

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>494</b>
Land:	Gaza-Vestbredden
Kilde:	UN General Assembly
Titel:	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
Udgivet:	29. september 2021
Optaget på baggrundsmaterialet:	12. januar 2022



# General Assembly

Distr.: General  
29 September 2021

Original: English

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## Seventy-sixth session

Agenda item 55

**Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories**

### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

#### **Note by the Secretary-General\***

The Secretary-General has the honour to transmit to the members of the General Assembly the fifty-third report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution [75/96](#).

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\* The present report was submitted after the deadline in order to reflect recent developments.



## **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

### *Summary*

The present report contains information regarding the efforts of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to implement its mandate and on the human rights situation in the occupied Arab territories, from 1 August 2020 to 31 August 2021. Owing to the spread of the coronavirus disease (COVID-19) pandemic, the Committee was not able to conduct its annual consultations with Member States in Geneva or undertake its annual mission to the region. Instead, the Committee organized a series of online meetings with United Nations agencies, Palestinian ministries and institutions and civil society organizations in May and June 2021. The Committee also sent requests for written submissions, including to Member States. In the present report, a number of concerns are addressed relating to the escalation in hostilities in Gaza in May 2021, the humanitarian situation and blockade in Gaza, freedom of expression in the occupied West Bank including East Jerusalem, demolitions and forcible evictions, expansion of settlements and settler violence, impact of the COVID-19 pandemic on Palestinian rights, the situation of Palestinian refugees and the situation of human rights in the occupied Syrian Golan.

## I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Committee is currently composed of three Member States: Malaysia, Senegal and Sri Lanka. In 2021, the Committee was represented by three members: the Permanent Representative of Sri Lanka to the United Nations in New York, Mohan Peiris (Chair of the Committee), the Permanent Representative of Malaysia to the United Nations in New York, Syed Mohamad Hasrin Aidid, and the Permanent Representative of Senegal to the United Nations in New York, Cheikh Niang.

## II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation since 1967, namely, the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan.

3. The present report is submitted pursuant to General Assembly resolution 75/96, in which the Assembly requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross, according to its regulations, in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded, as well as to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem. The present report covers the period from 1 August 2020 to 31 August 2021.

## III. Activities of the Special Committee

### A. Consultations with Member States in Geneva

4. The Special Committee was not able to conduct its annual consultations in Geneva in 2020, owing to the spread of the coronavirus disease (COVID-19) pandemic. Ahead of the forty-sixth session of the Human Rights Council, the Committee sent invitations for consultations in Geneva to the Permanent Missions of Egypt, Jordan, Lebanon and the Syrian Arab Republic, the Permanent Observer Mission of the State of Palestine, and the Organization of Islamic Cooperation. From 15 to 18 March 2021, the Committee met with the Special Representatives of Egypt, the Syrian Arab Republic, Lebanon, the Permanent Observer Mission of the State of Palestine and the Organization of Islamic Cooperation. The meetings were held virtually.

## B. Online meetings with interlocutors

5. The Special Committee was not able to undertake its annual mission to the region in 2021 owing to the COVID-19 pandemic. As an alternative, the Committee organized a series of online meetings<sup>1</sup> with United Nations agencies, Palestinian ministries and institutions and civil society organizations from 1 to 3 and 8 to 9 June 2021. The Committee received a briefing on the work of the Office of the United Nations High Commissioner for Human Rights regarding the human rights situation in the Occupied Palestinian Territory, as well as the reports of the United Nations High Commissioner for Human Rights to the forty-sixth session of the Human Rights Council. Owing to the difficulty of conducting a large number of meetings online, the Committee also sent further invitations for written submissions to interlocutors.

6. The Special Committee expresses its sincere appreciation to all those who provided testimony and briefings on a wide range of human rights and humanitarian issues. On 14 June 2021, at the conclusion of its online meetings with interlocutors, the Committee released a press statement.<sup>2</sup>

7. Documentation and other materials submitted to the Special Committee were carefully examined prior to the preparation of the present report and were archived by the Secretariat. Information contained in the report is based primarily on testimony, briefings and submissions received by the Committee during the reporting period.

## IV. Situation of human rights in the Occupied Palestinian Territory

8. The Special Committee was informed about a wide range of human rights issues during its meetings and through written submissions resulting from the continued Israeli occupation that has lasted 54 years. Specific areas of concern highlighted included the May 2021 military escalation in Gaza and its impact on Gaza and the West Bank, including East Jerusalem, the curtailing of freedom of expression and peaceful association in the West Bank by Israeli security forces, ongoing evictions in East Jerusalem and threat of forceful transfer of Palestinians, arrests of journalists and human rights defenders covering or supporting the rights in relation to forcible eviction in East Jerusalem, settlement expansion and settler violence. The Committee also took note of the concerns expressed by a number of interlocutors with regard to access to health care for Palestinian people, including access to COVID-19 vaccines, especially in the context of the COVID-19 pandemic.

9. Given the timing of the Special Committee's consultations, which took place shortly after the ceasefire agreement, many interlocutors focused on the impact of the recent military escalation on Palestinians in Gaza. Information was also received on the combined impact of the blockade by Israel of Gaza, which was entering its fourteenth year, as well as the loss of life, injuries and harm inflicted on civilian objects during the 11-day escalation in May 2021. Participants also underlined the continued use of coercive measures by Israel against Palestinian people, especially in

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<sup>1</sup> The Permanent Representative of Sri Lanka to the United Nations in New York, Mohan Peiris, was unable to attend the briefings and was represented by the Deputy Permanent Representative, Satya Rodrigo. The Permanent Representative of Senegal to the United Nations in New York, Cheikh Niang, was also unable to attend the briefings and was represented by the Officer in Charge of Palestine affairs, Fatima Faye.

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "United Nations special committee to investigate Israeli practices denounces violence", 14 June 2021.

East Jerusalem and Area C of the West Bank. The Committee was also briefed on the continuation of settlement activities in the occupied Syrian Golan.

## A. Escalation in hostilities in Gaza, May 2021

10. The Special Committee is appalled to have witnessed yet another deadly escalation of hostilities between Israel, Hamas and Palestinian armed groups in May 2021. Over an 11-day period in May 2021, a catastrophic escalation of hostilities between Israel and Palestinian armed groups took place, resulting in death and injuries to civilians as well as substantial damage to civilian infrastructure in Gaza. During this period, Israel conducted intense airstrikes as well as shelling from land and sea. As a result of the escalation, 257 Palestinians were killed, including 66 children and 40 women, and 2,000 others were injured. Interlocutors described the devastating impact of these attacks to the Committee, noting that entire families were killed without a clear military target nearby, and that thousands are newly displaced. For example, an Israeli missile attack conducted on May 10 near Beit Hanoun killed eight civilians, including six children.<sup>3</sup>

11. The Special Committee was seriously concerned by the details it received regarding Israeli forces' indiscriminate attacks on public and private properties (including businesses, industrial and commercial entities, schools, mosques, banks, farmlands and media outlets) as well as damage to infrastructure, including power, telecommunication, health and water affecting 400,000 square metres of paved roads; 250,000 metres of water grids; 10 water and sanitation pumps; 13 water wells; four electricity lines;<sup>4</sup> and 23 medical facilities.<sup>5</sup> Submissions to the Committee indicated that the Israeli military's limited public explanations demonstrate that it did not adequately take into consideration the impact on the pre-existing humanitarian crisis for the civilian population in Gaza as well as the densely populated nature of areas where the hostilities were conducted.<sup>6</sup>

12. According to Palestinian sources, several of the buildings that were targeted during this round of hostilities had been previously destroyed in 2014 and had been recently rebuilt. Additionally, Israel had bombed dozens of civilian structures, including apartments, offices, government facilities, businesses and infrastructure that housed offices, homes and media organizations.<sup>7</sup> The Special Committee notes that international humanitarian law places restrictions on the parties engaged in hostilities and limits attacks strictly to military objectives.<sup>8</sup> Israel has largely claimed that their attacks targeted Hamas military infrastructure and that it provided advance warning to civilians to evacuate.<sup>9</sup>

13. The Special Committee is profoundly distressed with the devastating impact of the escalation on children. The Committee notes that 66 children were killed as a

<sup>3</sup> Human Rights Watch, "Gaza: apparent war crimes during May fighting", 27 July 2021.

<sup>4</sup> As of the date of the submission of the present report, the four main electricity lines damaged during the Israeli aggression were: the Baghdad line (cut off since 11 May 2021); the al-Qubba line (cut off since 12 May 2021); the al-Sha'af line (cut off since 14 May 2021); and the Jabaliya line (cut off since 19 May 2021).

<sup>5</sup> Al Mezan Centre for Human Rights, submission ("11-day military assault on Gaza within apartheid and persecution", pp. 1–2).

<sup>6</sup> Diakonia.

<sup>7</sup> B'Tselem, "Bombing civilian objects is a war crime", 20 May 2021.

<sup>8</sup> Ibid. article 52(2) of Additional Protocol I to the four Geneva Conventions, notes that "military objectives" are defined by two cumulative criteria: (1) they make "an effective contribution to military action"; and (2) attacking them "offers a definite military advantage".

<sup>9</sup> For example, see Fares Akram and Lee Keath, "Israel strikes Gaza home of Hamas leader, destroys AP office", Associate Press News, 15 May 2021.

result of Israeli attacks during this escalation, schools and health facilities have been damaged, homes and offices have been flattened, and entire families have been displaced.<sup>10</sup> The cumulative psychological impact on children is substantial.<sup>11</sup> For children, the loss of their home, treasured personal belongings, security or their parents' protection can be deeply traumatic. For girls, the loss of personal privacy due to the damage or destruction of their shelter can be an especially stressful experience.<sup>12</sup> The United Nations Children's Fund (UNICEF) has estimated that 250,000 children were in need of mental health and psychosocial support services in Gaza due to trauma and fear from "injuries, widespread destruction and the loss of lives as a result of the escalation".<sup>13</sup> The Committee was briefed by the Palestinian Ministry of Social Development on its provision of psychosocial interventions to children in Gaza. The Ministry informed the Committee that restrictions related to the Gaza blockade and to COVID-19 limited its capacity to do so.

## B. Accountability

14. The Special Committee recalls the failure of effective accountability for previous Israeli military operations, including the period from 2008 to 2009, 2012 and 2014. Human rights organizations have expressed concern that Israel will not carry out thorough and transparent investigations into its actions during the recent escalation in hostilities.<sup>14</sup> The Committee calls on Israel to properly investigate its actions and hold those responsible accountable. In this regard, the Committee welcomes the establishment of the ongoing, independent, international commission of inquiry by the Human Rights Council at its 30th special session, held on 27 May 2021, and calls on Israel to cooperate with this mechanism and the ongoing investigation of the International Criminal Court.

## C. Humanitarian situation and blockade in Gaza

15. During its consultations, the Special Committee was briefed on the critical humanitarian situation in the Gaza Strip, as 2 million of its residents (including roughly 1 million children) are enduring a serious and ever-worsening humanitarian crisis affecting all areas of their lives. Palestinians have had virtually all their human rights undermined and violated under the weight of the Israeli blockade as they continue to lack access to adequate housing, education, water and sanitation.<sup>15</sup>

16. Entering the fifteenth year of the blockade of Gaza, the Special Committee remains gravely concerned about the constant and systematic undermining of Gazans' human rights, the dire humanitarian situation and collapsing infrastructure. Food insecurity affected 72 per cent (over 1.4 million people) at the start of 2021, including 300,000 newly food-insecure people as a result of the economic slowdown caused by COVID-19.<sup>16</sup> The Committee was informed that the unemployment rate in Gaza is 46.6 per cent, while 95 per cent of the population does not have access to clean

<sup>10</sup> UNICEF, "Children bear brunt of violence in Gaza", 21 May 2021.

<sup>11</sup> Save the Children, "Children in Gaza conflict will suffer for years to come", 21 May 2021.

<sup>12</sup> UN-Women, "Gender and wars in Gaza untangled: what past wars have taught us?", June 2021, p. 8.

<sup>13</sup> UNICEF, "Escalation in the Gaza strip, the West Bank and Israel", 16 May 2021.

<sup>14</sup> B'Tselem, "And now for the whitewashing", 24 May 2021.

<sup>15</sup> Euro-Med Human Rights Monitor, *Suffocation and Isolation: 15 Years of Israeli Blockade on Gaza* (Geneva, 2021).

<sup>16</sup> United Nations, Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview OPT: Humanitarian Programme Cycle 2021* (2020).

water.<sup>17</sup> The recent escalation in hostilities has had a devastating impact on Gaza's economy, including reduced incomes to households owing to injured or killed family members, temporary or permanent loss of employment, and reduced economic activity.<sup>18</sup>

17. The Committee heard that during the reporting period, the Israeli authorities shut down Gaza's only two functioning crossings (Erez and Kerem Shalom) and prohibited access to Palestinian waters for all activity, including fishing, in May 2021.<sup>19</sup> This prevented the entry of fuel, food, medicine and other humanitarian supplies into Gaza. The Committee notes that such action may constitute a violation of customary international humanitarian law, as all parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.<sup>20</sup>

18. Furthermore, the Committee received information stating that the Israeli authorities and military heightened the energy crisis in Gaza by systematically targeting power lines, banning the entry of fuel needed to operate Gaza's sole power plant, and refusing to repair four of the main power lines. The resulting power deficit reportedly prompted the Gaza Electricity Distribution Corporation to provide only four hours of electricity at a time, followed by 16 hours of power cuts, resulting in limits to essential services such as health care.<sup>21</sup> The Special Committee also learned that the gap between supply and demand for electricity remains very high.<sup>22</sup> The Committee notes with concern the impact of the recent military escalation on the health infrastructure in Gaza, which was already heavily overstretched owing to COVID-19.

#### **D. Freedom of expression in the occupied West Bank, including East Jerusalem**

19. In the West Bank, including East Jerusalem, Israeli security forces used live ammunition to suppress demonstrations which took place against the backdrop of the escalation in Gaza.<sup>23</sup> Following the beginning of the escalation in the Gaza Strip (the Israeli operation entitled "Guardians of the Walls"), Palestinians throughout the occupied West Bank and East Jerusalem, as well as those residing inside Israel, staged widespread demonstrations in solidarity with the Palestinian cause and in protest of Israel's attacks in Gaza. Demonstrations also focused on Israeli police violence in the Al-Aqsa compound and the planned eviction of Palestinian residents from the East Jerusalem neighbourhood of Sheikh Jarrah. According to some reports, during this period, Israeli security forces killed 13 protestors, including two children.<sup>24</sup> On 14 May alone, reports indicate that Israeli security forces killed nine Palestinians during violent clashes across the West Bank.<sup>25</sup>

<sup>17</sup> Consultations 1 June 2021.

<sup>18</sup> UN-Women, "Gender and wars in Gaza untangled", pp. 15–17.

<sup>19</sup> Al Mezan Centre for Human Rights, "Under heavy attacks and tightened blockade, Gaza health services are at risk of collapse", 19 May 2021.

<sup>20</sup> Al Mezan Centre for Human Rights, submission ("11-day military assault on Gaza", pp. 3–4); and International Red Cross Committee, "Rule 55: access for humanitarian relief to civilians in need", Customary International Humanitarian Law database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

<sup>21</sup> Al Mezan Centre for Human Rights, submission ("11-day military assault on Gaza", p. 4).

<sup>22</sup> Consultations 1 June 2021.

<sup>23</sup> See [www.facebook.com/UNHumanRightsOPT/posts/1722947234560261](https://www.facebook.com/UNHumanRightsOPT/posts/1722947234560261).

<sup>24</sup> B'Tselem, "Lethal suppression: soldiers kill three protesters in three demonstrations across West Bank", 26 July 2021.

<sup>25</sup> Aaron Boxerman, "At least nine Palestinians reported killed as violence spreads to West Bank", 14 May 2021.



20. The Committee heard of particular examples of excessive use of force against Palestinian demonstrators in East Jerusalem from the first day of Ramadan on 13 April, against the backdrop of the impending evictions of Palestinians in Sheikh Jarrah. Tensions escalated to confrontations between Palestinian demonstrators and Israeli security forces and settlers around the Old City, around Al-Aqsa mosque and in Sheikh Jarrah. For example on 18 May, a 16-year-old girl was shot in the back with a sponge-tipped bullet in her home in Sheikh Jarrah. Another bullet hit her father in the leg.<sup>26</sup> In other incidents, journalists were attacked by Israeli police while covering the events in Al-Aqsa compound.<sup>27</sup>

21. The Special Committee expresses serious concerns with regard to continued incidents involving excessive use of force against peaceful demonstrators.

## E. Demolitions and forcible evictions

22. During 2021, Israel continued its practices of evictions and home demolitions, causing the forced transfer of Palestinians, in violation of international legal obligations.<sup>28</sup> According to the Office for the Coordination of Humanitarian Affairs, 854 structures were demolished in 2020, displacing 1,001, and 548 structures demolished thus far in 2021, displacing 766 people.<sup>29</sup> Demolitions have increased during these periods in comparison to 2019, with the demolition of residential homes, water, sanitation and hygiene facilities, and health facilities, during a public health crisis, further exposing many Palestinians to risks associated with the COVID-19 pandemic (see [A/HRC/46/65](#), para. 30).

23. Entire Palestinian communities are facing the risk of forcible transfer. At particular risk are Bedouin and herder communities in the Jordan Valley and those located in areas designated by Israel as closed military zones. The Special Committee noted with concern information received on the demolition of structures in the Bedouin community Humsa al-Baqai'a, in the northern Jordan Valley. According to reports received, on 7 July, the Israeli civil administration, accompanied by Israeli military forces, demolished 28 structures, including residences, animal shelters and water tanks, and confiscated belongings. This was the fifth large-scale demolition carried out in Humsa al-Baqai'a during the reporting period.<sup>30</sup>

24. Several interlocutors emphasized to the Special Committee the worrying situation of Palestinians facing forced eviction in East Jerusalem. In 2020, eviction orders were issued at the Jerusalem Magistrate Court, ordering the eviction of seven Palestinian families in Batn al-Hawa area of Silwan in East Jerusalem, to be replaced by settlers. Silwan, where some 33,000 Palestinians live, is located outside of the Old City of Jerusalem and already houses several hundred settlers.<sup>31</sup> In the Sheikh Jarrah neighbourhood of East Jerusalem, eight Palestinian refugee families are facing forced eviction due to a legal challenge by the Nahalat Shimon settler organization. If these evictions are carried out, they would violate Israeli obligations under international

<sup>26</sup> Nir Hasson, "Jerusalem police officer who shot 16-year-old Palestinian suspended after footage emerges", *Haaretz*, 26 May 2021.

<sup>27</sup> Deiaa Haj Yahia and Yanal Jbareen, "Arab journalist group protests Israeli police violence after attack on photographer", *Haaretz*, 25 May 2021.

<sup>28</sup> Submission to the Special Committee by Diakonia.

<sup>29</sup> In comparison to 2019, which saw 628 structures demolished resulting in 907 displaced people. United Nations, Office for the Coordination of Humanitarian Affairs, West Bank Demolition and Displacement database, available at [www.ochaopt.org/data/demolition](http://www.ochaopt.org/data/demolition).

<sup>30</sup> B'Tselem, "Court sanctioned war crime committed in broad daylight", 9 July 2021.

<sup>31</sup> Amnesty International, "Israel/OPT: scrap plans to forcibly evict Palestinian families in Silwan", 25 May 2021.

law.<sup>32</sup> The majority of evictions in East Jerusalem have been initiated by “settler organizations” and the claims are based on the Israeli Absentee Property Law and the Legal and Administrative Matters Law of 1970. The implementation of these laws in East Jerusalem would facilitate the transfer by Israel of its population into an occupied area.<sup>33</sup> The situation of these families and the planned implementation of the eviction orders underlines Israeli aims to permanently change the Palestinian character of East Jerusalem and pave the way for further settlers to move in and displace more Palestinians.

## F. Expansion of settlements and settler violence

25. The expansion of illegal settlements in the West Bank, including East Jerusalem, continued to be reported to the Special Committee over the reporting period. On 24 June, the Security Council demanded again that Israel “immediately and completely cease all settlement activities”, citing resolution 2334 (2016). The United Nations Special Coordinator for the Middle East Peace Process, Tor Wennesland, noted his particular concern over a plan to expand the settlement of Har Homa in East Jerusalem and by new settlement outposts.<sup>34</sup> Interlocutors expressed a particular concern to the Committee over developments concerning the illegal Evyatar outpost near the West Bank city of Nablus. Evyatar, built without permission from the Israeli State and on private Palestinian land, is illegal according to both Israeli and international law and was subject to demolition orders by the Civil Administration.<sup>35</sup> The outpost has been at the centre of rising tensions, instigating weekly demonstrations by Palestinians protesting the theft of their land, which have been met with brute force by Israeli security forces. Israeli forces have killed at least seven Palestinians in these demonstrations, and dozens have been injured.<sup>36</sup> In June, Israeli settlers agreed to withdraw from the outpost following a compromise reached with the Israeli Government involving the transfer of the outpost’s structures to a military base for use of the Israeli military. However, tensions and weekly demonstrations have continued as of August 2021.<sup>37</sup>

26. Interlocutors expressed serious concern to the Special Committee on the increase in violent attacks by settlers on Palestinians and their property since January 2021, and on recent information indicating that settlers increasingly use firearms against Palestinians, side-by-side with Israeli security forces.<sup>38</sup> During the reporting period, Palestinians continued to suffer from settler attacks and harassment, including roadblocks, stone-throwing on vehicles and houses, assaults and damage to property. Reports have also been received of several incidents in which settlers shot at Palestinians in the West Bank under full knowledge of Israeli security forces or with their support. One particular incident reportedly took place on 26 June in the village of Tuwani, following a series of settler violence incidents that day, including rock throwing, the vandalism of trees and the burning of a Palestinian building. B’Tselem

<sup>32</sup> Submission by Human Rights Institutions Association, 13 June 2021.

<sup>33</sup> Rupert Colville, Spokesperson for the United Nations High Commissioner for Human Rights, press briefing notes on Occupied Palestinian Territory, Geneva, 7 May 2021.

<sup>34</sup> UN News, “United Nations pushes for lasting ceasefire, more humanitarian deliveries in Gaza”, 24 June 2021.

<sup>35</sup> Peace Now, “The new outpost of Evyatar: status and implications”, 22 June 2021.

<sup>36</sup> Al Jazeera, “Palestinian village pays high price in defence of its land”, 7 June 2021; and Aaron Boxerman, “Palestinian said killed by IDF live fire during clashes near illegal outpost”, *The Times of Israel*, 6 August 2021.

<sup>37</sup> Ibid.

<sup>38</sup> Hagar Shezaf, “Settler shoots at Palestinians with Israeli soldier’s weapon, footage shows”, *Haaretz*, 1 August 2021.

video footage shows a settler shooting towards a group of Palestinians using a military rifle, with Israeli soldiers at the scene as settlers vandalize trees.<sup>39</sup>

27. The Special Committee highlights that, as the occupying Power, Israel has an obligation under international law to protect Palestinians and their property from violent attacks.<sup>40</sup> However, Israeli authorities routinely shirk this responsibility, refrain from intervening in the violence, or even participate side by side with settlers.

## V. Impact of the COVID-19 pandemic on Palestinian rights

28. The Special Committee received several reports on the infringement of Palestinian rights in relation to the COVID-19 pandemic. The Committee therefore decided to dedicate a significant part of their report to the human rights of Palestinians related to the right to health and COVID-19 as well as to the impact of Israeli practices and policies on the enjoyment of Palestinian rights. The following section of the present report will focus on the impact of COVID-19 on Palestinian rights in relation to access to health care, restrictions on freedom of movement, women and girls, access to education, access to water and sanitation, access to work, and detainees and prisoners.

29. The Special Committee highlights that the 54-year-long occupation itself has had a destructive impact on Palestinian rights, in particular in relation to the right to adequate health, which has been compounded by the pandemic (see [A/HRC/35/30/Add.2](#), para. 9).

### A. Access to health care

30. According to the World Health Organization (WHO), as at 27 July 2021, there had been a total 345,030 confirmed cases of COVID-19 in the West Bank, including East Jerusalem, and the Gaza Strip, as well as 3,877 deaths since the outbreak of the pandemic.

31. Interlocutors highlighted to the Special Committee that rights violations related to the occupation have weakened health facilities and made the Occupied Palestinian Territory a “vulnerable place” in which the pandemic could thrive. For example, the Committee was informed that evictions of Palestinians and demolitions of their homes and health facilities, continued and even spiked in 2020.<sup>41</sup> Such practices, which are contrary to international law,<sup>42</sup> have deprived Palestinians of adequate housing<sup>43</sup> and presented further challenges to their access to water, sanitation and hygiene during the pandemic.<sup>44</sup>

32. Reports indicate that, during the reporting period, there were insufficient COVID-19 tests available for the Palestinian population, specifically in Gaza and East

<sup>39</sup> B’Tselem, “Israeli settler fires in the air in presence of soldiers; settlers escorted by soldiers throw stones, break branches in olive grove and torch agricultural structure, a-Tuwani, South Hebron Hills, 26 June 2021”, 1 August 2021.

<sup>40</sup> Yesh Din, “Settler crime and violence inside Palestinian communities, 2017–2020”, May 2021, p. 6.

<sup>41</sup> United Nations, Office for the Coordination of Humanitarian Affairs, West Bank Demolition and Displacement database; and Diakonia submission.

<sup>42</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), arts. 49 and 53; and Diakonia submission.

<sup>43</sup> International Covenant on Economic, Social and Cultural Rights, art. 11; and Diakonia submission.

<sup>44</sup> Ibid.

Jerusalem.<sup>45</sup> The absence of COVID-19 testing centres in Eastern Jerusalem beyond the separation wall was noted as a particular concern, given the movement restrictions faced by Palestinians in these areas in traveling to the testing centres in East Jerusalem. Reportedly, some 120,000 Palestinians live in these East Jerusalem neighbourhoods beyond the wall and face several checkpoints and obstacles if they wish to travel to testing centres in East Jerusalem. Recognizing this concern, a petition was submitted to the Israeli Supreme Court by an Israeli rights organization calling for COVID-19 testing centres to be opened in communities within Eastern Jerusalem beyond the separation wall.

33. The Special Committee was alarmed to learn in its consultations that essential health services for Palestinians have been affected by the need to reallocate limited resources, including human resources, to COVID-19 preparedness and response.<sup>46</sup> Data received from the Palestinian Ministry of Health indicated that in the Gaza Strip, only 12 of the 54 primary care facilities (22 per cent) remained open throughout the outbreak of COVID-19.<sup>47</sup> The Committee received further reports from interlocutors stating that primary care consultations in the Gaza Strip had been reduced from 2019 to 2020 by 37 per cent.<sup>48</sup>

34. The Special Committee received information indicating that, as at 1 June 2021, 332,500 vaccines had been distributed in the West Bank and 168,900 in the Gaza Strip. In March 2021, human rights groups in Israel and Palestine filed a petition with the Israeli Supreme Court demanding that Israel provides vaccines to Palestinians in the West Bank and Gaza.<sup>49</sup> As at 31 August 2021, only 16 per cent of Palestinians eligible for vaccination had received two doses.<sup>50</sup> On 25 March 2021, the Committee issued a press statement raising concerns over reports that Israel had failed to fulfil its international legal responsibility and obligation to ensure the vaccination of the Palestinian population in the Occupied Palestinian Territory. These concerns were raised owing to reports received indicating that Israel had been donating surplus COVID-19 vaccines overseas while Palestinians remained largely unvaccinated.<sup>51</sup>

35. Civil society organizations continued to raise concerns to the Special Committee about the vulnerability of Palestinians to COVID-19, highlighting that the severe restrictions imposed by Israel continue to undermine the capacity of local authorities to respond effectively to the virus and hamper patients' access to adequate health care, including vaccines. Submissions to the Committee emphasized Israeli obligations under international humanitarian law related to vaccinating Palestinians in the Occupied Palestinian Territory, including the duty to adopt and apply the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics,<sup>52</sup> the responsibility to provide medical supplies (including vaccines) to the occupied population<sup>53</sup> and the duty to allow and facilitate the rapid and unimpeded passage of all items necessary to fight the COVID-19 pandemic, including supplies sent by other States or humanitarian organizations and vaccines procured by local

<sup>45</sup> Consultations 1 June 2021.

<sup>46</sup> WHO on file; data provided by the Palestinian Ministry of Health, 2021.

<sup>47</sup> Ibid.

<sup>48</sup> WHO on file.

<sup>49</sup> Adalah, "Human rights groups petition Israeli Supreme Court, demand Israel provide vaccines to Palestinians in West Bank and Gaza", 25 March 2021.

<sup>50</sup> Hagar Shezaf and Sheren Falah Saab, "Only 16 per cent of West Bank, Gaza adults got two shots of COVID vaccine", *Haaretz*, 31 August 2021.

<sup>51</sup> United Nations, "Special Committee to investigate Israeli practices urges Israel to facilitate COVID-19 vaccines in Occupied Palestinian Territory", 25 March 2021.

<sup>52</sup> Fourth Geneva Convention, art. 56.

<sup>53</sup> Ibid., art. 55. See also Diakonia, "COVID-19 vaccines for the Palestinian population: who is responsible under international law?", February 2021.

authorities.<sup>54</sup> Civil society organizations underscored that Israel is also required to comply with its human rights obligations, such as the right of Palestinians to enjoy the highest attainable standard of physical and mental health,<sup>55</sup> with the right to health extending to the underlying determinants of health, such as housing,<sup>56</sup> access to safe potable water and adequate sanitation,<sup>57</sup> and a healthy environment.<sup>58</sup>

36. Compounding the situation, a chronic shortage of medicine and supplies, including essential medicines, remains a long-term concern. The Special Committee received information that essential medicine is more readily available in the West Bank than in Gaza.<sup>59</sup> Moreover, the Committee learned that the May 2021 escalation of hostilities set back the roll-out of vaccines in Gaza, which led to the expiry of some vaccines.<sup>60</sup> Human rights organizations noted that, despite its clear legal obligations, the Israeli authorities do not seem to think it is their responsibility to vaccinate Palestinians in the West Bank or, in particular, those residing in Gaza.

37. The Special Committee is particularly concerned with information received on the damage to health-care facilities in Gaza following the May 2021 escalation in hostilities, noting that 38 health facilities were affected in 40 different incidents. The Committee was briefed on the damage and destruction of medical facilities and the injury or death of health-care workers, which further strained the public health response to COVID-19, particularly in Gaza.<sup>61</sup> The Committee heard with concern that Israeli airstrikes destroyed vital roads leading to hospitals (which severely hindered the work of paramedics and rescue crews),<sup>62</sup> that a clinic that housed the main COVID-19 testing facility in Gaza was damaged, and that the doctor leading Gaza's COVID-19 response was killed during an Israeli air strike in Gaza.<sup>63</sup> The Committee reiterates that, in line with international humanitarian law, medical facilities and personnel must be respected and protected in all circumstances.

## **B. Restrictions on freedom of movement due to COVID-19 policies**

38. The Special Committee continued to receive concerning information on the impact that the Israeli permit policy has had on Palestinians' right to health. During the reporting period, long-term access barriers for Palestinian patients, companions, health-care workers and ambulances were exacerbated owing to COVID-19 restrictions and to the suspension of coordination between the Palestinian Authority and Israel (in the context of the announcement of further annexation of large parts of the West Bank by Israel).<sup>64</sup>

39. Limitations on freedom of movement affected access for health-care workers, medical teams and ambulances in 2020. According to information received, 97 per

<sup>54</sup> Fourth Geneva Convention, art. 59; and Diakonia, "Health-related duties and obligations of an occupying power during a pandemic: the Occupied Palestinian Territory and the COVID-19 outbreak", April 2020.

<sup>55</sup> International Covenant on Economic, Social and Cultural Rights, art. 12.

<sup>56</sup> *Ibid.*, art. 11.

<sup>57</sup> Resolution 70/169. See also Human Rights Council resolution 18/1.

<sup>58</sup> Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, art. 12.

<sup>59</sup> WHO on file.

<sup>60</sup> UNRWA on file.

<sup>61</sup> Health Cluster, Occupied Palestinian Territory, "Health impacts of current escalation in the Occupied Palestinian Territory"; and WHO, Regional Office for the Eastern Mediterranean, "Staggering health needs emerge in the Occupied Palestinian Territory in the wake of recent escalations", 1 June 2021.

<sup>62</sup> Al Mezan Centre for Human Rights, submission ("11-day military assault on Gaza". pp. 1–2).

<sup>63</sup> Consultations 1 June 2021; WHO on file.

<sup>64</sup> WHO, document A/74/22, para. 29.

cent of ambulances requiring passage to East Jerusalem from the rest of the West Bank were made to undergo a “back-to-back” procedure, with transfer of patients from Palestinian registered ambulances to Israeli-registered ambulances delaying patients’ transit and medical care.<sup>65</sup> In the West Bank, a 31 per cent decline was noted in patient permit applications for the whole of 2020 compared to 2019,<sup>66</sup> although information indicates that the monthly number of medical referrals issued returned to pre-pandemic levels by June 2020.<sup>67</sup> In December 2020, a petition was filed to the High Court of Justice regarding the overcrowding at checkpoint 300 between Bethlehem and Jerusalem, calling for police and the Civil Administration to ensure that the checkpoint is operated in an effective manner and for the authorities to allow women, the elderly and those with pre-existing health conditions to pass via the humanitarian route.<sup>68</sup>

40. The Special Committee was briefed on Israeli policies that continue to effectively ban the vast majority of Gaza’s 2 million residents from receiving an exit permit for medical referrals, the number of whom was vastly reduced even further owing to restrictions and policies imposed as a result of COVID-19. In the Gaza Strip, low numbers of referrals for Gaza patients persisted, with an average of 1,122 referrals per month from April to December 2020 (representing a 56 per cent reduction).<sup>69</sup>

41. During the hostilities in May 2021, entry and exit points were completely closed for a period of time, which resulted in further delays in the access to health care.<sup>70</sup> The critical crossings of Beit Hanoun/Erez were closed from 11 May to 3 June, affecting approximately 100 referral patients per day, well beyond the date of the ceasefire agreement.<sup>71</sup>

42. The Special Committee expresses its strong concern over the imposition by Israel of movement restrictions, resulting in a substantial impact on the right to health of Palestinians. The Committee was informed that Israeli authorities made it difficult for the Palestinian Authority to gain access to donations sent by other States to the Occupied Palestinian Territory, despite the fact that the Ministry was facing severe shortages.<sup>72</sup> Moreover, the Committee was informed that since the pandemic started, there has been a reduction in non-governmental and international organizations’ staff in the Occupied Palestinian Territory and that the pandemic was being used as an excuse to prevent the international community from monitoring the situation and providing aid. The Committee expresses concern that the absence of humanitarian actors has created an environment in which violations increase.

### C. Gendered impact of the COVID-19 pandemic

43. The COVID-19 pandemic continued to have a substantial impact on women and girls during the reporting period, as helplines for survivors of gender-based violence

<sup>65</sup> The Palestine Red Crescent Society, 2021, on file.

<sup>66</sup> Permits data provided by Israeli Coordinator of Government Activities in the Territories, 2021.

<sup>67</sup> Data provided by the Services Purchasing Unit of the Palestinian Ministry of Health, 2021; for 2019, data for the destination of referrals is reported for April to December due to problems with data disaggregation from January to March.

<sup>68</sup> Associate for Civil Rights in Israel, “ACRI files urgent HCJ petition regarding overcrowding at checkpoint 300”, 15 December 2020.

<sup>69</sup> WHO, document A74/22, para. 29.

<sup>70</sup> Diakonia, on file.

<sup>71</sup> WHO, “Escalation in Occupied Palestinian Territory”, 17 May 2021, and Gisha, “Israel continues to ban exit of goods from Gaza. Cancer patients exit in first since May 11”, 8 June 2021.

<sup>72</sup> Briefings to the Special Committee on Israeli practices with the Ministry of Health (Palestine), 8 June 2021.

reported a 70 per cent increase in calls received. Experts have attributed this increase in part to financial pressures and movements restrictions resulting from COVID-19.<sup>73</sup> Pandemic-related restrictions in the Occupied Palestinian Territory have exacerbated domestic violence, sexual abuse, forced marriage and domestic burdens on women, including the support they provide to children through online education.<sup>74</sup> In the Gaza Strip, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) reported that incidents of gender-based violence, particularly against women and girls, have been increasing, as have as have school drop-outs and early marriage.<sup>75</sup>

44. The Special Committee was briefed on the significant impact of the COVID-19 pandemic on the protection of children. The pandemic has affected children's well-being, limiting their access to essential services such as education, health, nutrition, water and sanitation, and protection services.<sup>76</sup> A recent report commissioned by UNICEF Palestine documents the effect of lockdown measures (including isolation with abusers), movement restrictions, socioeconomic implications, school closures or remote schooling, the lack of recreational spaces, conflict-related violence, and highly stressed families confined in relatively small places, which have all contributed to the increased prevalence of violence within households. The report notes a 40 per cent increase in Gaza and 26 per cent increase in the West Bank in mental health and psychosocial support teleservices provided to children experiencing violence at home. Girls experienced a significantly higher demand for such services and a higher rate of suicide attempts. The COVID-19 pandemic has also resulted in an increase in the demand and provision of services to support children engaged in child labour, which increased by 52 per cent in Gaza and 9 per cent in the West Bank.<sup>77</sup> The May 2021 escalation of hostilities further increased protection threats for children, including verbal, physical, sexual and psychological violence.<sup>78</sup>

#### D. Access to education

45. The Palestinian Ministry of Education reported that, as of May 2021, they had recorded 25,000 cases of COVID-19 affecting students across the Occupied Palestinian Territory.<sup>79</sup> In addition to infecting students and removing them from schools until they recover, the pandemic has had a broader impact on access to education through the closure of schools, colleges and universities. Schools have undertaken distance learning programmes and platforms to limit the disruption to education and the spread of the virus. The Special Committee received information indicating that in the West Bank, where households have more reliable access to electricity (remote areas in Area C and Bedouin communities notwithstanding), children were able to access distance learning during the pandemic. Distance learning in West Bank communities has eliminated the need to travel to and from school. Consequently, preliminary research indicates some improvement in the well-being of

<sup>73</sup> WHO, on file, citing 2021 data from the gender-based violence subcluster in the Occupied Palestinian Territory.

<sup>74</sup> United Nations, Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview OPT*, p. 27.

<sup>75</sup> UN-Women. *The Imperative of Mainstreaming Gender in Humanitarian Action in Palestine: Six Case Studies from Gaza* (2020).

<sup>76</sup> UNICEF, "State of Palestine: humanitarian situation report – end of year 2020", 2020.

<sup>77</sup> Zeudi Liew, *COVID-19 Protection Needs Identification and Analysis in the State of Palestine* (2020), pp. 8–9.

<sup>78</sup> UN-Women, "Gender and wars in Gaza untangled", p. 13.

<sup>79</sup> Ministry of Education.

students in the West Bank between 2019 and 2020.<sup>80</sup> This is likely due to the fact that eliminating the need to travel to school has improved the safety of children who were more exposed to violence by Israeli forces and settlers when crossing checkpoints or in the school vicinity.<sup>81</sup> Indeed, education-related attacks have also declined during the early pandemic.<sup>82</sup>

46. The Special Committee reviewed information highlighting challenges faced in accessing education provided by Israel to students in East Jerusalem, where most children do not have the means to facilitate distance learning.<sup>83</sup> Data from September 2020 indicates that in East Jerusalem, 77.5 per cent of families live below the poverty line, and most families do not have the digital means to support distance learning for all children in the family. In September, the non-governmental organization Ir Amin published a report indicating that 40 to 60 per cent of children did not attend distance learning in East Jerusalem during the first wave (from March 2020). The report further noted that, on the one hand, East Jerusalem suffers from a shortage of 3,000 classrooms, existing classes are crowded and have low sanitation levels, and therefore in-class education would carry a substantial risk of infection. On the other hand, most children do not have access to distance learning because they lack computers or Internet access.

47. The impact on education in Gaza continues to be serious, as reports indicate that more than 575,000 primary and high school students (over half the school-aged population) lacked access to computer equipment, a reliable power supply and reliable Internet access in 2020.<sup>84</sup>

## E. Access to water and sanitation

48. The rights to water, sanitation and hygiene are particularly critical during the COVID-19 pandemic. The Special Committee emphasizes that Israel, as the occupying Power, is under an obligation to ensure adequate, safe water, sanitation and hygiene services for Palestinian communities under international law.<sup>85</sup> This is particularly important for groups in vulnerable situations including persons with disabilities; rural and nomadic groups; prisoners, offenders, and the detained; as well as those living in communities in vulnerable situations (such as the West Bank's Area C and "seam zone"; the H2 area in Hebron; and Gaza's access-restricted areas). During the reporting period, the Office for the Coordination of Humanitarian Affairs documented 93 demolitions by Israeli authorities of water, sanitation and hygiene infrastructure in the West Bank (9.12 per cent of all total demolitions in this period).<sup>86</sup>

<sup>80</sup> In particular in schools located in East Jerusalem, Hebron H2 and Area C, which had the highest reported incidence of attacks against staff personnel and schools, and a high likelihood of harassment on the way to school by Israeli forces or settlers. See Norwegian Refugee Council, "Learning on the margins: the evolving nature of educational vulnerability in the occupied Palestinian territory in the time of COVID-19", April 2021, pp. 22–24.

<sup>81</sup> Boys were particularly exposed to such violence. See Norwegian Refugee Council, "Learning on the margins", p. 24; and Ivan Karakashian, "The children who cross the checkpoints", Norwegian Refugee Council, 13 September 2019.

<sup>82</sup> Decline was noted between January and June 2020. See Norwegian Refugee Council, "Learning on the margins", p. 23.

<sup>83</sup> Association for Civil Rights in Israel, letter to the Chairman of the Knesset Education Committee, 29 July 2020. Available at [https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b\\_e11b423db2e041b1bd5cf2892efd237f.pdf](https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b_e11b423db2e041b1bd5cf2892efd237f.pdf).

<sup>84</sup> UNICEF, "State of Palestine: humanitarian situation report – end of year 2020".

<sup>85</sup> Fourth Geneva Convention, art. 56. See also Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 26.

<sup>86</sup> United Nations, Office for the Coordination of Humanitarian Affairs, West Bank Demolition and Displacement database.



49. The contamination of more than 90 per cent of the drinkable water supply in Gaza contributed significantly to hindering the work of hospitals even before the onset of the current pandemic (see A/75/532, para. 18). The inability of households to access clean water for hand washing and, in the cases of those in protracted displacement, to adequately maintain social distancing further exacerbates sanitary risks at a time when the health sector is already overburdened.<sup>87</sup> The Special Committee laments, in particular, the risk faced by pregnant women, lactating women and women who have recently given birth due to lack of clean drinking water and inadequate state of hygiene.<sup>88</sup>

## F. Access to work

50. The Special Committee notes with concern the situation of Palestinian labourers working inside Israel. According to information received by Palestinian ministries, 180,000 Palestinians work for Israeli employers in Israel and in Israeli settlements. According to information received, the pandemic has exacerbated the harsh working conditions of these Palestinians, highlighted by the ill-treatment of workers and violations of human rights, such as the revoking of working permits for workers who get injured or test positive for COVID-19.<sup>89</sup>

51. Many Palestinians who work in Israel do not have a work permit, and they enter Israel through holes in the separation wall. The Ministry of Labour described their journey as the “journey of death”, given the high risk of being targeted and shot by Israeli forces during this endeavour.

52. The Special Committee also received information that, as of June 2021, 150,000 Palestinian workers were vaccinated by the Israeli authorities. However, the cost of these vaccinations was deducted by Israel from the Palestinian tax owed. It was further reported that thousands of Palestinian workers refused to undergo COVID-19 testing, as they were afraid of losing their work permits if found to be positive.

53. The Special Committee expresses particular concern over the impact of the pandemic on women’s participation in the work force. The Ministry of Labour indicated that many women have discontinued working since the beginning of the COVID-19 pandemic, given the challenge of school closures. Noteworthy in this regard is the reported decision made by the governmental cabinet in Palestine to excuse all women with children from work by asking them to stay at home to take care of the children.<sup>90</sup>

## G. Impact on Palestinian detainees

54. In August 2021, a total of 4,750 Palestinians prisoners were detained in Israeli prisons, including 200 children, 42 women and a total of 550 held in administrative detention. Civil society organizations informed the Special Committee that the spread of the pandemic during the reporting period did not reduce arrests and detentions of Palestinians and has resulted in the imposition of new impediments to their rights. Owing to new COVID-19 regulations, detainees were no longer allowed to physically attend their hearings, and all hearings were held through video conference. In some cases, this regulation resulted in the infringement of the right to fair trial, since many

<sup>87</sup> UN-Women, “Gender and wars in Gaza untangled”, p. 11.

<sup>88</sup> Ibid.

<sup>89</sup> Consultation with the Palestinian Ministry of Labour.

<sup>90</sup> Rabeh Morrar and Rand Jibril Taweel, “The gendered impact of COVID-19 pandemic in Palestine”, in Cho Choomgjae, ed., *Crisis and Fragility: Economic Impact of COVID-19 and Policy Responses* (Sejong-si, Korean Institute for International Economic Policy, 2020), p. 336.

detainees reported that they could not hear the proceedings properly and that they were not awarded translators. At least 90 cases were documented of lawyers who were unable to locate their prisoner clients owing to the lockdown and transfer of prisoners between facilities as a COVID-19 alleviation measure, or of detainees who were denied access to meet their lawyers.

55. The Special Committee was informed that conditions in Israeli detention facilities were dire, in particular owing to the policies relating to the pandemic. The Committee heard that, at the start of the pandemic, new prisoners had to spend 14 to 20 days in quarantine facilities lacking basic and minimal facilities, including hygiene kits and masks. Reports indicate that, currently, prisoners are required to purchase the majority of their sanitary products from the prison canteen, including face masks and sanitizers.

56. In December 2020, the Israeli Minister of Public Security ordered the Israel Prison Service to refrain from vaccinating security prisoners.<sup>91</sup> Since all security prisoners held in Israeli detention facilities are Palestinian, the order essentially singled out Palestinian prisoners. In response, Physicians for Human Rights-Israel and other human rights organizations filled a petition with the Supreme Court, which ruled that prisoners have a legal right to medical treatment, including vaccines, and that the Minister of Public Security had no authority to make an order delaying or denying medical treatment.<sup>92</sup> In January 2021, the health ministry began vaccinating Palestinian prisoners.<sup>93</sup>

57. The Committee reiterates the imperative need for Israeli authorities to take all measures to prevent outbreaks of COVID-19 among detainees, including by applying physical distancing measures and considering alternative detention arrangements. Vulnerable prisoners, including older persons and those with chronic conditions who are particularly exposed to infection should be given priority for such arrangements. The Committee reiterates that it is the responsibility of Israel, the occupying Power, to ensure that Palestinians, particularly vulnerable groups such as prisoners, receive medical services and vaccines.

## VI. The human rights situation of Palestinian refugees

58. The Special Committee was informed that more than 5.7 million Palestinian refugees are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); 2,286,643 of whom are in Jordan, 618,128 in the Syrian Arab Republic, 513,795 in Lebanon, 1,239,112 in Gaza, and 741,448 in the West Bank.<sup>94</sup> Nearly one third of registered Palestinian refugees live in 58 recognized Palestine refugee camps in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank, including East Jerusalem.<sup>95</sup>

59. Palestinian refugees in the West Bank continue to endure a protection crisis, as they are more vulnerable to violations and subjected to heightened levels of violence. The Special Committee is concerned at the impact of home demolitions on Palestinian

<sup>91</sup> Josh Breiner, "Israeli Minister orders not to vaccinate Palestinian security prisoners, despite COVID directives", *Haaretz*, 27 December 2020.

<sup>92</sup> Adalah, "Israeli minister blocks COVID-19 vaccinations for Palestinian prisoners; Adalah demands decision be overturned", 28 December 2020; and Josh Breiner, "High Court strikes down public security Minister's order to withhold vaccines from prisoners", *Haaretz*, 1 February 2021.

<sup>93</sup> Daniel Estrin, "Israel to start vaccinating Palestinian prisoners next week", NPR, 14 January 2021.

<sup>94</sup> See [www.pcbs.gov.ps/Downloads/book2400.pdf](http://www.pcbs.gov.ps/Downloads/book2400.pdf).

<sup>95</sup> See [www.unrwa.org/palestine-refugees](http://www.unrwa.org/palestine-refugees).

communities, especially refugees. At least 329 structures were demolished in the first five months of 2021, a 47 per cent increase compared with the same period in 2020.<sup>96</sup> Excessive use of force by Israeli security forces against Palestinian living in refugee camps was reported, including the increased and systematic use of tear gas in and around camps, the use of live ammunition against civilians and mass arrest campaigns. The Committee was informed that refugee camps had the highest rates of injuries and incidence of arrests and raids. In the first five months of 2021, 3,312 Israeli military operations were recorded in the West Bank, with Palestinians residing in refugee camps two and a half times more likely to sustain a live ammunition injury as a result of such operations.<sup>97</sup>

60. The Special Committee underlines its particular concern regarding the continued struggles of Palestinian refugees in Gaza. In Gaza, 1.2 million Palestinian refugees make up 72 per cent of the population. The prolonged blockade, the political division and the pandemic have severely impacted the livelihoods of Palestinian refugees in Gaza, as these factors have limited economic activities and increased unemployment rates. The rate of unemployment among refugees in Gaza reached 54 per cent prior to the pandemic.<sup>98</sup> The socioeconomic impact is particularly notable among the youth, as data indicates additional deterioration in mental health. Furthermore, Palestinian refugees in Gaza have been assessed as food insecure in 2020, with 1.2 million refugees in need of food assistance.<sup>99</sup>

61. The Special Committee was also informed about the UNRWA funding gaps, which are growing annually and threaten the Agency's ability to deliver essential services. The Committee emphasizes that any decline in funding would affect the UNRWA investment in the human capital of refugees and shares UNRWA concerns regarding the broader repercussions of such funding gaps, including on the unstable political and security environment in the territory.<sup>100</sup>

## VII. Situation of human rights in the occupied Syrian Golan

62. Since taking office in January 2021, the new United States of America Administration, under President Joseph Biden, has expressed its support<sup>101</sup> for the 2019 recognition of Israeli sovereignty over the occupied Syrian Golan (see [A/75/376](#), para. 57). On 25 June 2021, the United States State Department tweeted that United States "policy regarding the Golan has not changed", confirming the new Administration's continuous support for the recognition of Israeli sovereignty.<sup>102</sup>

63. The Special Committee was informed that Israel has continued to take steps to implement the wind turbine project during the reporting period. The 45 turbines are being erected over an area of 6,000 acres of agricultural land belonging to the Syrian population, and would limit the expansion of their villages. The Committee notes that Israel continues its implementation of discriminatory settlement policies in the occupied Syrian Golan through this project, ignoring the health and environmental risks to the population and impact on livelihoods.

<sup>96</sup> Consultation with UNRWA.

<sup>97</sup> Ibid.

<sup>98</sup> Palestinian Bureau of Statistics, "The International Day of Refugees 2019", 2019.

<sup>99</sup> UNRWA, "Occupied Palestinian Territory: emergency appeal 2021", 2021, p. 5.

<sup>100</sup> Ibid.

<sup>101</sup> Antony Blinken, Secretary of State of the United States of America, hearing on the State Department's fiscal 2022 budget request with the House Foreign Affairs Committee, video, C-Span, 7 June 2021, minute 1:25:06.

<sup>102</sup> See [https://twitter.com/StateDept\\_NEA/status/1408421393671372801](https://twitter.com/StateDept_NEA/status/1408421393671372801).

64. According to information submitted to the Committee, Israel continues to implement a multi-year plan to develop and strengthen agriculture in the 33 Israeli settlements in the occupied Syrian Golan, and nine other settlements are under development and expansion. The plan is aimed at providing support and assistance to settler farmers in agriculture and poultry farming. With such support provided by Israel, settlers have seized large areas of the occupied Syrian Golan and exploited these areas for agricultural purposes, thus imposing a further economic burden on the Syrian population. Israel also continued to impose building restrictions, having an impact in particular on the village of Majdal Shams, where it confiscated more than 80,000 acres and exacerbated the housing crisis.

65. The Syrian population in the occupied Syrian Golan also reportedly continues to suffer from a shortage of medical services, including doctors and specialized medical clinics, hospitals and first aid centres.

66. The Special Committee learned of continuous harassment against non-governmental organization Al-Marsad, the only human rights organization operating in the occupied Syrian Golan. In 2019, Al-Marsad published a report on an Israeli energy company's plans to erect a massive windfarm adjacent to Syrian villages. In response, a smear campaign was launched against the non-governmental organization, culminating in a lawsuit filed by the company based on the Israeli Anti-Boycott Act, which sought damages from Al-Marsad amounting to its entire annual budget. The lawsuit is reportedly ongoing as of September 2021, owing to the COVID-19 pandemic.<sup>103</sup> The Committee learned that in December 2020, hundreds of Syrians gathered to protest the windfarm project, and were met with force by Israeli Security Forces. The Committee received information indicating that the windfarm project has progressed despite the Syrian population's protests and that settlements continue to be constructed and expanded in the occupied Syrian Golan.<sup>104</sup>

## VIII. Recommendations

67. **The Special Committee calls upon the Government of Israel:**

(a) **To implement all prior recommendations contained in the reports of the Special Committee to the General Assembly, and to facilitate access by the Special Committee to enter the Occupied Palestinian Territory and the occupied Syrian Golan;**

(b) **To end its occupation of the Occupied Palestinian Territory, namely the West Bank, including East Jerusalem, and Gaza, as well as its occupation of the Syrian Golan, in compliance with Security Council resolutions 242 (1967) and 497 (1981), in line with its obligations under international human rights law and international humanitarian law, and to promptly address the gendered impact of occupation;**

(c) **To immediately desist from implementing any plans to annex parts of the West Bank and the Jordan Valley, as they would constitute a grave breach of international law, the Charter of the United Nations and numerous Security Council resolutions on the issue and would entail an intensification of existing human rights violations against Palestinians, including the forcible displacement of hundreds of thousands of Palestinians;**

<sup>103</sup> International Federation for Human Rights, *Target Locked: The Unrelenting Israeli Smear Campaigns to Discredit Human Rights Groups in Israel, Palestine, and the Syrian Golan* (Paris, 2021), pp. 35–36.

<sup>104</sup> *Ibid.*, p. 36.

(d) To take all precautions necessary to ensure that Israeli forces act in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(e) To systematically investigate all cases of excessive use of force that have led to death or serious injury, including in the context of the recent escalation in Gaza and the West Bank, including East Jerusalem, and to ensure that those responsible are held accountable;

(f) To cease all settlement activity, in compliance with Security Council resolution 2334 (2016), and construction of the separation wall in the occupied West Bank, including East Jerusalem, which contravenes international law and undermines the right of self-determination of the Palestinian people;

(g) To immediately freeze and end the illegal practice of demolitions, including administrative and punitive demolitions, which further constitute illegal collective punishment and which contribute to the creation of a coercive environment and may lead to the forcible transfer of vulnerable communities, in violation of international humanitarian law and the rights of the Palestinian people;

(h) To rescind all demolition, eviction and seizure orders that are likely to lead to the forcible transfer of Palestinians in the occupied West Bank, including Bedouin communities;

(i) To ensure that Palestinians have access to a non-discriminatory planning and zoning process that will advance the interests of the protected population in Area C, including Palestine refugees;

(j) To ensure that detainees are treated in accordance with provisions in international human rights and humanitarian law, in particular with respect to the detention of children, and to end the practice of administrative detention;

(k) To lift the illegal land and sea blockade that has been imposed on Gaza for more than 14 years and open up opportunities for trade and increasing movement of Palestinians between Gaza and the West Bank, and to address the gendered impact of the blockade;

(l) To immediately address the humanitarian crisis in Gaza, which has been made acute by the recent escalation in hostilities, lack of access to clean water and sewage treatment, and to uphold its obligations as an occupying Power with respect to the protected Palestinian population;

(m) To facilitate access to medical treatment for Palestinians in the Occupied Palestinian Territory, with a focus on urgent needs in Gaza due to the deteriorating conditions caused by the escalation in hostilities, blockade, particularly during the COVID-19 pandemic, and provide COVID-19 vaccines to Palestinians in the West Bank, including East Jerusalem, and Gaza and Syrians in the occupied Syrian Golan;

(n) To review the practice of prolonged administrative detention of Palestinian women and girls, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), carry out prompt, thorough, effective and impartial investigations into all allegations of torture and ill-treatment of women prisoners and improve conditions of detention and ensure access to justice and health-care services;

(o) To combat the environmental degradation in the Occupied Palestinian Territory and the occupied Syrian Golan, to halt the exploitation of natural

resources and to address the lack of access for Palestinians and Syrians to important natural resources, notably water resources in the West Bank, Gaza and the occupied Syrian Golan;

(p) To ensure the protection necessary for the Palestinian civilian population, human rights defenders engaged in the promotion of human rights issues affecting the Occupied Palestinian Territory, including with regard to gender equality and women's empowerment, and humanitarian personnel engaged in the promotion of human rights and the provision of humanitarian relief, and to allow them to carry out their work freely and without fear of attacks and harassment;

(q) To ensure medical facilities and civilian infrastructure are respected and protected in all circumstances;

(r) To cease all settlement and other illegal activities in the occupied Syrian Golan and ensure access to a non-discriminatory planning and zoning process that will advance the interests of the protected population;

(s) To address education concerns in East Jerusalem and provide facilities and infrastructure to allow students to carry out remote learning, if COVID-19 pandemic regulations call for it.

68. The Special Committee calls upon the international community:

(a) To use its influence to call upon Israel to end its occupation of the Occupied Palestinian Territory, namely, the West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan, in compliance with Security Council resolutions [242 \(1967\)](#) and [497 \(1981\)](#);

(b) To use its influence to call on Israel to end the blockade of Gaza, which has a significant detrimental effect on Palestinians, and, in particular, to immediately address the acute humanitarian crisis;

(c) To use its influence to call on Israel to cease all settlement activity in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, which contravenes international law and has a detrimental effect on the protected population;

(d) To address the pattern of non-cooperation by Israel with the United Nations, in particular regarding the implementation of resolutions of the General Assembly and the Security Council and mechanisms established by the Assembly and its subsidiary bodies;

(e) To give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the separation wall;

(f) To review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they effectively serve to prevent and address the heightened risk of human rights abuses in the occupied territories;

(g) To urge the Office of the United Nations High Commissioner for Human Rights to take the steps necessary to update annually the database of business enterprises involved in settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and make it available to the public, as mandated in Human Rights Council resolution [31/36](#);

(h) To ensure that corporations respect human rights and cease to fund or enter into commercial transactions with organizations and bodies involved in

**settlements or the exploitation of natural resources in the Occupied Palestinian Territory and the occupied Syrian Golan;**

**(i) To support UNRWA so as to ensure uninterrupted service provision to millions of Palestine refugees and to preserve the rights, dignity and hope of Palestine refugees, especially women and children.**

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