

Compilation of selected conclusions and recommendations from Human Rights mechanisms

The Annex compiles selected observations, conclusions and recommendations from human rights treaty bodies and human rights special procedure mandate holders on the implications of Israeli settlements on the human rights of Palestinians.

Applicability of international human right treaty provisions to the OPT and reporting obligations

Human Rights Committee	
<i>CCPR/C/79/Add.93 (18 August 1998)</i>	<p>10. The Committee is deeply concerned that Israel continues to deny its responsibility to fully apply the Covenant in the occupied territories. In this regard, the Committee points to the long-standing presence of Israel in these territories, Israel's ambiguous attitude towards their future status, as well as the exercise of effective jurisdiction by Israeli security forces therein. In response to the arguments presented by the delegation, the Committee emphasizes that the applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under article 2, paragraph 1, for the actions of its authorities. The Committee is therefore of the view that, under the circumstances, the Covenant must be held applicable to the occupied territories</p>
<i>CCPR/C/ISR/CO/3 (3 September 2010)</i>	<p>5. The Committee reiterates its view, previously noted in paragraph 11 of its concluding observations on the State party's second periodic report (CCPR/CO/78/ISR) and paragraph 10 of its concluding observations on the State party's initial report (CCPR/C/79/Add.93), that the applicability of the regime of international humanitarian law during an armed conflict, as well as in a situation of occupation, does not preclude the application of the Covenant, except by operation of article 4, whereby certain provisions may be derogated from in time of public emergency. The Committee's position has been endorsed, unanimously, by the International Court of Justice in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion, I.C.J. Reports 2004, p. 136), according to which the Covenant is applicable in respect of acts done by a State in exercise of its jurisdiction outside its own territory. Furthermore, the applicability of the regime of international humanitarian law does not preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of their authorities or agents outside their own territories, including in occupied territories. The Committee therefore reiterates and underscores that, contrary to the State party's position, in the current circumstances, the provisions of the Covenant apply to the benefit of the population of the occupied territories, including in the Gaza Strip, with regard to all conduct by the State party's authorities or agents in those territories affecting the enjoyment of rights enshrined in the Covenant (arts. 2 and 40).</p> <p>The State party should ensure the full application of the Covenant in Israel as well as in the occupied territories, including the West Bank, East Jerusalem, the Gaza Strip and the occupied Syrian Golan Heights. In accordance with the Committee's general comment No. 31, the State party should ensure that all persons under its jurisdiction and effective control are afforded the full enjoyment of the</p>

	rights enshrined in the Covenant.
Committee on Economic, Social and Cultural Rights	
<i>E/C.12/1/Add.27 (4 December 1998)</i>	<p>8. The Committee notes with concern that the Government's written and oral reports included statistics indicating the enjoyment of the rights enshrined in the Covenant by Israeli settlers in the occupied territories but that the Palestinian population within the same jurisdictional areas were excluded from both the report and the protection of the Covenant. The Committee is of the view that the State's obligations under the Covenant apply to all territories and populations under its effective control. The Committee therefore regrets that the State party was not prepared to provide adequate information in relation to the occupied territories.</p> <p>32. The Committee requests the State party to provide additional information on the realization of economic, social and cultural rights in the occupied territories, in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations. Detailed information, including the latest statistical data, is also requested on the progressive realization of economic, social and cultural rights in East Jerusalem, keeping in mind the concerns raised by the Committee.</p>
<i>E/C.12/1/Add.90 (23 May 2003)</i>	19. The Committee deeply regrets the refusal of the State party to provide in its second periodic report additional information on the living conditions of population groups other than Israeli settlers in the occupied territories as requested in its 2001 concluding observations.
Committee on the Elimination of Racial Discrimination	
<i>CERD/C/ISR/CO/13 (14 June 2007)</i>	<p>The Committee reiterates its concern at the position of the State party to the effect that the Convention does not apply in the Occupied Palestinian Territories and the Golan Heights. Such a position cannot be sustained under the letter and spirit of the Convention, or under international law, as also affirmed by the International Court of Justice. The Committee is concerned at the State party's assertion that it can legitimately distinguish between Israelis and Palestinians in the Occupied Palestinian Territories on the basis of citizenship. It reiterates that the Israeli settlements are illegal under international law.</p> <p>The Committee recommends that the State party review its approach and interpret its obligations under the Convention in good faith, in accordance with the ordinary meaning to be given to its terms in their context, and in the light of its object and purpose. The Committee also recommends that the State party ensures that Palestinians enjoy full rights under the Convention without discrimination based on citizenship and national origin.</p>
Committee on the Elimination of Discrimination Against Women	
<i>CEDAW/C/ISR/CO/3; 22 July 2005</i>	24. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories, and to provide in its next periodic report detailed information on the enjoyment by all women, including if still relevant,

	women living in the Occupied Territories, of their rights under the Convention.
Committee on the Rights of the Child	
<i>CRC/C/OPAC/ISR/CO/1; 4 March 2010</i>	4. The Committee reiterates that, in accordance with State responsibility in international law and under the prevailing circumstances, the provisions of the Convention and optional protocols apply to the benefit of the children of the occupied Palestinian territory, notably with regard to all conduct by the State party's authorities or agents that affects the enjoyment of rights enshrined in the Convention. The Committee underlines the concurrent application of human rights and humanitarian law, as established by the International Court of Justice in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalls the explicit references to humanitarian law in the Optional Protocol.

Implementation of human rights treaty provisions

Human Rights Committee	
<i>CCPR/C/79/Add.93; 18 August 1998</i>	<p>13. The Committee is concerned that Palestinians in the occupied territories who remain under the control of Israeli security forces do not enjoy the same rights and freedoms as Jewish settlers in those territories, in particular in regard to planning and building permits and access to land and water. The Committee is also concerned at the policies of confiscation of lands and settlement in the occupied territories. The Committee recommends that coordinated and targeted efforts be made to establish basic standards that are applicable equally to all persons under the jurisdiction of Israel.</p> <p>...</p> <p>23. In regard to Palestinians who are resident in East Jerusalem, the Committee is concerned that the increasingly restrictive conditions for maintaining the right to permanent residence, the denial of requests for family reunification and the difficulty experienced by non-Jews in obtaining building permits and accommodation have resulted in increasing numbers being forced to move to the occupied territories. The Committee expresses its profound concern at the effect of the unpublished directive of the Ministry of the Interior, under which Palestinians may lose their right to live in the city if they cannot prove that East Jerusalem has been their "centre of life" for the past seven years. The Committee notes that this policy is being applied retroactively to both Palestinians who live abroad and to those who live in the West Bank or in nearby Jerusalem suburbs, but not to Israeli Jews or to foreign Jews who are permanent residents of East Jerusalem. The Committee recommends that the rules and procedures relating to permanent residency status be applied without discrimination.</p> <p>24. The Committee deplores the demolition of Arab homes as a means of punishment. It also deplores the practice of demolitions, in</p>

	<p>part or in whole, of “illegally” constructed Arab homes. The Committee notes with regret the difficulties imposed on Palestinian families seeking to obtain legitimate construction permits. The Committee considers the demolition of homes to conflict directly with the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (art. 17), the freedom to choose one's residence (art. 12) and equality of all persons before the law and equal protection of the law (art. 26).</p>
<p><i>CCPR/C/ISR/CO/3; 3 September 2010</i></p>	<p>16. Referring to paragraph 19 of the Committee's previous concluding observations (CCPR/CO/78/ISR), the Advisory Opinion of the International Court of Justice, and the State party's Supreme Court ruling of 2005, the Committee expresses concern at the restrictions to freedom of movement imposed on Palestinians, in particular persons residing in the “Seam Zone” between the wall and Israel, the frequent refusal to grant agricultural permits to access the land on the other side of the wall or to visit relatives, and the irregular opening hours of the agricultural gates. Moreover, the Committee is concerned that despite the State party's temporary freeze on the construction of settlements in the West Bank, East Jerusalem and the occupied Syrian Golan Heights, the settler population continues to increase (arts. 1, 12 and 23).</p> <p>The State party should comply with the Committee's previous concluding observations and take into account the Advisory Opinion of the International Court of Justice and stop the construction of a “Seam Zone” by means of a wall, seriously impeding the right to freedom of movement, and to family life. It should cease all construction of settlements in the occupied territories</p> <p>17... the Committee is concerned at frequent administrative demolition of property, homes and schools in the West Bank and East Jerusalem owing to the absence of construction permits, their issuance being frequently denied to Palestinians. Furthermore, it is concerned at discriminatory municipal planning systems, in particular in “area C” of the West Bank and in East Jerusalem, disproportionately favouring the Jewish population of these areas (arts. 7, 17, 23 and 26).</p> <p>18. The Committee is concerned at water shortages disproportionately affecting the Palestinian population of the West Bank, due to prevention of construction and maintenance of water and sanitation infrastructure, as well as the prohibition of construction of wells. The Committee is further concerned at allegations of pollution by sewage water of Palestinian land, including from settlements (arts. 6 and 26).</p> <p>The State party should ensure that all residents of the West Bank have equal access to water, in accordance with the World Health Organization quality and quantity standards. The State party should allow the construction of water and sanitation infrastructure, and wells. Furthermore, the State party should address the issue of sewage and waste water in the occupied territories emanating from Israel.</p> <p>...</p> <p>22. The Committee is concerned at a number of differences in the juvenile justice system between that operating under Israeli</p>

	<p>legislation and that under military orders in the West Bank. Under military orders, children of the age of 16 are tried as adults, even if the crime was committed when they were below the age of 16. Interrogations of children in the West Bank are conducted in the absence of parents, close relatives or a lawyer and are not audio-visually recorded. The Committee is further concerned at allegations that children detained under military orders are not promptly informed, in a language which they understand, of the charges against them and that they may be detained up to eight days before being brought before a military judge. It is also very concerned at allegations of torture, cruel, inhuman or degrading treatment of juvenile offenders (arts. 7, 14 and 24).</p> <p>...</p> <p>The State party should:</p> <p>(a) Ensure that children are not tried as adults;</p> <p>(b) Refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible time, and guarantee that proceedings involving children are audio-visually recorded and that trials are conducted in a prompt and impartial manner, in accordance with fair trial standards;</p> <p>(c) Inform parents or close relatives of where the child is detained and provide the child with prompt access to free and independent legal assistance of its own choosing;</p> <p>(d) Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body.</p>
Committee on Economic, Social and Cultural Rights	
<p><i>E/C.12/1/Add.27; 4 December 1998</i></p>	<p>21. The Committee is deeply concerned about the adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights. The Committee is also concerned over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.</p> <p>...</p> <p>24. The Committee notes that despite State party's obligation under article 11 of the Covenant, the Government of Israel continues to expropriate Palestinian lands and resources for the expansion of Israeli settlements. Thousands of dunams (hectares) of land in the West Bank have recently been confiscated to build 20 new bypass roads which cut West Bank towns off from outlying villages and farmlands. The consequence - if not the motivation - is the fragmentation and isolation of the Palestinian communities and facilitation of the expansion of illegal settlements. The Committee also notes with concern that while the Government annually diverts millions</p>

	<p>of cubic metres of water from the West Bank's Eastern Aquifer Basin, the annual per capita consumption allocation for Palestinians is only 125 cubic metres while settlers are allocated 1,000 cubic metres per capita.</p> <p>...</p> <p>41. The Committee calls upon the State party to cease the practices of facilitating the building of illegal settlements and constructing bypass roads, expropriating land, water and resources, demolishing houses and arbitrary evictions. The Committee urges the State party immediately to take steps to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem and the Palestinian Arabs in the mixed cities. The Committee strongly recommends equal access to housing and settlement on State land for the “present absentees” who are citizens of Israel. The Committee recalls in this connection its General Comment No. 4.</p>
<p><i>E/C.12/1/Add.90; 23 May 2003</i></p>	<p>41. The Committee strongly urges the State party to take immediate steps to ensure equitable access to and distribution of water to all populations living in the occupied territories, and in particular to ensure that all parties concerned participate fully and equally in the process of water management, extraction and distribution. In that connection, the Committee refers the State party to its general comment No. 15 on the right to water.</p>
<p><i>E/C.12/ISR/CO/3; 16 December 2011</i></p>	<p>12. The Committee is concerned about serious obstacles to the enjoyment of the right to work of: (a) Palestinians in the West Bank whose agricultural land has been rendered inaccessible or difficult to reach by the construction of the Wall and the limited allocation of permits and opening times of the Wall gates; (art.6)</p> <p>...</p> <p>26. The Committee is deeply concerned about home demolitions and forced evictions in the West Bank, in particular Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers. (art.11)</p> <p>The Committee urges the State party to stop forthwith home demolitions as reprisals and ensure that evictions in Area C are in conformity with the duty (a) to explore all possible alternatives prior to evictions; (b) to consult with the affected persons; and (c) to provide effective remedies to those affected by forced evictions carried out by the State party's military. The Committee recommends that the State party ensure that the development of special outline plans and closed military zones are preceded by consultations with affected Palestinian communities. The Committee also recommends that the State party review and reform its housing policy and the issuance of construction permits in East Jerusalem, in order to prevent demolitions and forced evictions and ensure the legality of construction in those areas. The Committee furthermore urges the State party to intensify efforts to prevent attacks by settlers against Palestinians and Palestinian property in the West Bank, including East Jerusalem, and investigate and prosecute criminal acts committed by settlers.</p> <p>...</p>

29. The Committee is concerned that Palestinians living in the Occupied Palestinian Territory do not have access to sufficient and safe drinking water and adequate sanitation. It is also concerned about the continuing destruction of the water infrastructure in Gaza and in the West Bank, including in the Jordan Valley, under military and settler operations since 1967. (art.11)

The Committee urges the State party to take measures to ensure the availability of sufficient and safe drinking water and adequate sanitation for Palestinians living in the Occupied Palestinian Territory , including through the facilitation of the entry of necessary materials to rebuild the water and sanitation systems in Gaza. The Committee urges the State party to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank including in the Jordan Valley, affected by the destruction of the local civilians’ wells, roof water tanks, and other water and irrigation facilities under military and settler operations since 1967. The Committee draws the State party’s attention to its general comment No.15 (2002) on the right to water.

...

32. The Committee is concerned that Palestinians living in the Occupied Palestinian Territory, especially those living in the closed zones between the Wall and the Green Line, and in Gaza, have severely restricted access to health facilities, goods and services. (art.12)

...

35. The Committee is concerned that Palestinian children living in the Occupied Palestinian Territory are not able to enjoy their right to education, as a consequence of restrictions on their movement, regular harassment by settlers of children and teachers on their way to and from school, attacks on educational facilities, and sub-standard school infrastructure. The Committee also notes with concern that there are as many as 10,000 unregistered children in East Jerusalem, out of which around 5,500 are of school age but do not attend school due to their lack of registration. (arts. 13 and 14)

The Committee recommends that the State party take measures so as to enable the Palestinian Authority to exercise its functions and powers emanating from the 1995 Interim Agreement, ensuring the right to education for Palestinian children living in the Occupied Palestinian Territory. The Committee also urges the State party to address violations of the right to education, including those stemming from restriction on movement, incidents of harassment and attacks by the Israeli military and settlers on school children and educational facilities, as well as non-attendance caused by a lack of registration.

36. The Committee is also concerned that the measures adopted by the State party to restrict freedom of movement of both people and goods in the Occupied Palestinian Territory severely impede the Palestinian population’s access to religious sites, cultural exchanges and events. (art.15)

The Committee recommends that the State party take measures to ensure that Palestinians living in the Occupied Palestinian Territory can exercise their right to take part in cultural and religious life, without restrictions other than those that are

	<p>strictly proportionate to security considerations and are non-discriminatory in their application, in accordance with international humanitarian law. The Committee also recommends that holy sites in the Occupied Palestinian Territory are protected against demolition and desecration, in accordance with the Protection of Holy Places Law 5727-1967.</p>
<p>Committee Elimination of Racial Discrimination</p>	
<p><i>Prevention of Racial Discrimination, including Early Warning and Urgent Procedures : Israel. 08/19/1994. A/49/18</i></p>	<p>75. Members of the Committee emphasized that the massacre of Palestinians praying at the Tomb of the Patriarchs in Hebron could not be described as an "isolated incident" by the authorities, for too many "isolated incidents" had occurred to use such a description. That act appeared to be an isolated act, but it had taken place in an overall context of violence by the Jewish settlers towards the Palestinians. In that regard, the Committee noted that the establishment of Jewish settlements in the occupied territories was illegal under international law (particularly art. 49 of the Fourth Geneva Convention) and constituted a threat to peace and security in the region.</p> <p>...</p> <p>86. The Committee reaffirms that all persons, without distinction as to race, or ethnic or national origin, are entitled to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution. Consequently, Israel is obliged to protect fully the life and security of the Palestinian civilians in the occupied territories.</p> <p>...</p>
<p><i>CERD/C/ISR/CO/13, 14 June 2007</i></p>	<p>14. The Committee reiterates the view that the Israeli settlements in the Occupied Palestinian Territories, in particular the West Bank, including East Jerusalem, are not only illegal under international law but are an obstacle to the enjoyment of human rights by the whole population, without distinction as to national or ethnic origin. Actions that change the demographic composition of the Occupied Palestinian Territories are also of concern as violations of human rights and international humanitarian law.</p> <p>...</p> <p>37. The Committee is concerned by the persistence of violence perpetrated by Jewish settlers, in particular in the Hebron area. (Articles 4 and 5 of the Convention)</p> <p>The Committee recommends that the State party increase its efforts to protect Palestinians against such violence. The State party should ensure that such incidents are investigated in a prompt, transparent and independent manner, the perpetrators are prosecuted and sentenced, and that avenues for redress are offered to the victims.</p>
<p><i>CERD/C/ISR/CO/14-16, 9 March 2012</i></p>	<p>24. The Committee is extremely concerned at the consequences of policies and practices which amount to de facto segregation, such as the implementation by the State party in the Occupied Palestinian Territory of two entirely separate legal systems and sets of institutions for Jewish communities grouped in illegal settlements on the one hand and Palestinian populations living in Palestinian</p>

towns and villages on the other hand. The Committee is particularly appalled at the hermetic character of the separation of two groups, who live on the same territory but do not enjoy either equal use of roads and infrastructure or equal access to basic services and water resources. Such separation is concretized by the implementation of a complex combination of movement restrictions consisting of the Wall, roadblocks, the obligation to use separate roads and a permit regime that only impacts the Palestinian population (Article 3 of the Convention).

The Committee draws the State party's attention to its General Recommendation 19 (1995) concerning the prevention, prohibition and eradication of all policies and practices of racial segregation and apartheid, and urges the State party to take immediate measures to prohibit and eradicate any such policies or practices which severely and disproportionately affect the Palestinian population in the Occupied Palestinian Territory and which violate the provisions of article 3 of the Convention.

25. The Committee is increasingly concerned at the State party's discriminatory planning policy, whereby construction permits are rarely if ever granted to Palestinian and Bedouin communities and demolitions principally target property owned by Palestinians and Bedouins. The Committee is concerned at the adverse tendency of preferential treatment for the expansion of Israeli settlements, through the use of "state land" allocated for settlements, the provision of infrastructure such as roads and water systems, high approval rates for planning permits and the establishment of Special Planning Committees consisting of settlers for consultative decision-making processes. The Committee is greatly concerned at the State party's policy of "demographic balance", which has been a stated aim of official municipal planning documents, particularly in the city of Jerusalem (Articles 2, 3 and 5 of the Convention).

In light of its previous concluding observations (CERD/C/ISR/CO/13, para. 35) and considering that the current Israeli planning and zoning policy in the West Bank, including East Jerusalem, seriously breaches a range of fundamental rights under the Convention, the Committee urges the State party to reconsider the entire policy in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (especially water resources). The Committee also recommends that any planning and zoning policy be implemented in consultation with the populations directly affected by those measures. It calls on the State party to eliminate any policy of "demographic balance" from its Jerusalem Master Plan as well as from its planning and zoning policy in the rest of the West Bank.

27. The Committee is extremely concerned at the existence of two sets of laws, for Palestinians on the one hand and Jewish settlers on the other hand who reside in the same territory, namely the West bank, including East Jerusalem, and are not subject to the same justice system (criminal as well as civil matters). The Committee is particularly concerned at worrying reports of an increase in the arrest and detention of children and of the undermining of their judicial guarantees, notably in relation to the competence of military courts to try Palestinian children, which is inconsistent with international law. The Committee expresses great concern at the State party's maintenance of administrative detention for both Palestinian children and adults based on evidence that is kept secret for security reasons. It also expresses concern at the monetary and physical obstacles faced by Palestinians seeking compensation before Israeli tribunals for loss suffered, in particular as a consequence of the IDF Operation Cast Lead in the Gaza Strip (Articles 3, 5 and 6

	<p>of the Convention).</p> <p>Recalling its General Recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party ensure equal access to justice for all persons residing in territories under the State party's effective control. The Committee urges the State party to end its current practice of administrative detention, which is discriminatory and constitutes arbitrary detention under international human rights law.</p>
<p>Committee on the Elimination of Discrimination Against Women</p>	
<p><i>CEDAW/C/ISR/CO/5; 5 April 2011</i></p>	<p>22. While noting the complexity of the local administration, the Committee notes with deep concern that Palestinian women and girls continue to suffer from violent attacks from both State (Israeli soldiers) and non-State (inter alia settlers) actors, as well as all other forms of violence within their communities, including violations of the right to life, physical, psychological and verbal abuse, and sexual harassment. The Committee also notes with serious concern that such cases are rarely documented, prosecuted and punished. The Committee welcomes the establishment of an exceptional committee within the State party that provides financial assistance for battered women who wish to leave the shelters and start independent lives, but it regrets that Palestinian women do not have access to financial assistance from this committee. Furthermore, the Committee notes with concern that the restrictions on movement in the Occupied Territories as well as regular harassment by settlers of both children and teachers on their way to and from school have had a negative impact on Palestinian women and girls' access to education and to their health.</p> <p>23. The Committee urges the State party to:</p> <p>(a) Take immediate action to prevent human rights abuses and violations against women and girls in the Occupied Palestinian Territories and to protect them against such acts, including at checkpoints;</p> <p>(b) Provide these women with effective access to legal remedies and ensure that such cases are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are State or non-State actors;</p> <p>(c) Ensure the provision of adequate compensation and, where appropriate, reparation to the surviving victims;</p> <p>(d) Ensure that Palestinian women who are victims of violence have access to a sufficient number of shelters as well as financial and legal assistance, where necessary;</p> <p>(e) Take the necessary measures to ensure that Palestinian women and girls can enjoy their right to education and their right to health, including safe and unhindered access to schools and to health facilities and resources; and</p> <p>(f) Establish a constructive dialogue with the Palestinian authorities on the issues relating to violence against women under their responsibility.</p>

	<p>...</p> <p>28. While noting that the State party delegation referred in the dialogue to national security concerns, the Committee is seriously concerned that continued demolitions of property, homes and schools as well as forced evictions in the Occupied Palestinian Territories and in East Jerusalem have a serious impact on the development and advancement of Palestinian women, including refugee women, as well as Israeli Arab women, and on their enjoyment of human rights and fundamental freedoms.</p> <p>29. The Committee urges the State Party to:</p> <p>(a) Revoke its policies allowing for and refrain from the practice of forced eviction and house demolitions, which negatively impact on the physical and psychological well-being as well as the development and advancement of Palestinian and Israeli Arab women; and</p> <p>(b) Review its housing policy and issuance of construction permits to Palestinians to ensure that Palestinian and Israeli Arab women can enjoy all their fundamental rights and freedoms, particularly their right to adequate housing and to family and private life.</p>
<p>Committee on the Rights of the Child</p>	
<p><i>CRC/C/15/Add.195; 9 October 2002</i></p>	<p>36. The Committee is seriously concerned at allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children by police officers during arrest and interrogation and in places of detention (i.e. Ma'ale Adummim, Adorayim, Beit El, Huwarra, Kedumin, Salem and Gush Etzion police station and prisons such as Terza, Ramleh, Megiddo and Telmond).</p> <p>37. The Committee strongly recommends that the State party:</p> <p>(a) Establish and strictly enforce instructions for full compliance with the principles and provisions of the Convention by all persons involved in the arrest, interrogation and detention of Palestinian and other children in the State party;</p> <p>(b) Investigate effectively all cases of torture and inhuman or degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;</p> <p>(c) Pay full attention to the victims of these violations and provide them with opportunities for adequate compensation, recovery and social reintegration;</p> <p>(d) Include in its next report information concerning the above recommendations.</p> <p>...</p> <p>52. The Committee is concerned about the serious deterioration of access to education of children in the occupied Palestinian</p>

	<p>territories as a result of the measures imposed by the Israeli Defence forces, including road closures, curfews and mobility restrictions, and the destruction of school infrastructure.</p> <p>53. The Committee recommends that the State party guarantee that every Palestinian child has access to education, in accordance with the Convention. As a first step, the State party should ensure that restrictions on mobility are lifted throughout the occupied Palestinian territories during school hours.</p>
<p><i>CRC/C/OPAC/ISR/CO/1; 29 January 2010</i></p>	<p>8. The Committee is concerned that Israeli legislation continues to discriminate in the definition of the child between Israeli children (18 years) and Palestinian children in the occupied Palestinian territory (16 years) according to Military Order No. 132.</p> <p>...</p> <p>33. The Committee is seriously concerned that the State party has failed to comply with the recommendations issued in 2002 (CRC/C/15/Add.195, paras. 62 and 63) regarding the practices of arrest and interrogation of children in the occupied Palestinian territory. The Committee expresses concern that provisions in military orders (specifically Nos. 378 and 1591) continue to be in violation of international standards on the administration of juvenile justice and the right to a fair trial. The Committee further notes with concern information regarding attempts to incorporate juvenile justice standards within military courts.</p> <p>...</p> <p>34. The Committee is gravely concerned over reports that more than 2,000 children, some as young as twelve, have been charged with security offences between 2005 and 2009, held without charge for up to eight days and prosecuted by military courts. The Committee is particularly concerned that children charged with security offences are subjected to prolonged periods of solitary confinement and abuse in inhumane and degrading conditions, that legal representation and interpretation assistance is inadequate and that family visits are not possible as relatives are denied entry to Israel. The Committee is disturbed by information indicating that children have been subjected to administrative detention orders for renewable periods of up to six months. Finally, the Committee regrets the insufficient information provided by the State party on the above concerns.</p>
<p>Committee Against Torture</p>	
<p><i>CAT/C/ISR/CO/4; 23 June 2009</i></p>	<p>32. The Committee notes with interest the State party's acknowledgement that "Israel has full jurisdiction" over cases of settler violence in the West Bank against Palestinians. It appreciates the statistics provided regarding the criminal enforcement of such matters as disorderly conduct, land disputes, and the overall increase in law enforcement involving Israelis, including investigations and indictments as well as administrative measures limiting movement of Israeli settlers who may endanger the lives and security of Palestinians. While appreciating that a special inter-ministerial committee has been created to address these cases, and to coordinate among the IDF, the Police, the State Attorney's Office, and the ISA, the Committee expresses concern about such violence,</p>

	<p>especially its rising number.</p> <p>Any allegation of ill-treatment by Israeli settlers, like others under the State party's jurisdiction, should be promptly and impartially investigated, those responsible be prosecuted and, if found guilty, appropriately punished.</p>
<p>The Special Representative of the Secretary-General on the situation of human rights defenders.</p>	
<p><i>E/CN.4/2006/95/Add.3, 10 March 2006</i></p>	<p>85. The Special Representative strongly recommends the Government to address the issue of settler violence and the impunity for such incidents. She requests the Government to keep her informed on initiatives taken by the inter-ministerial committee set up in this regard.</p>
<p>Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism</p>	
<p><i>A/HRC/6/17/Add.4</i></p>	<p>34. The Special Rapporteur is troubled by the approach of the Supreme Court of Israel, which has rejected the outcome of the decision of the International Court of Justice and instead accepted the legitimacy and continued construction of the barrier on the basis of military necessity and the need to secure the safety of Israeli settlements in the West Bank. The Supreme Court's decisions have addressed the exact route of the barrier and often ordered changes to it but failed to address the legality of Israeli settlements in the West Bank. The International Court of Justice ruled, in that regard, that the policy applied by Israel since 1977 of establishing settlements in the Occupied Palestinian Territory was contrary to international law.³³ This position is consistent with that taken by the Security Council in response to the establishment of the policy by Israel,³⁴ and with the principle reflected in article 49 (6) of the Fourth Geneva Convention, which provides that an occupying power "shall not deport or transfer parts of its own civilian population into the territory it occupies".</p> <p>...</p> <p>59. Given the illegality under international law of the existence and continued development of Jewish settlements in the Occupied Palestinian Territory, the Special Rapporteur recommends that a decision be made immediately to withdraw all such settlements and to replace the still unfinished barrier, extending deep into Palestinian territory, with a security infrastructure that, by its geographical position, respects the Green Line or is otherwise accepted by the Palestinians. During the process of implementing such a decision, the Special Rapporteur recommends urgent action to ensure that the permits regime, the administration of checkpoints, and all other associated measures in the Occupied Palestinian Territory do not have a disproportionate impact on the enjoyment of civil, cultural, economic, political and social rights in the territory. He also recommends that security measures be civilianized through means other than their privatization.</p>
<p>Special Rapporteur on freedom of religion or belief</p>	
<p><i>A/HRC/10/8/Add.2</i></p>	<p>56. In its Third Periodic Report concerning the implementation of the International Covenant on Civil and Political Rights, the Government of Israel provided several examples of recent indictments and judgments concerning cases of incitement to racism</p>

	<p>against the Arab population or hate crimes (see CCPR/C/ISR/3, paras. 337-339). However, the Special Rapporteur also received reports about incidents where advocacy of religious hatred or acts of violence by Jewish settlers against Muslims have not been adequately investigated.</p> <p>...</p> <p>84. Both in the State of Israel and in the Occupied Palestinian Territory, any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence should be effectively investigated, prosecuted and punished. Similarly, any related violent acts should be investigated in a prompt, transparent and independent manner, the perpetrators should be prosecuted and sentenced, and avenues for redress and protection should be offered to the victims.</p>
<p>Special Rapporteur on freedom of opinion and expression</p>	
<p><i>A/HRC/20/17/Add.2</i></p>	<p>97. The Special Rapporteur is concerned by recent threats to openness and acceptance of divergent views in Israel as a result of an increasing emphasis on Israel as a Jewish State and growing intolerance of criticism regarding the policies and practices of occupation. This has been manifested through a series of laws adopted by the members of the Knesset, including the prohibition of the commemoration of the Israeli independence day as a day of mourning; creation of additional, yet redundant, reporting obligations for Israeli human rights NGOs; prohibition of boycotts or calling for a boycott of Israeli products, including those produced in the settlements in the West Bank; and a six-fold increase of financial penalties for defamation.</p> <p>...</p> <p>102. The right of individuals in the West Bank to express themselves through peaceful assemblies must be fully respected by the Israeli Security Forces. The Special Rapporteur urges the Government of Israel to repeal Military Order 101, and to ensure that there is no excessive use of force against peaceful protesters. Every injury or death resulting from the use of force by the Israeli security forces must be swiftly investigated and the individual responsible held accountable.</p>
<p>Special Rapporteur on the right to adequate housing</p>	
<p><i>A/HRC/22/46/Add.1</i></p>	<p>105. Nonetheless, even after the Oslo agreements, Israel has continuously dedicated important public financial and technical resources to promote the expansion of settlements in the OPT. The State engagement in the settlement enterprise not only violates international law and gravely deteriorates the living conditions of Palestinians under occupation, but also ends up depriving Israeli nationals of important resources that could be used to promote access to adequate housing within the internationally recognized boundaries of the country.</p> <p>106. Throughout her visit the Special Rapporteur witnessed a development model that systematically excludes, discriminates against and displaces minorities in Israel and which is being replicated in the occupied territory since 1967. In very different legal and geographical contexts, from the Galilee and the Negev to the West Bank, she received multiple similar</p>

	<p>complaints from Palestinians notably concerning lack of, or discriminatory, planning seriously hampering the urban and rural development of these communities. As a consequence, a disproportionate number of them live and sometimes work in structures that are “unauthorized” or “illegal” and liable to eviction and demolition.</p> <p>107. Since 1948, it is estimated that nearly 1,100 Jewish urban and rural communities were built between the Jordan river and the Mediterranean Sea. At the same time, over 400 Arab villages were reportedly destroyed and Arabs were forbidden to build in new localities. The only exception has been the often forced urbanization of Bedouins in the Negev and the Galilee¹.</p> <p>108. Thus, the recent plans for relocating Bedouins in the Negev – inside Israel – as well as decades of promotion of Jewish settlements in the West Bank including in East Jerusalem – are the new frontiers of dispossession of traditional inhabitants and control of the territory.² ...</p> <p>111. Accordingly, the Special Rapporteur presents the following recommendations to the State of Israel:</p> <p>...</p> <p style="text-align: center;">Respect, protect and fulfil the right to housing of Palestinians living under occupation:</p> <p style="text-align: center;">Stop immediately all home demolitions and evictions both in the West Bank and in East Jerusalem, to explore all possible alternatives prior to evictions; to consult with the affected persons; and to provide effective remedies to those affected by evictions.</p> <p style="text-align: center;">Stop, as a first step, the construction and expansion of all settlements and outposts, and develop a strategy to reverse the development of settlements.</p>
Special Rapporteur on violence against women	
<p><i>E/CN.4/2005/72/Add.4</i></p>	<p>6. National security has become a global concern and measures undertaken in this regard, regrettably, have often compromised human rights and humanitarian law. This is a salient feature of the state of affairs in the OPT, accelerating particularly after the second intifada in 2002. Through military orders, Israeli authorities have built and expanded Jewish settlements on Palestinian lands, exploited water and economic resources, controlled crossing points, required work permits and regulated the movement and the intimate lives of the Palestinian people. This situation has provoked resistance in different forms, including violence by militant groups. Thus, an integrated system of violence, intersecting with violence inherent in patriarchal gender relations, has become</p>

¹ Yiftachel, Epilogue: Studying Naqab/Negev Bedouins—Toward a colonial paradigm?, 2009, p.6

² Yiftachel, “‘Ethnocracy’: The Politics of Judaizing Israel/Palestine”.

	<p>institutionalized, which cuts across all spheres of women's lives in the OPT.</p> <p>...</p> <p>25. The transgression of the freedom of movement and risks of settler attacks on the roads, as well as dehumanizing treatment at military checkpoints, compel families to marry their daughters at an early age rather than send them to school. This situation cuts women off from their social networks at a young age, since women typically move to live in their husband's town after marriage. Consequently, immobility deprives women of the support and services of formal and informal networks and institutions.</p>
<p>Special Rapporteur on the right to food</p>	
<p><i>E/CN.4/2004/10/Add.2</i></p>	<p>60. The confiscation of land, extension of settlements and settler-only roads, and the building of the security fence/apartheid wall, where this deprives thousands of Palestinians of their lands, homes, crops and means of subsistence, is a violation of the right to food. The right to food requires the respect of article 49 of the Fourth Geneva Convention which prohibits settlement, given that settlements by their nature lead to the confiscation of Palestinian lands and other resources.⁷⁰ If there were no settlements, then there would be no need for the harsh internal closures that restrict movement inside the OPT. Avraham Burg, the distinguished former speaker of the Knesset, writes “There is no middle path. We must remove all the settlements - all of them - and draw an internationally recognized border between the Jewish national home and the Palestinian national home.”</p> <p>...</p> <p>62. In summary, the Special Rapporteur would recommend that the Government of Israel respect its de jure obligations under international human rights and humanitarian law. The Special Rapporteur specifically recommends that the Government of Israel:</p> <p>...</p> <p>e) Immediately stop the building of the security fence/apartheid wall, in particular that encircling communities in Qalquilya and Tulkarem. The security fence should not be used as a mechanism for separating Palestinians from their land;</p> <p>...</p> <p>g) Stop building settlements and recognize article 49 of the Fourth Geneva Convention, given that, in the absence of settlements, there would not be a need for such harsh security measures and the</p>

	<p>confiscation of land, which threaten the right to food and water of the Palestinian population;</p> <p>(h) Halt the current movement towards a “Bantustanization” of the OPT and therefore halt the confiscation and expropriation of land that is being used for the building of the security fence/apartheid wall, settler-only roads, security buffers and the extension of settlements;</p> <p>...</p>
<p>Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967</p>	
<p>A/67/379; 19 September 2012</p>	<p>88. The failure to bring the occupation to an end after 45 years creates an augmented international responsibility to uphold the human rights of the Palestinian people, who in practice live without the protection of the rule of law. In this context, the Special Rapporteur recalls that the General Assembly, as early as 1982, called on Member States to apply economic sanctions against the State of Israel for its unlawful settlement activities.</p> <p>...</p> <p>90. The Special Rapporteur reiterates that the businesses highlighted in this report constitute a small portion of the many companies that engage in profit-making operations in relation to Israeli settlements in the occupied Palestinian territory. The Special Rapporteur is committed to seeking clarification from and otherwise following up with the corporations highlighted in this report. At the same time, the Special Rapporteur may continue to gather information and report on the involvement of corporations in Israel’s settlement activities.</p> <p>91. The Special Rapporteur further concludes that all companies that operate in or otherwise have dealings with Israeli settlements should be boycotted, until such time as they bring their operations fully into line with international human rights standards and practice. In this regard, civil society efforts to pursue the implementation of the Guiding Principles establish a distinctive space between voluntary and obligatory action in the struggle to protect persons vulnerable to human rights abuse.</p> <p>92. The Special Rapporteur calls on the Government of Israel to desist from settling its population in the occupied Palestinian territory and begin the process of dismantling its settlements and returning its citizens to its own territory, namely on the Israeli side of the Green Line, in accordance with international law, numerous Security Council and General Assembly resolutions and the advisory opinion of the International Court of Justice on the wall.</p> <p>93. The Special Rapporteur calls on the Government of Israel to publicly inform all businesses with operations in or related to its settlements of the international legal ramifications of such operations, including in relation to civil liability in third countries.</p> <p>94. The Special Rapporteur calls on the Government of Israel to immediately move forward with reparations to the Palestinian people</p>

	<p>— whether through land and monetary compensation or otherwise — in full and transparent consultation with affected Palestinians, for all activities related to its settlement enterprise since 1967, also ensuring that land used by businesses is restored to its condition status quo ante unless improved.</p> <p>95. The Special Rapporteur calls on the businesses highlighted in this report, as a matter of urgency, to take transparent action to comply with the Guiding Principles on Business and Human Rights, the Global Compact and relevant international laws and standards, with respect to their activities connected with the Government of Israel and its settlements and wall in the occupied Palestinian territory, including East Jerusalem. This should include, as a first step, immediately suspending all operations, including the supply of products and services, which aid in the establishment or maintenance of Israeli settlements.</p>
<p>Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories</p>	
<p>A/67/375; 18 September 2012</p>	<p>46. Despite the past commitments of Israel to freeze settlement activity, the Government of Israel continues to encourage the transfer of its population into the Occupied Palestinian Territory, by expanding settlements and building additional housing units.</p> <p>47. The number of settlements, the number of Israeli settlers and the associated security measures designed to protect them and their freedom of movement and expanse of territory under the de facto jurisdiction of regional and local settlement councils violate the right to self-determination of the Palestinian people. The settlements present an existential threat to the viability of a future Palestinian state. The Secretary-General notes that the International Court of Justice described the violation by Israel of the Palestinian people's right to self-determination as the violation of an erga omnes obligation. Therefore that violation is a matter of concern to all States (see A/ES-10/273 and Corr.1, para. 155).</p> <p>48. Acts of violence committed by Israeli settlers against Palestinians, their property and places of worship continue to occur regularly throughout the West Bank, including East Jerusalem. Israel, as the occupying Power, must take all measures to ensure the protection of the Palestinians and their property in the West Bank, including East Jerusalem, from all such acts of violence.⁴¹</p> <p>While there has been a decrease in the number of injuries, the continued occurrence of violence and attacks is alarming. The Secretary-General condemns all acts of violence destined to cause fear and terror among civilian populations in the occupied Palestinian territories and calls upon the Israel Defense Forces to ensure public order and accountability for all acts of violence in a non-discriminatory manner.⁴² The Israel Defense Forces should take all necessary measures to prevent and respond to violence perpetrated by Israeli settlers with the same thoroughness and promptness as in the case of acts of violence perpetrated against settlers. Failure to do so and the lack of accountability when such acts have already occurred contribute to a culture of impunity that allows such acts to continue. That situation constitutes a violation of the obligation of Israel to protect the right to life and to physical integrity of the Palestinian people and to maintain public order in the occupied territory. The Secretary-General is also deeply</p>

	<p>concerned by attacks on places of worship and the potential such attacks have for producing negative consequences on public order in the Occupied Palestinian Territory.</p>
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49. The Government of Israel must respect its obligations under international law by freezing all settlement activity in line with the road map and ceasing measures that amount to the transfer of its own population into the occupied territory. The Secretary-General has called on the Government of Israel to begin the process of re-integrating the settler population into its own territory, with a view to respecting its obligations under article 49 of the Fourth Geneva Convention and putting an end to the violations of human rights that are linked to the presence of settlements, especially the right to self-determination.
