

**Report to Human Rights Council
Working Group on Universal Periodic Review
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**By International Organization for the Elimination of All Forms of Racial Discrimination
(EAFORD)**

State under Review: Israel

**Israel's Third Universal Periodic Review:
Implementation of Recommendations Regarding Racism, racial discrimination,
xenophobia, and related forms of intolerance**

During Israel's delayed UPR held in October 2013, Member States recommended the State party to explicitly incorporate principles of equality and non-discrimination in its legislation and to cease its discriminatory and inhuman policies and practices disproportionately affecting the Palestinian population in all territories under Israel's effective control – hence within Israel and in occupied Palestine. In the period under review Israel has again demonstrated its disregard for all relevant UPR recommendations and has instead perpetuated policies and practices that constitute the crime of apartheid as legally defined in instruments of international law. This submission examines such practices, thereby necessarily drawing on ESCWA's forcibly withdrawn report E/ESCWA/ECRI/2017/1 on Israeli Practices towards the Palestinian People and the Question of Apartheid. To stakeholders who have witnessed Israeli actions on the ground, the finding of the report is unequivocal: The evidence that Israel collectively submits Palestinians, regardless of their residency, to an entrenched system of apartheid and institutionalized racial discrimination is overwhelming.

Domestic Legislative Framework

Israel's Basic Laws still do not explicitly guarantee equality and the prohibition of discrimination (Basic Law: Human Dignity and Liberty). Some of the Basic Laws institutionalize discrimination, such as in the field of land policy¹. 93 percent of land within Israel is State land, or land for "public purpose", and is exclusively allocated to Jewish Israelis, thereby preventing Palestinian use, development or ownership thereof. Challenging racial discrimination and domination in the "Jewish State" is prohibited by the Basic Law: Knesset. Notwithstanding repeated calls by the international community to abrogate discriminatory laws and to enshrine explicitly the principles of equality and non-discrimination, Israel has not only preserved the Basic Laws in their contentious form but has also passed new laws that perpetuate discrimination and oppression of ethnic and political minorities.

On the basis of the Defense (Emergency) Regulations – which Israel incorporated into its domestic legislation and legal system governing the West Bank – Israeli authorities continue to conduct, *inter alia*, house demolitions, deportations, indefinite administrative detentions,

and closures and curfews of Palestinian areas. Israel thus persisted in policies and practices that had been vehemently criticized in the last UPR and whose rescindment had been demanded.

Further discriminatory laws pertain to entry and residence in Israel and attest to Israel's policy of demographic engineering, which aims at the maintenance of Israel as Jewish State. Notably, Israel passed the Law of Return in 1950, which provides for the entry and reception of Israeli citizenship of Jews regardless of their countries of origin and connection to historic Palestine, while permanently denying the right of return to indigenous Palestinians, including those with documented ancestral property. Relevant Israeli policies and practices, such as the denial of Palestinians' right of return and the revocation of residency permits as well as associated human rights violations were addressed by Member States, which demanded their rescindment. The actions by the State under review contradicted the recommendations.

The para-statal status allocated to the World Zionist Organization, the Jewish Agency and the Jewish National Fund provide legal mechanisms for the reinforcement of discrimination against Palestinians with regards to planning and zoning, managing the property and land in Israel and occupied Palestine, and facilitating Jewish immigration, thereby catering matters ranging from land use to public development planning to the exclusive benefit of Jewish nationals. The confiscation of land, the denial of building permits to Palestinians, and the demolition of Palestinian homes – which were deplored in Israel's last UPR – are part and parcel of this policy.

Inhuman Acts on the Ground

The legislative framework facilitates inhuman acts as described in the Apartheid Convention aimed at perpetuating domination of the Jewish Israeli population over Palestinians, who are collectively and systematically oppressed. This is achieved through Israel's geographic and legal fragmentation of the Palestinian people, which gravely obstructs their resistance to the occupation and obscures the workings of the system to the outside world.

Right to Life and Liberty of Person

Contrary to appeals by Member States, Israel continues to violate Palestinians' right to life and security of person, particularly through the use of excessive and often lethal force and the failure to hold perpetrators accountable. Israeli forces regularly violently disperse peaceful protests to repress Palestinian opposition to the occupation and apartheid, execute extrajudicial killings and targeted assassinations, and launch massive military operations disproportionately affecting Palestinian civilians.

The constant presence of Israeli forces in Palestinian public and private domains, as they occupy checkpoints, patrol pathways, impose curfews, and search homes and bodies for weaponry or other suspect objects, leaves a sense of exposedness to the Occupying Power, to whom Palestinian lives and integrity carry little weight. Israel's suffocating blockade on Gaza and frequent disproportionate military offensives cause unquantifiable loss and suffering, further deprive the Palestinian people of a dignified life, and deepen despair.

Crimes by extremist Jewish Israelis, notably settlers, are carried out with impunity. Israel's failure to prosecute Jewish Israeli perpetrators of racist acts as well as hate speech and incitement to hate by public officials further encourage extremist acts of aggression.

Israel persists in its large-scale arbitrary arrests and detention of Palestinians under untenable conditions of imprisonment and under the use of torture. Moreover, it imposes collective punishment in the form of, *inter alia*, home demolitions, military incursions and curfews, and most deplorably in the form of its blockade on the entire population of Gaza. It also continues to carry out deportations and forcible transfers of Palestinians.

Participation in the Life of the Community and Self-Generating Development

In contravention to the Apartheid Convention, Israel deliberately creates conditions preventing the full development of the Palestinian people – firstly, by perpetuating its control over Palestinian governance, natural resources, and economy. Several Member States asked Israel to allow equal participation in political processes and the economy (136.53; 136.91; 136.92) and to ensure equitable access to natural resources, including water and land (136.205; 136.235). Israel's persistent restrictions on occupied Palestine hamper the free movement of persons and goods, undermine viable political and economic activity, and obstruct sustained development and growth.

Governance

Israel continues to interfere in Palestinian governance through, *inter alia*, the withholding of funds, the prevention of development projects, the closing down of institutions and offices, the curbing of political activity and the restriction on movement of Palestinian government officials. As a result of Israel's movement restrictions, the Palestinian Authority's (PA) ability to implement vital infrastructure projects and to provide services to its citizens is gravely inhibited. Moreover, projects by the PA, including the construction of roads, residential buildings, and agricultural facilities are strategically demolished by Israel, thereby impeding development of programs and private sector activity and compounding the socioeconomic difficulties. Thus, Israeli policies evoke the weakening of the PA, impeding its capacity to fulfill its functions and obligations emanating from the 1995 Interim Agreement.

Natural resources

Contrary to UPR recommendations and UN resolutions reaffirming Palestinian sovereignty over their natural resources, including land, water and energy resources, Israel continues to violate the right of the Palestinian people to access and freely exploit their natural wealth and resources. Since 1967, Israel has actively engaged in the exploitation, damage and depletion of the natural resources of occupied Palestine, in the destruction of agricultural lands and orchards, and destruction, forced diversion and seizure of vital infrastructure such as water, sewage and electricity systems, and dumping of waste materials, that pose an environmental, sanitation and health threat and exacerbate the already critical socioeconomic situation of Palestinians. Furthermore, Israel obstructs the implementation of reconstruction, development, and environmental projects and restricts the development and maintenance of vital infrastructure, notably by refusing to issue building permits in Area C.

Israel is sole beneficiary of the vast majority of the region's natural resources, the Palestinian share of which is being ruthlessly exploited. Israel's deeply discriminatory distribution of regional water resources for the sake of the Israeli population, including settlers, gravely infringes on the indigenous Palestinians' ability to meet their basic needsⁱⁱ. Israeli companies perpetuate their exploitation of natural resources in illegal settlements for the exclusive profit of Israelis, including settlers. Whereas Israel shuts down or interferes with Palestinian-run industries in the West Bank, it promotes the same industries in its illegal settlements to foster their economic developmentⁱⁱⁱ. Furthermore, Israeli practices deeply disturb the traditional agricultural means of gaining livelihood of Palestinian Bedouin and herding communities, who are thus deprived of their primary means of subsistence^{iv}. Lastly, Israel's depletion and overexploitation of natural resources and dumping of garbage and untreated water is extremely detrimental to the environment and represents a health hazard. It goes without saying that Palestinian economy and Palestinians' socioeconomic rights sustain tremendous damage due to Israel's control over and depletion of natural resources.

Economy, social development and infrastructure

Palestinian economic development is paralyzed by Israel's massive constraints on and active destruction of the agricultural sector, manufacturing businesses, and other sectors as well as the Israeli-imposed isolation of Palestine from global markets and the fragmentation of domestic markets. The systematic policy of expropriation of Palestinian resources and deinstitutionalization of Palestinian economy, the withholding of funds, frequent military offensives and destruction of infrastructure, and the closure regime obstruct the endogenous economic development of occupied Palestine and deepen socioeconomic deprivation.

In July 2016, Israel froze the transfer of tax revenues to the Government of the State of Palestine collected on behalf of the Palestinian people under the Paris Protocol to the Oslo Accords in retaliation against attacks against Israelis in the West Bank, thereby exacerbating the financial crisis and Palestinians' socioeconomic situation^v.

The Occupying Power retains control of almost all land reserves needed for the development of Palestinian communities, located in Area C, most of which were formerly within the municipal jurisdiction of their communities and privately owned. The use of this land for the development of Areas A and B, such as building industrial plants or agricultural facilities, laying water mains or creating roads, is subject to the rare approval by the Occupying Power.

The blockade and Israel's 2014 military offensive contributed to a further deterioration in the economic, humanitarian and human rights crisis in Gaza. Israel still bans nearly all exports^{vi} from Gaza a decade after it imposed the blockade, which has resulted in the collapse of Gaza's economy, with most factories and hundreds of businesses^{vii} shutting down. Gaza's economic growth is negative, its unemployment rate ranks among the highest in the world^{viii}, and the region depends on humanitarian aid.

Palestinian women continue to suffer under the severe impact of the ongoing illegal Israeli occupation and all of its manifestations, and continue to be disproportionately faced with high rates of poverty and unemployment. Youth unemployment also continues to be extremely high, with two out of five Palestinian youths^{ix} and 51 percent of young graduates being

unemployed during the first quarter of 2016. In Gaza, the youth unemployment rate exceeded 60 percent by the end of 2016. (A/71/35)

Fundamental Human Rights

In disregard of repeated appeals by the international community to comply with principles of equality and nondiscrimination, Israel has entrenched its deliberate, organized and institutionalized violations of Palestinians' human rights. Contrary to the Apartheid Convention, Israel obstructs Palestinians' participation in the political, economic, social and cultural life of their community by denying them fundamental human rights.

- Palestinians face obstacles to their **right to work** owing to Israel's obstructions of Palestinian economy. Palestinians periodically experience rapid loss of income and upsurges in the already high levels (around 50 percent) of unemployment and poverty – and are thus subjected to great socioeconomic insecurity. Discrimination against Palestinian citizens of Israel in the job market is reflected in income disparity for equal work and relegation to low-income and semi-skilled positions.
- Israel limits Palestinians' **right to education**, *inter alia*, through restrictions on school development, demolitions and closing down of educational institutions, movement restrictions, military raids and settler violence.
- Restricting **freedom of movement**, Israel imposes curfews on entire areas and has constructed and maintains the Wall, the system of checkpoints and other physical obstacles and the associated permit regime.
- Severely infringing on Palestinian **freedom of expression, association and peaceful assembly**, and the right to participate in public and political life, Israel, *inter alia*, closes down institutions, disperses peaceful protests violently and arrests human rights defenders. Inside Israel, the participation of Palestinians, including Palestinian politicians and political parties, in decision-making processes is limited and challenging this state of affairs is prohibited by law.
- The Occupying Power, furthermore, violates the **freedom of religion and worship**, notably through access restrictions and “archaeological excavations” imperiling the maintenance of Holy Places. Frequent incursions, provocations and incitement by government officials, religious leaders, occupying forces and extremist settlers violate the historic status quo and sanctity of Holy Sites.
- The Occupying Power arbitrarily and violently interferes with the **right to property** by destroying homes and vital infrastructure on the basis of discriminatory laws, military orders and an apartheid zoning and planning scheme.
- Through its policies and practices, Israel deprives Palestinians of the **right to an adequate standard of living**. Its actions imperil livelihoods, heighten poverty and food insecurity, deny Palestinians social services, restrict access to quality medical care and have hurled Gaza into an entrenched humanitarian crisis.

- Undermining the **right to residence and family life**, Israel enacts discriminatory laws governing entry and residence as well as family reunification, and perpetuates practices that discriminate against the Palestinian population, *inter alia*, the denial and revocation of residency statuses.

The Perpetuation of Segregation

A further dimension of Israel's practices raised by South Africa during the UPR (recommendation 136.202) is the creation of segregated physical spaces along racial lines. Israel has not only gradually expropriated Palestinian land and property for exclusive Jewish use and relegated Palestinians to disconnected enclaves, but has also entrenched the segregation of these enclaves from Jewish Israeli areas inside Israel and occupied Palestine. This segregation is underpinned by the deeply disparate allocation of infrastructure, services and access to resources. To entrench the segregation between the Jewish and Palestinian populations, Israel passed legislation prohibiting interfaith marriages between Jews with Muslims or Christians.

Persecution of Political Opponents

To sustain the system of occupation and apartheid, dissidents need to be disenfranchised and silenced. Accordingly, Israel employs repressive methods to restrict, discredit, and criminalize opposition to State policies and practices. While Israel has a long history of stifling Palestinian national expression and resistance to the occupation by, *inter alia*, closing down institutions, violently dispersing peaceful protests, and arresting human rights defenders, recently passed laws criminalize and impose drastic restriction and economic sanctions on Israeli individuals and institutions that "act against state policies". Israeli dissidents are confronted with harassment, violence and arrests on the part of Israeli authorities, the military, and hostile organizations and individuals.

Conclusion and Recommendations

While this submission focuses on the apartheid system oppressing the Palestinian people, Ethiopian and Arab Jews inside Israel also experience institutionalized racism, which becomes manifest in the form of racial profiling, police brutality, deportations of migrants, forcible birth control, discrimination in employment and the provision of social services, and high poverty rates.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) is convinced that the only way to end violations in the region is to dismember Israeli apartheid and occupation. The liberation of Palestinians from the shackles of racial oppression and the dissolution of discrimination against ethnic and increasingly political minorities within Israel would give way to real democracy and just peace in the region. In the light of this, we urge the State under review to:

- Take all necessary measures to finally end the prolonged occupation of Palestine and fulfill Palestinians' right to national self-determination, which involves the end of all

annexationist and settlement activity and the illegal and destructive blockade on Gaza as well as the right of return of Palestinian refugees and internally displaced persons;

- Cease the obstruction to Palestinian governance by, *inter alia*, ending its illegal activities of interfering with political activity, closing down or raiding governance institutions, and lifting all movement restrictions;
- End its policies of illegal appropriation and exploitation of Palestinian natural resources by, *inter alia*, enabling Palestinian development of their water sector and infrastructure; granting Palestinians unrestricted access to and use of their rightful share of water resources; ceasing Israel's illegal mineral extraction and quarrying activities and withdrawing all operating permissions granted to companies in occupied Palestine;
- Halt its restrictions on Palestinian economic development by, *inter alia*, allowing Palestinian trade with the outside world, ending the inhibition of Palestinian access to their agricultural lands, suspending all restrictions on the movement of persons and goods, allowing for development of infrastructure and projects, ceasing the imposition of economic sanctions, and eliminating discriminatory policies in the enjoyment of right to work affecting Palestinian citizens of Israel;
- Scrupulously abide by its obligations as UN Member State, implement its international human rights obligations, and fully cooperate with relevant treaty bodies and mechanisms, particularly with the fundamental provisions of equality and non-discrimination.

ⁱ The Israeli Basic Law (Constitution) places the management of Palestinian land seized by the State of Israel, the Israeli Development Authority or the Jewish National Fund permanently under their authority, while the 1951 State Property Law declared all land and property in an area under Israeli jurisdiction State land.

ⁱⁱ Israeli per capita water consumption is four to five times higher than that of the Palestinian population in occupied Palestine, with the Palestinian average water consumption ranking at about 70 liters per capita per day – far below the WHO minimum standard of 100 – and Israeli consumption amounting to 240 liters. During spring and summer months, Palestinians witness acute and months-long shortages owing to Israel's rigorous policy of water cuts for the sake of illegal Israeli settlements. In summer 2016, water scarcity reached an unprecedented peak. Many West Bank villages, for instance in the Salfit, Jenin and Hebron governorates, had to live without running water for as long as 40 days in a row with some families spending around 30 percent of their low incomes on the purchase of high-cost drinking water. The water crisis in summer 2016 hit Palestinians living in remote areas the hardest as they are dependent on poor access roads or have to afford exorbitant costs for trucked water. Many Palestinians are forced to decrease their already low water consumption, face health hazards and threat to livelihoods.

Despite the Coastal Aquifer being the only source of natural fresh water available to the Gaza Strip, only one quarter of the water extracted per year was effectively supplied to Palestinians. Due to the lack of infrastructure and resources for wastewater management, which are mainly a consequence of Israeli military actions and the blockade, 90 to 95 percent of the water in the Gaza Strip is unsuitable for human consumption, rendering the purchase of water a necessity for the majority of an already

disenfranchised population. Consequently, only 10 percent of the population has access to safe drinking water, usually only for a few hours. Water is thus another tool of the occupying Power to dominate and dehumanize Palestinians.

ⁱⁱⁱ In the end of March 2016, for instance, the Israeli Civil Administration and military forces raided and shut down operations in around 35 Palestinian-owned quarries, assaulted workers, and confiscated indispensable equipment in the West Bank village of Beit Fajar. Meanwhile, a dozen Israeli and multinational companies are involved in stone quarrying in occupied Palestine, some of whom own plants in Israeli settlements. The Israeli cosmetics company Ahava, which is located inside the Israeli settlement “Mitzpe Shalem” and pillages Palestinian resources from the Dead Sea, continues to exploit the natural resources of occupied Palestine for the exclusive benefit of Israeli settlers.

^{iv} A GICJ member witnessed incisive incidents around the Palestinian villages of the South Hebron Hills. The shepherds of the area can only pursue their agricultural activities with great difficulty and under considerable danger. Encircled by settlements and “military zones”, the shepherds cannot graze their flocks freely as they are prohibited from entering vast areas of their land, which are rarely delineated. If they cross Israeli-designated areas of their own land, they can face arrest and heavy fines. Every time the GICJ member accompanied shepherds in the South Hebron Hills, military trunks would appear and soldiers would observe or interfere with the shepherding, ordering Palestinians to leave under the threat of arrest. The Israeli government has also declared certain plants, traditionally used as herbs for tea and foodstuff, “endangered species”, thereby prohibiting Palestinians from collecting them. The GICJ member witnessed soldiers following a Palestinian woman – who had picked plants from the ground and had placed them into her linen bag – and forcing her to drop her harvest. Settlers often directly target Palestinian livestock and natural resources, for instance by poisoning animals, water sources, and crops.

^v According to the World Bank, the State of Palestine was losing \$285 million in annual revenues under the current economic arrangements with Israel. The UN Conference on Trade and Development (UNCTAD) reported that the Palestinian economy could be twice its current size without the Israeli occupation, which imposes heavy economic costs on the Palestinian people.

^{vi} Imports and exports remain significantly lower than the pre-blockade level, in 2015 at 43 percent and 1 percent respectively, which is far from the export potential of Gaza (A/70/421).

^{vii} Israel prevents access to land close to the Israel-erected fence and enforces the access restricted areas, arbitrarily detaining fishermen, confiscating and/or damaging their boats and equipment, and denying them access to the richest fishing areas and forcing them to fish in overfished and heavily polluted waters, thereby devastating the Palestinian fishing industry.

^{viii} Gaza’s unemployment rate had peaked at 44% and 72% of households suffered from food insecurity. Gaza’s reconstruction remained behind. In early September 2015, the UN Conference on Trade and Development considered that Gaza may become unliveable by 2020 unless economic trends shift.

^{ix} The highest unemployment rate was recorded among young people between 20 and 24 years old (43 percent), compared with young people aged 25 to 29 (39 percent).