

Al-Haq and Community Action Center Parallel Report to the UN Committee on Economic, Social and Cultural Rights on Israel's Follow-up Report

72nd session

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Introduction

1. Al-Haq and Al-Quds Community Action Centre (CAC) submit this joint parallel report for the Committee's 72nd Session. Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the United Nations Economic and Social Council. The CAC, located in the Old City of East Jerusalem as well as in the Al-Abraj Buildings in Abu Dis, is a Palestinian non-profit community rights-based organization.
2. Following the *Nakba* of 1948, Israel implemented a framework of discriminatory laws, policies, and practices, entrenching an institutionalised regime of racial domination and oppression over the Palestinian people, amounting to the crime of apartheid.¹ Since 1967, Israel's occupation of the Palestinian territory, i.e., the West Bank, including East Jerusalem and the Gaza Strip, continues to deny the Palestinian peoples inalienable rights, including the right to self-determination and of refugees to return.² The occupations prolonged indefinite nature, marked by *de facto* and *de jure* annexations of territory, breach all considerations of military necessity and proportionality under Article 52 of the UN Charter *jus ad bellum*, and must be recognized as an internationally wrongful act of aggression and acquisition of territory through use of force, which have "crossed a red line into illegality".³
3. Israel's settler-colonial and apartheid regime, represents a categorical threat to the realisation of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Notably, Israel's raid and closure of seven Palestinian civil society organizations on 18 August 2022, stands expressly against the rights of Palestinian human rights defenders to work in the way they have freely chosen and stands in blatant disregard of the organisations' aim of holding Israel to account for its violation of Covenant rights, including the disenfranchisement of Palestinian women, the impediment to the rights of Palestinian children, and the restriction of Palestinian socio-economic and cultural development.⁴ Further, Israel's military commander summons to the General Directors of

¹ Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3, Article 7(1)(j).

² Human Rights Watch, "[A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution](#)" (27 April 2021); Amnesty International, "[Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity](#)" (1 February 2022)

³ OHCHR, "[Israel must face new international legal push to end illegal occupation of Palestine, UN expert says](#)" (27 October 2017)

⁴ Al-Haq, "[Alert: Israeli Occupying Forces Raid, Damage and Close Offices of Al-Haq and other Designated Organisations, International Community Must Intervene](#)" (18 August 2022)

Al-Haq and DCI-Palestine threatening arrests and imprisonment for carrying out human rights work, breaches Article 6, of the ICESCR.⁵

The Impact of the Israeli Occupation on the Right to Education in East Jerusalem:

4. Since the occupation and unlawful annexation of East Jerusalem in 1967, Palestinian schools suffered systematic neglect and discrimination, exacerbated during the Covid-19 crisis, leading at times to periodic, partial or complete shutdown of schools.⁶ In 2018, the Israeli government passed resolution No. 3790, entitled “Reducing Economic and Social Disparities, and Economic development in East Jerusalem.”⁷ Despite its misleading title, the resolution did not address their actual needs in the field of education, disregarded the legal substance of the right to education according to the covenant and its general comments, and was in fact designed to Israelize East Jerusalem in general, and the educational institutions and teaching curriculums in particular.
5. According to the resolution, NIS 445 million was allocated for the education sector in East Jerusalem, to be dispensed over the course of five years.⁸ NIS 206 million was allocated to the informal education system, and the formal education system received NIS 239 million. The resolution determined four main objectives for the implementation of the ‘education clause’: 1. Deepening the knowledge of the Hebrew language; 2. Promoting technological education; 3. Increasing informal education; and 4. providing incentives, material and pedagogical, for Palestinian schools to adopt the Israeli curriculum.⁹
6. Formal educational institutions in East Jerusalem teach with three different curriculums, the Palestinian curriculum ‘Tawjihi’, the Israeli edited version of the Palestinian curriculum, and the Israeli curriculum ‘Bagrut’. At the time of adopting resolution no. 3790, only 7% of the Palestinian students in East Jerusalem studied in the Israeli curriculum. However, 80% of the budget allocated for the formal education system was directed exclusively for educational institutions that teach the Israeli curriculum, clearly and severely discriminating Palestinian schools who teach the Palestinian curriculum.¹⁰
7. In terms of the availability criterion, as for the 2021-2022 school year, there is a shortage in approximately 2,840 class rooms in East Jerusalem, thus severely compromising access

⁵ Al-Haq, “[Al-Haq’s Urgent Appeal to UN Special Procedures; Protect Human Rights Directors, Mr. Shawan Jabarin and Mr. Khaled Quzmar, Threatened with Arrest and Imprisonment](#)” (21 August 2022)

⁶ Ir Amim, “[The State of Education in East Jerusalem: Discrimination against the Backdrop of COVID-19](#)” (September 2020)

⁷ [Reducing Economic and Social Disparities, and Economic development in East Jerusalem, Resolution No. 3790](#), 2018, available (in Hebrew).

⁸ [Report on Status on implementing Governmental Resolution No. 3790](#), The Israeli Jerusalem and Heritage Ministry, 2020, available (in Hebrew)

⁹ Supre no. 1, clause (1)(a)(2)

¹⁰ Noa Dagoni, 2021, [Three Years since the Implementation of Government Decision 3790 for Socio-Economic Investment in East Jerusalem, Monitor Report](#), Ir Amim, P. 60.

to educational institutions.¹¹ Despite the dearth of classrooms, the Israeli government prioritizes other aspects of the educational system, such as Hebrew language learning, and stipulating school opening and budget allocation based on teaching the Israeli curriculum, discriminatory and segregationist practices which evidence the regime of apartheid. This was apparent when the Jerusalem municipality's educational authority submitted a request to divert budgets from informal education, due to restrictions related to Covid-19, to augment programs related to special needs, Hebrew language, and the implementation of the Israeli curriculum, emphasizing that the large portion of the budget in the diversion request was intended to encourage the adoption of the Israeli curriculum.¹² Moreover, in the meeting of the standing committee for the implementation of government resolution 3790 from 2019, priority was granted for opening elementary schools that exclusively teach the Israeli curriculum. The effect of the resolution is two-fold. Firstly, it prevents stakeholders who oppose the adoption of the Israeli curriculum (such as Palestinian parents) from influencing or altering the curriculum. Secondly, it diverts resources away from much needed classrooms infrastructure.¹³

8. The Jerusalem municipality and the Israeli education ministry, have introduced changes to the Palestinian curriculum in East Jerusalem that compromise Palestinian national identity and attachment to their homeland. For example, the curriculum erases central Palestinian history, the 1948 Nakba (Palestinian catastrophe), destruction of towns and villages and education, Palestinians killed, political prisoners, the apartheid regime, and international crimes committed against the Palestinian people.
9. This altered curriculum is distributed to Palestinian schools, where Palestinian students enroll. On 2 August 2022, the Israeli Ministry of Education targeted Palestinian schools that teach the unedited version of the Palestinian curriculum, and sent a letter to six Palestinian schools in East Jerusalem, Al-Ibrahimiyye school and five other Al-Iman schools. The letter stipulating that their teaching license does not permit teaching from books printed and distributed by the Palestinian Authority, under the pretext that these books contain inciteful materials against the State of Israel, its citizens and institutions. The letter further states that the schools would be eligible for the Israeli teaching license provided they teach with an Israeli edited and altered version, of the Palestinian Authority books, which the Occupying Authority, the Israeli Jerusalem municipality distributes to Palestinian schools in occupied East Jerusalem.

¹¹ [Report on Education in East Jerusalem 2020-2021](#), Ir Amim, P. 2. Available (in Hebrew)

¹² According to Dr. David Koren, the Israeli Ministry of Education Representative in a webinar held by the [Jerusalem Institute for Policy Research](#). Also see: a [letter](#) sent by Ir Amim to Parliament Member Iousef Jabarin on 22 November, 2022. Available (in Hebrew)

¹³ Minutes, [concluding meeting from the standing committee for the implementation of government resolution No. 3790 discussion](#), 2 December, 2019. Available (in Hebrew).

10. Israel, the Occupying Power's interference with the Jerusalem school curriculum breaches the right to education of Palestinians enshrined in article 13 to the ICESCR, in terms of availability, accessibility, acceptability and adaptability.¹⁴ 'Availability' refers to the availability of institutions and programs in sufficient quantities (see para 8 above on classroom shortages); 'accessibility' refers to the accessibility of educational institutions and programs to everyone without discrimination (see discriminatory budget allocations in para 7); 'acceptability' refers to the form and substance of education (including curricula and teaching methods) to students, and in appropriate cases, to their parents (see para 9-10); and 'adaptability' refers to the flexibility of the educational system to adapt to the need of changing societies and communities and respond to the needs of students within their diverse social and cultural settings (see para 4 on impact of Covid-19).

The Impact of the Israeli Occupation on Cultural Rights in East Jerusalem.

11. As intrinsically related to education, through which communities pass on their values, customs, language, religious and other cultural references, the cultural life of Palestinians in East Jerusalem face the same erasure attempts by the Israeli occupation authorities, notably when they raise the Palestinian flag and express their Palestinian identity and/or the Palestinian character of their occupied city. One of the manifestations of the multifaceted content of the concept 'cultural life' is raising people's national flag in their national events and holidays, an act when conducted by Palestinians in Jerusalem, entails severe repression by the Israeli occupation police through resorting to excessive use of force against them.

12. During Ramadan 2021, Palestinians in Jerusalem were subject to excessive use of force by the Israeli police, not respecting the sanctity of the holy month, and the traditions revolving around it. Every year during Ramadan, Palestinians gather around Damascus Gate in Jerusalem, and meet with family and friends after breaking the daily fast. However, at the beginning of Ramadan 2021, the Israeli police installed metal barricades, preventing Palestinians from gathering around Damascus gate, under the pretext of Covid-19 restrictions. No similar restrictions were imposed on Israeli Jews that celebrated Jewish holidays at the end of March 2021. In addition, during Ramadan 2021, Jewish settlers engaged in multiple provocative incursions into Al-Aqsa mosque, escorted by Israeli police, in breach of the Status-Quo agreement. Israeli Occupying Forces (IOF) resorted to force to repress assemblies, resulting in 1,281 Palestinians being injured, of whom 557 were transferred to hospital for further medical treatment. As a result of the police brutality, seven Palestinians lost sight in one eye, and one Palestinian lost sight in two eyes. In

¹⁴ CESR 'General Comment 13' in 'Note by the Secretariat, Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies' (1999) UN Doc E/C.12/1999/10 paragraph 1.

addition, IOF attacks resulted in severe damage to parts of Al-Aqsa mosque, a UNESCO world heritage site, including the destruction of its windows.¹⁵

13. Similarly, during Ramadan 2022, which coincided with the Jewish holiday Passover, Palestinian residents of Jerusalem were subjected to systematic repressive measures by the Israeli law enforcement authorities, including unnecessary and disproportionate force, intimidation, collective punishment and arbitrary arrests. The IOF deployed 3,000 police in and around the old city, and adopted a new procedure that regulates the use of force by the police, which curtails restrictions on using police batons for subduing assemblies.
14. Since the start of Ramadan 2022, Jewish extremists called for animal sacrifices on the courtyards of Al-Aqsa mosque, an extremely provocative act, and they even carried a campaign suggesting a financial reward for doing so. Against this backdrop, Palestinians went to Al-Aqsa to pray. Between 2 April 2022 and 1 May 2022, at least 306 Palestinians were injured in and around Jerusalem's old city, 53 of whom were minors. In addition, at least 400 Palestinians were arbitrarily arrested.
15. On 13 May 2022, during the funeral of veteran correspondent of Al-Jazeera, Shireen Abu Akel, who was targeted and killed while covering the Israeli military raid in Jenin refugee camp on 11 May 2022, the IOF brutally attacked the pallbearers, merely for carrying the Palestinian flag in the funeral procession. The IOF relentlessly beat the pallbearers and other mourners with their batons, causing the coffin to fall.¹⁶ Mr. Sven Kuehn Von Burgsdorf, head of the European Union delegation was seen in a video speaking to an Israeli police official, who advised that "Palestinian flags will not be allowed during the funeral procession".¹⁷ Such acts are consistent with Israel's regime of Jewish domination against the Palestinian people to maintain apartheid.
16. Similarly, on 16 May 2022, hundreds of Palestinians gathered in and around the old city of Jerusalem for the funeral procession of Waleed El-Shareef, who died from his wounds after being injured during an IOF raid on Al-Aqsa mosque on 22 April 2022. The Israeli occupation police violently attacked mourners, who accompanied the funeral procession, using police batons, sponge-tipped metal bullets, stun and tear gas grenades, and dispersed the crowd using skunk water. This resulted in at least 71 Palestinians injured, 13 of whom were transferred to hospital for further medical treatment.
17. Palestinian Jerusalemites were attacked on many other occasions merely for raising the Palestinian flag. The IOF systematically persecute Palestinians for flying the Palestinian

¹⁵ Mounir Marjeh, [The Use of Excessive Force Against Palestinians in Jerusalem during the Holy Month of Ramadan 2021](#), 17 April, 2022.

¹⁶ Al Jazeera. 2022. "[Disturbing': Outcry Over Israeli Attack On Abu Akleh'S Funeral](#)". *Aljazeera.Com*.

¹⁷ Atta, Nasser. 2022. [Video](#).

flag, whether it is raised in assemblies, on top of houses, decorating cloths or even when Palestinians hold a ‘bouquet of balloons’ with the colours of the Palestinian flag, they are harassed by the Israeli police, sometimes violently, depriving them from their freedom of expression and association and their right to express their national feelings in their occupied capital city, Jerusalem.¹⁸

The Impact of the Israeli Occupation Ban on Family Unification on the Right to Social Security.

18. In March 2022, the Israeli Parliament passed the Citizenship and Entry into Israel Law (Temporary Order),¹⁹ after it’s expiry in July 2021. The temporary order prevents Palestinians from the West Bank and the Gaza Strip from moving and living with their Palestinian spouse in Israel. Israel applies the law to annexed and occupied East Jerusalem, in breach of its temporary administrative role as *de facto* Occupying Power. As a result, many Palestinians reside with their Palestinian spouse in East Jerusalem ‘illegally’ according to Israel’s laws, and therefore not eligible for social security rights. These Palestinians, many of them women, cannot work legally and are not eligible for health insurance, they usually do not leave their houses for fear of being caught by the Israeli police, and in cases of domestic violence and/or abusive relationships with their spouse, they cannot report to the police, and are not eligible for social security benefits.
19. Critically, article one of the Temporary Order establishes the objective of controlling the demography within Israel, and preserving Jewish majority. The Israeli Foreign Affairs and Defense Committee, similarly advanced demographic considerations in banning family unification for Palestinians.²⁰
20. However, according to the Temporary Order, there are exceptions for family unification with the Palestinian spouse, among others, the Minister of Interior is granted discretionary powers to issue **stay permits** for the Palestinian spouse from the West Bank, given the request is submitted for males above 35 years old or females above 25 years old, subject to rigorous security check.²¹ The temporary order also grants the Minister of Interior discretionary powers to grant the spouse from the West Bank of an Israeli citizen or resident a **temporary residency** given the applicant resided in Israel for ten years (with a valid stay permit), and he/she is above 50 years old.²² In addition, the Temporary Order stipulates in article seven that a humanitarian committee can examine special humanitarian cases for permitting **temporary residency** or **stay permits** for family unification for Palestinians from the West Bank with their spouses in Israel, however it explicitly states that having a

¹⁸ The Association for Civil Rights in Israel, 24 February, 2022, *Police Harassing Demonstrators for Raising the Palestinian Flag*, “[Press release](#)”. Available (in Hebrew)

¹⁹ [The Citizenship and Entry into Israel Law \(Temporary Order\)](#), 2022. Available (in Hebrew).

²⁰ [Petition submitted to the Israeli supreme court](#), P. 19. Available (in Hebrew).

²¹ Supre no.13, Art. 3.

²² Supre no. 13, Art. 5.

child with the Palestinian spouse is not by itself a special humanitarian consideration. It should be noted that it is difficult to obtain a stay permit or a temporary residency through the humanitarian committee, which from the outset is limited in the number of humanitarian cases it can approve and it usually examines cases such as when the spouse who resides in Israel passes away, and leaves children under 18 years old behind, or the spouse that resides in Israel suffers from a severe medical condition.

21. Despite the exceptions, many Palestinians fail to obtain a residency/stay permit. For those who succeed in obtaining one, their stay permits are valid for one year, and are renewed through a similar process, under the same rigorous security check and considerations. Until November 2020, there were 9,200 Palestinians who are living in Israel with a stay permit, by virtue of the family unification process.²³

Punitive Revocation of Residency and Deprivation of Social Security by the Israeli National Insurance Institute

22. Palestinian Jerusalemites hold a permanent residency status, an inferior and precarious civil status that can be easily revoked based on, *inter alia*, that their “center of life” is no longer in Israel. This arbitrary standard exceeds breaches prohibition on the Occupying Power from altering the laws in the occupied territory per Article 43 of the Hague Regulations and interfering with the nationality of protected persons in occupied territory. According to Israeli laws, the Palestinian residents of Jerusalem are eligible for social security rights given their residency status is valid. Article 9 of the ICESCR requires “States Parties to the present Covenant recognize the right of everyone to social security, including social insurance”.
23. In June 2021, at least 11 Palestinians from East Jerusalem discovered that the National Insurance Institute (NII) revoked their families’ entitlements for health insurance and other social rights, without receiving an official notice from the NII or pre-revocation hearing as required by law.²⁴ The affected Palestinians through their lawyers’ submitted objections to the social insurance institute for revoking their residency status and their social security rights. However, the NII did not respond initially to the objections, until the lawyers submitted urgent appeals to the Israeli Labor Court. NII then retracted its decision, and restored the residency immediately although without disclosing why the residencies had been revoked, and without substantially responding to the claims raised in the urgent appeals.
24. A local NGO took the issue a step further and submitted a request to the NII according to the freedom of information law and requested information regarding the reasons underlying

²³ The [Israeli Population and Immigration Authority response to a request according to the freedom of Information law](#), 22 November, 2020. Available (in Hebrew).

²⁴ Eight Palestinians from Jerusalem were represented by the Hamoked Organization, See: <https://hamoked.org/document.php?did=Updates2258>; Three others were represented by The Community Action Center / Al-Quds University’s legal clinic.

the revocations. The NII failed to respond for five months, and the NGO filed a petition to the Jerusalem District Court to compel the NII to respond. In its response, the NII claimed that the revocations were based on “information created and collated exclusively by the Israeli Security Agency and is in any event in its exclusive possession”²⁵ Thus, it seems, that the revocations were done in response to the riots that unfolded in Jerusalem during May 2021, and for no legitimate reason but simply as an act of reprisal and collective punishment against the Palestinian population in Jerusalem.

The Palestinian People’s Right to Self-Determination

25. The United Nations has recognized the Palestinian people’s right to self-determination in numerous resolutions.²⁶ Although, international recognition for Palestinian self-determination has been reaffirmed through United Nations General Assembly (UNGA) Resolution 75/172, this is limited “to a two-state conception and thus exercised on less than 22 percent of Mandatory Palestine, that is the West Bank, East Jerusalem, and Gaza Strip”, thus excluding Palestinians living in Israel as well as the 12 million Palestinian refugees and exiles in the diaspora.²⁷ Indeed, the right of the Palestinian people to self-determination includes the right of Palestinian refugees to return their properties from which they have been illegally expelled between 1948 and 1967.

26. Furthermore, in its Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the International Court of Justice (ICJ) noted that Israel expressly recognized the Palestinian people, through the 28 September 1995 Israel-Palestine Interim Agreement on the West Bank and Gaza Strip and its multiple references to the Palestine people and its “rights”, which, in the view of the Court, includes the right to self-determination. It concluded that the construction of the wall violated the right of the Palestinian people to self-determination.²⁸

27. Israeli-Zionism, through its slogan, “a land without a people for a people without a land”, has sought to render this right unrealisable, and to confer an exclusive right to self-determination in Mandatory Palestine to the Jewish people, notwithstanding “the existence of the Palestinian people on the land for centuries”.²⁹ Israel has materialised this ideal in

²⁵ Hamoked Center for the Defence of the Individual, 27 March, 2022, *National Insurance Institution Admitted Arbitrary Revocation of Health Insurance and Other Social Rights from East Jerusalem Residents was Based on Israel Security Agency Information*, “[Press release](#)”.

²⁶ UNGA, Res 2672 (8 December 1970) A/RES/2672(XXV); UNGA, Res 3236 (1974) A/RES/3236(XXIX); UNGA Res 66/146 (29 March 2012) A/RES/66/146; UNGA Res 67/158 (4 January 2013) A/RES/67/234.

²⁷ BADIL, “Palestinian Self-determination: Land, People and Practicality”, October 2021, p.3, 10-14, available at <https://www.ohchr.org/sites/default/files/documents/countries/ps/sr-selfdetermination/2022-07-07/Palestinian-Self-Determination.pdf>, referring to UNGA, [The Right of the Palestinian People to Self-Determination](#), A/RES/75/172, 28 December 2020.

²⁸ ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)* [2004] ICJ Rep 136, para.118.

²⁹ BADIL, “[Palestinian Self-determination: Land, People and Practicality](#)”, October 2021, p.1.

its 2018 Basic Law which reserves the right to self-determination to the Jewish people.³⁰ Pursuing the denial of the Palestinian self-determination as part of its Zionist ideology, erases the Palestinian people, subjecting them to forced displacement and statelessness.³¹

28. The right to self-determination encompasses two pillars, one of which is the free pursuit of the people's economic, social, and cultural development, entailing the free and unhindered disposal of its natural wealth and resources.³² Common Article 1(2) of the ICESCR further reads: "In no case may a people be deprived of its own means of subsistence." The U.N. Human Rights Committee affirms that this includes the right to economic self-determination.³³ Furthermore, the Palestinian right to sovereignty over their resources has been specifically recognised by the UN Security Council (UNSC) and UN General Assembly (UNGA) on numerous occasions.³⁴ It is further provided in Article 55 of the Hague Regulations, which limits the Occupying Powers *de facto* administration of natural resources under the rules of usufruct.³⁵ Consequently, Israel cannot exploit resources located in the OPT without first engaging the consent of the Palestinian Authority.³⁶ Yet, "Palestinians have never consented to Israel's exploitation of their natural resources, nor have they ever been genuinely or meaningfully consulted about Israel's use of their natural resources". Instead, Israel has facilitated the pillage of Palestinian oil and gas resources by corporations.³⁷ Israel has further deprived Palestinians of their solar energy potential and confiscated Palestinian land and solar panels.³⁸
29. In terms of water resources, Israel, by illegally appropriating Palestinian lands as well as pillaging Palestinian water for the sole benefit of its citizens and settlements, is practicing a "water apartheid", institutionalising a system of Jewish domination and oppression over the Palestinian people.³⁹ Israel maintains this water apartheid through demolitions orders

³⁰ Articles 1 (a)(b)(c), [Basic Law: Israel-The Nation State of the Jewish People](#) (Unofficial translation by Dr. Susan Hattis Rolef).

³¹ BADIL, "[Palestinian Self-determination: Land, People and Practicality](#)", October 2021, p.2.

³² ICESCR, 993 UNTS 3, 16 December 1966, Common Article 1(1) and 1(2).

³³ U.N. Human Rights Committee, CCPR General Comment No. 12 The Right to Self-determination of Peoples, para. 5.

³⁴ UNGA, Res 18 (29 November 1947) A/RES/181(II); UNGA, Res 194 (11 December 1948) A/RES/194(III); UNSC, Res 242 (22 November 1967) S/RES/242; UNSC, Res 1402 (30 March 2002) S/RES/1402.

³⁵ Article 55, Hague Regulations (1907).

³⁶ Al-Haq, "Joint Parallel Report on Israel's Violations of the International Covenant on Economic, Social and Cultural Rights", 6 September 2019, para.19, referring to Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria, Communication 155/96, African Commission on Human and People's Rights paras.53, 58 (2001).

³⁷ Al-Haq, "Joint parallel report on Israel's violations of the International covenant on economic, social and cultural rights", 6 September 2019, para.19.

³⁸ *Ibid.*, para. 35.

³⁹ Al-Haq, "Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT", 22 March 2022, available at: Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT (alhaq.org)

for Palestinian water structures, depriving Palestinians of groundwater resources.⁴⁰ Palestinians living in the OPT are further denied access to surface waters, including the Jordan river.⁴¹ Overall, Israel's comprehensive control over Palestinian water resources significantly impedes Palestinian economic development, in violation of Common Article 1, ICESCR and further entrenches Israel's regime of apartheid.⁴²

30. Ensuring the full realisation of the right of the Palestinian people to self-determination must be achieved through the de-colonisation. Hence, Israel's settler enterprise must be dismantled so that Palestinians can fully exercise their sovereignty over their own natural resources. In this vein, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pointed out that Israel's "institutionalized discrimination against Palestinians in the Occupied Palestinian Territories entails systemic violation of the rights of Palestinians to self-determination".⁴³ Nowadays we are witnessing a "normalisation of Israel's denial of the Palestinian right to self-determination".⁴⁴ The realization of Palestinian self-determination as a *jus cogens* norm of international law, incurs *erga omnes* Third States obligations to dismantle the illegal settlements, dismantle the apartheid regime and de-colonise the territory.

Destruction of Palestinian Culture in the Gaza Strip

31. The second pillar of the right to self-determination also includes "the right not to [...] suffer the destruction of culture".⁴⁵ Israel's repeated and "strategic bombing of the Gaza coastline" aims at "gradually erasing Palestinian cultural heritage to deny the Palestinian people their right of self-determination over their cultural resources, and by extension threatens their existence as a people."⁴⁶
32. Against the backdrop of repeated Israeli military offensives coupled with the 15-year blockade, Israel has imposed draconian restriction on the movements of persons and goods from and to the Gaza Strip. Israel has subjected Gaza to de-development "by which

⁴⁰ Elisabeth Koek, "Water for One People only: Discriminatory Access and 'Water-Apartheid' in the OPT, 2013, p.17, 34, available at: [Water For One People Only: Discriminatory Access and 'Water-Apartheid' in the OPT \(alhaq.org\)](#).

⁴¹ Al-Haq, "Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT", 22 March 2022, available at: [Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT \(alhaq.org\)](#)

⁴² Al-Haq, "Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT", 22 March 2022, available at: [Al-Haq Statement on World Water Day calls on corporate actors to end business operations that enable water apartheid in the OPT \(alhaq.org\)](#).

⁴³ Human Rights Council Fiftieth session, "Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume", 17 June 2022, available at: [OHCHR | 50th regular session of the Human Rights Council: Reports.](#)

⁴⁴ BADIL, "[Palestinian Self-determination: Land, People and Practicality](#)", October 2021, p. 16.

⁴⁵ *Ibid.*, p.9.

⁴⁶ Al-Haq, "[Cultural Apartheid: Israel's Erasure of Palestinian Heritage in Gaza](#)", 22 February 2022.

development is not merely hindered but reversed.”⁴⁷ The deteriorating situation in Gaza has reached a point where it is no longer comparable to that of Bantustans, to the extent that the “living conditions in Gaza are far worse” than the South African Bantustans,⁴⁸ in Gaza permits are systematically denied which would secure access to hospitals for life saving treatments outside the Gaza Strip.⁴⁹ In 2021, a report by MAP and Al Mezan in Gaza released that, “Al Mezan’s Legal Aid Unit received 635 requests from patients, including 158 women and 235 children, seeking assistance in obtaining Israeli exit-permits to reach hospitals outside Gaza”.⁵⁰ Of these, “only 240 of the patients (39 percent), including 100 children and 74 women, were granted permits following Al Mezan’s interventions, while Israeli authorities officially rejected the applications of 388 others”.⁵¹

33. During the May 2021 Israeli military offensive on Gaza, “antiquities and cultural heritage sites were both directly targeted and indirectly damaged due to their proximity to affected areas”, resulting in damage to “124 places of worship [...] one market which was partially destroyed and damage to 37 tourism facilities- 6 completely and 31 partially destroyed”.⁵² Al-Haq’s report “Cultural Apartheid: Israel’s Erasure of Palestinian Heritage in Gaza” outlines how the strategic targeting of Palestinian cultural heritage “fundamentally affects the core of their identity and existence as a people” and may amount to the crime against humanity of apartheid. It characterizes the “targeting of ancient cultural heritage sites” as the “imposition of measures calculated to prevent Palestinians in Gaza from participating in the cultural life of the country”, which violates Article II (c) of the Apartheid Convention.⁵³

Corporate Accountability in the Occupied Palestinian Territory

34. Underpinning the grave human rights violations committed by Israel against the protected Palestinian population are business enterprises and corporations, who continue to actively profit from its system of apartheid under which Palestinians are subjected. Israel’s settlement enterprise, condemned as a “flagrant violation of international law” under Security Council resolution 2334 (2016), further violates fundamental Palestinian human

⁴⁷ United Nations, “[UN agencies urge efforts to halt Gaza's 'de-development' trajectory](#)”, 26 August 2016.

⁴⁸ Al-Mezan, « [The Gaza Bantustan- Israeli Apartheid into the Gaza Strip](#) », 2018, p.22-23, referring to John Dugard, ‘Israel’s apartheid perfected and enduring’, [New Frame](#), 8 October 2020, and quoting John Dugard, ‘Opinion: [The banning of human rights defenders: Israel and South Africa compared](#)’, Mondoweiss, 16 November 2021.

⁴⁹ Al-Mezan, “[The Gaza Bantustan- Israeli Apartheid into the Gaza Strip](#)”, 2018, p.23, referring to Interview: John Dugard and Al Mezan, 16 November 2021;

⁵⁰ MAP and Al Mezan Briefing Paper, “Delayed, Denied and Deprived: The Collective Punishment of Palestinian Patients in Gaza in the Context of Israel’s 15-Year Blockade” (June 2022) 7.

⁵¹ Ibid.

⁵² Al-Haq, “[Cultural Apartheid: Israel’s Erasure of Palestinian Heritage in Gaza](#)”, 22 February 2022.

⁵³ Ibid., p.21-22, referring to Article II (c), International Convention on the Suppression and Punishment of the Crime of Apartheid (1974), 1015 U.N.T.S. 243.

rights including, the freedom of movement, property, family, home, health, education, work and an adequate standard of living.⁵⁴

35. Israel continues to expropriate Palestinian land and resources with the objective of manipulating its demographic composition, fragmenting the OPT, and forcibly transferring Palestinians, in order to create and expand illegal settlements. These acts have been condemned as apartheid by the former UN Special Rapporteur for the Occupied Palestinian Territory, Michael Lynk, and reaffirmed as illegal by the UN Security Council.⁵⁵ Despite the Human Rights Committee's repeated condemnation of Israel's settlements as illegal,⁵⁶ contributions of business and corporations to the sustainment of this illegal settlement enterprise continues to support their growth at the cost of Palestinian's right to self-determination and sovereignty over their natural resources.⁵⁷
36. International and domestic businesses and corporations, as well as their subsidiaries, actively profit from Israel's unlawful settlement enterprise. The Don't Buy into Occupation (DBIO) coalition, a joint initiative between 25 Palestinian and European organisations, found that, between 2018 and May 2021, 672 European financial institutions, including banks, asset managers, insurance companies, and pension funds, had financial relationships with 50 businesses that are actively involved with in the illegal Israeli settlement enterprise.⁵⁸ The Jerusalem Light Rail (JLR), for example, generates millions of dollars for corporations who fund its operation and expansion, such as WSP, a Canadian company funded by the Canadian Public Pension Investment Board.⁵⁹ WSP facilitates the practice of forcible transfer of settlers into the OPT, through its construction and servicing of the JLR, a grave breach and war crime, while deepening the physical, social and economic integration of the settlements.⁶⁰
37. Additionally, the private sectors of member states continue to sustain and develop Israel's pillage and appropriation of Palestinian natural resources, which denies the Palestinian

⁵⁴ See [Report of the independent international fact-finding missions to investigate the implications of the Israeli settlements on civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, inc.](#), 7 Feb. 2013, p 6-8.

⁵⁵ United Nations, "[Israel's 55-year occupation of Palestinian Territory is apartheid – UN human rights expert](#)" (25 March 2022; UNSC Resolution 2334 (23 December 2016), p.1. "Calls upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967." Security Council Resolution 2334 reaffirms Resolution 465 (1980).

⁵⁶ UN Human Rights Committee (HRC), *Concluding observations on the fourth periodic report of the United States of America*, 23 April 2014, CCPR/C/USA/CO/4; CCPR/C/ISR/CO/5, Human Rights Committee, Concluding observations on the fifth periodic report of Israel, p. 3, para. 15(a).

⁵⁷ Human Rights Council Resolution, 28/25. [Right of the Palestinian people to self-determination](#).

⁵⁸ Don't Buy Into Occupation, 'Exposing the Financial Flows into Illegal Israeli Settlements' (Oct. 1, 2021) <https://dontbuyintooccupation.org/>.

⁵⁹ CPP Investments, '[Active Equities Investments](#)' (Canadian Public Pension Investments).

⁶⁰ UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, Articles 8(2)(a)(vii) and 8(2)(b)(viii).

people's sovereignty over their natural resources and their inalienable right to self-determination. For example, Mekorot, Israel's national water company, uses international machinery companies, such as Hyundai Motor Company and JCB, both of which remain unlisted on the UN database.⁶¹ Between September 2021 to May 2022, Al-Haq documented private corporations, acting on Israeli military orders, destroying 11 Palestinian water structures, and between June 2019 and April 2022, destroying 90 Palestinian wells,⁶² amounting to the war crimes and constituting grave breaches of the Geneva Conventions.⁶³

38. It is imperative that the Human Rights Council fulfils the duty of its mandate to resolution 31/36 (2016) through the annual update of the UN database. Despite the findings of the UN Secretary General, concluding that “business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements,”⁶⁴ hundreds of such business enterprises remain unlisted on the UN database, continuing to profit from and further Israel's blatant violations of international humanitarian law and human rights law. Without recognizing the existing structural regimes of racial discrimination and colonial domination that corporate entities support, facilitating the system of apartheid under which Palestinians are subjected, Israel's colonial control over Palestinians, including economic subordination, resource dependency, and fragmentation will be perpetuated.

Al-Haq Recommends that the Committee on Economic, Social and Cultural Rights:

- Call on Israel to rescind the designations of Palestinian civil society organizations as “terror organizations” under its Counter Terrorism Law, 2016, and “unlawful associations” under its military orders; (**Article 6, right to work**)
- Call on Israel to immediately cease the application of the land title settlement in Jerusalem and repeal all laws it has enacted to further its policy of Palestinian population transfer and maintaining a Jewish majority in Jerusalem in violation of Palestinians' fundamental rights, including their right to education. (**Article 13, education**)
- Call on Israel to comply with the Human Rights Council database on business active in illegal settlements; (**Article 1, self-determination**)
- Calls on this Committee to utilize all mechanisms of international justice and accountability to end Israel's widespread and systematic human rights violations, including attacks against Palestinians' cultural rights, and bring to an end Israel's

⁶¹ UNCTAD, “The economic costs of the Israeli Occupation for the Palestinian people and their right to development: Legal Dimensions,” (2018) 3.

⁶² Field Information on File with Al-Haq's Monitoring and Documentation Department.

⁶³ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, 12 August 1949, 75 UNTS 287, Art. 147.

⁶⁴ *Supra* n. 50.

excessive, indiscriminate and disproportionate use of force by the Israeli Occupying Forces and Israeli police against the Palestinian people (**Article 3, equal right to culture, Article 1, cultural development**)

- Call on Israel, the Occupying Power to end its discriminatory policies and practices in provision of education in East Jerusalem, as segregationist and discriminatory acts of apartheid; (**Article 13, education, Article 2(3) non-discrimination**)
- Call on Israel to end the illegal occupation and repeal system of discriminatory laws, policies and practices maintaining the apartheid regime, which systematically denies Palestinians their right to self-determination and sovereignty over their natural resources; (**Article 1, self-determination, Article 2(3) non-discrimination**)
- Demand Israel to immediately repeal its Entry into Israel Law (1952), which has been used to further the Israeli policy of population transfer and achieve demographic goals in Jerusalem in violation of Palestinians' fundamental rights, including their right to freedom of movement and residence, and the right to leave their country and to return; and their right to social security; (**Article 9, social security, Article 5, non-restriction**)
- Call on Israel to end the closure and blockade of Gaza, which amount to acts of collective punishment, impacting rights to work, health; (**Article 1, self-determination, Article 12, health**)
- Al-Haq urges the Committee to call for economic sanctions and two-way arms embargo on the weapons trade with Israel until it adheres to its obligations under international law, as well as to call on Israel to guarantee the protection of Palestinian civilian population and cultural heritage in the occupied Gaza Strip. (**Article 1, cultural development, Article 15, cultural life**)
- Al-Haq recommends the Committee support the Human Rights Council in making annual and comprehensive updates to the UN database, take concrete measures to end all business with Israel's illegal settlements and their enterprises, and guide the private sector in ensuring their business operations within the OPT adhere to their enhanced due diligence obligations, as established by the UN Guiding Principles. (**Article 1, self-determination, Article 12, health, Article 6, work, Article 11, livelihood**)