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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Indian Movement "Tupaj Amaru", International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2019]

* Issued as received, in the language(s) of submission only.



Human Rights Situation in the State of Palestine

The Question of Palestine is inextricably linked with the history of the United Nations and is one of the longest unresolved issues on the UN agenda. Countless human rights violations have occurred since the onset of the Palestinian-Israeli conflict. Just since the Second Intifada in 2000, there have been at least 9,845 Palestinians and 1,260 Israelis killed and at least 2,172 Palestinian children and 134 Israeli children killed by someone from the other side. At least 99,968 Palestinians and 11,949 Israelis have been injured.

As Israel marks 70 years of independence, there are some 5.4 million Palestinians still living as refugees, the vast majority of them are descendants of people who fled or were expelled from their homes during the 1948 war that accompanied Israel's creation. Furthermore, the destruction of homes and schools has led to massive displacements of people throughout the Palestinian territories over the years. Today, Israel continues its campaign against Palestinians by denying their basic human rights, such as their rights to health, housing and education. By doing so, Israel ignores the right of the sick and injured to receive medical care, the right of all Palestinians to their own homes and property, and the right of children to education for their growth and development. Even the U.N. Secretary-General noted, on the occasion of the International Day of Solidarity with the Palestinian People, "that approximately two million Palestinians remain blocked in increasing poverty and unemployment, with limited access to adequate health, education, water and electricity."

1. Violation of humanitarian law: attacks on civilians and health workers.

Health and well-being of a person and his family is a right to everyone, including food, clothing, housing and medical care. Targeting these rights by attacking the health workers or restricting the food and medical care and services is a violation to the human rights. Nevertheless, Israel continues to ignore the impacts of its actions on the Palestinian health care system. Between March 2018 and 1 January 2019, three health workers were killed and 617 injured in 407 recorded incidents against health staff and facilities. In addition, 94 ambulances were damaged, as well as five other forms of health transport and three health facilities. From 1 to 19 January 2019, at least 52 health workers were injured and ten ambulances were damaged in 45 incidents of attacks against healthcare in the Gaza Strip. These acts against health care providers and facilities deprive the Palestinian people of the medical care they need, violating their basic right to health care. This is particularly problematic considering that from March 2018 to January 2019, 258 people were killed and a total of 27,574 people injured according to the World Health Organization situation report on the Occupied Palestinian Territory (OPT). In the first half of January 2019, an additional three Palestinians were killed, including one child and one woman, and 1169 were injured by the Israeli forces.

Right to Housing – forced evictions and demolitions

Article 25 of the Universal Declaration of Human Rights recognises the right to housing as part of the right to an adequate standard of living. People who are homeless or living in inadequate housing describe their experience as a struggle for dignity and life. Shockingly, this very basic right is repeatedly denied to Palestinians by the Israeli authorities.

During 2018, numerous Palestinian-owned structures were seized or demolished by the Israeli authorities in East Jerusalem and Area C, displacing scores of people and otherwise affecting hundreds more. In fact, 2018 saw the highest number of structures targeted in a single month in almost two years. The villages of Al Walaja and Khan Al Ahmar, which are both under threat of wholesale demolition, are two well-known examples of Israel's policy of displacing entire Palestinian communities within the West Bank in order to pursue development that benefits only Israelis, such as segregated roads and illegal Israeli settlements. Demolitions and seizures are typically justified on the grounds the Palestinian owners or residents lack an Israeli-issued building permit, which is almost impossible to obtain. In this way, the Israeli government is using its legal processes to create domestic legitimacy for actions that are, nevertheless, violations of international law.

Demolitions in East Jerusalem are increasing, likely due in part to Israel's increased use of questionable legal actions against Palestinian landowners and tenants. The largest incident took place on 21 November 2018, in the Shu'fat refugee camp, where the Jerusalem Municipality demolished 16 shops and three fuel stations, affecting the livelihood of 30 families. The demolitions were reportedly carried out in order to upgrade a main road between the camp and Anata village. However, since the start of 2018, demolitions in such areas have been on the rise, accounting for 37 per cent of all structures targeted in East Jerusalem, compared to 19 per cent in 2017, 12 per cent in 2016, and 1 per cent in 2015.

These demolitions by the Israeli Government have deprived thousands of Palestinians that are already disadvantaged individuals of the full protection of a core right that is the right to housing.

Children Basic right to life and the right for Education.

Article 28 of the Universal Declaration of Human Rights (UDHR) says, "all children have the right to a primary education no matter who they are, regardless of race, gender or disability; if they're in detention, or if they're a refugee. Wealthy countries should help poorer countries achieve this right."

Since August 2018, one organization, Global Education Cluster (GEC), has seen an upward trend in the reported number of incidents involving Israeli forces in or near Palestinian schools that disrupt access to activities at these schools. Incidents include harassment and delays of children travelling to and from school, clashes in the vicinity of schools, and violent raids and search operations inside schools. Furthermore, at least 17 such incidents were recorded by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) from the beginning of 2018 until mid-November that resulted in injuries to 323 Palestinians, including 225 children. Of these injuries, three were caused by live ammunition, 15 by rubber bullets, and most of the rest due to tear gas inhalation requiring medical treatment. In Area C and East Jerusalem there are at least 48 schools with insecurity and uncertainty due to the risk of demolition or seizure of all or part of the school by the Israeli authorities on the grounds of the lack of building permits. Apart from the physical injury and related absence from school, these incidents impact children socially and psychologically by creating anxiety, trauma and harm to their sense of safety, which ultimately makes learning more difficult

All of these examples show the struggle for survival faced by the residents of the Occupied Palestinian Territories. Homelessness, displacement, destruction of property, schools and hospitals, not to mention the description of Gaza as an Open Air Prison, all leads to an unhealthy environment for the development of children. Children, among the most vulnerable residents of the Palestinian territories, have no control over their environment, and so are forced to live these horrific moments minute by minute. As the U.N. Secretary-General said, "Young people see little prospect of a better future."

2. Recommendations:

- We call on the UN High Commissioner for Human Rights to ensure protection and support for health workers in war zones, and we urge the development and implementation of best practices to prevent attacks on, and improve the access to, health services.
- We recommend all governments to ensure the effective integration of housing policy and social protection with human rights frameworks, mechanisms and institutions, so that housing policy is properly framed around the implementation of core human rights obligations.
- We call on Israel, as well as the Palestinian Authority and the Hamas authorities in Gaza, to put children's rights ahead of any other consideration and to take immediate steps to alleviate their suffering. We urge all actors to ensure that children are never the target of violence, and they must not be put at risk of violence or encouraged to participate in violence.

- We call on Israeli and Palestinian authorities to ensure that the right to education is realised in practice as most of the children and adults who do not fully enjoy the right to education belong to the most deprived and marginalised groups of society.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Euro-Mediterranean Human Rights Monitor, Association Maonah for Human Rights and Immigration, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.