# REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING

QUESTIONNAIRE

BASIC INFORMATION

1. Name of Individual, Organization, Institution, Agency or State:

Type of Entity\*

* + National Government or federal governmental ministry/agency

☒ Inter-governmental organization or UN agency

* Local or regional government, agency, representative or mayor
* Association, tenant union or housing cooperative
* NGO network, umbrella organization
* Community-based NGO
* Academia
* Foundation
* National human rights organization, ombudsperson
* Real estate, urban planning or construction
* Real estate investor or investment fund
* Trade Union
* Other:
1. Categorization of your Work

Please select one or more responses, as appropriate.

* + Public administration
	+ Advocacy
	+ Funding
	+ Legal Assistance
	+ Networking
	+ Policy
	+ Research

☒Technical Assistance

* + Training
	+ N/A
	+ Other:
1. City/Town: Ramallah
2. State/Province: West Bank and Gaza Strip
3. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); State of Palestine

# HOUSING DISCRIMINATION

1. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):
* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

Currently there are 18,711 Demolition Orders against Palestinian owned structures across the West Bank, of which 92.3 per cent are targeting “Area C”[2](#_bookmark1). Many Palestinians living in Areas A and B are affected as well, where they have property or a livelihood in “Area C”. Without planning permission from the Israeli Civil Administration (ICA), construction of any sort in “Area C” is viewed as illegal by the Israeli authorities and slated for possible demolition.

1. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

- Discrimination in relation to access to land, including water and natural resources essential for habitation;

Israeli authorities have imposed a matrix of control in the West Bank, including “Area C”. These measures include, inter alia, creation and expansion of Israeli settlements and bypass roads, construction of the Separation Barrier, ‘security’ checkpoints, confiscation of rural lands to be designated as restricted fire-zone areas and illegal Jewish only settlements. The Separation Barrier, for example, is 712 km long and isolates 8.5 per cent of the West Bank area where Palestinian communities have been discriminated against in terms of accessibility to their lands, livelihoods, and natural resources, destruction of their housing, infrastructure and livelihoods, and freedom of movement and goods.

Public or social housing is not available in Palestine, however, access to temporary or transitional housing is made available through the international community to displaced families due to the demolition crisis, which are often the target of confiscation by the Israeli Authorities.

2 OCHA OPT (2020) Raw data on demolition orders and incidents (unpublished)

* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;

The average room density in East Jerusalem is estimated to be 1.9 persons per room. This is higher than all Palestinian cities, that have an average of 1.5. In West Jerusalem, the average room density is 1 person per room, almost the half compared to the eastern parts of the city[3](#_bookmark2).

As a way of example, in Ad Deirat and Ar Raffaya communities within Khallet Al Miyya area, Hebron the density vs. building ratio allowed compared to the nearby illegal Israeli settlements of Carmel and Ma’on, show that in the Palestinian communities despite having higher density, with 0.56 dunums per person, compared to the illegal Israeli settlement having 1.2 dunums per person; the Palestinian community is allowed a maximum of 90 per cent building area per plot (30 per cent plan size) compared to 120 per cent in the Israeli settlement (with a 60 per cent plan size) for residential buildings, and 25 per cent compared to 50 per cent for public buildings in Palestinian communities and illegal Israeli settlements respectively.

* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;

Building in “Area C” without permits from the Israeli Authorities (only approved 2 per cent of permits to build between 2009 and 2018), clears the way for a building environment where construction-safety measures are not necessarily taken into account. Consequently, more structures are vulnerable to risks in “Area C” than others in Areas A and B that falls under the Palestinian jurisdiction, where their permits are typically certified by the Engineers Association.

* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;

Gender based violence is prevalent in the Palestinian communities, with a 2019 study showing that 29 per cent of ever married women experienced at least one form of violence by their husbands, with 61 per cent choosing not to report it, and only 40 per cent reporting being aware of protection centres[4](#_bookmark3), taking note that social or public housing is not

3 Al Haq, The Jerusalem Trap, 2010 p. 13.

4 PCBS (2019) Preliminary Results of the Violence Survey in the Palestinian Society

available to victims of gender based violence. The same study also showed that 5 per cent of women, 6 per cent of men were victims of violence in public markets, and 11 per cent of girls and 36 per cent of boys were victims of violence on the street. Violence has increased following the COVID-19 crisis, where studies show that 19.5 per cent of respondents indicated that domestic violence increased in their neighbourhoods during the lockdown and 70.8 per cent believed that domestic violence will continue to increase with the extension of the lockdown[5](#_bookmark4).

* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;

Palestinians living in East Jerusalem are facing the restrictive planning system of Jerusalem Municipality in terms of obtaining permits for residential or commercial establishments, despite the continuous expansion of Israeli settlements in the same area. As a result, Palestinian communities in East Jerusalem are turning into overcrowded urban centres with high population density, inadequate infrastructure, and scarcity of housing units. Scarcity continues to put enormous pressure on the affordability of housing in East Jerusalem. Between 2007 and 2012, the average house price increased by more than 192 per cent, compared with average wages in East Jerusalem increasing by only 12 per cent during the same period, at the same time, financial support for the purchase of land and property is very limited, and only reaches approximately half the average apartment price [6](#_bookmark5).

* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

Palestinian legislation recognises women’s unrestricted right to ownership and does not discriminate in land or property registration or housing construction, however, access to housing, resources and land in Palestine is mostly through inheritance, and the prevalent patriarchal culture does not necessarily provide a conducive environment[7](#_bookmark6).

5 UNFPA and Juzoor for Health and Social Development (2020) “Impact of the COVID- 19 Outbreak and Lockdown on Family Dynamics and Domestic Violence in Palestine”

6 IPCC (2013) East Jerusalem Housing Review

7 WCLAC “Palestinian Women and Inheritance” [http://www.wclac.org/english/userfiles/Summary%20Inheritance%20Study%20English.](http://www.wclac.org/english/userfiles/Summary%20Inheritance%20Study%20English) pdf

The gradual political changes have resulted in four different types of citizenships for Palestinians, who are treated differently when it comes to land and property titling and registration. There are holders of Palestinian citizenships with a West Bank (green) or a Gaza Strip (orange) identification card, holders of Israeli citizenship, and holders of the Israeli Jerusalem identification card (blue), either with Jordanian/other or no citizenship, each with a different set of access and requirements for special approval to buy/own in the West Bank and Gaza Strip.

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

Due to the geo-political conditions on the ground, the Palestinian Authority (PA) was not able to meet the needs for infrastructure projects in “Area C”. For instance, the Municipal Development and Lending Fund (MDLF) that was established in 2005 as an executive arm of the Ministry of Local government (MoLG), has implemented social infrastructure projects with a total budget of EUR 372 million, of which, only EUR 13.5 million were invested in “Area C”, about 3.6 per cent[8](#_bookmark7). The same applies to health care, education and other public facilities in Area C. Only 53.9 of households in the West Bank and Gaza Strip are connected to a wastewater network[9](#_bookmark8).

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;

Palestinians in the West Bank living in Areas A and B, usually do not face the direct exposure to the Israeli matrix of control, that is widely exacerbating the living conditions in “Area C” which puts an extra burden on Areas A and B in terms of population density, lack of adequate infrastructure and incredible rise in housing and living costs[10](#_bookmark9).

* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

8 MDLF records, 2021

9 PCBS (2015) Percentage Distribution of Households in Palestine by Wastewater Disposal Method, Region, and Locality Type <http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/HHE%202015%20e%203.htm>

10 East Jerusalem Housing Review, International Peace and Cooperation Center (IPCC), 2013

Bedouin and herding communities in the West Bank are facing the threat of forced displacement from the lands they have been living on as nomadic tribes for decades. This is clearly noted in Israeli plans to relocate 46 Bedouin communities, that are mainly located in Jerusalem and Jericho governorates, to three new ‘townships’ in Fasayil (far north of Jericho), An Nuwei’ma (north-west of Jericho), and Al Jabal (south-east of Jerusalem) to be developed on “State Land” that the Israeli authorities allocated for this purpose in “Area C”[11](#_bookmark10).

1. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

The basic law in Palestine (article 23) refers to the right to adequate housing for every citizen.

1. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?
2. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

# SPATIAL AND RESIDENTIAL SEGREGATION

1. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

In the rural areas consisting of 60 per cent of the West Bank, labelled as “Area C” under the Oslo Accords, illegal Israeli settlements are constructed only for Jews, and although very close in distance they are separate from the Palestinian communities that already exist. The Israeli settlements are fenced and gated, and receive full basic services, while the Palestinian communities do not have access to some basic services and their homes and infrastructure are under constant threat of demolition by the Israeli military. About 90 Palestinian communities in the West Bank have land inside or in the vicinity of 55 Israeli settlements and settlement outposts[12](#_bookmark11). It is important to note that the roads that serve these illegal settlements are not all accessible to Palestinian communities, and that Israeli checkpoints are placed on these roads allowing the Israeli military full control on the movement of Palestinians. Additionally, the Separation Barrier built by Israel near the border of the West Bank separates Palestinian communities from their agricultural land and creates enclaves that separate Palestinian communities from each other. While the

11 See OCHA (2014) Bedouin Communities at Risk of Forcible Transfer.

12 OCHA (2013) The Impact of Israeli Settler Violence on the Palestinian Olive Harvest: The Case of Al Mughayyir Village

Gaza Strip is completely isolated by Israel where they control all movement of people and goods.

1. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

The occupation of the West Bank and its division of Palestinian communities contributes to limited development and high unemployment rates, in 2019 unemployment in the Gaza Strip was 43 per cent compared with 14 per cent in the West Bank, while the unemployment rate for males in Palestine was 21 per cent compared with 38 per cent for females[13](#_bookmark13), these rates are expected to be higher now following the COVID-19 pandemic. 29 per cent of Palestinians suffered from poverty in 2017[14](#_bookmark14), in “Area C” of the West Bank there are high poverty rates that reach 48.8[1](#_bookmark15)5 per cent, and limited and costly access to basic services, a rapid assessment of a sample of eight communities in “Area C” on the response to COVID-19 found that 25 per cent communities still depend on transporting water using tanks and other methods with an increased cost compared to being connected to the water network.

In addition, communities in “Area C” are under constant threat of demolition of their homes and infrastructure. In the first quarter of 2021, the Israeli authorities demolished, forced people to demolish, or seized at least 292 Palestinian-owned structures across the West Bank, including East Jerusalem, displacing 450 people, including 246 children[16](#_bookmark16), and there are 130 small Palestinian communities with more than 50 per cent of their structures at risk and 25 large Palestinian communities with more than 100 structures at risk. Demolitions are intensified near the illegal Israeli settlements, where 84 per cent and 70 per cent of demolitions are within 2.5 km and 1.5 km of illegal settlements/outposts respectively[17](#_bookmark17).

A buffer zone is maintained by Israel in the Gaza Strip using open warning fire towards Palestinians near Israel’s perimeter fence and off Gaza’s coast, in January 2021 live fire was used on at least 84 occasions[18](#_bookmark18). Additionally, Israel controls movement of people, good and provision of electricity, where in the same month they were provided with an average of 14 hours of electricity per day.

1. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?
2. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

13 PCBS (2019)

14 PCBS (2017) On the occasion of the International Population Day <http://pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3774>

15 PCBS (2017)

16 OCHA (2021) West Bank demolitions and displacement for March 2021

17 OCHA (2021) Demolitions in the West Bank

18 OCHA (2021) Gaza Strip Snapshot for January 2021

1. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

There are a few examples of clustering as a voluntary choice, such as the residential complexes built for those in a certain profession, such as teachers, engineers, or doctors.

1. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

See Cultural Adequacy (Bedouin Communities)

1. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).
2. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)? Palestinian refugees resulting from the 1948 and 1967 wars are living in 19 camps in Palestine run by UNRWA with 828,328 refugees[19](#_bookmark19). In “Area C” the Israeli military has forcibly displaced 2,841 Palestinians including 1,435 children, with 13,152 others affected since 2016. In addition to the internal migration from “Area C” to “Areas A and B” for access to better basic services, jobs and homes made impossible by Israeli policies in “Area C” where only 2 per cent of permits to build were approved between 2009 and 2018[17](#_bookmark12) and demolitions of homes and infrastructure demolitions has intensified in recent years. Internal migration is found to be at 10.8 per cent in the Gaza Strip and 8.9 per cent in the West Bank including a clear predominance of women, which is more accentuated in the West Bank compared to Gaza Strip (58 and 43.5 men per 100 women, respectively)[20](#_bookmark20). In Jerusalem, divided into East and West by the pre-1976 border (1949 Armistice border) and “reunified” by Israel in 1967, Palestinians are not allowed to return to their homes or purchase property in West Jerusalem, and only have residency status in East Jerusalem and are under threat of losing their residency if they cannot prove that Jerusalem is their centre of life. Palestinians also face high taxes and fines, limited construction permits; while Jewish persons are allowed to reclaim or confiscate homes in East Jerusalem, the Israeli government has built 13 settlements that are illegal under international law and where according to 2019 population numbers 225,178 Israelis live[21](#_bookmark21).
3. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

19 UNRWA (2019) Refugee Camps in the West Bank. https://[www.unrwa.org/where-](http://www.unrwa.org/where-) we-work/west-bank

20 PCBS (2020) Migration Atlas

21 Peace Now (2019) https://peacenow.org.il/en/settlements-watch/settlements- data/jerusalem

# MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION

1. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?
2. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?
3. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?
4. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Local and international nongovernmental organisation monitor and document housing demolitions and violations.

1. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

The Palestinian Colonization & Wall Resistance Commission (CWRC), is a governmental stand-alone authority, that is responsible for supporting the affected communities, in terms of leading the popular movements against the construction of the Separation Barrier and expansion of Israeli Settlements, coordination with active stakeholders, and submitting legal petitions at the competent courts to stop these violations.

1. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

The principal barriers related to adequate housing are entrenched in the policies of the Israeli occupation, which uses planning procedures to limit the natural expansion and provision of basic services to Palestinian communities, as well as control of the movement of people and goods, including imports and exports that have led to high costs of land, property and construction materials. In contrast to the illegal Israeli settlements where the Israeli government builds the housing units and infrastructure, and mortgages are facilitated.

1. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

The International Court of Justice (ICJ) has the jurisdiction to decide on such matters, for example, in 2004 the ICJ issued an advisory opinion that deemed Israel’s Separation Barrier illegal. While the decision is non-binding, it found the Separation Barrier violates international law and called for its dismantlement.

# DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION

1. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?
2. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).
3. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?