

Al-Haq – Law in the Service of Man
 BADIL Resource Center for Palestinian Residency and Refugee Rights
 The Palestinian Center for Human Rights
 Al Mezan Centre for Human Rights
 Addameer Prisoner Support and Human Rights Association
 Adalah – The Legal Center for Arab Minority Rights in Israel
 Civic Coalition for Palestinian Rights in Jerusalem
 Cairo Institute for Human Rights Studies
 Habitat International Coalition – Housing and Land Rights Network

Joint Statement

Human rights organisations welcome Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on racial segregation and apartheid on both sides of the Green Line

Date: 20 December 2019

Palestinian, regional, and international human rights organisations welcome the adoption, on Friday, 12 December 2019, by the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD or ‘the Committee’) of its Concluding Observations on Israel, which highlight, for the first time, Israeli policies and practices of racial segregation and apartheid over the Palestinian people on both sides of the Green Line. Issued following Israel’s review by the Committee at its 100th session on 4-5 December 2019 in Geneva, the Concluding Observations reflect the active engagement of Palestinian, regional, and international civil society organisations in the review process.

Ahead of the review, our organisations submitted a number of reports to the Committee, including a joint 60-page [report](#) submitted by Al-Haq, BADIL, the Palestinian Center for Human Rights (PCHR), Al Mezan Centre for Human Rights, Addameer, the Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ), the Cairo Institute for Human Rights Studies (CIHRS), and Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN), which details Israel’s creation of an institutionalised regime of systematic racial domination and oppression over the Palestinian people as a whole, which amounts to the crime of apartheid, in violation of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (‘the Convention’).

In a [joint statement](#) to the Committee on 2 December 2019, the organisations argued that, since the Nakba of 1948, Israel has instituted a series of discriminatory laws, policies, and practices that form the foundation of its institutionalised regime of racial domination and oppression over the Palestinian people. Accordingly, the groups urged CERD to examine Israeli policy towards the Palestinian people as a whole as a step towards undoing the political, legal, and geographic fragmentation imposed on the Palestinian people that underpins Israel’s apartheid regime.

In line with our calls, the Committee adopted a number of important recommendations recognising Israel's policies and practices of racial segregation and apartheid over the Palestinian people on both sides of the Green Line, and urging Israel to ensure that its policies and practices "do not discriminate in purpose or in effect against Palestinian citizens of Israel [and] Palestinians in the Occupied Palestinian Territory" (paragraph 3 of the Concluding Observations). In addition, the Committee called on Israel to uphold its obligations towards the Palestinian people in the occupied Palestinian territory in good faith and "in accordance with the letter and spirit of the Convention and international law" (paragraphs 9-10).

Structural and institutionalised racial domination and oppression

In its Concluding Observations, the Committee highlighted Israel's structural and institutionalised racial discrimination against the Palestinian people on both sides of the Green Line, noting that "no general provision for equality and the prohibition of racial discrimination" is enshrined in the State party's Basic Laws (paragraph 11), while expressing concerns as to "the discriminatory effect of the Basic Law: Israel – the Nation State of the Jewish People (2018)," which stipulates that the right to self-determination is "unique to the Jewish people," downgrades the status of the Arabic language, and elevates Jewish settlements "as a national value" (paragraph 13). Accordingly, and in line with civil society calls, the Committee urged Israel to bring the Jewish Nation-State Basic Law in line with the Convention, reaffirming that "all peoples have the right to determine freely their political status" (paragraph 14), and urging Israel to "ensure equal treatment for all persons on the territories under its effective control and subject to its jurisdiction... [and] amend or revoke any legislation that do not comply with the principle of non-discrimination" (paragraph 16). This recommendation was highlighted as being of particular importance and requiring follow-up in the State's upcoming review (paragraph 55).

The Committee further highlighted that Palestinians continue to face structural racial discrimination, including "limitations in the enjoyment of their right to work," while they are "concentrated in low-paying sector," have a "disproportionately poor health status... including shorter life expectancy and higher rates of infant mortality" (paragraphs 38(b) and (c)), and face high dropout rates with "significant gaps in the educational achievements between Arab students and Jewish students, as well as the shortage of classrooms and kindergartens" (paragraph 38(a)). Accordingly, the Committee called on Israel to "take effective measures to improve the quality of education provided to Arab students with a view to enhancing their academic achievements" (paragraph 39(a)), and "[t]ake concrete measures to improve the health status of the Palestinian and Bedouin" people (paragraph 39(c)).

Racist hate speech and incitement to racial hatred

Further addressing civil society concerns as to racist hate speech and incitement to racial hatred, the Committee expressed its concern as to "[t]he tide of racist hate speech in public discourse, in particular by public officials, political and religious leaders, in certain media outlets and in school curricula and textbooks" (paragraph 26(a)). The Committee also highlighted the "proliferation of

racist and xenophobic acts,” including settler violence, against Palestinians (paragraphs 26(b) and 42(c)). Accordingly, the Committee urged Israel to “[s]tep up its efforts to counter and stem the tide of racism and xenophobia in public discourse, in particular by strongly condemning all racist and xenophobic statements by public figures, political and religious leaders, as well as media personalities, and by implementing appropriate measures to combat the proliferation of acts and manifestations of racism,” in addition to removing “any derogatory comments and images that perpetuate prejudices and hatred from school curricula and textbooks” (paragraph 27(a)). This recommendation was highlighted as being of particular importance and requiring Israel’s detailed follow-up in its upcoming review (paragraph 55).

Laws, policies, and practices entrenching the fragmentation of the Palestinian people

The Committee also expressed concern as to the maintenance of Israeli laws, policies, and practices, which discriminate against and fragment the Palestinian people (paragraph 15). In particular, the Committee was “concerned about the adoption of Amendment No. 30 of 2018 to the already discriminatory Entry into Israel Law (1952), which grants the Israeli Minister of Interior broad discretion to revoke the permanent residency permit of Palestinians living in East Jerusalem” (paragraph 15). The Committee further highlighted Israel’s discriminatory family unification laws, expressing deep concerns “about the disproportionate and adverse restrictions imposed by the Citizenship and Entry into Israel Law (Temporary Provision), which suspends the possibility, with certain rare exceptions, of family reunification of Israeli citizens or residents of East Jerusalem with Palestinian spouses living in the West Bank or Gaza Strip” (paragraph 24). The Committee therefore recommended that Israel “review its legislation in order to ensure the respect of the principles of equality, non-discrimination and proportionality, and further facilitate family reunification of all citizens and permanent residents of the State party” (paragraph 25).

As [submitted](#) to the Committee, Israel has imposed draconian restrictions on freedom of movement and residence within the occupied Palestinian territory and across the Green Line, severely impacting the rights of the Palestinian people to family life, choice of residence and spouse, and adequate housing. These policies and practices have played an important role in the fragmentation of the Palestinian people and territory, and ensure that Palestinians from different geographical areas are unable to meet, group, live together, share in the practice of their culture, and exercise any collective rights, including to their right to self-determination and permanent sovereignty over natural resources, thereby entrenching Israel’s apartheid regime.

Rights to property, land, and other natural resources

The Committee also called on Israel to uphold the rights of the Palestinian people to land, property, and sovereignty over natural resources, and to review its discriminatory planning and zoning laws on both sides of the Green Line, expressing concerns as to ongoing house demolitions in the Naqab and in the West Bank, including East Jerusalem, which lead to the displacement and dispossession of the indigenous Palestinian people. In particular, the Committee called on Israel to “take all necessary measures to... stop house demolitions and the eviction of Bedouin people from their

homes and ancestral lands” (paragraph 29), also urging that the State party follow-up on its implementation of this recommendation within a year (paragraph 54). Recalling the illegality of Israeli settlements in the occupied Palestinian territory and in the occupied Syrian Golan, the Committee was also “concerned at continuing confiscation and expropriation of Palestinian land, [and] continuing restrictions on access... to natural resources, inter alia, agricultural land and adequate water supply” (paragraph 42), and stressed that Israeli settlements “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” (paragraph 4).

The Committee further expressed concerns as to “the unclear status and activities of certain quasi-government entities, which carry out specific decision-making functions without being part of the executive structure” (paragraph 17), such as the World Zionist Organization (WZO), the Jewish Agency (JA), and the Jewish National Fund (JNF), which are chartered to carry out material discrimination against non-Jewish persons. Accordingly, the Committee recommended that Israel “[e]nsure that all institutions carrying out governmental functions fully comply with the State party’s international legal obligations and are accountable on equal footing with other executive bodies” (paragraph 18(b)). The Committee further called on Israel to provide information and to follow up, within a year, on the implementation of this recommendation (paragraph 54). In a [joint statement](#) to the Committee, human rights organisations highlighted the historical role Israel’s Zionist parastatal institutions have played in preventing the indigenous Palestinian people on both sides of the Green Line from accessing or exercising control over their means of subsistence, by exploiting and diverting Palestinian natural resources for the benefit of Israeli-Jewish settlers.

Racial segregation and apartheid on both sides of the Green Line

In light of the above, and a result of civil society engagement with the Committee, CERD recognised, for the first time, that Israeli policies and practices amount to racial segregation and apartheid on both sides of the Green Line, arguing that “the Israeli society continues to be segregated as it maintains Jewish and non-Jewish sectors, including two systems of education with unequal conditions, as well as separate municipalities... The Committee is particularly concerned about the continued full discretion of the Admissions Committees to reject applicants deemed ‘unsuitable to the social life of the community’” (paragraph 21). Admissions Committees are amongst the main tools used to exclude Palestinian citizens from ownership and use of land, along with the statutory authorities and policies of Zionist institutions.¹

Within the occupied Palestinian territory, the Committee remained concerned “at the consequences of policies and practices which amount to segregation, such as the existence... of two entirely separate legal systems and sets of institutions for Jewish communities in illegal settlements on the one hand and Palestinian populations living in Palestinian towns and villages on the other hand.” The Committee was also “appalled at the hermetic character of the separation of the two groups,

¹ See Adalah, *Reply to List of Themes in relation to the combined seventeenth to nineteenth periodic reports of Israel*, 31 October 2019, page 4, available at: https://www.adalah.org/uploads/uploads/Adalah_CERD_Report_LOT_311019.pdf.

who live on the same territory but do not enjoy either equal use of roads and infrastructure or equal access to basic services, lands and water resources.” As highlighted by the Committee, “[s]uch separation is materialized by the implementation of a complex combination of movement restrictions consisting of the Wall, the settlements, roadblocks, military checkpoints, the obligation to use separate roads and a permit regime that impacts the Palestinian population negatively,” and amounts to policies and practices of racial segregation and apartheid, in violation of Article 3 of the Convention (paragraph 22).

Accordingly, the Committee recalled “its general recommendation 19 (1995) concerning the prevention, prohibition and eradication of all policies and practices of racial segregation and apartheid, and urge[d] the State party to give full effect to article 3 of the Convention to eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory” (paragraph 23). The Committee also highlighted this recommendation as being of particular importance and called on the State party to provide detailed information in its next periodic report on concrete measures taken to ensure its implementation (paragraph 55).

Gaza closure and blockade as policy of racial discrimination, segregation, and apartheid

For the first time, CERD also highlighted Israel’s prolonged 12-year closure of the Gaza Strip, which “continues to violate the right to freedom of movement, access to basic services, especially to health care, and impedes the ability to access safe drinking water” (paragraph 44), as inconsistent with Article 3 of the Convention on policies and practices of racial segregation and apartheid. Accordingly, the Committee urged that Israel “review its blockade policy and urgently allow and facilitate the rebuilding of homes and civilian infrastructures, ensure access to necessary urgent humanitarian assistance as well as to the right to freedom of movement, housing, education, health, water and sanitation, in compliance with the Convention” (paragraph 45).

In the [joint submission](#) to the Committee ahead of Israel’s review, our organisations highlighted Israel’s illegal closure of the Gaza Strip, which amounts to unlawful collective punishment, as an integral part of Israel’s fragmentation of the Palestinian people, arguing that Israel’s discriminatory policies and practices in Gaza are committed with the intention of maintaining its institutionalised regime of systematic racial domination, oppression, and persecution of the Palestinian people. Accordingly, we urged the Committee “to demand Israel cease forthwith the ongoing closure and lift the blockade of Gaza with immediate effect... and to recognise that Israel’s discriminatory policies and practices, amounting to the crime of apartheid, have already made the Gaza Strip uninhabitable and violate the full spectrum of rights owed to the Palestinian people,” in violation of Article 3 of the Convention.

In light of the above, our organisations welcome CERD’s concluding observations and finding of Israeli policies and practices of racial segregation and apartheid over the Palestinian people on both sides of the Green Line, as a step towards undoing Israel’s fragmentation. We urge third

States to take effective measures to ensure the implementation of the Committee's Concluding Observations, to bring an end to the illegal situation created as a result of Israel's apartheid regime over the Palestinian people as a whole, on both sides of the Green Line and as refugees and exiles abroad, and to call for an independent, impartial, and transparent investigation by the International Criminal Court into the situation in Palestine to ensure justice and accountability for widespread and systematic human rights violations, including suspected crimes, committed against the Palestinian people.