**Racial Discrimination in Palestine**

**Submitted to:** The Committee on the Elimination of Racial Discrimination.

# Submitted by: Maat for Peace, Development and Human Rights (In consultative status with UN ECOSOC)

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### Introduction

This is the first report of the State of Palestine since its accession to the Convention without entering any reservations in 2014. Palestine is under the Israeli occupying Power, which practice all forms of racial discrimination in the Occupied Palestinian Territory, particularly in East Jerusalem, where it subjects Palestinians to all forms of racial discrimination and exclusion with respect to their political, civil, social and economic rights

All forms of discrimination and exclusion of the Palestinians’ political, civil, social and economic rights are practiced by the Israeli occupation forces.

This report tackles the most important measures taken by the State of Palestine to implement the Convention and to enshrine the rights and protection of all Palestinians against racial discrimination. In the context of the work of Maat for Peace, Development and Human Rights with the international human rights mechanisms, it has conducted this report which highlights the blatant and systematic violations perpetrated by the Israeli occupation authorities against the Palestinian people through the enactment of racist laws and restrictions on educational institutions, as well as violations. The report also outlines a set of discriminatory laws in Palestine.

### Measures Taken by the State of Palestine to Implement the Convention

The State of Palestine has taken positive measures to protect its most marginalized citizens, in particular victims of violations resulting from the occupation; citizens living in the seam zones next to the annexation, expansion and apartheid wall, in areas alongside illegal colonial settlements, in border areas, and in East Jerusalem; and victims of the aggression against the Gaza Strip. The measures concerned are legitimate, necessary and in conformity with the principles of the Convention including:

* the Community Resilience and Development Programme for East Jerusalem and Area C, which is run through a ministerial, as well as the establishment of a higher ministerial committee for the reconstruction of Gaza, which formulated the National Early Recovery and Reconstruction Plan for Gaza following the aggression of 2014.
* The decision of the President of the State of Palestine, upon the country’s accession to international treaties on 7 May 2014, to establish a standing national (ministerial) committee for following up the accession of the State of Palestine to international treaties and instruments
* The establishment of mechanisms for monitoring legislative compliance with the provisions of the Convention, other human rights conventions, and the requirement to amend, rescind or nullify any laws or regulations that have the effect of creating or perpetuating racial discrimination, the State of Palestine, in March 2017, established a committee for harmonizing legislation, chaired by the Ministry of Justice, in order to begin the process of amending current Palestinian laws and drive forward the enactment of new laws consistent with human rights treaties
* Enacted the Cybercrime Act of 2017 which takes account of technological and social shifts connected with racially discriminatory speech and hate speech. Article 24 provides that: “Anyone who creates a website, an application, an electronic account or an information technology medium with a view to disseminating and circulating information that fuels racial conflict, is aimed at racial discrimination against a specific group, or threatens, denigrates or attacks persons on the basis of their racial or confessional affiliation, colour, appearance or disability shall be liable to a fixed term of forced labour and a fine of not less than 5,000 and not more than 10,000 Jordanian dinars (JD), or the equivalent thereof in legal currency.” Also, article 14 of the draft constitution of the State of Palestine of 2015 provides that the law punishes incitement and propaganda based on discrimination on grounds of origin, race, sex, religion, social status, opinion or disability[[1]](#footnote-1).

### Discrimination Against Women in the Constitution and National Legislation

The Palestinian Amended Basic Law of 2003[[2]](#footnote-2) states, in article 9, that: “Palestinians are equal before the law and the judiciary, without distinction as to race, sex, colour, religion, political opinion or disability”; and article 10 stats that:” Basic human rights and liberties shall be protected and respected.” The laws in Gaza and the West Bank include a set of unified laws passed by the Palestinian Legislative Council and approved by the President. In addition, there are applicable laws such as Jordanian, Egyptian and British Mandate. Maat for Peace, Development and Human Rights notes that there is a clear discrimination against women in the State Party; the Personal Status Law of 1976 continues to discriminate against women in the State of Palestine, including divorce, inheritance custody of children and marriage of minors, Marriage is allowed between the ages of 14 and 15 years. In addition to that, women are not allowed to travel abroad without their husbands' permission. Gender discrimination in the State of Palestine has led to high rates of domestic violence and female murder under the name of "killing honor". As well as marital rape is still unpunished[[3]](#footnote-3). **All These practices violate article 5 of the Convention, which guarantees the right of every human being to live without discrimination and equality before the law; paragraph (a) which provides for the right to equal treatment before the courts; paragraph (b) which provides for the right to security of person and the protection of the State against any violence or bodily harm; and paragraph (d) which provides for the right to marry and choosing the husband.**

With regard to discrimination against women in education, the Palestinian Basic Law guarantees education as a right for every citizen, making it compulsory until the end of the basic stage at least and free of charge in schools, institutes and public institutions; the policy priorities ensure fair and safe access for all Palestinian children of both sexes as a human right; expanding enrollment for both sexes in early childhood programs; Improving the quality of education, especially vocational and technical, linking it to the labor market; and reviewing curricula from a gender perspective. However, female access to education is lesser than male and have a higher dropout rate. This indicates the lack of government interest in the issue of female literacy; the lack of policies to reduce female dropout; the lack of policies to reduce the phenomenon of female dropout from schools; and the failure to raise the age of marriage in the Palestinian territories.

There are also obstacles to women's equality, including the failure of the authorities concerned to take measures to bridge the gender gap in different sectors, such as affirmative actions in decision-making positions and high-level positions; the failure of the formulation of gender-responsive budgets to ensure the monitoring of the financial resources needed to promote women's rights in health, employment and education; and the absence of government policies to raise awareness and disseminate the culture of gender equality in the Palestinian society[[4]](#footnote-4).

### The Occupying Power’s Racist Practices Towards the Palestinians

1. **Apartheid**

Apartheid is no longer theoretical or descriptive policy, but acquired a legal status based on the definition of apartheid as a crime against humanity that violates several conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, especially article 3 which reads that ”States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction”; and article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Since the construction of the separation wall in 2002, the construction of a street in the West Bank, named 4370, for settlers to the northeast of Jerusalem without allowing Palestinians to cross it is the latest development of its apartheid policy against the Palestinians. This step indicates that the Israeli occupying Power insists on the adoption of apartheid policy, in contravention of article 2 of the Convention[[5]](#footnote-5).

1. **The most prominent racist laws against Palestine**

In 2016, the Knesset passed a law known as the Combatting Terrorism Law, which replaced all laws and regulations implemented by the occupying security body. This law applies only to Palestinian citizens in occupied Palestine. According to this law, Palestinian charities can be considered terrorist organizations if they have a relationship with an organization that the Israeli occupying Power considers terrorist.

In the same year, the Knesset approved the extension of a law that prevents family reunification in occupied Palestine. This law, which has been extended since 2003, prohibits Palestinians who are not residents of occupied Palestine or unmarried to Palestinians of occupied Palestine from becoming residents or citizens of occupied Palestine[[6]](#footnote-6).

In 2018, the nation-state law, which was introduced in 2017, was passed. The draft of the law included the definition of the Israeli occupying Power as a Jewish nation-state, stipulating that self-determination in Palestine is the right of the Jews only and that the official language is the Hebrew language. Discriminatory provisions that violate fundamental principles of international law and the Convention, in particular the right to equal protection before the law; and the explicit prohibition against discrimination on the grounds of national belonging, religion, language or culture, which are fundamental principles provide for in the international treaties signed by the Israeli occupying Power, including the Convention on the Elimination of All Forms of Racial Discrimination[[7]](#footnote-7).

1. **Denial of nationality**

In August 2018, the Haifa District Court upheld the decision to revoke the citizenship of a Palestinian and was stripped of his nationality and considered stateless by the Minister of the Interior for his conviction of attempted murder. The authorities also abolished the nationalities of dozens of Palestinian Bedouin from the Naqab area without due process, or filing appeals, making them stateless[[8]](#footnote-8). In 2018, the Israeli occupying Power deported 12 Bedouin communities in East Jerusalem, comprising about 1,400 people[[9]](#footnote-9).

**Israeli organizations and groups that incite racial discrimination**

The occupying Power has not taken the reform measures needed to curb that culture. On the contrary, ideas and theories based on the racial superiority of Jewish Israelis over non-Jews are formally espoused, in contravention of article 4 of the Convention. At the end of 2017, for example, the Ministry of Foreign Affairs of Israel, the occupying Power, published a racist caricature portraying Israel as a country of development and civilization and Arabs as an example of backwardness and inhumanity. This notion is instrumental in creating a hostile racist environment through incitement and encouragement of racism and violence,

Some of the organizations that incite racial discrimination: “Price Tag” groups which are groups belonging to the Hilltop Youth whose offences against Palestinians in the West Bank include vandalizing their property and attacking holy sites; and the Lehava organization which is extreme racist organization does all it can to prevent what it calls miscegenation and mixed marriages between Jews and non-Jews. Other organizations that encourage colonial settlement: Various settler organizations are involved in fighting the Palestinian presence by displacing Palestinians from their home and land, notably the Elad association, the Amana movement and the Regavim movement[[10]](#footnote-10).

### Challenges Facing the State of Palestine

**Right to own property**

The State of Palestine guarantees the right to own property, without discrimination, in accordance with the legal frameworks such as article 21 of the Amended Basic Law, article 8 of the Land Acquisition for Public Purposes Act of 1943 and other laws on the right to own property. However, Israel, the occupying Power, discriminates concerning the right to own property by way of colonial settlement and unlawful control over the Palestinian territories. It does so through its policies of land confiscation and seizure, the provision of infrastructure, and high approval rates for planning permits. The Israel Lands Basic Law provides that the property of the State, the Development Authority and the Jewish National Fund is reserved for the benefit of the Jewish people. On that basis, the occupying Power confiscates Palestinian land, including privately-owned land, and declares it to be state land, which is to say land set aside for the benefit of the Jews. These measures encompass over 55 per cent of the Occupied Palestinian Territory, especially in Area C. Here, the occupying Power has assigned over 70 per cent of the land for the construction of illegal settlements and their related infrastructure, whereas it prohibits Palestinians from owning such land and using it for development purposes.

**Education**

The State of Palestine guarantees the right to education for all citizens, without discrimination, by way of the following legislative frameworks: Article 24 of the Amended Basic Law, the Education Act of 2017 and other laws that provide for the right to education. There are several schools and educational institutions in the State of Palestine that cater specifically to racial, ethnic and linguistic groups protected under the Constitution, including the Armenians and the Samaritan community. However, there are restrictions imposed by the occupation forces on access to educational institutions, whereas Palestinian students and teachers have difficulty accessing schools because of the permanent and mobile military checkpoints, where they are searched, harassed and denied passage on their way to and from school. Also, students are vulnerable to assault by the Israeli occupation army. Schools run by Palestinian racial and ethnic groups also suffer from the occupation policies. The occupation authorities, for example, prevent Eastern Armenians from Lebanon, the Syrian Arab Republic and Iraq from coming to Jerusalem to study at the Armenian Theological Seminary, which is consequently threatened with permanent closure owing to lack of students[[11]](#footnote-11).

### Recommendations

**Maat calls upon the international community to work with the State of Palestine to reduce the discriminatory violations to which it is subjected. There is no doubt that it requires the intervention of all concerned parties to:**

* Following the accession of the State of Palestine to the Convention on the Elimination of All Forms of Racial Discrimination, the State of Palestine should harmonize its legislation and remove discrimination within its system.
* The State of Palestine should urge the United Nations to work to protect women in occupied Palestine and to take measures to expose the practices and crimes of the occupation authorities against Palestinian women in the West Bank and the Gaza Strip.
* The Palestinian National Authority should amend the laws on the protection of women in accordance with international charters and conventions.
* The State of Palestine should publish the agreements ratified in the Official Gazette, which have not yet been published.
* The international community should force the Israeli occupying Power to stop its racist practices against the Palestinian people because this violates international humanitarian law and international conventions.
* The international community should force the Israeli occupying Power to repeal all discriminatory laws it has adopted, particularly the Jewish nation-state law.
* The Human Rights Council should request the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate the nature of the Israeli organizations that practice racism against the Palestinian people.
* The Israeli occupying Power should stop withdrawing citizenship from the Palestinians, especially the Bedouin, as a means of punishment.
* The Israeli occupying Power should stop imposing restrictions on educational institutions that impede Palestinian students' freedom of movement and access to their schools.

1. التقرير الوطني المقدم من دولة فلسطين الي لجنة التمييز العنصري 2018 <https://bit.ly/2XmX9H2> [↑](#footnote-ref-1)
2. Available at: <https://www.bal.ps/law/basic_law.pdf> [↑](#footnote-ref-2)
3. فلسطين: التمييز ضد المرأة مستمر في الضفة الغربية- 10 يوليو 2018 – committee for justice <https://bit.ly/2ZtM4kU> [↑](#footnote-ref-3)
4. ورقة حقائق حول فجوة التمييز وعدم المساواة في الحقوق علي أساس الجنس- الهيئة المستقلة لحقوق الإنسان "ديوان المظالم" <https://bit.ly/2KliEC3> [↑](#footnote-ref-4)
5. إسرائيل تبني نظاماً للفصل العنصري في الضفة الغربية بما فيها القدس- 12 يناير 2019 – دنيا الوطن <https://bit.ly/31D3X2M> [↑](#footnote-ref-5)
6. تقرير يفصل التمييز ضد العرب في إسرائيل علي صعيد إنفاذ القوانين الإسرائيلية 14 ديسمبر 2016- وكالة سوا الإخبارية <https://bit.ly/2KSab8Y> [↑](#footnote-ref-6)
7. الصيغة النهائية لقانون الجنسية- 18 يوليو 2018 – عرب 48 <https://bit.ly/2wWtOo6>

   قانون القومية: تشريع التمييز العنصري ضد العرب – 19 سبتمبر 2017- عرب 48 <https://bit.ly/2USutSa> [↑](#footnote-ref-7)
8. إسرائيل والأراضي الفلسطينية 2018/2017، منظمة العفو الدولية <https://bit.ly/2GnnxaY> [↑](#footnote-ref-8)
9. الإحصاء الفلسطيني يرصد جرائم الاحتلال عام 2018 – مارس 2018 <https://bit.ly/31bKvK8> [↑](#footnote-ref-9)
10. انظر المرجع السابق- التقرير الوطني المقدم من دولة فلسطين [↑](#footnote-ref-10)
11. انظر المرجع السابق- التقرير الوطني المقدم من دولة فلسطين [↑](#footnote-ref-11)