

Joint Submission to the UN Universal Periodic Review
29th Session of the UPR Working Group
Israel

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by
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I. GENERAL BACKGROUND AND FRAMEWORK

1. The 3rd cycle review of Israel comes in the 50th year of occupation for Palestine whereby ending the occupation remains as the single most important priority to enable Palestinians to their right to self-determination advance development goals, to reduce humanitarian needs and to ensure respect for human rights.¹ Indeed, the violation of international humanitarian and human rights law and the continuous violation of related legal obligations by Israel as the occupying power are the core reason of human rights abuses and persistent suffering that Palestinian people is facing today.
2. The basic right of security, peaceful existence and self-determination for the Palestinian people, as well as its right to exist in an independent Palestinian State within the areas occupied in 1967 continues to be violated, resulting in deteriorating human rights conditions in the country, including poverty, unemployment, health care, education. In this regard, taking into consideration the limited discussion during the previous UPR reviews on economic and social rights (ESRs) violations faced by the Palestinians, the joint submission prepared by the Arab NGO Network for Development and Al Marsad Social and Economic Policies Monitor focuses on the ESRs, to ensure the inclusion of these issues within the review and formulation of recommendations to the Government of Israel to ensure accountability.

A. SCOPE OF INTERNATIONAL OBLIGATIONS

3. Despite the 2nd cycle recommendation calling the Government of Israel to “uphold its obligations under international human rights and humanitarian law, and implement all relevant Human Rights Council resolutions including those under agenda item 7, not only in its own territory, but also in places under its control”, non-compliance and lack of implementation of resolutions by the Human Rights Council, General Assembly and Security Council on the Occupied Palestinian Territories and other Arab territories continue. Israel has been in constant negligence of its obligations alongside continuation of its unlawful occupation and its discriminatory policies and practices towards Palestinians.
4. Moreover, Israel continues to refuse to recognize the applicability of its international obligations, deriving from treaties that Israel is party to, to the OPT. Indeed, Israel has been invited to honor its obligations under international humanitarian and human rights law and to comply with them in previous UPR sessions.

We urge the Working Group and the members of the Human Rights Council to call upon the Israeli government to:

5. Respect all United Nations resolutions and its obligations under international human rights law and international humanitarian law, with a view to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, giving an immediate end to occupation and recognizing Palestinians right to self-determination as called by the resolution adopted during the 34th HRC session.
6. Put an end to the state of emergency and to fully ratify all international treaties without reservation, fully implement its obligations under international law, including international humanitarian law, in particular the Fourth Geneva Convention of 1949.

B. INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE

¹ As noted by OCHA-OpT at <https://www.ochaopt.org/50Stories/>

7. Although the recommendation on establishment of a national human rights institution in accordance with the Paris Principles was common in both cycles of UPR, the Government of Israel chose to reply ‘noted’ and without any implementation. Nevertheless, an independent national human rights institution in accordance with the Paris Principles is compulsory to ensure monitoring the implementation of the Conventions that Israel is party to.

We urge the Working Group and the members of the Human Rights Council to call the government of Israel to:

8. Establish a national human rights institution in accordance with the Paris Principles that will principally monitor the implementation of the Conventions.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS OBLIGATIONS

A. COOPERATION WITH HUMAN RIGHTS MECHANISMS

9. Israel’s lack of cooperation with human rights mechanisms and in relation lack of accountability to human rights violations is constant; not allowing United Nations Special Rapporteur (SR) on the situation of human rights in the Palestinian territories occupied since 1967 visit to Israel is another proof of how Israel disregards the UN, its mechanisms and resolutions.
10. The SR’s last visit request to OpT received no response from Israel, which was planned during the Palestinian prisoners’ hunger strikes, thus was organized from Amman, Jordan. During the visit, the SR acknowledged the systemic human rights violations accompanying the occupation. The SR noted clearly that “Occupations are inherently temporary and short-term under international law, yet this occupation – after 5 decades – has no end in sight. Indeed, it is deeply entrenched, and Israel, the occupying power, shows many signs of wanting to make it permanent.”²

We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:

11. Comply with its obligations as a member of United Nations and cooperate with the human rights mechanisms

B. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

a. Equality and non-discrimination

12. The legal system in Israel does not provide for the concept of constitutional equality, and accordingly encourages the discriminative policies and practices of the Israeli government. Institutionalized inequality was addressed during the 2nd cycle review, when Israel was called to “mainstream the principle of non-discrimination and equality in the Basic Law of Israel that discriminates against non-Jewish children and undertake measures necessary to stop policies and measure that affect Palestinians resident in the occupied State of Palestine.” Nevertheless, in 2016 the Knesset voted against a draft bill that aimed to stipulate the inclusion of an equality clause in Israel’s Basic Law: Human Dignity and Liberty.

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21639&LangID=E>

13. On the other hand, Israel's self-definition of a 'Jewish state' not only exacerbates the inequality among Jewish and Palestinian and other non-Jewish citizens of Israel but as well.
14. Illegal settlements continue to deepen the inequalities faced by Palestinians. Israeli authorities have since 1967 facilitated the transfer of its civilians to the occupied West Bank, including East Jerusalem, in violation of the Fourth Geneva Convention. In 1967, Israel established two settlements in the West Bank: Kfar Etzion and East Talpiot; by 2017, Israel had established 237 settlements there, housing approximately 580,000 settlers. Israel applies Israeli civil law to settlers, affording them legal protections, rights, and benefits that are not extended to Palestinians living in the same territory who is subjected to Israeli military law. Israel provides settlers with infrastructure, services, and subsidies that it denies to Palestinians, creating and sustaining a separate and unequal system of law, and services.
15. The occupation continues to control the lives of Palestinians, despite the continuation of building settlements and expansion, building permits are difficult or impossible for Palestinians to obtain in East Jerusalem or in the 60 percent of the West Bank under exclusive Israeli control (Area C). Palestinians in these areas have limited access to water, electricity, schools, and other state services, all of which the state makes readily available to the Jewish settlers there.³

We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:

16. End discriminative and politically motivated policies towards the Arab population, follow and implement the recommendations received from relevant treaty bodies including CERD and CESCR regarding ensuring equality and discrimination
17. Give an immediate end to occupation and illegal settlements that stand as the root cause and obstacle for the self-development of Palestinian society and give an immediate end to the discriminatory "Israeli planning, development and land system which violates the right to adequate housing not only of Palestinians under Israeli control, but also of low income persons of all identities"⁴.
18. Give an immediate halt to any form of discrimination against Palestinians which impairs the equitable access to basic services or natural resources, and borders including water and land, or else the equal enjoyment of fundamental rights and freedoms, particularly the right to equal protection before the law.

b. The right to adequate standard of living

19. The second cycle UPR revision for Israel was a missed opportunity to shed light on the right to adequate standard of living, with one recommendation only calling for non-discrimination for those living in poverty. Indeed, "systematic Israeli policies towards expropriation of Palestinian resources, deinstitutionalization of Palestinian economy and imposition of closure, results in severe socio-economic deprivation for Palestinians, hinders Palestinian development, creates increasing dependency on international aid and

³ <https://www.hrw.org/world-report/2016/country-chapters/israel/palestine#1b36d4>

⁴ Noted as well by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11815&LangID=E>

causes isolation and impoverishment”⁵. Similarly, the report of the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, clearly notes “Israel’s occupation is denying Palestine’s right to development and severely hampering its ability to attain even the minimum targets of the Sustainable Development Goals.”⁶

20. Whereas latest statistics by Palestinian Central Bureau of Statistics⁷ reveals that the poverty rate among Palestinian households is 25.8% (17.8% in West Bank, and 38.8% in Gaza Strip) and that 12.9% of the households in the Palestinian Territory suffer from deep poverty; Israel continue to derive a great economic advantage from its occupation as Palestinians transfer around \$600 million of profits to Israel, each year⁸.
21. Illegal settlements, confiscation of land and natural resources, restrictions on the movement of people and goods; destruction of assets and the productive base and forced dependence on the Israeli economy remain as systematic channels of deprivation from adequate standard of living and basic rights. The 2016 UNCTAD report reveals that Palestinian economy could easily produce twice the gross domestic product (GDP) it generates now, while unemployment and poverty could recede significantly without Israeli occupation⁹.
22. ‘Israeli’ settlements nourishment is realized through depriving the Palestinians of fresh water. For instance on the ongoing water injustice, the average water consumption rate of 2.6 million Palestinian residing in the West Bank equals the average water consumption of 10 thousand ‘Israeli’ settlers residing in the Jordan Valley and Northern Dead Sea¹⁰.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:

23. Fully respect the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food and housing, together with their freedom of movement as well as to attaining sovereignty on natural resources and cultivating lands, and the ability to invest in Area C.
24. Fully comply with its obligations to ensure the availability of sufficient and safe drinking water and adequate sanitation for Palestinians living in the OPT, initially starting with giving an immediate end to discriminative policies that limit the accessibility of these rights.

c. The right to work

25. The second UPR session remained limited with regard to the right to work calling for ratification of ICRMW, undermining the main challenge for Palestinians namely the restrictions on access to employment through restrictions on movement, work permits and unequal and discriminative policies undertaken by Israel. Indeed unemployment is in rise in Palestine, standing at 26% in 2015, with 39.2% for females participating in the labor force against 22.5% for males. On the other hand, informal labor (in the formal and

⁵ <http://www.cesr.org/downloads/CESCR%20Israeli%20Violations.pdf>

⁶ <http://www.un.org/apps/news/story.asp?NewsID=55426>

⁷ <http://www.pcbs.gov.ps/Downloads/book2188.pdf>

⁸ <http://www.rosaluxemburg.ps/wp-content/uploads/2017/01/Rosa-Luxemburg-Articles-English-Iyad-Riyahi-Paper.pdf>

⁹ <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1317>

¹⁰ <http://www.almarsad.ps/archives/712>

informal sectors) encompassed 59.9% of the total number of workers in the West Bank and the Gaza strip.¹¹

26. Given the restricted conditions under Israeli occupation, several Palestinians' quest to enjoy right to work has been further exploited by the working conditions provided to Palestinians working for the settlements. As shown by the 2016 HRW report, "while all settlement-related business activity runs afoul of international standards on the human rights responsibilities of businesses, regardless of labor conditions, the lack of clear labor protections for Palestinians working in settlements creates a high risk of discriminatory treatment and other abuses"¹².
27. Whereas as noted by the UNCTAD report¹³, land and agriculture are utmost importance to Palestinians and symbols for resilience; the expansion of Israeli settlements and restrictions on movement of farmers, services and agricultural trade cause additional financial and time-related costs. 63 percent of agricultural resources of the West Bank is under occupation; which constitute fertile land, whereas the construction of the Wall diminishes the agricultural land for Palestinians.
28. Indeed, Area C holds the majority of Palestinian fertile farmland, agriculture is a crucial industry that provides a backbone to the Palestinian economy, bolsters food security, and employs 11.5% of the Palestinian labor force. Yet obstructive Israeli policies, coupled with the effects of climate change, have led to agriculture contributing a decreasing share of the State of Palestine's GDP, down to just 3.4% of the West Bank economy in 2013. Despite this, the value of agricultural exports grew by 32% from 2011 to reach USD 56.7 million in 2013, with the sector making up 6.3% of Palestinian exports in total. Despite sharing virtually identical agro-ecological conditions as their occupying power, the State of Palestine's agriculture yield per dunam is only 43% of Israel's. Israel's restrictions on the import of fertilizer to the oPt is estimated to have decreased the State of Palestine's agriculture productivity by between 20% and 33%¹⁴. Meanwhile, the World Bank estimates the annual losses due to occupation's practices and policies in area c to reach 3.4 billion dollars¹⁵

We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:

29. Put an immediate end to all kinds of obstacles such as restrictions on movement, work permits and unequal and discriminative policies undertaken by the occupying forces in the OPT, which hinder the right to work of the Palestinians.
30. Take immediate measures to implement the recommendations of the CESCR regarding right to work, that continuously call Israel to eliminate policies of inequality and discrimination in the enjoyment of right to work by Jews and Palestinian Arab citizens of Israel including the wage gap among these communities
31. Given the importance of agriculture for Palestinian economy, give an immediate end to Israeli policies that hinders Palestinians' access to their agricultural lands in all their

¹¹ ANND Arab Watch Report 2016, <http://www.annd.org/cd/arabwatch2016/pdf/english/16.pdf>

¹² <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>

¹³ http://unctad.org/en/PublicationsLibrary/gdsapp2015d1_en.pdf

¹⁴ http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PRC_Building%20Resilience%20in%20Area%20C.pdf?download.

¹⁵ <http://www.worldbank.org/en/news/press-release/2013/10/07/palestinians-access-area-c-economic-recovery-sustainable-growth>

territories and grant them control of natural resources, borders and ability to invest in Area C.

d. The right to health

32. The second cycle UPR revision failed to highlight the violations related to the Palestinians access to health. The Palestinians have been denied access to health care. As mentioned in the WHO report,¹⁶ conflict and movement restrictions have a complex and serious impact on population health --- whether by disrupting health services, stifling health system development or hindering access of patients to health care, poorer health outcomes result.
33. Israel's apartheid and separation wall and Gaza siege and blockade prevent Palestinian patients from accessing the six main specialist hospitals for Palestinians living in the West Bank and Gaza are located in East Jerusalem access to health¹⁷. The crisis in electricity and fuel supply in Gaza have led hospitals to cut most services,
34. Ambulances and health professionals are also affected by access restrictions. According to the WHO health access report, these Medical centers are inaccessible to patients without an Israeli-issued permit. The complex permit regime can result in delays and denial of care for patients which can impact their health; permit restrictions for health personnel can also disrupt medical services. Israeli security services also request certain patients to appear for interviews and deny permits for security reasons.
35. The blockade on Gaza resulted in scarcity of essential medicines and equipment. Not to mention the deterioration of health of the Palestinians residing in Gaza due to environmental and health effects caused by Israel using internationally banned weapons. According to the head of medical referrals in the Gaza Strip 45% of referrals are denied exit to receive treatment.

We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:

36. Guarantee the enjoyment of all Palestinians right to health as defined by the International Covenant on Economic, Social, Cultural Rights as comprising four essential elements: availability; accessibility (physical and financial); acceptability and quality.
37. Discontinue all forms of discrimination and apartheid complex permit regime and eliminate all kinds of barriers such as population-wide movement restrictions
38. Cease immediately the demolition and destruction of Palestinian health facilities and ambulances and adhere to the international commitments by eliminating policies and practices that limit the supply of adequate electricity to Palestinians residing in the Gaza strip, so hospitals can operate more effectively and efficiently
39. Prevent acts of attacking and arresting medical crews and professionals.

e. The right to education

40. As the Occupying Power, Israel's binding responsibilities vis-a-vis the provision of education in the oPt also arise under international humanitarian law. Article 50 of the Fourth Geneva Convention requires that the Occupying Power "shall facilitate the proper working of all institutions devoted to the care and education of children".¹⁸

¹⁶ http://applications.emro.who.int/dsaf/EMROPUB_2016_EN_19231.pdf?ua=1

¹⁷ Medical Aid for Palestinians, *The-Impact-of-the-Separation-Wall-on-the-Right-to-Health*

¹⁸ http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/PCHR_Education_Denied_2011.pdf

41. For more than 50 years, communities in the West Bank including East Jerusalem and Gaza have been subject to varying conditions of the recurrent conflict and occupation which has negatively impacted education. These conditions include armed conflict, military incursions, and violence; violations of rights including the right to education; damage and destruction of property and schools; arrest and detention of children and youth; disruption of schooling; restrictions on movement including access to education and schooling; impediments and restrictions from the Israeli Civil Administration (ICA) on developing educational infrastructure according to minimum humanitarian standards; displacement; and the array of psycho-social effects including excessive stress, trauma and fear.¹⁹
42. As form of collective punishment, children in the occupied Palestinian territories and particularly in East Jerusalem and Hebron are subject to closure, checkpoints which limit their access to education. Children are also subject to detention, arrest, and abuse. Children in detention are deprived from continuing their education.
43. In comparison to schools residing to West Jerusalem, schools in East Jerusalem are receiving less funding and support. Shortage in classrooms is a major outcome of these practices. The Israeli education system is discriminative; forcibly integrating their curriculum and culture to the Palestinian official curriculum in East Jerusalem schools, with no respect for the religious and cultural rights of Palestinians.
44. Israeli forces continue to demolish schools built in Area C and prohibit any infrastructure and/or maintenance activities in this area, not to mention school officials and students under attack in Area C²⁰. Moreover, Israeli forces are preventing the entry of construction materials to Gaza Strip to re-build and re-construct schools that have been damaged during the war.
45. Vulnerable children and youth in communities such as Bedouins are subject to displacement which affects their access to education. As Ms. Jean Gough, UNICEF – occupied Palestinian territory (oPt) Special Representative recently said, “everything must be done to protect the safety and the lives of innocent children.”²¹
We urge the Working Group and the members of the Human Rights Council to call upon the government of Israel to:
46. Guarantee the right to education for Palestinians as defined by Article 13 of the International Covenant of Economic Social and Cultural Rights, to which Israel is a party and ensure that the Palestinians enjoy religious and cultural rights contained in the Universal Declaration of Human Rights.
47. Ensure non-discrimination to the Palestinians in East Jerusalem and Area C regarding education of children.
48. Implement without delay the UN Security Council adopted Resolution 1998 during its Annual Open Debate on Children and Armed Conflict and discontinue penal actions against Palestinian children.

¹⁹ https://www.unicef.org/oPt/UNICEF_Under_Occupation_final-SMALL.pdf

²⁰ www.alnap.org/pool/files/palestine-education-evaluation.pdf

²¹ https://www.unicef.org/oPt/UNICEF_Under_Occupation_final-SMALL.pdf