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

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the fifty-first 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 [73/96](#).

* The present report was submitted after the deadline in order to reflect the most recent information.



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 implement its mandate and on the human rights situation in the occupied Arab territories from 1 September 2018 to 31 August 2019. The report includes information from consultations with Member States in Geneva in March 2019, followed by a mission to Jordan in June 2019. The report addresses a number of concerns relating to respect for international humanitarian law and international human rights law; the continued expansion of settlements and rise in settler violence; the humanitarian crisis in Gaza resulting from the blockade; the continued use of administrative detention; the conditions of detention; the situation of Palestinian refugees; and the human rights situation in the occupied Syrian Golan. The Special Committee decided to dedicate a significant part of its report to the human rights of Palestinian children, in the context of the thirtieth anniversary of the adoption of the Convention on the Rights of the Child by the General Assembly.

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 Special Committee is currently composed of three Member States: Malaysia, Senegal and Sri Lanka. In 2019, the Special Committee was represented by three members: the Permanent Representative of Sri Lanka to the United Nations in New York (Chair of the Special Committee), currently Kshenuka Senewiratne,¹ 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 73/96, 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, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The present report covers the period from 1 September 2018 to 31 August 2019.

III. Activities of the Special Committee

A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 18 and 19 March 2019.² It met with Member States and other stakeholders concerned with the implementation of General Assembly resolution 73/96. Members of the Committee also attended discussions under agenda item 7 of the fortieth session of the Human Rights Council, entitled “Human rights situation in Palestine and other

¹ Kshenuka Senewiratne replaced Amrith Rohan Perera on 3 August 2019.

² The Permanent Representative of Sri Lanka to the United Nations in New York (Chair of the Special Committee) at the time, Amrith Rohan Perera, was unable to attend the annual consultations in Geneva and was represented by the Deputy Permanent Representative of Sri Lanka to the United Nations in New York, Satyajit Rodrigo. The Permanent Representative of Senegal to the United Nations in New York, Cheikh Niang, was also unable to attend the annual consultations and was represented by the Deputy Permanent Representative of Senegal to the United Nations in New York, Abdoulaye Barro.

occupied Arab territories”. During the consultations, the Committee gathered information and views on the most pressing issues to address in its report to the General Assembly and on recent developments in the Occupied Palestinian Territory and in the occupied Syrian Golan.

5. The Special Committee met the Permanent Observer of the State of Palestine, the Permanent Representatives of Egypt, Jordan and the Syrian Arab Republic, the Deputy Permanent Representative of Lebanon and the Permanent Observer of the Organization of Islamic Cooperation. The Committee also met the United Nations Deputy High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. A request to meet the Permanent Representative of Israel to the United Nations Office and other international organizations in Geneva received no response.

6. During the discussions, representatives of Member States and other stakeholders expressed support for the work of the Special Committee and regretted the lack of cooperation of Israel. The representatives of Lebanon and the Syrian Arab Republic invited the Special Committee to include a visit to Beirut and Damascus during its annual mission to the region.

7. Representatives of Member States and other stakeholders expressed concern at the lack of accountability and remedies for violations of human rights law perpetrated by Israel and welcomed the recommendations of the commission of inquiry on the protests in Gaza in 2018. They noted the imposition of a de facto annexation of the occupied Syrian Golan and of parts of the West Bank, including East Jerusalem, in violation of Security Council resolutions. In particular, reference was made to the organization of municipal elections by Israel in the occupied Syrian Golan in October 2018 and to Israeli attempts to extend the application of its laws into the West Bank. Representatives highlighted the high pace of Israeli settlement expansion in the Golan and in the West Bank, with the consequent confiscation of land and property and the appropriation of essential natural resources, such as water. They also noted the continued tensions around the holy sites in East Jerusalem and expressed concern at legal developments that legitimized discrimination against Palestinians. They further noted the continuing blockade of Gaza and the resulting dire humanitarian and human rights situation in the Gaza Strip. Serious concern was expressed at attempts to change the status quo concerning Palestinian refugees and the right of return, and at the lack of funding for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Finally, they reiterated the importance of retaining item 7 of the agenda of the Human Rights Council.

8. In addition, the Special Committee was briefed on the work of the Office of the United Nations High Commissioner for Human Rights regarding the human rights situation in the occupied Arab territories and on the main findings reflected in the most recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

9. At the fortieth session of the Human Rights Council, members of the Special Committee attended the presentations on the reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 ([A/HRC/40/73](#)) and of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory ([A/HRC/40/74](#)). They also attended the presentations on three reports of the United Nations High Commissioner for Human Rights ([A/HRC/40/39](#), [A/HRC/40/42](#) and [A/HRC/40/43](#)) and the report of the Secretary-General on human rights in the occupied Syrian Golan ([A/HRC/40/41](#)).

10. Issues raised during the consultations were taken into consideration when planning and conducting the field mission of the Special Committee in June 2019 and when drafting the present report.

B. Field mission to investigate Israeli practices

11. The Special Committee wrote to the Government of Israel on 15 April 2019 to request access to the Occupied Palestinian Territory and other Arab territories occupied since 1967. As in previous years, Israel did not respond. The Special Committee was therefore unable to hold consultations with the relevant Israeli authorities or to gain access to the Occupied Palestinian Territory and the occupied Syrian Golan.

12. Owing to insecurity in the region, the Special Committee was unable to visit the Syrian Arab Republic or Gaza through the Rafah crossing. Instead, the Special Committee convened meetings with civil society, victims and witnesses, Palestinian officials and United Nations representatives in Amman from 17 to 21 June 2019.³ When witnesses were unable to travel to Amman, especially from Gaza owing to the denial of travel permits, the Special Committee gathered testimony and briefings through teleconferences. 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 24 June, at the conclusion of its annual mission, the Special Committee released a press statement.⁴

13. 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 this report is based primarily on testimony and submissions received by the Special Committee over the course of its mission in June 2019.

IV. Situation of human rights in the Occupied Palestinian Territory

14. The Special Committee heard concerns on a wide range of issues during its meetings. Briefings to the Special Committee emphasized the continued rise of discriminatory measures against Palestinians, perpetrated with impunity. Specific areas of concern highlighted throughout the mission included the expansion of settlements in the West Bank, the demographic situation in East Jerusalem resulting from the destruction and confiscation of property; the coercive environment and the risk of forcible transfer; the exploitation of natural resources; the blockade and closure of Gaza and its negative impact on the basic human rights of its residents, in particular the right to health and freedom of movement; the use of excessive force by Israeli security forces; the lack of accountability and the detention of children and the continued use of administrative detention.

Killing and injury of Palestinians

15. The Special Committee received information on Palestinians killed or injured in the period from September 2018 to August 2019. In that period, 42 Palestinians were killed in the West Bank and East Jerusalem, and a further 3,380 were injured.⁵ The Committee notes that the large numbers of Palestinians killed and injured along

³ Mr. Perera was unable to attend the mission to Jordan and was represented by the Deputy Permanent Representative of Sri Lanka to the United Nations in New York, Mr. Rodrigo. The Permanent Representative of Senegal to the United Nations in New York, Mr. Niang, was also unable to attend the mission to Jordan and was represented by the Deputy Permanent Representative of Senegal to the United Nations in New York, Mr. Barro.

⁴ See www.un.org/unispal/document/annual-mission-statement-of-the-un-special-committee-to-investigate-israeli-practices-affecting-the-human-rights-of-the-palestinian-people/.

⁵ See www.ochaopt.org/data/casualties.

the border with Gaza may sometimes obscure the fact that Palestinians are also being killed and injured in the West Bank and East Jerusalem.

16. Palestinians in the West Bank and East Jerusalem were killed and injured by Israeli forces in a variety of circumstances that included demonstrations, incidents at checkpoints, during arrests, raids and detention and as a result of settler violence. For example, the Special Committee heard about the case of a 16-year-old boy near the village of Tuqu⁶ who was arrested by Israeli security forces in April 2019 for throwing stones. The boy was detained and blindfolded. When the boy got up and started to run away, he was shot by Israeli security forces and was injured as a result.⁶

17. Settler-related incidents accounted for 23 per cent of Palestinians killed in the West Bank, including East Jerusalem, and 11 per cent of those injured. The Office of the High Commissioner for Human Rights reported to the Special Committee that 11 Palestinians had been killed to date in 2019 as a result of settler violence. For example, in late March 2019, a family of three, including a 17-year-old girl, was injured by settlers while they were on their way to their land near Jibiya village near Ramallah.⁷

Expansion of settlements

18. The Special Committee received detailed information regarding worrying developments with respect to the expansion of illegal Israeli settlements and the rise in settler violence against Palestinians. Those who briefed the Special Committee raised concerns about the de facto or possible future de jure annexation of parts of the West Bank, given these developments.

19. The Special Committee recalls that settlements amount to the transfer of parts of an occupying Power's civilian population into the territory that it occupies, which is prohibited by the Geneva Convention relative to the Protection of Civilian Persons in Time of War.⁸ The illegality of settlements under international law has been reiterated in several Security Council resolutions, including, most recently, resolution [2334 \(2016\)](#).

20. The Special Committee observed that Israel continued to pursue its policy of settlement expansion during the reporting period. An international humanitarian organization reported to the Committee that more than 413,000 Israeli settlers (nearly a 50 per cent increase from 2008) now live in 132 settlements and 106 outposts in Area C of the West Bank. In addition, approximately 215,000 Israelis live in East Jerusalem, bringing the total settler population to approximately 630,000. According to information received by the Special Committee, the total advancement of settlement units in 2018 amounted to more than 15,800 units (9,400 units in the West Bank and 6,400 units in East Jerusalem). In 2018, the Government of Israel issued 3,808 tenders for settlement housing units, compared with 3,154 tenders in 2017 and only 42 in 2016, making 2018 the year with the highest approval rate since 2002. These figures demonstrate a sharp spike in planning for future construction and could enable more than 60,000 Israeli settlers to move to the West Bank, including East Jerusalem.

21. The Special Committee notes that many human rights violations reported to it are linked to the settlements. In that regard, the Committee considers settlements to

⁶ Oren Liebermann and Abeer Salman, "Israeli soldiers shoot blindfolded, handcuffed Palestinian as he tried to flee", CNN, 24 April 2019.

⁷ United Nations, Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, Protection of Civilians Report, 26 March–8 April 2019.

⁸ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49.

be a key driver of human rights violations in the Occupied Palestinian Territory, including restrictions on freedom of movement, the demolition of Palestinian homes and property, settler violence, confiscation of property and subsequent impunity. The settlement enterprise results in various factors that contribute to a coercive environment for Palestinians (see A/73/499, para. 24).

22. Recent statements made by Israeli legislators on the annexation of areas of the West Bank reinforce the understanding that Israel intends to continue to expand settlements and extend its formal sovereignty to occupied areas of the West Bank and East Jerusalem. Such statements became more frequent after the United States moved its embassy to Jerusalem. Media reports from 31 July 2019 note that the Israeli Cabinet decided to approve the construction of 6,000 settlement housing units, which suggests imminent plans for the expansion of settlements.⁹ An international humanitarian organization noted that it is unclear at this time whether the plan will refer to the construction of new units or whether permits will be issued to existing structures in settlements, in an attempt to “legalize” under Israeli law those structures that were built without permits.

23. Speakers before the Special Committee highlighted in particular a worrying rise in settler violence. From 1 September 2018 to 30 June 2019, the Office for the Coordination of Humanitarian Affairs documented 289 incidents of violence, harassment and intimidation by settlers towards Palestinians.¹⁰ In that regard, speakers emphasized with particular concern the situation in the H2 area of Hebron, which is under the direct control of Israel. In addition to a high incidence of settler violence, Palestinians’ freedom of movement is severely restricted in the area and Palestinians face serious hurdles in undertaking daily activities, including attending school and social gatherings, going to work and opening shops and businesses.

24. The rise in violence and the subsequent impunity have been further exacerbated by the decision taken by Israel in January 2019 not to renew the mandate of the protective Temporary International Presence in Hebron, a civilian observer mission that had been in place since 1994.¹¹ Briefings to the Special Committee emphasized that the Temporary International Presence in Hebron was the only organization documenting incidents and providing protective presence in the Israeli-controlled part of Hebron city that was authorized to access any part of H2 on foot and with vehicles, at any time.¹² Indeed, since the announcement of the termination of the mandate of the Temporary International Presence in Hebron, the Office for the Coordination of Humanitarian Affairs has observed an increase in the number of incidents of settler harassment and intimidation, with a monthly average of four such incidents recorded in 2019, compared with two in 2018.¹³

⁹ Noa Landau, “Israel approves permits for 715 Palestinian homes in West Bank towns”, *Haaretz*, 30 July 2019.

¹⁰ In comparison, the Office for the Coordination of Humanitarian Affairs documented 239 incidents for the same period in 2017/18.

¹¹ In his remarks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Secretary-General expressed regret at the decision taken by Israel not to renew the mandate of the Temporary International Presence in Hebron. He expressed the hope that an agreement could be reached to “preserve this long-standing and valuable arrangement”, See www.un.org/sg/en/content/sg/speeches/2019-02-15/remarks-committee-inalienable-rights-of-palestinian-people.

¹² United Nations, Office for the Coordination of Humanitarian Affairs, “Overview”, Humanitarian Bulletin: Occupied Palestinian Territory, January 2019.

¹³ United Nations, Office for the Coordination of Humanitarian Affairs, “Israel terminates TIPH operations in H2: further shrinking of humanitarian space leaves residents facing increased protections risks”, Humanitarian Bulletin: Occupied Palestinian Territory, February 2019.

Destruction and confiscation of property

25. The Special Committee heard concerns over frequent demolition of homes and private property of Palestinians by Israeli security forces. Demolitions, demolition orders and eviction orders were cited as major concerns of Palestinians, in particular those residing in East Jerusalem. So far in 2019, 106 housing units have been demolished in the West Bank and East Jerusalem, leaving at least 295 Palestinians homeless, including 145 children. An additional nine buildings were demolished in the Sur Bahir neighbourhood of East Jerusalem in July 2019. Of the total number of housing units, 98 were demolished owing to a lack of building permits, seven were demolished as punitive measures against family members of Palestinians involved or allegedly involved in attacks against Israelis, and one was demolished for alleged military purposes.¹⁴ In the month of April 2019 alone, 63 homes and other structures were demolished in East Jerusalem, representing the highest number of demolitions recorded by the Office for the Coordination of Humanitarian Affairs in one month.¹⁵

26. The vast majority of demolitions in the West Bank, including East Jerusalem, were carried out because of a lack of building permits. However, as the Special Committee previously noted, building permits are almost impossible for Palestinians to obtain (A/73/499, para. 21).¹⁶ The Government of Israel recently announced a plan to approve 715 permits for housing units for Palestinians in Area C, however, pending further details, it remains unclear whether the permits would be for the construction of new units or the “legalization” of existing structures built without permits.¹⁷

27. The constant and imminent threat of demolitions in East Jerusalem was noted to the Special Committee as a serious concern, affecting some 100,000 Palestinians who are facing the possibility of demolitions and displacement. Participants noted the example of the Wadi Yasul area of Silwan, adjacent to the Old City, where all 700 Palestinian residents are facing the risk of demolition. Similarly, in Sur Bahir neighbourhood of East Jerusalem, since 2009 the Israeli authorities have demolished, or forced owners to demolish, 69 structures on the grounds of lack of building permits. On 11 June 2019, the Israeli High Court of Justice dismissed a petition that had been filed by residents of Sur Bahir in 2017, requesting that the military order prohibiting construction in the buffer zone be annulled and/or that the demolition of their structures not be carried out. Following the court’s decision to dismiss the case, on 18 June, Israeli forces sent residents a “Notice of intent to demolish” with a 30-day period, which expired on 18 July.¹⁸ On 22 July 2019, following the expiration of the notice period, Israel demolished nine structures, displacing four households.

28. The confiscation or destruction of property provided as humanitarian assistance by States, which is an issue that the Special Committee has previously noted with concern (see, for example, A/73/499, para. 22), was once again reported to the Special Committee. Israeli authorities have previously seized humanitarian relief objects, specifically tents, prefabricated structures, water, sanitation and hygiene facilities (water tanks and mobile latrines), vehicles and construction material and equipment from communities across Area C of the West Bank. Notably, on 6 May 2019, the Israeli Civil Administration announced the auction of goods that it had seized from Palestinian communities before 28 February 2019. The auction was set to include

¹⁴ See www.btselem.org/razing/statistics.

¹⁵ United Nations, Office for the Coordination of Humanitarian Affairs, “Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019”, Humanitarian Bulletin: Occupied Palestinian Territory, April 2019.

¹⁶ Ibid.

¹⁷ Landau, “Israel approves permits for 715 Palestinian homes”.

¹⁸ United Nations, Office for the Coordination of Humanitarian Affairs, “Threat of demolitions in East Jerusalem”, Humanitarian Bulletin: Occupied Palestinian Territory, July 2019.

seven donor-funded humanitarian structures provided by the West Bank Protection Consortium, including school structures, tents and metal sheds.¹⁹ The auction was later postponed following negative media attention.²⁰

29. The Special Committee recalls its previous statement that Israel, as the occupying Power, is obligated to provide for the humanitarian needs of the protected population and to agree to relief schemes on behalf of said population and to facilitate those relief schemes by all the means at its disposal (A/73/499, para. 23).²¹ The Special Committee reiterates its particular and ongoing concern for Bedouin communities in Area C of the West Bank, who are particularly vulnerable to demolitions and displacement.

Detention

30. According to information presented to the Special Committee, As at July 2019, 5,150 Palestinian prisoners were being held in Israeli detention facilities. Of those being held, 210 are children, 38 are women and 460 are administrative detainees.²²

31. Concerns were raised before the Special Committee about Israeli practices during the detention and interrogation of Palestinians that may amount to torture. A particular concern was raised in relation to an Israeli High Court of Justice decision of December 2018, expanding the restrictions imposed as part of the “ticking bomb” doctrine, which was established by the Israeli High Court of Justice in 1999.²³ The new Court ruling came in relation to the torture of a Hamas suspect, noting that the use of torture in that case was not illegal and that the Israeli security forces involved should not be prosecuted. The new Court decision provides the Israeli security forces with more authority in cases involving a strong necessity (as defined by Israel), thus potentially placing many more Palestinians at risk of torture and violation of their rights to dignity and physical integrity.

32. The Special Committee reiterates its serious concern over the wide use by Israel of administrative detention (A/73/499, para. 65). Administrative detention is often based on secret information that is not shared with the suspects or their lawyers. Detainees are held without trial or charge on renewable six-month administrative detention orders, signed by a military authority (non-judicial authority). In administrative detention cases, there is no formal indictment, and the six-month detention period is often extended repeatedly and the individual can thus be detained for many years.

33. The Commission for Detainees’ and Ex-Detainees’ Affairs of the Government of the State of Palestine reported to the Special Committee on the right to health of Palestinian detainees, noting that there are currently 750 prisoners with medical conditions detained in Israeli custody, including many who suffer from chronic diseases, while others have some form of disability. According to the Commission,

¹⁹ Oliver Holmes, “Israel to auction prefab classrooms donated by EU to Palestinians”, *Guardian*, United States ed., 31 May 2019.

²⁰ Yotam Berger and Noa Landau, “Israel delays auction of prefab classrooms the EU donated Palestinians”, *Haaretz*, 4 June 2019.

²¹ Fourth Geneva Convention, art. 59.

²² Addameer Prisoner Support and Human Rights Association, “July 2019”, Statistics database. Available at www.addameer.org/statistics (accessed on 29 August 2019).

²³ Israel ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986, but did not outlaw the practice in Israeli law. In September 1999, the High Court of Justice unanimously banned the use of physically abusive interrogation tactics. However, in that decision the justices also created a significant loophole in the prohibition: in the case of a “ticking bomb”, interrogators could avoid prosecution by invoking a “necessity” defence. See Edo Konrad, “Top court gives Israel even broader powers to use torture”, +972 Magazine, 2 December 2018.

Palestinian prisoners with medical conditions receive very little assistance from prison authorities and mostly receive care from other prisoners. Some prisoners die in custody.

34. The Special Committee expresses its serious concern over deaths in custody of Palestinian detainees. According to the Palestinian Human Rights Organizations Council, three Palestinian prisoners have died in Israeli custody since the beginning of 2018. Their bodies are still being held by Israel to date. The most recent case of a death in custody involved a 31-year-old male detainee, who was arrested at his home on 19 June 2019 and died one month later in the Nitzan prison.²⁴

Situation in East Jerusalem

35. Following the announcement by the United States in August 2018 that it would no longer provide funding for UNRWA, in October 2018, the Mayor of Jerusalem announced a plan to close all UNRWA facilities in East Jerusalem and begin providing services to Palestinians through the Jerusalem municipality.²⁵ The Special Committee heard of substantial opposition to the plan and fear that it would lead to greater displacement and reduced autonomy in the light of the recent increase in the demolition of Palestinian homes and displacement of Palestinians as a result.

V. Human rights situation in the Gaza Strip

Demonstrations

36. The Special Committee heard of the continuing massive loss of life along the Gaza fence. Palestinian demonstrations along the separation fence between Gaza and Israel that began in March 2018 continued at the time of writing the present report, with 138 Palestinians killed and a further 15,901 Palestinians injured since September 2018, largely in the context of peaceful demonstrations. The major cause of the fatalities was the use by Israel of live ammunition and air strikes; while the major causes of injuries were tear gas inhalation, individuals being hit by tear gas canisters and the use of rubber bullets. The Special Committee reiterates its condemnation of the excessive and disproportionate use of force by Israeli security forces in such demonstrations (A/73/499, para. 37).

37. The Special Committee heard with concern of two major escalations of hostilities between Israel and Hamas in Gaza, resulting in loss of life, injuries and damage to property. In the first instance, between 25 and 27 March 2019, hostilities erupted after a rocket was fired from Gaza, severely damaging a house in central Israel, injuring seven Israelis. Following the incident, the Israeli air force struck multiple locations across Gaza, while Palestinian armed groups fired rockets towards southern Israel.²⁶ In the second instance between 3 and 6 May 2019, four Israelis were killed and a further 51 were injured by rockets fired from Gaza.²⁷ During the May escalation, 27 Palestinians were killed, largely as a result of Israeli air strikes, and a further 376 were injured.

²⁴ Al-Mezan Centre for Human Rights, "Palestinian detainee dies in Israeli custody, Palestinian Human Rights Organizations Council (PHROC): Israeli authorities bear responsibility for Palestinian prisoners' life and protection from medical negligence, torture and ill-treatment", press release, 23 July 2019.

²⁵ Al-Jazeera, "Jerusalem to remove United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to 'end lie of Palestine refugees'", 4 October 2018.

²⁶ United Nations, Office for the Coordination of Humanitarian Affairs, "March escalations in Gaza result in more displacement", Humanitarian Bulletin: Occupied Palestinian Territory, April 2019.

²⁷ See www.ochaopt.org/data/casualties.

Humanitarian situation

38. The Special Committee was briefed extensively about the dire humanitarian situation in the Gaza Strip, noting that it is one of the most populated areas in the world, with a population of 1.9 million people, half of whom are children. The continuous naval and land blockade on Gaza was tightened following the demonstrations, and now enters its thirteenth year. The blockade has affected all areas of Palestinian lives, including well-being, health, education, livelihoods and the environment. Through the blockage, draconian limitations continued to be imposed on movement of persons and goods, including humanitarian relief items.

39. The Special Committee heard of some improvement in the supply of electricity in Gaza during the reporting period, however, it is still available for only 14–15 hours per day.²⁸ Despite the recent improvement in fuel supply, according to the Office for the Coordination of Humanitarian Affairs, the electricity supplied through the Israeli line and the Gaza power plant combined met less than half of the power demands in Gaza in the first six months of 2019.²⁹ The limited supply of electricity continued to affect factories and industries, commercial venues, hospitals, and residential homes. The shortage of electricity in Gaza has a direct detrimental effect on the availability and quality of health care.

40. Periodic fluctuations in the permitted fishing zone have had a serious impact on the livelihoods of fishers in Gaza. In 2019 alone, Israel imposed 15 changes to the demarcation of the fishing zone, including a full maritime closure imposed on 13 June 2019. The changes in the demarcation were imposed in response to incendiary balloons launched from Gaza.³⁰ The Special Committee notes that punishing fishers for actions that are not of their doing nor in their control raises concerns of collective punishment, which is forbidden under international humanitarian law and violates provisions of international human rights law.

Right to health

41. The Special Committee heard with concern of the complex health needs of Palestinians in Gaza, in particular those relating to injuries sustained in the Great March of Return and other demonstrations. One hundred and thirteen amputations took place in 2018 in the Gaza Strip as a result of injuries sustained during demonstrations, 21 people were paralysed owing to spinal cord injuries and nine people suffered permanent sight loss.³¹ Presentations before the Special Committee noted that many amputations could have been avoided if hospitals in Gaza had had adequate equipment, facilities and staff.

42. The mental health of Palestinians in Gaza is also of specific concern, in particular the mental health of children. The World Health Organization (WHO) has reported that over half of the conflict-affected children in the Gaza Strip may be affected by post-traumatic stress disorder. In addition, more than 1 in 10 people suffer from severe or moderate mental health disorders in the Gaza Strip.³²

43. Palestinians with medical needs have been severely affected by the blockade on Gaza owing to the limited ability of the health-care system in Gaza to respond to those needs, which are growing, and the denial of permits for travel outside Gaza to receive treatment. In May 2019, for example, Israel approved 61 per cent of all patient permit

²⁸ United Nations, Office for the Coordination of Humanitarian Affairs, “Improvements to Gaza electricity supply”, Humanitarian Bulletin: Occupied Palestinian Territory, June 2019.

²⁹ Ibid.

³⁰ See <https://gisha.org/publication/10208>.

³¹ World Health Organization, document A/72/33, para. 14.

³² Ibid., para 15.

applications; a further 31 per cent received a delayed response and 8 per cent of applications were denied. According to WHO, the approval rate of such permits has declined by more than 10 per cent since February 2019.³³ The approval rate of permits for those injured during demonstrations is, on average, significantly lower than the overall approval rate of patient applications to exit Gaza, at only 18 per cent in May 2019.³⁴

44. The Special Committee expresses its concerns over restrictions imposed by Israel on approving travel permits for companions of children travelling from Gaza to receive medical treatment. Such restrictions often result in the rejection of the travel permit application of a parent, thus forcing children to travel with a more distant relative or an appointed guardian. In one such case, from June 2019, a 5-year-old girl from Gaza travelled to Jerusalem to receive treatment for brain cancer. A distant relative whom she had never met accompanied her, as her parents would not have qualified for permits. After her surgery, her condition deteriorated. She was returned to her family in Gaza unconscious and died one week later.³⁵

45. In late 2018, the delivery of vaccines to the Palestinian Ministry of Health was delayed owing to the enforcement of a previously waived Israeli law limiting imports of vaccines to 10 specific European countries. While a temporary solution was found in early 2019, WHO notes that the enforcement of this law may not only jeopardize vaccination coverage in the Occupied Palestinian Territory, but also have an impact on health security in the long run.³⁶ According to the Palestinian Ministry of Health, buying vaccines from those 10 countries would raise the budget from \$8 million to \$40 million. The Ministry also noted that some of the vaccination regimes of those countries were not compatible with the Palestinian vaccination regime.

VI. Accountability

46. The Special Committee expresses serious concern over the prevailing culture of impunity, in particular in cases pertaining to the apparent excessive use of force by Israeli security forces in both the West Bank and Gaza. The Committee reiterates that the atmosphere of impunity fuels the cycle of violence and compromises chances for sustainable peace and security.

47. The Special Committee heard that lack of accountability for violations against Palestinians is also prevalent in relation to settler violence involving incidents of settlers throwing rocks at Palestinian villages, shooting at Palestinians and uprooting trees.

48. In relation to accountability for excessive use of force by Israeli security forces, an Israeli human rights organization noted that Israeli soldiers and police officers have near complete immunity from prosecution for offences committed against Palestinian residents of the West Bank, who are protected persons under international law. The organization documented five cases in which Israeli investigation authorities failed to complete basic fundamental investigative steps, noting that they “were unable to locate the perpetrator”, in order to close the cases.³⁷

³³ World Health Organization, “Health access: barriers for patients in the occupied Palestinian territory”, monthly report, May 2019, p. 2.

³⁴ *Ibid.*, p. 3.

³⁵ Isabel Debre and Fares Akram, “Sick Gaza child caught in Israeli permit system dies alone”, Associated Press, 12 June 2019.

³⁶ World Health Organization, document A72/33, para. 17.

³⁷ Yesh Din, “We were unable to locate the perpetrator”, information sheet, December 2018.

VII. Legislative and administrative changes

49. Speakers before the Special Committee emphasized several legislative and administrative changes during the reporting period that had a negative impact on the rights of Palestinians. The twentieth Knesset (2015–2019) enacted tens of discriminatory bills threatening Palestinian communities within Israel and the occupied territory.³⁸ Speakers noted that such legislation further undermines the two-State solution espoused by the international community.

50. General elections for the twenty-second Knesset have been scheduled to be held on 17 September 2019. Several draft legislative initiatives are likely to become a focus of the new Government to be formed after the elections in September. Those initiatives include the “override clause”, which would empower the Knesset to re-enact statutes declared void by the High Court of Justice with a simple majority of all Knesset members.³⁹ Such a law would not only deprive the High Court of the ability to defend individual rights, but also award the Knesset unlimited power to infringe fundamental rights.⁴⁰

51. An international humanitarian organization highlighted the potential human rights impact of several draft bills that are likely to be part of the legislation considered by the twenty-second Knesset, after September 2019. A draft bill titled “Jerusalem and its annexes” would expand the city’s jurisdiction to include the Jerusalem municipality as well as subsidiary municipalities for other local authorities, including settlements, thus permanently altering the demographic composition of the city. Of particular concern is a draft bill that would allow death sentences to be handed down to Palestinians convicted of murder where there is a “terrorism background”. The bill provides for the handing down of death sentences to Palestinians convicted of terrorism charges through a majority decision of a military court, as opposed to the current requirement of a unanimous decision. The bill defines “terrorist activity” as “a deliberate attempt to murder civilians in order to achieve political, national, religious or ideological objectives”.⁴¹ Although the death penalty does exist under Israeli law, it has only been used once and never in cases involving “terrorist activity”.⁴²

VIII. Environment and access to natural resources

52. The Special Committee received substantial information on environmental concerns and Palestinians’ lack of access to natural resources in the Occupied Palestinian Territory.

Access to water

53. The Special Committee was briefed on issues concerning access to clean water in the Gaza Strip. The single coastal aquifer in Gaza has been subject to overextraction of almost three times more water than is naturally replenished by

³⁸ Palestinian Forum for Israeli Studies, “The occupation, settlement-supportive and racist laws of the 20th Knesset”, February 2019.

³⁹ Alon Harel, “The Israeli override clause and the future of Israeli democracy”, *Verfassungsblog*, 4 May 2018.

⁴⁰ Yuval Shany, “The return of the override clause? A dangerous and unnecessary step”, *Times of Israel*, blog, 24 April 2019.

⁴¹ Shafik Mandhai, “Israel’s new death penalty bill ‘targets Palestinians’”, *Al-Jazeera*, 5 January 2018.

⁴² Raoul Wootliff, “Netanyahu green-lights death penalty for terrorists”, *Times of Israel*, 5 November 2018.

rainfall. That practice has resulted in the increasing intrusion of seawater. The sea also flushes back to the shores of Gaza large amounts of untreated or insufficiently treated sewage. According to assessments published by the Palestinian Environmental Quality Authority, 75 per cent of the water along the shores of the Gaza Strip is contaminated.

54. In a recent report, the RAND Corporation warned that owing to the water and sewage problems in Gaza, an endemic disease outbreak or other public health crisis is imminent. It notes that, today, 97 per cent of water coming from the aquifer is unfit for human consumption.⁴³

55. Exacerbating the situation, Palestinians in Gaza are unable to establish a proper water management system to address water contamination as water infrastructure, including water pipes, wells and other facilities, has been repeatedly damaged or destroyed by Israeli air strikes. In addition, the ongoing blockade by Israel has prevented the local authorities from importing the materials needed to undertake repairs or to build a long-planned desalination plant.⁴⁴

Spraying of herbicides

56. The Special Committee heard that Israel is carrying out aerial spraying of herbicides on areas near the fence between Gaza and Israel, causing a negative impact on agricultural lands in Gaza. The Israeli military has been engaged in the practice of clearing agricultural lands along the Gaza side of the fence since 2014, which often involves the unannounced aerial spraying of crop-killing herbicides. This practice has destroyed land along the fence and agricultural land deeper into Gaza, resulting in the loss of livelihoods for Palestinian farmers.⁴⁵

57. A recent investigation by Forensic Architecture, in collaboration with Palestinian human rights organizations,⁴⁶ in which videos of aircraft spraying herbicide were analysed, found that each spray leaves behind a destructive result. The videos show that, prior to spraying, the Israeli military uses the smoke from a burning tyre to confirm the direction of the wind, to ensure that the herbicides are carried from Israel into Gaza. The organization noted that the location where the toxic chemicals land, and their respective concentrations, depend heavily on the direction and speed of the wind relative to the flight path of the aircraft. Therefore, the damage cannot be reasonably predicted by the army, and such herbicides should not be used in such close proximity to the fence. Although 2019 is the first year in which herbicide spraying was not reported,⁴⁷ the Special Committee notes this practice and its impact on Palestinian agriculture and the environment with serious concern.

IX. Children's rights

58. The Special Committee decided to dedicate a significant part of its report to the human rights of Palestinian children, in the context of the thirtieth anniversary of the adoption of the Convention on the Rights of the Child by the General Assembly. In 2018, there were 1.3 million children living in the West Bank and 1 million in Gaza,

⁴³ Shira Efron and others, *The Public Health Impacts of Gaza's Water Crisis: Analysis and Policy Options* (Santa Monica, California, Rand Corporation, 2018).

⁴⁴ United Nations, Office for the Coordination of Humanitarian Affairs, "Study warns water sanitation crisis in Gaza may cause disease outbreak and possible epidemic", Humanitarian Bulletin: Occupied Palestinian Territory, October 2018.

⁴⁵ See <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza/>.

⁴⁶ Al-Mezan Centre for Human Rights, Gisha Legal Centre for Freedom of Movement, and the Adalah Legal Centre for Arab Minority Rights.

⁴⁷ See <https://gisha.org/updates/10279>.

out of a population of 4.8 million Palestinians.⁴⁸ Palestinian children continued to live in a protracted protection crisis due to the Israeli occupation, with severe and discriminatory restrictions on their human rights. In that regard, the Special Committee recalls that Israel, as the occupying Power, has the duty to facilitate the proper working of all institutions devoted to the care and education of children. Children are entitled to specific protection under international humanitarian law and human rights laws.⁴⁹ This includes a wide variety of institutions of a social, educational or medical character, and it means that Israel is bound not only to avoid interfering with their activities, but also to actively support them.⁵⁰

A. Conflict-related violence against children

59. Conflict-related violence had a significant impact on Palestinian children in the period under review. In Gaza, children have been continuously exposed to physical violence in the context of the Great March of Return and other subsequent demonstrations. Between 1 September 2018 and 29 August 2019, 20 boys were killed during demonstrations. In the same period, eight boys and one girl were killed in other circumstances, including air strikes, shelling and opening of fire in the access-restricted areas on land and at sea.⁵¹ During the same period, 4,122 boys and 203 girls were injured in the context of demonstrations, and 46 boys and 16 girls were injured in other circumstances.⁵² The Special Committee expresses serious concern over the excessive use of force by Israeli forces in these incidents, as in most cases these children did not seem to pose an imminent threat of death or serious injury.⁵³

60. A large number of children shot with live ammunition during demonstrations in Gaza suffer from disabilities resulting from their injuries, including as a result of the amputation of limbs. Many injured children require a permit to leave Gaza in order to receive treatment in hospitals in the West Bank, including East Jerusalem. Israel sometimes denies or delays the approval of such permits and, more commonly, denies permits to accompanying parents for alleged security reasons. The Special Committee heard that, in 2018, 60 per cent of children had to be accompanied by their grandparents or by a non-relative in their travel for medical appointments outside Gaza. The Committee urges Israeli authorities to remove impediments to children being accompanied by their direct caregivers to seek specialized health care outside Gaza.

61. In the West Bank, six children were killed by Israeli security forces in the period under review, and 1,238 children were injured.⁵⁴ The Special Committee heard about a case of a 9-year-old boy who was shot in the head by Israeli security forces on 12 July during a weekly protest in the village of Kafr Qaddum near Nablus. The boy

⁴⁸ See United Nations Children's Fund (UNICEF), "Children in the State of Palestine", November 2018, p. 5.

⁴⁹ Fourth Geneva Convention, art. 50.

⁵⁰ See International Committee of the Red Cross, commentary on article 50 of the Fourth Geneva Convention, 1958.

⁵¹ United Nations, Office for the Coordination of Humanitarian Affairs, "Humanitarian snapshot: casualties in the context of demonstrations and hostilities in Gaza", 30 March 2018–31 May 2019.

⁵² See www.ochaopt.org/data/casualties.

⁵³ Under the special provisions of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (para. 9), law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

⁵⁴ See www.ochaopt.org/data/casualties.

is in critical condition. According to several sources, the boy did not take an active part in the protest and did not present an imminent physical threat.⁵⁵

62. In his recent report on children and armed conflict, the Secretary-General noted that in 2018 the highest number of Palestinian children killed since 2014 had been recorded. The United Nations had verified that 59 children had been killed and 2,756 had been injured in the Occupied Palestinian Territory in 2018 (A/73/907–S/2019/509, paras. 87 and 88). In the report, the Secretary-General noted that he is extremely concerned by the significant rise in the maiming of and injuries caused to children across Israel and the Occupied Palestinian Territory, including by tear gas inhalation requiring medical treatment. He urged all parties to apply all feasible measures to ensure the protection and care for children affected by armed conflict and to refrain from the excessive use of force (*ibid.*, paras. 95 and 96).

63. Palestinian children are continuously exposed to high levels of violence in their communities and schools. In addition, the deteriorating humanitarian and economic situation in Gaza and the West Bank contribute to eroding the resilience and coping mechanisms of families.⁵⁶ This results in children being highly vulnerable to a wide range of mental health problems, such as cognitive and behavioural reactions. Poverty, unemployment, exposure to trauma and violence related to Israeli policies and practices, including displacement resulting from home demolitions and settler violence, generate feelings of fear, anxiety and depression among children and increase their chances of being exposed to physical and sexual exploitation. In that regard, the Special Committee heard that 25 per cent of children in Gaza are in need of psychosocial support.⁵⁷

64. The Special Committee notes with strong concern that some children and families are resorting to negative coping strategies, including dropping out of school, child labour, substance abuse and early marriage.⁵⁸ Studies recently carried out in Gaza by civil society organizations revealed that 68 per cent of children had difficulty sleeping and that 54 per cent of children had no hope for a brighter future.⁵⁹

B. Arrest and detention of children

65. The Special Committee heard that ill-treatment of children by Israeli forces during arrest, transfer, interrogation and detention continued in the reporting period. The Committee notes with concern that Israeli laws and practices seem to prioritize the criminalization and punishment of children over their rehabilitation and reintegration in society. The Committee notes that a two-tiered judicial system exists in the West Bank: Israeli military law, which appears to fail in ensuring basic fair trial guarantees, applies to Palestinians, while Israeli civil and criminal law apply to Israeli settlers.

66. The Committee recalls that all children in contact with law enforcement and justice institutions have the right to be treated with dignity and respect. The Convention on the Rights of the Child affords children protection from torture, arbitrary deprivation of liberty and unfair trial, as well as the right to access legal

⁵⁵ Rupert Colville, Spokesperson for the United Nations High Commissioner for Human Rights, “Press briefing note on Occupied Palestinian territories”, 30 July 2019.

⁵⁶ See www.unicef.org/sop/what-we-do/child-protection.

⁵⁷ United Nations, Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Occupied Palestinian Territory* (2017).

⁵⁸ UNICEF, “Children in the State of Palestine”, p. 10.

⁵⁹ Norwegian Refugee Council, “Gaza children’s mental health rapidly deteriorating”, 25 March 2019; and Save the Children, “A decade of distress: the harsh and unchanging reality for children living in the Gaza Strip”, 2019.

assistance, to be separated from adults and to maintain contact with their families. It is also clearly established in the Convention that the arrest and detention of a child should be a measure of last resort.⁶⁰ These principles require a child justice system that takes into account children's age and supports their potential to assume a constructive role in society. However, the Committee heard that, on average, between 500 and 700 Palestinian children are arrested, detained and prosecuted in the Israeli military court system each year, many of them for minor offences.

67. The Committee heard that most Palestinian children suspected of security offences are arrested in the middle of the night, adding to what is already a traumatic experience. A common practice when arresting children appears to be Israeli forces storming the house, separating the child from his or her family and holding the child until morning in the back of a car. In the morning, the child is taken to another location for interrogation, and commonly interrogated with neither a parent nor a lawyer present. Reports have indicated that such interrogations tend to include verbal abuse, threats and physical violence (including, at times, slapping, punching, kicking and the use of painful hand ties), which ultimately result in a signed confession, in many instances in Hebrew, a language not understood by most Palestinian children. In the majority of cases, the principal evidence against the child is the child's own confession. For that reason, when a lawyer is present, 90 per cent of children are released.

68. The Committee received information concerning the continuing practice of placing children under administrative detention, without being charged, for prolonged periods. In 2018 and 2019, six children, aged 16–17 years, were held in administrative detention.

69. The Committee heard that the military justice system rarely grants bail, and that families tend to agree to a plea bargain rather than waiting for months for trial. Child detainees are sometimes transferred from the West Bank into Israeli prisons, in violation of article 76 of the Fourth Geneva Convention. This makes family visits difficult or impossible owing to restrictions on movement from the West Bank to Israel.

70. Noteworthy is the reported rise in punitive arrests of Palestinian children from East Jerusalem, in the context of heightened tensions generated by the move of the American embassy to Jerusalem, the expansion of settlements and the additional checkpoints set up. The Committee heard that 400 children were arrested in Jerusalem in 2018; some of them were arrested several times and received conditional releases, usually consisting of fines, bail and house arrest. The Committee recalls that in accordance with the Convention on the Rights of the Child, detention of children should be used only as a last resort and for the shortest period possible.⁶¹

71. During the reporting period, Palestinian children as young as 8 years of age were placed under house arrest for prolonged periods while legal proceedings were pursued against them. This practice was applied primarily in East Jerusalem. The practice of prolonged house arrest of children places the whole family under severe strain and affects mothers in particular. In such situations, mothers become the primary enforcers of the house arrest of their own children, often lose their jobs and bear the responsibility in case of a breach of the house arrest conditions, facing fines of thousands of Israeli new shekels. Children suffer from the psychological effects of confinement, miss many days of school and some will eventually drop out. The Committee heard of a 14-year-old child from East Jerusalem under prolonged house arrest, who reported to a human rights organization the severe distress he feels when

⁶⁰ See Convention on the Rights of the Child, arts. 37 and 40.

⁶¹ *Ibid.*, art. 37 (b).

he sees his friends playing from the window, knowing that he cannot join them or go to school.

C. Right to education

72. The Special Committee recalls that the right to education is recognized in article 26 of the Universal Declaration on Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child. In the period under review, children's right to education in the West Bank, including East Jerusalem, and Gaza was negatively affected and restricted.

73. The escalation of hostilities in Gaza between 3 and 5 May 2019 resulted in significant disruption to children's education. Twelve schools, three university buildings and one education directorate building were reportedly hit by air strikes. In Ibbiq village in the West Bank, two donor-funded classrooms with the capacity to serve 49 Palestinian schoolchildren were seized in October 2018. Israeli authorities submitted the equipment for auction on 13 June 2019 (see para. 28 above).

74. In Gaza, education is provided largely through UNRWA, which serves over 240,400 students in 252 schools. The ongoing funding crisis at UNRWA, in the light of the removal of United States funding, has contributed to an overstretched education system in Gaza. Ninety-four per cent of schools operate on a "double shift" basis, by which schools host one group of students in the morning and a different group in the afternoon, resulting in a negative impact on children's education.⁶²

75. Israeli restrictions on the construction of new schools, as well as the demolition and pending demolition orders for schools lacking building permits in the West Bank, including East Jerusalem, contributed to a lack of adequate educational facilities in the reporting period. The Office for the Coordination of Humanitarian Affairs estimates that there is a chronic shortage of 2,600 classrooms in East Jerusalem. The United Nations Children's Fund (UNICEF) notes that 36 per cent of residential areas in Area C lacked a primary school in 2018 owing to restrictions on the construction of new, adequate schools and classrooms.⁶³ The Committee also heard that 42 schools in Area C and eight schools in East Jerusalem had pending demolition orders against them in March 2019.

76. Attacks on and interference in or around schools had a detrimental impact on access to education during the reporting period. In the period from January 2018 to March 2019, 162 incidents of attacks on schools affected 31,519 children. In some cases, the Israeli military fired tear gas canisters, sound grenades and live ammunition in or around schools, or around students commuting to or from school. The Palestinian Ministry of Education and Higher Education reported that 379 class hours were lost in 2018 because of military operations near schools.

77. The Committee notes that obstacles to movement that have an impact on Palestinian communities in the West Bank, as well as unsafe routes to schools, serve to undermine children's access to education.⁶⁴ The absence of safe routes to school for Palestinian children affects their access to education, educational opportunities and generates a climate of fear and tension. In addition, many schoolchildren have to

⁶² See www.unrwa.org/activity/education-gaza-strip.

⁶³ UNICEF, "Children in the State of Palestine", p. 8.

⁶⁴ These include roadblocks, checkpoints, gates, barriers and trenches. See United Nations, Office for the Coordination of Humanitarian Affairs, "Over 700 road obstacles control Palestinian movement within the West Bank", Humanitarian Bulletin: Occupied Palestinian Territory, September 2018.

pass through one or more checkpoints to get to school, at which soldiers frequently subject them to invasive searches, unnecessary delays and, sometimes, detention. The Palestinian Ministry of Education and Higher Education estimates that 8,000 children and 400 teachers in 2018 needed a protective presence to safely access school in the West Bank. UNICEF also notes that in Hebron, Palestinian children living in the Old City and/or studying in schools in the Old City had to walk through up to four Israeli military checkpoints to reach their school.⁶⁵

Education in East Jerusalem

78. The Committee heard that in East Jerusalem, Israel has attempted to influence more schools to use the Israeli curriculum as opposed to the Palestinian one. The Committee heard that the Israeli Ministry of Education approved in 2018 a financial plan to invest in East Jerusalem, which includes 193 million Israeli new shekels (representing 43.4 per cent of the education budget) for education incentives in East Jerusalem to schools that teach the Israeli curriculum.⁶⁶

79. Compounding this situation, the Committee received information about growing pressure faced by UNRWA in East Jerusalem, with threats from Israeli authorities to interfere with its education services and replace UNRWA schools with Jerusalem municipality schools using the Israeli curriculum. Some 3,100 Palestinian students attend seven UNRWA schools in East Jerusalem. The Committee notes that Israel, as the occupying Power, should ensure the cultural appropriateness of education for all Palestinian children, in accordance with articles 24 and 50 of the Fourth Geneva Convention.⁶⁷

X. Human rights situation of Palestinian refugees

80. The Special Committee was informed that there are currently 1,386,455 registered Palestinian refugees in Gaza, 828,328 in the occupied West Bank and East Jerusalem, 552,000 in the Syrian Arab Republic, 475,075 in Lebanon and 2,206,736 in Jordan.⁶⁸ Palestinian refugees are defined by UNRWA as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”.⁶⁹

81. Palestinian refugees in the West Bank are affected by the Israeli occupation as are all other Palestinians, and are often additionally vulnerable to violations. Many of the refugees live in the 19 refugee camps in the West Bank and are subjected to heightened levels of violence and Israeli military raids. According to UNRWA, in 2018 there were more than 7,000 military incursions into refugee camps. Jalazone and Dheisheh camps in the West Bank have been targeted in particular and have suffered more incursions in the last two years than all other camps combined.

82. In Gaza, there are increasing numbers of refugees who rely on UNRWA for food. According to UNRWA, currently, around 1 million people rely on food distribution. The Special Committee heard of other worrying trends that are having an impact on Palestinians refugees in Gaza, including the denial of permits for medical travel, a

⁶⁵ UNICEF, “Children in the State of Palestine”, p. 8.

⁶⁶ Ir Amim, “The state of education in East Jerusalem: budgetary discrimination and national identity”, August 2018.

⁶⁷ Under article 24 of the Fourth Geneva Convention, children’s education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

⁶⁸ See www.unrwa.org/where-we-work.

⁶⁹ UNRWA, “Consolidated eligibility and registration instructions”, 1 January 2009.

rise in depression and mental illness, increased drug use and child labour, whether through begging or working.

83. The Special Committee expresses its concern over plans endorsed by the Mayor of Jerusalem to extend Jerusalem municipality services to all of East Jerusalem, including the Shoafat refugee camp, replacing the education and health services provided by UNRWA.⁷⁰ The Special Committee is concerned that this plan is merely a further practical step to promote the annexation of East Jerusalem and that refugees will suffer if UNRWA services are stopped. The Palestinian Refugee Affairs Department further noted that this plan is in direct violation of the commitments of Israel to the United Nations and is a first step towards closing down UNRWA operations in the Occupied Palestinian Territory.

84. Throughout its field mission, the Special Committee heard repeated concerns regarding the UNRWA funding crisis and the detrimental impact of this situation on the human rights of Palestinian refugees. At a pledging conference held in New York on 25 June 2019, the UNRWA shortfall was reduced from \$211 million to \$151 million.⁷¹ Despite the reduction in the shortfall, UNRWA is still suffering from a severe lack of funds, preventing it from fully implementing all its programmes.

85. During its annual visit to Amman, the Special Committee also heard about the situation of Palestinian refugees in neighbouring countries, with a particular focus on Jordan, and the unique challenges faced by Palestinian refugees who escaped from the Syrian Arab Republic to Jordan during the years of armed conflict.

XI. Situation of human rights in the occupied Syrian Golan

86. The Special Committee continues to express its concern over the situation of human rights in the occupied Syrian Golan, in particular following the declaration by the United States in March 2019 recognizing the annexation of the Golan by Israel. This recognition implies a disregard for the international legal protections for the Syrian population under the law of occupation according to the Fourth Geneva Convention, including in relation to the building of settlements and extraction of natural resources. The Special Committee recalls that following the application by Israel of its laws to the occupied Syrian Golan in 1981, the Security Council condemned the action in resolution 497 (1981), and has passed several resolutions since, affirming that position and noting that the occupied Syrian Golan remains occupied under international law.⁷²

87. The Special Committee is particularly concerned over information regarding plans for the expansion of settlements in the occupied Syrian Golan. A new Israeli plan for settlements in the occupied Syrian Golan was revealed by the Government of Israel in April 2019, involving the transfer of 250,000 settlers to the area by 2048. The plan includes building 30,000 new housing units and constructing two new cities, in addition to the existing 34 settlements and 167 settlement businesses. Human rights organizations have continued to express their concern over such plans altering the demographic composition of the area.

88. For the first time since the start of the occupation by Israel in 1967, local elections were held in the occupied Syrian Golan on 30 October 2018. Civil society organizations have highlighted the illegal nature of those elections, noting that the illegitimacy of an underlying act, in this case the annexation of the Golan,

⁷⁰ Al-Jazeera, "Israel plans to close UNRWA schools in Occupied East Jerusalem", 20 January 2019.

⁷¹ UNRWA, "International community shows outstanding support to the United Nations Palestine refugee agency", 26 June 2019.

⁷² Human Rights Watch, "Golan: expected US policy shift reflects disdain for rights", 25 March 2019.

automatically makes all other consequential acts, including elections, either invalid or deprived of any effect. Organizations further cited the Local Authorities Law, which provides that only those with Israeli citizenship may run for office. Given that only 12 per cent of the 24,175 Syrians in the occupied Syrian Golan have Israeli citizenship, the elections were seen by some as discriminatory and unrepresentative.⁷³ The elections sparked wide outrage, with hundreds of Syrians protesting outside polling stations in Majdal Shams and the majority of the local population boycotting the election.⁷⁴

89. The Special Committee expresses its concern over a planned wind farm project in the occupied Syrian Golan. Civil society organizations in the occupied Syrian Golan have taken recent action to oppose the project, highlighting the Syrian population's disapproval. According to the Government of the Syrian Arab Republic, Syrians in the occupied Syrian Golan opposed this project primarily because of its illegality, in addition to its impact on the environment and the health of inhabitants. The proposal under the project, submitted by an Israeli power company specializing in renewable energy, is to build at least 52 wind turbines across much of the limited Golan farmland. The project is planned to be executed on the 5 per cent of land that Syrians have resided in since the Israeli occupation.⁷⁵

XII. Recommendations

90. **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);**

(c) **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;**

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

(e) **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;**

(f) **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**

⁷³ Alessandro Delforno, "More shadows than lights: local elections in the occupied Syrian Golan", 2018.

⁷⁴ Stephen Farrell and Suleiman Al-Khalidi, "Druze on Golan Heights protest against Israeli municipal election", Reuters, 30 October 2018.

⁷⁵ Aaron Southlea and Nazeem Brik, "Windfall: the exploitation of wind energy in the occupied Syrian Golan", January 2019.

environment and may lead to the forcible transfer of vulnerable communities, in violation of international humanitarian law and the rights of the Palestinian people;

(g) 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;

(h) 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 Palestinian refugees;

(i) 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;

(j) To lift the illegal land and sea blockade that has been imposed on Gaza for more than 12 years and open up opportunities for trade and increasing movement of Palestinians between Gaza and the West Bank;

(k) To immediately address the humanitarian crisis in Gaza, which has been made acute by lack of access to clean water and sewage treatment, to immediately stop the practice of spraying herbicide close to the fence, and to uphold its obligations as an occupying Power with respect to the protected Palestinian population;

(l) 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 blockade;

(m) To abide by its obligations under international law to protect children from all forms of violence, and to refrain from the excessive use of force against children;

(n) To use the arrest and detention of a child only as a measure of last resort, to replace the practice of night arrests of children suspected of security offences with a summons procedure, and to ensure children's right to a fair trial and protection from torture and cruel, inhuman or degrading treatment or punishment;

(o) To endorse the Safe Schools Declaration, and to operationalize and implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict;

(p) 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;

(q) To ensure the protection necessary for the Palestinian civilian population 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;

(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.

91. The Special Committee also calls upon the international community:

(a) 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 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 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 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.
