**Input from the Democracy and Workers’ Rights Center in Palestine to the study on care and support, pursuant to HRC resolution 54/6**

The Democracy and Workers’ Rights Center in Palestine (DWRC) is a Palestinian non-governmental organization, which has been defending Palestinian workers’ rights and promoting principles of democracy and social justice in the occupied Palestinian territories since its inception in 1993. DWRC seeks to advance gender equality in the world of work and women’s rights. Thus, we work on improving the rights of workers in the care economy, fostering the rights of workers with family responsibilities, as well as the establishment of a comprehensive social protection system. We support workers’ organizing and provide technical, legal and educational support to unions, including several representing care sectors workers, and conduct research and studies on work conditions and circumstances. The information hereafter focuses on some issues or aspects that are relevant to our work.

**Situation in Palestine in terms of recognition and protection of rights of caregivers:**

* 1. Patriarchal and traditional societal norms contribute in keeping Palestinian women out of the labor market. Only two women out of ten aged 15 years and above are in the labor market, and only one is in employment. In 2022, 63.8% of the women, who are outside the labor market, cited housekeeping as their reason for not participating in the labor force, while none of the men did; overall, 46.6% of those of working age (15 years and above) were outside of the labor market for housekeeping (51% in the West Bank and 40.4% in the Gaza Strip)[[1]](#footnote-1). At the same time, unpaid care work is not recognized or valued by domestic legislation or policies in Palestine. Unpaid caregivers do not have any specific rights arising from their crucial contribution to the welfare of families and society, nor are their specific needs addressed or taken into account. Family laws follow religious norms, and thus the majority of women do not have equal inheritance rights with men, nor equal rights in the event of a divorce.
	2. The distribution of care work remains very unequal. Women do seven times more unpaid care work than men in Palestine. Furthermore, employed, married women spend more total hours working (paid and unpaid) than employed, married men[[2]](#footnote-2).
	3. Social protection in Palestine is very fragmented, and many categories of the population have little or no access to any social protection benefits. Only governmental employees and some categories of local authorities’ employees benefit from mandatory pension schemes, as well as employees in a few institutions, which decided to join the public pension scheme. The pension law allows a female spouse, and any unmarried daughters, to continue benefiting from the retirement wage of their deceased husband/father. There is a cash transfer scheme to poor families, which is run by the Ministry of Social Development. It does benefit women-led households, but the Ministry has been unable to pay all foreseen installments (four per year usually) due to deepening fiscal crisis faced by the Palestinian Authority in past years. Half of the scheme’s budget has been financed by foreign donors (mostly by the European Union) and half by the Palestinian budget, and thus its finances are not stable.
	4. Domestic workers in Palestine are not covered by the rights guaranteed by the Palestinian Labor Law No. 7 of the Year 2000, but by a special regulation issued by the Minister of Labor as stipulated by article (3) of the law[[3]](#footnote-3). This regulation, the Minister of Labor’s Decision No. 2 of the year 2013, guarantees less rights to domestic workers than the labor law does for other private sector workers (it allows for longer daily working hours for instance). It stipulates that written contracts between employers and domestic employees should be established and registered with the Ministry of Labor. However, an ILO study conducted in 2017 found that employers and workers had no knowledge of the regulation and most work arrangements were informal, without any written contract[[4]](#footnote-4). DWRC, through the National Committee for Women’s Employment, has called for changing the wording used in the labor law to designate domestic workers (the current term used in Arabic is “household servant”) and for guaranteeing the same rights to domestic workers as to workers in other occupations and sectors. However, a reform of labor legislation putting an end to discrimination against domestic workers and introducing effective and applicable dispositions has not been adopted yet. Palestinian workers engaged in domestic work in Israeli settlements have been working in very precarious and unsafe conditions. They are not allowed to circulate freely outside of their workplace, and have to be accompanied at all times by their employer.
	5. Overall, 50% of Palestinian women employed in the private sector were paid less than the minimum wage in 2022, compared to 40% for men. Women working in early childhood care and education (in day-care centers, kindergartens) are among those paid well below the minimum wage on average, and their work is undervalued. Kindergartens in governmental schools, where education is free of charge and teachers are paid according to public service salary scales (salaries are higher than the minimum wage although they remain low), remain the exception. In the school year 2021/2022, the Ministry of Education indicated that there were 385 governmental kindergartens in the West Bank and 12 in the Gaza Strip. There were 9803 children enrolled in governmental kindergarten in the West Bank and 279 in the Gaza Strip, representing respectively 10.3% and 0.4% of all children enrolled in kindergartens in the school year 2021/2022[[5]](#footnote-5). The vast majority of private sector and civil society establishments depend on the fees paid by parents, and any deterioration of the socio-economic situation means that parents withdraw children from these structures and/or fail to pay fees in a timely manner, while increasing such fees is not an option for most structures in a context of low average salaries. Only a minority of kindergartens pay decent salaries or belong to schools that do so. Kindergarten and day-care workers bear the consequences of this situation, through delays in payment of wages, payment of wages lower than the minimum wage, and denial of paid annual leaves and end of service indemnities. As the maternity leave has to be paid by the employer, some workers have been asked to time their pregnancies, so that they give birth during the summer school vacation. Contracts of others are not renewed, or are discontinued during the school year of their pregnancy, in an attempt by the employer to avoid paying the maternity leave of 10 weeks.
	6. The right to organize of care workers: workers in Palestine do not have adequate or sufficient protection of their right to organize. Although the Amended Palestinian Basic Law of 2003 guarantees the right to organize and the right to strike under its articles 25 and 26, it does refer to further regulation of these rights. Thus, article (25) stipulates that *“the organization of unions is a right that shall be regulated by the law”* and that the
	*“The right to conduct a strike shall be exercised within the limits of the law”*[[6]](#footnote-6). The Palestinian Labor Law No. 7 of the Year 2000 reaffirms the right to organize of governmental and local authorities’ employees under its article (3), although they are not covered by dispositions of the labor law. It also stipulates in its article (5) that *“both workers and employers shall have the right to establish union organizations on professional basis with the aim of supporting their interests and defending their rights.”* An entire chapter of the law covers the right to collective bargaining, and the right to strike is regulated by articles (66) and (67). Further articles of the law prohibit dismissal on grounds of union affiliation, union activities outside the workplace or conducted inside the workplace with the employers’ approval, or demanding rights. This prohibition lacks a deterrent aspect, as it does not oblige employers to reinstate wrongfully dismissed employees. In the Civil Service Law of the Year 1998 and its amendments, there are no provisions guaranteeing and protecting the right to organize. It fails to protect employees from discrimination, harassment, threats and termination of service and any other anti-union acts connected to their union affiliation or activities. Furthermore, health professionals have been deprived of the right to strike by the Law by Decree No. (11) of the Year 2017 organizing the right to strike in the public service. While the vast majority of workers are not organized in trade unions or professional associations in Palestine, there is a higher level of organizing among care workers despite the shortcomings of the legal framework. This may partially be due to the importance for health professionals of organizing in professional associations based on their occupation (nursing and midwifery union, allied health professional unions, physicians’ unions). Psychologists and social workers are also organized in a professional association. Kindergarten and day-care workers are organized in several unions in the West Bank and one in the Gaza Strip. Domestic workers are not organized in a union.

**Concrete policy or programmatic measures taken to promote and ensure the rights of caregivers and recipients of care and support in national care and support systems**

* 1. The Palestinian government adopted a “National Strategy for Early Childhood Development and Intervention - 2017-2022”[[7]](#footnote-7) that aimed at addressing challenges for the delivery of educational, social and health services to Palestinian children. For the day-care/nurseries sector, it focused on increasing the number of nurseries licensed, oversight and quality of services. It did however not include any plans to open governmental day-care centers (nurseries), and there is no policy of subsidizing day-care centers.
	2. The Palestinian government is also implementing a policy of opening kindergarten classrooms in governmental schools, especially more marginalized areas. This concerns only the last year of kindergarten school (KG2) prior to enrollment of children in primary school. This policy has been mostly implemented in the West Bank, and has resulted in loss of employment by some kindergarten workers, employed by kindergartens run by local councils that have been transferred to the Ministry of Education. Not all of them have been able to successfully take the exam qualifying them to teach in governmental kindergartens.
	3. The Palestinian government adopted an amendment to the Civil Service Law in 2022 that increased the fully-paid maternity leave of women employees from 70 days to 90 days, and introduced a 3-day paternity leave for male employees. It also stipulated that nursing women employees are entitled to leave work one hour before the end of their working day for one year after giving birth, and can request a one year leave without pay to take care of their child[[8]](#footnote-8). The 90 days leave still falls short of the minimum duration for the maternity leave stipulated by the ILO Maternity Protection Convention of the Year 2000 (No. 183), which is 14 weeks.

**Main challenges faced in Palestine:**

* 1. For the past six months, the entire infrastructure and services necessary for life have been systematically destroyed by the Israeli occupying forces in the Gaza Strip. Most vulnerable members of the society and those most in need for care, including specialized health care, have been the first to be affected by Israel’s deliberate targeting and systematic destruction of health facilities and obstruction to the delivery of medical supplies and aid necessary for the continued functioning of life-saving services and equipment, such as incubators for premature babies. Premature babies and severely handicapped children have died as a result of the destruction of health care capacities and facilities, and the food shortage due to obstacles to the delivery of humanitarian aid to Gaza’s population by Israel. The rules of international humanitarian law that should have allowed for protecting and safeguarding those most in need of care have been repeatedly broken by Israel without any consequences whatsoever.
	2. Since the start of the war on Gaza, many caregivers and care workers have been killed by the indiscriminate bombing and shelling of civilian homes, infrastructure, and places where the displaced have been sheltering, including UNRWA schools, and the various hospitals and medical structures. Dozens have also been killed while on duty. Thus, at least 364 health sector workers and 261 school employees (teachers and admin staff) have been reported as killed by the Gaza Ministries of Health and Education by mid-March 2024.
	3. Thousands of children have been orphaned due to the killing of one or both of their parents in the Gaza Strip, and UNICEF has estimated that by mid-February 2024, at least 17,000 children in the Gaza Strip were unaccompanied or separated from their families.
	4. Persons with disabilities and their relatives and caregivers have faced huge challenges since the start of the war on Gaza, during which over 80% of the population in Gaza has been displaced, sometimes several times. As means of transportation have become scarcer and roads unsafe if not impassable due to destruction, it has been increasingly difficult for those with motor disabilities to move around and more dangerous overall for persons with disabilities, as they might not be aware of the dangers surrounding them and able to quickly move to a safer area if needed. In general, shelters were not adapted to the needs of persons with disabilities, and access to the special supplies they might need has been very difficult. The severe injuries inflicted during the war will lead to an exponential increase of the number of persons with disabilities requiring life-long care and rehabilitation, as well as specialized equipment. At least a 1000 children have been amputated of one or both limbs[[9]](#footnote-9). There will be tremendous challenges to provide them with adequate services.
	5. The chronic and worsening fiscal deficit faced by the Palestinian Authority, and repeated humanitarian crises of which the current war on Gaza is the worst ever faced, means that the Palestinian Authority struggles to pay the salaries of civil servants and maintain basic education and health services. The development and adoption of progressive social policies and the establishment of an adequate social protection system with both contributory and non-contributory schemes are hampered by a chronic lack of finances, as well as a lack of political will and people’s confidence in the viability of government-run schemes.
	6. Workers with family responsibilities face significant challenges in conciliating their paid jobs with their unpaid care work due to the absence of supportive social policies and labor legislation dispositions. There is no governmental policy of opening day-care centers for the young children of governmental employees, nor legal obligation to do so or any incentive for private sector establishments. Furthermore, school and working hours are not integrated. Whereas daily school hours do not exceed 6 hours per day in most cases, daily working hours can reach 8 hours or more in the private sector. In situations of emergencies, the lack of regulations allowing for flexible working relations add to the burden of parents, in particular working mothers.

For any further information, please contact us at info@dwrc.org

1. [↑](#footnote-ref-1)
2. UN Women, Policy Brief No. 4, The Care Economy in Palestine: Towards Recognizing, Reducing and Redistributing Unpaid Care Work [↑](#footnote-ref-2)
3. Palestinian Labor Law No 7 of the Year 2000, English translation, p. 3 <https://alp.unescwa.org/sites/default/files/2021-09/Law%20no.%207%20of%202000%20on%20Labor_EN.pdf> [↑](#footnote-ref-3)
4. <https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_559684.pdf> [↑](#footnote-ref-4)
5. Educational Statistical Yearbook 2021-2022 <https://www.moe.pna.ps/uploads/20221103075811.pdf> [↑](#footnote-ref-5)
6. <https://www.elections.ps/Portals/0/pdf/The_Amended_Basic_Law_2003_EN.pdf> [↑](#footnote-ref-6)
7. https://www.unicef.org/sop/media/206/file/ECD%20National%20Strategy.pdf [↑](#footnote-ref-7)
8. Palestinian Law by Decree No. (24) of the Year 2022 amending the Civil Service Law No. (4) of the Year 1998 and its revisions [↑](#footnote-ref-8)
9. https://www.savethechildren.net/news/gaza-more-10-children-day-lose-limb-three-months-brutal-conflict [↑](#footnote-ref-9)