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to long-term and palliative care, paying special attention to those who are vulnerable or in vulnerable situation?

The existence of a fair health law that ensures enjoyment of long-term and palliative care by older persons based on the following conditions:

- *Equality between males and females in access to services*
- *Equality between different social groups*
- *Ensuring that elderlies with special needs are targeted*

Participation

7. Does the design and implementation of normative and political framework related to long-term and palliative care include an effective and meaningful participation of older persons?

- *Ensuring their participation in the design of normative elements*
- *Ensuring their participation in mechanisms for monitoring and assessing the application the implementation of normative elements of palliative and long-term care*

- *Ensuring their participation in the annual review of the application of normative elements*
- *Ensuring their participation in following up the judicial procedures*

Accountability

8. What judicial and non-judicial mechanisms are in place for elderlies to complain and seek redress for denial of their right to long-term and palliative care?

There are no judicial mechanisms available to elderlies to complain about the denial of their right to palliative care because the Health Insurance Law doesn't target all elderlies. It is based on a distinction between government and non-governmental retirees.