



The Palestinian Authority's (PA) policy position on the social welfare payments to the families of prisoners

The Law/Policy

- The Welfare Law for Prisoners, adopted in 2013, ensures that the families of Palestinian prisoners are not left without a social welfare network, and provides them with the means to carry on with their lives in dignity and peace.
- This law is informed by the Palestinian leadership's primary obligation to care for the Palestinian people and to protect them from the continuous, adverse effects of the ongoing conflict and occupation in line with the Palestinian Basic Law (article 22), which considers protecting and caring for the families of prisoners a public obligation. The law provides these benefits without discrimination based on faith, sex, or political views, and is in line with the PA's obligations under Palestinian and international law to care for all its citizens.
- It is also a continuation of the PLO's welfare program, which provided social welfare to prisoners' families, the injured, as well as to families of Palestinians killed in the conflict (martyrs). The PLO Commission of Martyrs and the Injured began operation in 1965. Despite the name, this commission basically operated as the welfare/social affairs department of the PLO and also provided assistance to the families of prisoners as well as to families in dire financial need. The work of the Commission has been adapted since the signing of the Oslo Accords; it is now responsible only for assisting families of the injured and martyrs.
- Prisoners, present and former, constitute a large segment of the Palestinian population and workforce. Their experiences and time spent in Israeli prisons are part of the wider political conflict that started seven decades ago. They are not isolated cases. Abandoning them would be a dereliction of the basic duty of accountable governance, which is to serve the people.
- The welfare program is pivotal to the continued political legitimacy of the Palestinian government – a condition on which peace surely depends – in the eyes of a long-suffering Palestinian population. Any withdrawal of these payments in the face of Israel's continued mass confinement of Palestinians will certainly cause social and political unrest and upheaval – a scenario none of the parties, including Israel, wants or desires. In fact, these social welfare programs were developed with the guidance and

support of donor countries, and their actual purpose is to mitigate the destructive impact of Israel's widespread detention of Palestinians as 'security prisoners'. These social safety net programs: (a) provide humanitarian support to the substantial number of Palestinian families that have lost a breadwinner in a society already marred by persistent poverty and the highest unemployment rate in the world; (b) prevent prisoners and their families from being exploited by radical groups, and (c) deter recidivism.

Payments to Prisoners

- In accordance with the law, the families of prisoners (who apply for benefits) are provided with monthly payments while their next of kin are in prison, regardless of their political affiliation. There is an application process to verify that the person in question is in Israeli detention for non-criminal offenses (so-called security detainees), and it must be renewed every three months. Families of prisoners must apply and supply relevant authorities with the required paperwork and authorization to receive payments.
- Families of Palestinians detained on criminal charges can apply for assistance to the Ministry of Social Affairs like other families in need of assistance.
- According to the Commission of Detainees and Ex-Detainees Affairs, the families of approximately 13,000 Palestinian men and women are currently the beneficiaries of the prisoner welfare law, which is 1.5% of the total number of detainees and ex-detainees.
- While in prison, families of prisoners who qualify receive the assistance payment by wire transfer. Other benefits families of prisoners are entitled to include basic government healthcare and partial scholarships for children of prisoners who qualify. All benefits in question are not automatic and families of prisoners must apply for them. The scale of financial benefits (provided below) takes into account the years spent in Israeli prisons as well as the status of the spouse and other dependents. The difference in living expenses in Jerusalem and Israel proper is also considered. In this regard, it is important to keep in mind that a charge of throwing stones carries a maximum sentence of 20 years. Also, many Palestinians imprisoned under 'administrative detention' spend years in jail without charge.

Detainees can receive benefits after release; however, the following conditions must be met:

- Former detainees must renew their application bi-annually.
- Former detainees must prove that they have no other source of income exceeding 2000 NIS a month (which is slightly higher than the minimum wage). If they are found to have an income exceeding this amount, the Commission deducts the amount they received while having a second income retroactively.

- If former detainees were employed before detention and they return to their jobs, they cannot apply for benefits.
- The scale according to which former detainees receive payments is related to how much time they spent in prison, not the offense with which they were charged or convicted for in Israeli military courts. It takes into account accumulated loss of potential income and the needs of prisoners once free to re-build their lives despite the limited opportunities.
- Palestinians imprisoned by Israel suffer Israeli restrictions on movement and employment after they are released. This also applies to their family members. For example, if a Palestinian is imprisoned, his/her father's permit to enter Israel for work or business is revoked. This is often extended to other male family members as well.
- Freed prisoners cannot apply for work inside Israel or enter Israel for business/commerce. Some former prisoners are also denied the right to travel outside Palestine.
- This restriction has been applied to many former pre-Oslo prisoners, who are now prominent human rights defenders who enjoy worldwide respect.
- Ex-detainees are also entitled to partial university scholarships in public universities if they meet certain criteria.
- Many ex-detainees also receive public healthcare coverage. In some cases, where the conditions of prison have adversely affected the health of ex-detainees, some grants are offered after consideration of their individual cases.
- Finally, while in prison, the Commission of Detainees and Ex-Detainees Affairs provides Palestinian prisoners with canteen money. This payment is done directly through the Israeli Prison Authority and the private company that operates canteens in Israeli jails. The money is deposited as credit in the prisoner's name. The list of prisoners is provided by the Israeli Prison Authority (which includes Palestinians imprisoned for so-called 'security offenses' as well as for criminal offenses). **The Palestinian side has no control or say in the selection process.**

PA Finances

- The PA has decreased its dependence on donors exponentially in the past decade.
- Currently, about 70% of the PA's budget relies on tax revenue, with international donor assistance mainly sought for specific sectors and development efforts. As such, salaries are predominantly paid from Palestinian tax revenues, not donor assistance.
- Most donors require an external auditor (internationally reputable auditors) to audit the year's funded program. This is usually included in the TOR of agreements with the donors. Also, donors specify exactly where their assistance goes to.
- Some countries offer direct budget support while others specify that their support will go to support justice, health, or other sectors. The EU and US have clear and specific

restrictions on where and how their assistance be spent, including assistance given as budgetary support.

- In 2014, US Department of State Assistant Secretary Anne Patterson testified before Congress that US foreign aid to the PA is “extensively audited and reviewed” and is the “most extensively reviewed foreign assistance program that we have on the planet.”
- The European Court of Auditors also determined that the “eligibility verification checks are robust” for the PA to receive EU funding, and “all Pegase DFS components are managed with the support of contracted ‘Big 4’ audit firms.”

Further points

- The Commission of Martyrs and Injured was established in 1965 by the Palestine Liberation Organization (PLO) to provide social services and a social safety net to Palestinian families who had suffered either the loss or permanent injury/disability of a loved one by the Israeli forces, or who had one family member or more imprisoned by Israel. Over the years, the Commission’s work developed into the provision of social services in general, with the Commission providing support to other sectors deemed in need. This fluid mandate allowed the Commission to answer the needs of Palestinians in the Occupied Territories and the Diaspora.
- The principle behind establishing these programs is that those adversely affected by the occupation must not be left behind, and that the Palestinian cause is a national struggle for liberation, humanity and justice. This vision was and continues to be a cornerstone in the Palestinian political system and its collective conscience.
- Before 2000, Palestinians filed successful lawsuits against the Israeli army for injury or death and received compensation. However, this has become nearly impossible, with Israel imposing punitive conditions on Palestinians wishing to seek reparation for injuries. Since the second Intifada, Israel has also designated all its actions in the Occupied Palestinian Territories as ‘warfare activities’, while the Knesset and the courts broadened the breadth of exemptions included in this definition to form a blanket shield from compensation.
- In comparable examples, you will find rules and regulations governing imprisonment of Israelis. This document is provided by the Israeli human rights organization *Hamoked*. One example jumps out, which is that Israeli prisoners, no matter what they have been convicted of, can apply for a furlough of up to 96 hours. This privilege was granted to the Israeli convicted of assassinating Yitzhak Rabin, who also got married and enjoys conjugal visits.

http://www.hamoked.org/files/2013/1855_eng.pdf

- The National Insurance Institute of Israel also has a program called *Prisoners of Zion and Families of Martyrs*:

<https://www.btl.gov.il/English%20Homepage/Benefits/Benefits%20for%20Prisoners%20of%20Zion%20and%20Families%20of%20Martyrs/Pages/default.aspx>