



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined third to fifth periodic reports submitted by the
State of Palestine under article 9 of the Convention,
due in 2023*, ****

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* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



Information provided by the State of Palestine in follow-up to the concluding observations

Introduction

1. At the request of the Committee, the State of Palestine submits its combined third and fifth periodic reports under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, hereinafter referred to as the Convention. The report reviews all the legislative, judicial and executive measures taken and the national policies introduced to fulfil the obligations of the State of Palestine under the Convention since the submission of the combined initial and second periodic reports (CERD/C/PSE/1-2) on 21 March 2018, hereinafter referred to as the 2018 report. The present report takes into consideration the constructive dialogue between the State of Palestine and the Committee on the Elimination of Racial Discrimination, hereinafter referred to as the Committee, held on 13–14 August 2019; the Committee’s concluding observations (CERD/C/PSE/CO/1-2) of 20 September 2019; the follow-up report of the State of Palestine (CERD/C/PSE/FCO/1-2) of 20 October 2020; and the Committee’s letter dated 30 April 2021 (CERD/C/103/FU/MK/ks).

2. The present report was prepared by a national team formed to monitor the implementation of the Convention at both the national and international levels. That team, referred to hereinafter as the National Team, was established under a presidential decree issued on 7 August 2019. It is headed by the Ministry of Foreign Affairs and Emigrants with members from other relevant ministries, and it benefits from the broad participation of relevant civil society and national institutions. The State of Palestine was keen to encourage and facilitate the participation of non-governmental organizations in the preparation of the report, believing that their constructive participation would help improve, not only the quality of reports, but the universal enjoyment of the rights protected by the Convention. Consequently, on 5 April 2023, broad national consultations on the report were held with all relevant civil society institutions at the temporary headquarters of the Ministry of Foreign Affairs and Emigrants in Ramallah. The Independent Commission for Human Rights facilitated the consultations with the active participation of all civil society organizations in Palestine. Due to the blockade imposed by the Israeli colonialist occupation and the challenges posed by geographical fragmentation and Israeli military checkpoints, civil society organizations in Gaza participated via video link from the headquarters of the Independent Commission in Gaza.

3. The State of Palestine appreciates the constructive and effective dialogue held by the Committee with the delegation of the State of Palestine and its concluding observations, which included many positive elements, reflecting the progress made by the State of Palestine in implementing its international obligations. The State of Palestine wishes to stress that the Committee’s observations are of prime importance and their implementation is being monitored by the National Team.

4. The ongoing Israeli colonialist occupation and its racist policies and measures constitute the most significant challenge the State of Palestine has to face as it seeks to fulfil its obligations. This is particularly so given the incessant plans and efforts to annex large parts of the Palestinian territory, dismantle the country’s geographical unity and change its demographic make-up. All this is underpinned by a racist narrative based on the “right of the Jews” to settle in all of historical Palestine, as well as a denial of the existence of the Palestinian people – the indigenous inhabitants of the country – and Palestinians’ rights to self-determination, independence in and return to their homeland, in accordance with international legitimacy and international law. This shows disregard for the multilateral and rules-based international order.

5. The Committee’s guidelines for the preparation of periodic reports (CERD/C/2007/1), issued on 13 June 2008, recommend that States report on difficulties encountered in implementing each provision of the Convention. Furthermore, the Committee’s general recommendation No. 19 (1995) on article 3 of the Convention recommends that States “include in their reports measures to ensure proper monitoring of all trends that can give rise

to racial segregation and ‘ghettoization’, recalling that a condition of racial segregation can also arise without any initiative or direct involvement by public authorities”. Based on those guidelines, the present report must include a legal and factual description of the tragedy that the Palestinian people have been experiencing for more than 75 years.

6. Many international bodies have concluded that Israel, the occupying Power, has been committing the crime of apartheid against the Palestinian people for more than 75 years by imposing a racially discriminatory system of oppression and domination, which systematically affects all aspects of the lives and fundamental rights of the Palestinian people, primarily the right to self-determination. It does this through a set of racist “policies and laws”, repressive measures and grave violations that perpetuate the domination and control of one racial group over another. It continues to systematically commit large-scale war crimes and crimes against humanity in order to maintain this apartheid regime and expand its colonial regime, which is based on controlling the largest portion of Palestinian territory with the fewest possible Palestinian inhabitants.

7. The State of Palestine wishes to stress that the crime of apartheid is one of the main policies and tools used by Israel, the occupying Power, to advance its expansionist colonial regime. This crime is accompanied by the imposition of a system of widespread and systematic oppression and persecution, the main purpose of which is to forcibly transfer as many Palestinian people as possible from their land and replace them with Jewish Israelis. Alongside these actions, there is a prolonged occupation of the territory of the State of Palestine that involves serious violations of international humanitarian law, including population transfer, collective punishment and the annexation of land.

8. During the period between the initial report of the State of Palestine and the present report, several international non-governmental actors published reports showing that Israel, the occupying Power, was committing the crime of apartheid. The latest and most prominent of these reports were those of Human Rights Watch¹ and Amnesty International.² The main reports are discussed below.

9. On 27 April 2021, Human Rights Watch released its report entitled “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution”, which stated that Israel, the colonialist occupying Power, was committing the crimes of apartheid and persecution against the Palestinian people, as its laws and policies, as well as statements by leading Israeli officials, made plain that the objective of maintaining Israeli Jewish control over demographics and political power had long guided government policy. In pursuit of this goal, the authorities had dispossessed, subjugated, isolated and forcibly separated Palestinians by virtue of their identity to varying degrees of intensity. In some areas, as described in the report, these deprivations were so severe that they amounted to crimes against humanity, namely apartheid and persecution (<https://www.hrw.org/ar/report/2021/04/27/378469>).

10. In its February 2022 report entitled “Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity”, Amnesty International concluded that the intentions of Israel were “establishing and maintaining a system of domination and oppression over Palestinians”. It also analysed the key components of that system: territorial fragmentation; segregation and control; dispossession of land and property; and the suppression of economic and social rights. The organization concluded that the system amounted to apartheid, stating that: “Israel must dismantle this cruel system and the international community must pressure it to do so. All those with jurisdiction over the crimes committed to maintain the system should investigate them.” (<https://www.amnesty.org/ar/documents/mde15/5141/2022/ar/>).

¹ “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution”, Human Rights Watch, April 2021. Available from: https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421ar_web.pdf.

² “Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity”, Amnesty International, 2022. Available from: <https://www.amnesty.org/ar/documents/mde15/5141/2022/ar/>.

11. A number of United Nations bodies and international legal experts have also stated that the crime of apartheid has been committed by Israel, the occupying Power. For example, in May 2020, Michael Lynk, the former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, stated that the Israeli plans to annex large parts of the occupied West Bank would crystallize a twenty-first century apartheid, leaving in its wake the demise of the Palestinian's right to self-determination.

12. This came after a group of 47 Special Rapporteurs of the United Nations signed a statement regarding the Israeli plan to annex large parts of the occupied West Bank, asserting that such a measure would be "the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same State, but with profoundly unequal rights. This is a vision of a twenty-first century apartheid".

13. On 18 October 2022, Francesca Albanese, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, noted in her first report to the General Assembly at its seventy-seventh session, that a focus on Israeli apartheid should not overlook the inherent illegality of the Israeli occupation "because it has proven not to be temporary, is deliberately administered against the best interests of the occupied population and has resulted in the annexation of occupied territory, breaching most obligations imposed on the occupying Power. Its illegality also stems from its systematic violation of at least three peremptory norms of international law: the prohibition on the acquisition of territory through the use of force; the prohibition on imposing regimes of alien subjugation, domination and exploitation, including racial discrimination and apartheid; and the obligation of States to respect the right of peoples to self-determination. As such, the Israeli occupation constitutes an unjustified use of force and an act of aggression, which is unequivocally prohibited under international law and contrary to the values, purposes and principles of the United Nations as enshrined in its Charter."³

14. In December 2019, in its concluding observations on the report submitted by Israel, the colonial occupying Power, the Committee highlighted that the policies and practices of Israel amounted to apartheid on both sides of the Green Line, and urged it "to eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices that severely and disproportionately affect the Palestinian population in Israel proper and in the occupied Palestinian Territory". In the same year, the Committee also received a complaint submitted by the State of Palestine against Israel, the colonial occupying Power, regarding its grave violation of the provisions of the Convention, particularly article 3, which prohibits apartheid.

15. In 2021, the Human Rights Council established the Commission of Inquiry tasked with investigating "all underlying root causes of recurrent tensions, instability and protraction of conflict" in the occupied Palestinian Territory, including "systematic discrimination and repression based on national, ethnic or religious identity". On 13 June 2022, the Commission submitted its first report to the Council, in which it reviewed the conclusions of previous fact-finding missions and commissions of inquiry of the United Nations tasked with investigating violations in the territory of the State of Palestine. It concluded that the key findings and recommendations linked to the underlying root causes of the protraction of the conflict had not been implemented. The Commission reiterated with concern the warning by the Special Rapporteur of persistent discrimination against Palestinians throughout the West Bank and East Jerusalem, threats of forced displacement, forced displacement, demolitions, settlement expansion, settler violence and the blockade of Gaza.

16. Similarly, in 2020, the Israeli human rights organization Yesh Din published a legal opinion that concluded that Israel, the colonial occupying Power, was committing the crime of apartheid against the Palestinian people, which is a crime against humanity. In January 2021, the leading Israeli human rights organization B'Tselem issued a report in which it stated that there was an apartheid regime in Israel, and that it had gradually grown more

³ A/77/356. Report of Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, at the seventy-seventh session of the General Assembly. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/598/04/PDF/N2259804.pdf?OpenElement>.

institutionalized, with mechanisms introduced over time into law and practice to promote Jewish supremacy.

17. The only possible remedy to eradicate the apartheid regime established by Israel, the occupying Power, is to end the long-term illegal colonial occupation and the withdrawal of Israeli settlers from the occupied territory of the State of Palestine, including Jerusalem, in accordance with international law, including United Nations resolutions and the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

18. In the light of the overwhelming evidence and growing recognition that the regime imposed by the Israeli Government on the Palestinian people amounts to the crime of apartheid as defined in international law, the international community has an obligation not to aid or assist in the perpetuation of the apartheid regime and must ensure accountability and put an end to impunity. Therefore, on 30 December 2022, the State of Palestine endeavoured to obtain a General Assembly resolution (A/RES/77/247) requesting the International Court of Justice to render an advisory opinion on the nature of the Israeli colonial occupation in the territory of the State of Palestine, including Jerusalem, as well as on the following questions: What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, in the light of the settlement and annexation of Palestinian territory, including measures aimed at altering the demographic composition, character and status of Jerusalem, and from its adoption of racist so-called “laws” and measures? How do those Israeli policies and practices affect the legal status of the Israeli occupation, and what are the legal consequences that arise for all third-party states and the United Nations from this status?

19. It is necessary to highlight that the long-held and continuous contempt that Israel, the occupying Power, has shown for international law, institutions and resolutions for more than 75 years, places additional responsibilities on the Committee. These include making recommendations to States parties to take urgent and effective political, legal and diplomatic action to ensure accountability and put an end to the aforementioned crimes, as well as working to relaunch the political process through a multilateral mechanism aimed at ending the illegal colonial Israeli occupation, rather than managing it indefinitely.

20. Apartheid is not only a crime against humanity, but a serious violation of internationally protected human rights. Since the Convention calls upon all States parties to condemn apartheid and pledge to prevent, prohibit and eradicate it, the State of Palestine calls on the Committee to take into consideration the crime of apartheid committed by Israel, the colonial occupying Power, and to include a call in its concluding observations addressed to governmental and parliamentary bodies in the States parties to the Convention for practical steps to be taken to help end the illegal Israeli occupation and dismantle the apartheid regime it has established in the State of Palestine.

21. Similarly the Committee, in its concluding observations to the reports of States parties to the Convention, should call upon them to confront the Israeli regime of apartheid and illegal occupation of the territory of the State of Palestine, which seeks to become an entrenched and enduring regime, in the light of the impunity of Israel, the colonial occupying Power, and its illegal settlers. It is important to stress that by merely condemning the situation and focusing on humanitarian aspects and reconstruction following the destruction caused by the colonial occupation, rather than working to combat and end that occupation, the international community fails to address the explosive reality and the structures of oppression created by the colonial occupation to deprive the Palestinian people of their right to self-determination, forcibly displace them from their land and replace them with illegal colonizers. This effectively perpetuates colonialism and destroys any chance of achieving a solution to the conflict.

22. The Committee’s guidelines indicate that States should report on the measures they plan to take to overcome difficulties in implementing the provisions of the Convention in their territory as a result of apartheid. As one of those measures, the Committee should include, in its concluding observations to the reports of States parties, the following recommendations to ensure that national policies and laws are indeed in line with the provisions of the Convention:

- Cease any action that would strengthen the colonial Israeli apartheid regime. This includes ceasing to finance the regime, ceasing to sell weapons to it and ceasing to build the military capabilities of Israel, the occupying Power.
- Boycott all products produced on stolen Palestinian land or from illegally exploited Palestinian natural resources, including water, and impose a ban on all products from Israeli settlements in the territory of the State of Palestine.
- Ban all companies and institutions that benefit from the entrenchment of the colonial Israeli regime and introduce domestic legislation that prohibits businesses from operating in settlements or trading in settlement goods.
- Take deterrent measures by imposing comprehensive and mandatory sanctions on the Israeli apartheid regime.
- Support the legal endeavours of the State of Palestine to hold Israel accountable for its crimes, including by supporting judicial proceedings before the International Criminal Court (ICC).
- Hold Israeli officials accused of apartheid accountable and prosecute them under the principle of universal jurisdiction, in cooperation with ICC.

Article 1

The Convention in the domestic legal order (paragraphs 9 and 10 of the concluding observations)

23. The Convention was published in the Official Gazette, pursuant to Decree-Law No. 14 of 21 February 2021 “on the International Convention on the Elimination of All Forms of Racial Discrimination”, alongside the Convention on the Rights of the Child, pursuant to Decree-Law No. 25 of 2021. Consequently, the Convention is now enforceable within the legal system of the State of Palestine, and the State adheres to the definition of racial discrimination contained therein. The Palestinian judiciary has expressed a clear position on the status of the Convention in the legal system of the State of Palestine. In their rulings, the Palestinian courts have persistently given precedence to the Convention over existing legislation, in the event of a conflict. In other words, the international treaties ratified by the State of Palestine, including the International Convention on the Elimination of All Forms of Racial Discrimination, are an integral part of national law and have a higher status than domestic legislation. In addition, as stated in the initial report of the State of Palestine and its follow-up report, the Palestinian Declaration of Independence, the Palestinian Basic Law amended in 2003, and the legislative system in force in the State of Palestine guarantee protection against racial discrimination on the grounds set forth in article 1 of the Convention.

24. Ruling No. 5 of 2017 of the Supreme Constitutional Court is an interpretative decision on how provisions relating to signing and ratifying mechanisms for international treaties should be interpreted, as well as on the status of those treaties within the Palestinian legislative hierarchy. It states that international treaties take precedence over ordinary legislation. The State of Palestine would like to stress that the Supreme Constitutional Court ruling, in stating the need to take into account the national, religious and cultural identity of the Palestinian people, does not restrict the application of the provisions of the Convention, nor does it undermine their precedence over domestic legislation. Rather, the intention behind it is to allow the judiciary, when applying and enforcing the provisions of international treaties, to take account of fundamental values associated with national and religious identity, given the specificities of each people. The ruling is not in any way intended to suspend or abrogate the provisions of international treaties, suspend any fundamental rights outlined in those treaties, or restrict them in a way that would cause the loss of any rights.

25. It should be recalled that the national and cultural identity of the Palestinian people is reflected in the Palestinian Declaration of Independence, issued on 15 November 1988 by the Palestinian National Council of the Palestine Liberation Organization (PLO). It is the most important document in Palestinian national history and the founding document of the State of Palestine. It states that: “The State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality

of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence.”

Harmonization of legislation and compliance with the Convention (paragraphs 13 and 14 of the concluding observations)

26. Following the publication of the Convention in the Official Gazette, a committee established to harmonize existing legislation with international treaties has been working since early 2023 using an action plan that prioritizes prompt follow-up on the concluding observations and recommendations received from the treaty bodies. This involves amending current laws, introducing draft laws and amending existing draft laws in order to eliminate contradictions and incorporate the provisions of international treaties. In this way, the international treaties to which the State of Palestine is a party constitute sources of law.

27. The Council of Ministers issued Decree No. 06/37/18/M.W/M.A of 2019, which provides for the formation of a national team to review the 2011 draft Palestinian criminal code. The members of that team have developed an action plan and mechanism for the review of the draft that incorporates international standards and treaties to which the State of Palestine is a party and that reflects the recommendations of human rights treaty bodies, especially those relating to the criminalization of discrimination in all areas of life. A comprehensive definition of discrimination will also be included. The committee will re-examine the revised draft of the criminal code, which will have been aligned with international treaties and modern jurisprudence, in order then to hold community consultations on its contents. It will then pursue the enactment of the revised draft via the legislative process.

28. It should be noted that the criminal laws in force in the State of Palestine criminalize:

- Any action, conduct or crime committed on the basis of racial discrimination. Article 150 of the 1960 Jordanian Criminal Code stipulates that: “Any writing, speech or action that is intended to or results in inciting sectarian or racial strife or inciting conflict between sects or the various national groups shall be punished by imprisonment for a period of between 6 months and 3 years and a fine of up to 50 Jordanian dinars (JD).” Article 130 of the Code states that: “Any person in Jordan who, in time of war or the expected outbreak of war, spreads propaganda with a view to weakening national sentiment or stirring up racial or confessional strife shall be subject to a penalty of a fixed term of hard labour.”
- The dissemination of religiously insulting printed material or images. This is punishable under article 278 of the 1960 Jordanian Criminal Code, which stipulates that: “A term of imprisonment of up to 3 months or a fine of up to JD 20 shall be imposed on any person who disseminates printed or handwritten material or an image, drawing or symbol that offends the religious sentiment or beliefs of others, or who utters, in a public place and within the hearing of another person, words or sounds that offend that person’s religious sentiment or beliefs.”
- Articles 59 and 60 of the Criminal Code (Act No. 74 of 1936), which is applicable in the Gaza Strip, provide that anyone who incites discontent or disaffection among inhabitants of Palestine or promotes feelings of ill-will and hostility among the different population groups of Palestine is liable to 3 years’ imprisonment.

Article 2

Overview of most of the ethnic groups, including Christians, protected by the Convention

29. There are a number of Christian ethnic groups in Palestine that have their own religious authorities and institutions. Some of these groups came to Palestine as pilgrims and settled, especially in the city of Jerusalem. Others came as refugees as a result of wars and persecution and became integrated into the Palestinian national fabric, while preserving their cultures, languages, rituals, and customs.

30. Among the Christian ethnic groups are Orthodox and Catholic Syriacs, Orthodox and Catholic Armenians, Copts, Ethiopians (Abyssinians), and Maronites. The majority of these groups live in East Jerusalem and Bethlehem Governorate, while a small number live in Ramallah.

31. The Higher Presidential Committee for Church Affairs in Palestine was established by presidential decree on 21 February 2022. This was the first time that a dedicated body had been created in Palestine to oversee the legal, property-related, institutional and other affairs of churches and Christian places of worship. The aim was to uphold the principle of full equality before the law and to build a State of equal citizenship for all segments of the Palestinian population. The Presidential Committee operates under the guidance and directives of the Palestinian presidency, working closely with official and local institutions at the regional and international levels.

32. The Presidential Committee has launched a number of projects for the benefit of the groups it represents. Its projects to support and restore churches have included:

- Two projects for the Armenian Charitable Society. In 2018, the roof of the Society's building was restored and, in 2019, the walls and the entrance to the children's play area were restored.
- The restoration of the Our Lady and Archangel Michael Church in the city of Ramallah, for which the Presidential Committee received nearly JD 200,000 from the Arab Fund for Economic and Social Development in 2019. The work officially began in 2022 and was completed in January 2023.
- Support for the Steps Centre, a centre for children with learning disabilities affiliated with the Coptic Church in Bethlehem, and the restoration of its building and of the facing square for use as a playground for the children.
- A project to restore the Mar Charbel Church in Bethlehem with the generous assistance of the Palestinian presidency after a fire broke out due to an electrical fault. This was in addition to expanding the church building, restoring the adjacent building and acquiring the plot of land opposite to build a monastery for the Maronite Church, dedicated to Mar Charbel. The Church gave the name to the street on which it is located, Mar Charbel Street, which was opened by President Mahmoud Abbas when he attended the Christmas celebrations 2018. There was also a separate project, in which the Presidential Committee supported the installation of cameras around the church, as well as phone and internet lines.
- Projects to support the "Hoichman" Armenian club in 2022, aiming to promote Armenian identity and culture among the children of that community in the Old City of Jerusalem.
- Support for the restoration of the Syriac cemetery in Bethlehem was approved, with work commencing in March 2023.

33. Efforts to promote the Syriac language include financial support for the copying of Syriac-language manuscripts and the printing of educational materials to support more than 1,000 learners. Furthermore, in November 2022, President Mahmoud Abbas approved the allocation of a plot of land in Bethlehem Governorate for the construction of a church and a Syriac language school. Action has also been taken to promote official visits and meetings, and to resolve certain real estate issues.

34. Other initiatives include: a project to support low-income families; a project to provide clubs with musical instruments for beginners; a project to help Christian clubs and associations, including Scout clubs, participate in Christmas celebrations; and a project to support summer camps for children.

35. With regard to the availability of comprehensive statistics on the demographic composition of the population, disaggregated by ethnic or national origin, including on non-citizens, such as migrants, refugees and stateless persons (paragraph 8 of the concluding observations), statistical indicators based on colour, race, descent, ethnic and national origin used by the Palestinian Central Bureau of Statistics have only recently been produced, not least because of the racial and ethnic homogeneity of the Palestinian society.

36. The continued Israeli colonialist occupation, with its military checkpoints, apartheid wall and settlement expansion – which causes the geographical fragmentation of the territory of the State of Palestine, dividing it into scattered cantons – continues to place obstacles in the way of individuals from Palestinian communities on the basis of their race, colour, descent and ethnic or national origin. These obstacles violate the rights of the Palestinian people to freedom of movement, including within their own territory, and in particular to and from occupied Jerusalem, where most of the groups protected under the Convention reside.

37. It should be noted that, due to the coronavirus disease (COVID-19) pandemic, a state of emergency was declared in the State of Palestine. The concomitant closure of State and private institutions and the complete disruption to and irregularity of work affected the speed at which practical results could be delivered on the ground between 2020 and 2022. Despite these challenges, the Palestinian Central Bureau of Statistics is currently working, in the light of the concluding observations of the Committee, to incorporate these indicators in order to comply with the Convention.

38. The Bureau also involved in the first attempts to come up with a discrimination indicator, finding that “16.1 per cent of the population reported that they had personally felt discriminated against or harassed during the past 12 months, on grounds of discrimination that were prohibited under international human rights law”. The calculation was made by incorporating the indicator into surveys. A first attempt to calculate the discrimination indicator was made in 2018, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva, by including a short questionnaire on the indicator in a survey on rule of law and access to justice.

39. Although the questionnaire was tailored to the Palestinian situation, steps were taken to ensure it would remain internationally comparable with other participating countries. The findings were then shared with OHCHR and the resulting observations were used to define the indicator.

Percentage of inhabitants who reported having personally felt discriminated against or harassed on grounds of discrimination that are prohibited under international human rights law

Year	Region			Sex		Type of locality		
	Palestine	West Bank	Gaza Strip	Male	Female	Camp	Rural	Urban
2018	10.5%	8.0%	14.5%	11.6%	9.2%	16.9%	7.3%	10.3%
2021	10.2%	7.8%	14.1%	11.6%	8.7%	11.8%	5.5%	10.9%

40. On 3 May 2021, a virtual training workshop was held via Zoom for staff of the Palestinian Central Bureau of Statistics in cooperation with the Ministry of Foreign Affairs and Emigrants and OHCHR, in which approximately 25 employees of the Bureau participated. The main elements of the workshop, which aimed to raise awareness about the Convention, were: an overview of the Convention and its basic concepts within the Palestinian context, which covered the definition and meaning of the terms discrimination and minorities; a presentation on the concluding observations of the Committee on the report of the State of Palestine; an indication of some of the data provided on minorities and the role the Bureau must play in providing data that serves the Convention; an overview of human

rights indicators, their purpose in data collection and how they are used to follow up on recommendations and improve reporting to human rights mechanisms; and an overview of the characteristics of human rights and the types and sources of data used, challenges in data collection, and methodologies for collecting data on minorities.

41. On 28 October 2021, a training workshop was held on data collection under the Convention, in cooperation between the Ministry of Foreign Affairs and Emigrants and OHCHR in Palestine, in which the Bureau, members of the national team and officials from the statistical departments of all ministries participated (amounting to a total of approximately 50 participants). The aim was to develop a proposal for a mechanism for collecting data on the Convention and to consider the possibility of developing models that would be consistent with the Convention. During the workshop, the Bureau presented available mechanisms, challenges, and difficulties in the process of collecting data on minorities. It focused on a series of items that needed to be resolved, namely:

- Identifying which of the seven minorities mentioned in the State party report data should be collected on
- Identifying priority indicators on which to collect data
- Identifying the ideal mechanism for collecting data on these minorities

42. Following the outcomes of the training workshop on data collection under the Convention, the Bureau worked to develop a model “questionnaire” for collecting data on the minorities identified as priorities (Samaritans, Copts, Armenians and Syrians). The model, which has been shared with the Ministry of Foreign Affairs and OHCHR, is in line with current best practice for data collection. In the first instance, it involves interviewing legal persons familiar with the characteristics of these minorities then, should additional data be required, working to develop the model and carry out a survey specifically on these minorities.

43. The State of Palestine would like to stress that the term “population groups protected under the Convention” does not undermine the Palestinian identity of such groups. Rather, they are considered to be part of the Palestinian “whole”, with their own ethnic, linguistic and cultural characteristics (for more information on the characteristics of these groups, please refer to paragraphs 25 and 26 of the initial report of the State of Palestine, submitted in 2018).

44. In order to obtain updated statistics on Palestinian communities within the State of Palestine that fall under the definition contained in article 1 of the Convention, many meetings have been held with representatives of these groups. In addition, updated information has been collected from the relevant Palestinian institutions and is set out below:

- Samaritans: There are 833 Samaritan inhabitants from five families.
- Armenians: There are 7,500 Armenian inhabitants “according to Armenian sources”, of whom 3,000 live in Jerusalem, 2,100 live in the neighbourhood of Wadi Nisnas in the city of Haifa, 300 live in the city of Bethlehem, and the rest are distributed between Acre, Ramlah, Nazareth, Beersheba and the Gaza Strip.
- Afro-Palestinians: As of 2020, there were approximately 750 Afro-Palestinians in Jerusalem according to the African Community Association.
- In the light of the Committee’s general recommendation to pay special attention to refugees, the number of Palestine refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) stands at 6.65 million. These persons are being denied their right to return to their homes. The number of refugees within the State of Palestine stands at 1,122,542 in the West Bank and 1,754,890 in the Gaza Strip. Thus, 43.3 per cent of the total population of the State of Palestine are refugees.

National plan

45. To ensure that the follow-up on the Committee’s concluding observations can be monitored at the national level, the national team prepared a template containing all those concluding observations, the procedures required to follow up on each observation, the body

responsible for the follow-up, the time frame and performance measurement indicators. Several meetings were then held to develop this template into a comprehensive national plan for implementing all the recommendations during the period 2020–2025. At one of these meetings on 31 March 2023, the draft national plan was approved by the national team. Wide-ranging national consultations with all relevant government institutions – in which civil society organizations, the private sector and universities participated – were held at the temporary headquarters of the Ministry of Foreign Affairs and Emigrants in Ramallah. The Independent Commission for Human Rights facilitated the consultations. National institutions throughout Palestine also took an active part, including civil society organizations from the Gaza Strip, which participated via video link due to the challenges posed by the Israeli colonialist occupation, geographical fragmentation and Israeli military checkpoints. This is an indication of the commitment of the State of Palestine to involve all relevant national institutions, in order for the plan to be truly national in scope rather than focusing exclusively on government actions.

46. The plan was adopted at the national level through the national follow-up mechanism for the implementation of human rights treaties. Comments emerging from the national consultation process having been incorporated, the plan was presented to a committee of experts from government agencies, and then to a higher ministerial committee responsible for following up on the accession of the State of Palestine to international treaties, protocols and charters, which is headed by the Ministry of Foreign Affairs and Emigrants. On 27 March 2023, Council of Ministers Decree No. 02/199/18/M.W/M.A of 2023 was issued, article 1 of which provides for the adoption of the National Action Plan for the Recommendations of the Committee (2023–2025) (hereinafter referred to as: the National Plan), which has been approved by the Secretariat of the Council of Ministers. Article 2 of the Decree explicitly states that relevant government departments are responsible for taking the necessary measures to implement the National Plan, each within its own area of jurisdiction. In coordination with the Council of Ministers, the Plan was circulated to all relevant national institutions for each of them to follow up on its implementation within their own areas of jurisdiction.

47. The Ministry of Foreign Affairs and Emigrants, in partnership with OHCHR, had previously delivered training on a “national database to follow up on the Committee’s recommendations” at the headquarters of the Ministry of Telecommunications and Information Technology in Birah, Ramallah Governorate, on 16 October 2022. The training was directed at government ministries and focused on how to integrate the National Plan into the database and link it to ongoing work on the sustainable development agenda. Palestine is one of the pioneer States that are working to establish a database in partnership with OHCHR.

Formalization of the legal framework governing the work of the Independent Commission for Human Rights (paragraph 17 of the concluding observations)

48. The Independent Commission for Human Rights is an official body with legal personality that carries out its activities and exercises its functions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also operates under the presidential mandate granted to it by Decree No. 59 of 1994 on the formation of a Palestinian high commission for human rights, issued by the late President Yasser Arafat on 30 September 1993. The Decree authorized the Commission to draft its own constitution and the basic statutes and rules governing its work, in order to ensure its independence and effectiveness. Shortly thereafter, the board of Commissioners approved their own rules of procedure and the Commission’s administrative and financial rulebook. These documents were issued in accordance with due process and by the competent authorities at the time. In the light of the validity of these documents, the Commission was awarded A status in 2015 by the Global Alliance of National Human Rights Institutions, a status that has since been renewed each year.

49. The State of Palestine actively supports the recommendation made by the Committee to formalize the Independent Commission for Human Rights. In launching an individual complaints mechanism in accordance with article 14 of the Convention, the State of Palestine has granted the Commission jurisdiction to consider such complaints. The Commission indicated, during a discussion aimed at following up on the implementation of this

recommendation, that in the current circumstances this approach could undermine the Commission's ability to work across all of the Palestinian territories, specifically the Gaza Strip. Therefore, given the importance of the Commission's work and in order not to prejudice its vital role in promoting and monitoring the human rights situation in the territory of the State of Palestine, it was agreed that this measure would be postponed until the conditions are appropriate.

Article 5

All possible measures to ensure access to, inter alia, employment, health care, water, sanitation and electricity for Palestinian Bedouin communities, who are particularly vulnerable to forced evictions and the demolition of their homes, and to continue to provide them with humanitarian assistance (paragraph 22 of the concluding observations)

50. Bedouin communities are part of Palestinian society. They have distinctive ways of life and enjoy the same rights. All citizens of the State of Palestine are equal in rights and responsibilities. According to the statistics of Al-Baydar Organization for the Defense of Bedouin Rights, approximately 200,000 Palestinians live in Bedouin communities. There are many Bedouin communities in the centre and south of the West Bank, spread over a wide area extending between the city of Jerusalem and the city of Jericho, which are strategic locations abundant in natural resources. It is the largest swathe of territory of the State of Palestine located in the West Bank, equivalent to approximately 60 per cent of the total area of the West Bank. This area is under the direct control of the colonialist occupation authorities and is one of the areas most affected by the Israeli colonialist project. The Palestinian Bedouin population is severely persecuted due to its presence in this area.

51. Bedouin communities are constantly subjected to systematic attacks by the colonialist occupation forces and settlers in rural areas, including arrests, robberies, looting of property, demolition of structures and deprivation of natural resources. These practices aim to create a hostile environment for the Bedouin population and drive them into forced displacement in order to seize the land, control demographics and geographically fragment the territory of the State of Palestine. During 2020, Al-Baydar Organization for the Defense of Bedouin Rights documented the demolition of more than 641 Palestinian structures in the West Bank, including in East Jerusalem. During the first half of 2023, the colonialist occupation forces demolished 49 structures, including homes and barns, in Bedouin villages, in addition to issuing demolition notices for dozens of other structures. For example, on 3 January 2020, during the COVID-19 pandemic, the Israeli occupation forces stormed the Jordan Valley area and demolished the Palestinian Bedouin village of Khirbet Humsa al-Fawqa, displacing 11 Palestinian families and a total of 72 Palestinians, including 38 children. These practices are mainly aimed at emptying Bedouin villages of their indigenous inhabitants and forcibly replacing them with settlers.

52. The attacks by the colonialist occupation forces and extremist settlers included the establishment, on 17 October 2021, of an agricultural settlement in the Al-Wad Al-Abyad area, adjacent to the Arab Al-Malihah area, west of Jericho. On 19 October 2021, the Israeli occupation forces demolished the homes of the Al-Qarb/Al-Kaabneh clan in the Nuway'imah area in Jericho, without any warning. On 22 November 2020, they shot at citizens of the Al-Jahalin tribe in the Khan Al-Ahmar community in occupied East Jerusalem, detained livestock and deployed dogs in the community, terrifying the Palestinian children living in that area. Furthermore, on 14 December 2022, the Israeli occupation forces blocked the only water pipeline supplying water to the Awja community, north of Jericho, knowing that the pipeline supplied water to approximately 1,200 citizens.

53. It is also necessary to highlight the suffering of Bedouin communities living in the Masafer Yatta area, located in the south of Hebron governorate. Masafer Yatta consists of more than 23 villages inhabited by the people of Yatta and Bedouins displaced from the Beersheba and Negev areas. More than 20 years ago, the Israeli colonialist occupation authorities classified part of Masafer Yatta as a "firing zone", turning these lands into military zones and thus endangering their inhabitants. The occupation authorities systematically seek

to forcibly evict and displace the residents of Masafer Yatta. According to a fact sheet prepared by the Office for the Coordination of Humanitarian Affairs in the territory of the State of Palestine in 2022, approximately 215 Palestinian families – comprising roughly 1,150 individuals, including 569 children – live in these areas.

54. The inhabitants suffer various violations at the hands of the colonialist occupation, including incursions and attacks by the Israeli occupation forces and settlers, the killing of livestock, the issuance of demolition orders for homes and schools, and land seizures. On 18 May 2022, the Israeli colonialist occupation forces issued a military order to expropriate land in the Masafer Yatta area. This followed the demolition of dozens of Palestinian homes in the area of Al-Fakhit and Al-Markaz on 11 May 2022. On 21 June 2022, the colonialist occupation forces commenced military training after the Israeli occupation forces placed targets near inhabited areas of Masafer Yatta. As a result, they imposed further restrictions on the movement of residents of the area and placed them in danger, in order to drive them to leave their homes.

55. Despite all these attacks, the State of Palestine strives to provide basic services to Bedouin communities, such as health care; infrastructure, including access to water and electricity; adequate housing; and education. However, while the Ministry of the Interior has been able to include the addresses of some Bedouin communities – those close to city centres or villages, which are considered as neighbourhoods of those cities or villages – the majority of these communities do not have addresses. This is because the process of granting addresses to these communities requires approval from Israel, the colonialist occupying Power, and the Israeli side refuses to provide such approval as it does not recognize these villages.

56. The Ministry of Health’s support for Bedouin communities includes free health insurance, in which regard the Prime Minister has approved the following recommendations made by an ad hoc committee:

(a) Grant immediate free health insurance for treatment inside or outside Ministry of Health centres to 100 per cent of citizens living in Bedouin communities threatened by displacement. There are 46 such communities made up of 931 families, and the aim is to provide insurance to support the resilience of Bedouin communities.

(b) The insurance should cover entire families, in other words, all the dependents of the insurance holder, even if they are not covered by the health insurance system.

(c) The insurance should cover all the residents of these communities, including individuals who live alone or separately from their family members (for example, women and older persons). In families supported by a male breadwinner, the insurance should cover his spouse.

(d) When the son of a household marries, he should be granted independent insurance for himself and his spouse, regardless of his age.

(e) The natural growth of communities as well as new residents should be taken into account in order to encourage settlement in these areas.

57. The Ministry of Health continues to hold first aid courses for women in marginalized areas, including the Jordan Valley; Bedouin areas, such as Mikhmas, Masafer Yatta and Bedouin villages in Bethlehem; and Bedouin border areas in Gaza, including Abasan, Khan Yunis, Jabalya and Bayt Hanun. These courses are also held for female prisoners in correctional centres in Palestinian prisons. At least 20 sessions are delivered annually.

58. As for guaranteeing the right to education for Palestinian Bedouin communities, the most prominent challenges to building schools in these communities consist in the difficulty of obtaining so-called “building or maintenance permits” from Israel, the colonialist occupying Power; the demolition of school buildings; and the refusal to allow the expansion of existing buildings. This is especially the case in Jerusalem, Bedouin areas, and behind the apartheid wall. The table below shows the number of students from Bedouin communities enrolled in Bedouin Tahadi (Challenge) schools, according to Ministry of Education figures.

III. Statistics on Bedouin students by area

Number of students and teachers in Tahadi (Bedouin) schools

<i>Area</i>	<i>Name of school</i>	<i>Male students</i>	<i>Female students</i>	<i>Total</i>	<i>Male teachers</i>	<i>Female teachers</i>
Janin	Imriha Mixed Elementary	17	23	40	-	10
Janin	Zahr al-Malih Mixed Elementary	18	22	40	-	11
Bi'r Zayt	Badia Ras al-Tin Mixed Elementary	17	23	40	1	8
Ramallah	Tahadi Badia Ramallah Mixed Elementary	47	37	84	0	11
Ramallah	Wadi Salman	21	25	46	0	7
Suburbs of Jerusalem	Al-Muntar Mixed Elementary	18	16	34	8	0
Bethlehem	Tahadi 5 Mixed Elementary	15	27	42	0	6
Bethlehem	Al-Iqban Mixed Elementary	134	124	258	3	14
Yatta	Al-Zuwaydin Mixed Secondary	226	101	327	22	3
Yatta	Rifa'iyah Mixed Elementary	62	48	110	10	6
Yatta	Khallet al-Daba' Mixed Elementary	4	2	6	4	0
Yatta	Palestine Mixed Elementary	22	19	41	1	6
Yatta	Um Qissa Mixed Elementary	19	23	42	6	1
Yatta	Um Al-Shaqhan Mixed Elementary	32	30	62	4	3
Yatta	Aisha Khalil Mixed Elementary	20	15	35	0	7
Jericho	Shalal Awja School	62	58	120	6	9
Hebron	Ali Amro Boys Elementary	90	0	90	13	0
South Hebron	Zanutah Mixed Elementary	10	15	25	6	1
South Hebron	Badia Ramadin Mixed Elementary	22	18	40	1	6
South Hebron	Simya Mixed Elementary (Tahadi 13).	12	11	23	2	5
Tubas	Ibziq Mixed Elementary	17	16	33	2	3
Tubas	Kardalah Mixed Elementary	19	20	39	0	7
Tubas	Malih Mixed Elementary	17	17	34	2	3
Ramallah	Badia Ayn Samyah	1	5	6	0	4
Yatta	Asfa Mixed Elementary	3	5	8	4	0
Yatta	Huwwarah Mixed Elementary	9	4	13	5	0
Yatta	Khashm al-Karm Mixed Elementary	14	21	35	6	0
Nablus	Tana Mixed Elementary	3	3	6	2	1
Total		950	723	1 673	108	132

The situation of minority women (paragraphs 27 and 28 of the concluding observations)

59. As part of the vision of the State of Palestine to protect Palestinian women from the crimes of the colonialist occupation and their consequences, the State adopted Security Council resolution 1325 (2000) on women, peace and security in 2012. The aim is to promote the leadership of women and girls and their role in relief and recovery operations, especially in the areas most affected by the policies of the colonialist occupation, such as the Gaza Strip, parts of Area C and the Jordan Valley. The State also focused on women's access to humanitarian aid and emergency services during the COVID-19 pandemic, and it seeks to ensure that women's organizations working in the relief sector receive appropriate funding.

The aim is to support women's participation and help them benefit from relief and recovery programmes, which will be discussed later. A monitoring and evaluation programme on the second strategic plan for the implementation of resolution 1325 has been launched.

60. The authorities issued Decree-Law No. 33 of 2021 establishing the Palestinian Employment Fund to support small projects for young persons of both sexes. A ministerial committee headed by the Ministry of Labour was also formed to follow up on the needs of working women in remote areas.

61. In 2020, the Ministry of Women's Affairs launched a national digital observatory on violence against women. At least 100 data entry personnel were trained, and work has begun to provide the observatory with the required data. (www.gbvo.mowa.pna.ps).

62. Special programmes on women's empowerment, protection and administrative matters have been incorporated into the programme budgeting of the Ministry of Women's Affairs.

63. The Council of Ministers issued Decree No. 98/18/MW/MA of 2021 adopting the recommendations contained in a report prepared by the Ministry of Women's Affairs on women in decision-making roles. The Decree tasked the Ministry with proposing amendments to national legislation that would include interim measures to enable women to access decision-making roles, such as the Elections Act, the Diplomatic Corps and the Trade Unions Act.

64. The Council of Ministers issued Decree No. 8/99/M.W/M.A of 2021 approving the recommendations of the study prepared by the Ministry of Women's Affairs on gender-responsive policies. The Decree provides for the following: the development of working methods for the Ministry; the review and development of gender units' responsibilities; the development of gender-responsive public budget models; the formation of a national committee to review economic policies from a gender perspective and dedicated economic programmes to bridge the gap; and the establishment of a mechanism to link researchers and specialists in gender issues with Palestinian universities so that they can benefit from libraries and peer-reviewed journals to deepen their scientific and practical knowledge.

65. To address the gender pay gap during the COVID-19 pandemic, the Council of Ministers issued Decree No. 631 of 2 March 2022 instructing the Minister of Labour to take the necessary measures to increase monitoring in order to ensure equal pay for men and women for work of equal value. The Council of Ministers also issued Decree No. 4 of 2021, which raised the monthly minimum wage in Palestine from 1,452 new shekels (NIS) to NIS 1,880.

66. The Council of Ministers issued Decree No. 4/149/MW/M.A of 2022, instructing the Minister of Higher Education and Scientific Research to present a vision and action plan to create incentives for girls to enrol in university education, in coordination with the Minister of Women's Affairs.

67. On 23 October 2022, a national committee to promote equal pay and ensure equal pay for work of equal value was formed, headed by the Ministry of Women's Affairs. Its membership included the Ministry of Labour (as vice-chair of the committee), as well as the General Union of Palestinian Women, the Palestinian Central Bureau of Statistics, the rapporteur of the National Committee for Women's Employment, representatives of workers and of employers, the Higher Council for the Rights of Persons with Disabilities, and academics. It was formed to study and analyse all literature and data relating to equal pay in order to detect gender gaps; propose gender-responsive policies on pay equity issues for work of equal value; monitor and analyse international indicators on gender pay equity and work to meet them with the relevant authorities; coordinate and conduct awareness-raising campaigns on gender pay equity issues with relevant partners; and develop research and studies and analyse data on gender issues relating to pay equity.

68. A fund of \$50,000 has been set up to support and empower women through the GROW project. The aim is to purchase products from farmers and provide them to women to encourage home manufacturing projects.

69. In 2021–2022, the Bureau of the Chief Qadi equipped 17 comprehensive family counselling clinics in sharia courts to receive and engage with female victims of violence. For its part, the Supreme Judicial Council has assigned judges – a total of 31, including 14 female judges – in all regular courts to consider gender-related cases.

70. Decree-Law No. 21 of 2019, determining the age of marriage in the State of Palestine, was issued to amend the legislation governing personal status for Muslims, Christians and other citizens in the State of Palestine. The Decree-Law standardized the minimum age for marriage, removing discriminatory elements and gender disparities by setting the minimum age at 18 for all persons and for both sexes. On 11 December 2019, the Chief Qadi issued Circular No. 49 of 2019 to sharia court judges and officials authorized to perform marriages under Islamic law, stating that the Decree-Law would come into force on 29 December 2019. If, following psychological, social and security assessments, sharia court judges form the conviction that a marriage conducted for a person under the age of 18 was not in their interest, the case is referred to the Public Prosecution Service for it to prosecute the husband, father, witnesses and the legal official who performed the marriage in accordance with the Criminal Code, which penalizes marriages that contravene the law.

71. To ensure that women receive their rightful inheritance, a draft decree-law concerning the regulation and distribution of inheritance was prepared in 2022 and has been submitted to the President for issuance. The draft envisages stricter penalties on persons who withhold inheritance from any person entitled to it.

72. With a view to implementing decrees of the Palestinian National Council and the Palestinian Central Council, both of which are part of the Palestine Liberation Organization, work is underway on a draft-decree law regulating trade union activity, which envisages the active participation of women in unions without any gender-based discrimination. Another decree-law is also being drafted that aims to raise women's participation in general and local elections to at least 30 per cent.

73. The National Curriculum Centre has been established as an independent legal entity. It is administered by a national high commission and its rules of procedure have been approved by the Council of Ministers. The Centre has conducted a comprehensive review of textbooks from a human rights perspective to remove discriminatory stereotypes towards any person or group in society and making the books age-appropriate for the students. The review focused on five main areas: social and family roles, religious and historical roles, contemporary political and national roles, the characteristics and personality traits of women and men, and professional roles. These areas cover 53 sub-topics. The analysis of textbooks on Islamic studies, social studies, science, Christian studies, the Arabic language and mathematics revealed that, for grades 1–9, the percentage of professional roles was 51.19 per cent and the percentage of social and family roles was 31.86 per cent. Meanwhile, for grades 5–9, the percentage of professional roles was 63.85 per cent. A range of observations emerged from the study, for example, that, while school curricula did mention the role of women – as per the standards of the United Nations Educational, Scientific and Cultural Organization (UNESCO) – they did so to varying degrees. The study also recommended certain adjustments, which were made in 2019. Although the concept of stereotypes was not mentioned in the curriculum, there was a focus on gender roles. In response to the recommendations of the review and analysis, human rights concepts were explicitly incorporated into the 2019 changes to the curriculum. The changes, based on the concepts of patriotism and citizenship, sought to uphold the foundations of democracy, equality, social justice and citizenship in accordance with the principles of human rights.

74. Efforts have been made to encourage girls' participation in local and international competitions; to include persons with disabilities; to ensure that male and female referees are available without discrimination; to focus on sports in schools in remote and marginalized areas, Bedouin communities and Area C; and to ensure female participation in sports. As a result, 2,000 students have participated in sporting activities.

75. A number of laws and regulations have been issued that promote the rights of Palestinian women, including women belonging to groups protected under the Convention. For example:

- To enhance the effective and fundamental representation of women in legislative institutions, Decree-Law No. 1 of 2021 was issued, amending Decree-Law No. 1 of 2007 on general elections. Under the revised Decree-Law, it is obligatory for electoral lists to feature a woman among the first three candidates, and another woman among every subsequent four candidates, which would increase women's representation. The Decree-Law stipulates that: "Each electoral candidate list shall meet a quota for the representation of women of at least one woman in: 1) The first three names in the list. 2) Every four names after that."
- Decree No. 5 of 2021 on the promotion of public freedoms seeks to strengthen the climate of public freedoms throughout the State of Palestine, including freedom of political and civic action, in accordance with the provisions of the Palestinian Basic Law and related laws.
- Decree-Law No. 20 of 2022, issued on 9 April 2022, amends certain provisions of Decree-Law No. 17 of 2016, notably in article 2 which envisages the establishment of a department for the enforcement of sharia law. The new department ensures that rulings issued by sharia courts are duly implemented, thus removing that function and authority from the enforcement departments of regular courts. Under article 9 of the Decree-Law, appeals against sharia court rulings are to be heard by the sharia court of appeal, thereby contributing to the prompt adjudication of rulings by the sharia courts in relation to women and children. Under Decree-Law No. 20 of 2022, refusing to hand over a minor or failing to comply with a ruling on visiting, hosting or accompanying a child are considered crimes punishable by imprisonment for a period of at least 6 months. All provisions inconsistent with these stipulations are duly abrogated under articles 3 and 4 of the Decree-Law.
- The Council of Ministers has issued several decrees with a view to promoting women's rights. For example, at its 181st session on 14 November 2022, the Council approved an amendment to the referral system established under its Decree No. 18 of 2013 on female victims of violence. The amendment aims to establish a body of rules that together constitute a national charter for engaging with women referred through the system. The rules envisage: 1. Protection and care for women in the health, social and judicial sectors. 2. Principles that clearly set out a binding framework for professional relationships with women referred through the system. 3. A reference source to deal with moral, ethical and professional problems, and the rights and responsibilities of service providers and of female victims of violence.
- Council of Ministers Decree No. 02/149/18/M.W./M.A of 2022 seeks to accommodate the impact on pension entitlements of year-long periods of absence without pay for the purpose of childcare.
- Council of Ministers Decree No. 03/149/M.W/M.A of 2022 concerns an annual award for distinguished women in the political, social, economic, cultural, human rights and media spheres.
- Council of Ministers Decree No. 04/149/M.W/M.A of 2022 concerns incentives for girls to enrol in university education.
- Council of Ministers Decree No. 06/13/18/M.W/M.A of 2019 declares 26 October as the annual National Day of Palestinian Women.
- Council of Ministers Decree No. 09/104/18/M.W/M.A of 2021 concerns the formation of a standing national committee to monitor the practices of the occupation and its violations and crimes against women.
- A Council of Ministers decree was issued to adopt the recommendations of a report on the situation of women with regard to decision-making. The recommendations included proposing draft laws and developing a strategy to overcome the

underrepresentation of women in decision-making positions, as well as institutionalizing programmes for young women leaders in educational institutions.

- Council of Ministers Decree No. 2/100/18/MW/MA of 2021, concerns a national programme for the economic empowerment of women working in settlements. It aims to remove such women from the Israeli labour market and integrate them into the Palestinian labour market.
- A national committee for pay equity was formed in October 2022, chaired by the Ministry of Women’s Affairs, with the Ministry of Labour acting as vice-chair. The aim of the committee is to work towards equal pay for work of equal value.
- A health insurance system has been drafted to exempt women and child victims of violence from paying for treatment.
- A national definition of multidimensional poverty has been adopted, of which one entire element relates to violence against women.
- Judges – a total of 31, including 14 female judges – have been assigned in all courts to consider gender-related cases.
- A toll-free number has been set up for the family protection unit of the Palestinian Police.
- A Sharia judge had been appointed in courts to follow up on cases relating to visitation and alimony during the COVID-19 pandemic.
- Council of Ministers Decree No. 18/99/18/M.W./M.A of 2021 concerning 20 years of gender-responsive policies in the State of Palestine.

In terms of national strategic plans:

- Through Decree No. 09/103/18/MW/MA, the Palestinian Council of Ministers approved the second national plan for the implementation of Security Council resolution 1325, for the years 2021–2024.
- Approval has been given for a national employment strategy, one of the objectives of which is to increase the proportion of women in the labour market, as well as a strategy to reduce negative phenomena in society, which focuses on issues such as violence against women and divorce.
- A national strategy has been approved for the promotion of gender equality and women’s empowerment for the period 2021–2023.
- Work is underway to update the strategy for combating violence against women for 2022–2030 and to update and develop the strategy for women’s political participation for 2022–2030.

The right to education without discrimination

76. The State of Palestine guarantees the right to education for all citizens without discrimination. Article 24 of the Palestinian Basic Law, as amended, states: “Education, which is the right of all citizens, is compulsory up to the end of the basic level at least and is free of charge in public schools, academies and institutions.”

Table showing statistics on the number of students and teachers at the school built in Mount Gerizim (Samaritans) 2022/23

Name of school	Grade	Number of students in school by sex			Number of students by religion			Samaritan Students			Muslim Students		
		Male	Female	Total	Samaritans	Muslims	Total	Male	Female	Total	Male	Female	Total
Gerizim	1	0	1	1	1	0	1	0	1	1	0	0	0
Mixed	2	5	3	8	3	5	8	2	1	3	3	2	5
Elementary	3	5	3	8	5	3	8	3	2	5	2	1	3

Name of school	Grade	Number of students in school by sex			Number of students by religion			Samaritan Students			Muslim Students		
		Male	Female	Total	Samaritans	Muslims	Total	Male	Female	Total	Male	Female	Total
	4	2	2	4	2	2	4	0	2	2	2	0	2
	5	3	3	6	1	5	6	0	1	1	3	2	5
	6	3	4	7	3	4	7	1	2	3	2	2	4
	7	0	5	5	4	1	5	0	4	4	0	1	1
	8	0	1	1	1	0	1	0	1	1	0	0	0
	9	0	4	4	4	0	4	0	4	4	0	0	0
Total		18	26	44	24	20	44	6	18	24	12	8	20

77. The table above shows that although the school is dedicated to the Samaritan community, it attracts other religions. This is the case with all public and private schools; even if they are religious in nature, they do not discriminate on the grounds of religion or ethnic origin.

Table showing the number of teachers and students from the African community (Jerusalem):

Type of data	No.
Number of male teachers	2
Number of female teachers	3
Number of male students	6
Number of female students	5

Migrant domestic workers (paragraphs 25–26 of the concluding observations)

78. Foreign and domestic workers are protected under the Palestinian Labour Code (Act No. 7 of 2000) and Council of Ministers Decree No. 45 of 2004. Domestic workers are covered by the legal protections of the Palestinian Labour Code (Act No. 7 of 2000), while the Minister of Labour has outlined certain exemptions for workers in this category with regard to working hours, holidays, etc. and they are subject to the Labour Code and the provisions of their contracts. Accordingly, the Minister of Labour issued Decree No. 2 of 2013 on domestic workers, which clarifies the relationship between domestic workers and heads of household. Domestic work must be structured, workers may or may not live in the head of household's home and they must be over 18 years old, that is, of legal age. The Decree defines a head of household as the employer for whose benefit and service a domestic worker undertakes work. It defines a domestic worker as any individual who performs domestic work in accordance with the provisions of the Decree for a head of household in return for a wage under his or her management and supervision. It defines domestic work as permanent, temporary, occasional or seasonal work related to the normal tasks performed in service to a head of household or his or her family, such as cleaning, cooking and ironing clothes that a person is entrusted with, regularly or intermittently, in return for a wage.

79. Under the ministerial Decree, heads of household have the following obligations: to pay domestic workers their wages in cash, to ensure that wages do not fall below the minimum wage in force and to retain a proof of payment. Domestic workers may only be employed by the head of household and his or her family. The Decree also obliges heads of household to treat domestic workers with respect, to ensure that the conditions and requirements for decent work are met by providing for their clothing and food needs, to make sleeping quarters available if necessary, to insure them against work-related injuries and illnesses, and to ensure they undergo periodic medical check-ups at the expense of the head of household. Domestic workers are entitled to have a weekly day off, which is to be agreed upon between the head of household and the domestic workers, in addition to 14 days of paid annual leave and 14 days of paid annual sick leave.

80. The ministerial Decree also states that when a contract expires or is terminated, heads of household are obliged to pay any outstanding contractual entitlements, by conducting a settlement process between the two parties in the presence of a representative of the Ministry. The Decree also underlines the need for there to be an employment contract between the domestic worker and the head of household, a copy of which is to be retained by each party as well as by the Ministry of Labour. If a complaint is filed by a domestic worker against an employer, both parties are summoned to the Ministry to resolve the issue. This is because it is difficult to know how many workers are involved or where they are located despite inspectors carrying a judicial police card that entitles them to enter any building, company or institution. If it is found that any violations were committed by an employer against domestic workers, a notice is issued to settle the dispute within a week.

81. The Ministry of Labour is authorized to issue licences to domestic worker employment agencies, but no agency has applied for licences. It should therefore be noted that the State of Palestine does not have any private domestic worker employment agencies. Any workers in Palestine are brought in through employment agencies in Jerusalem, the capital, which is under the full control of the occupation, or inside Israel, the occupying Power. It is therefore not possible to specify how many such workers there are or how many complaints have been made by them, given the continued control of the occupying Power over borders and crossings.

82. There are, in fact, no migrant workers in the State of Palestine as it is under Israeli colonialist occupation and does not therefore have effective control over its crossings and borders or the granting of entry permits or other types of visa. Nonetheless, foreign workers are welcome on the Palestinian labour market. They enter under work permits provided by their sponsors. The permits are submitted to the Civil Affairs Department of the State of Palestine and are in turn transferred to Israel, the occupying Power, to allow them to enter to work in the State of Palestine. They include consultants and experts working in foreign institutions, international organizations or the European Union.

83. Under Palestinian law, foreign workers enjoy all their rights without discrimination, provided that they obtain work permits. This is a matter of regulation and not a matter of discrimination, as the Palestinian Labour Code (Act No. 7 of 2000) requires foreign workers to obtain a permit from the Ministry before working in the State of Palestine and prohibits employers from engaging anyone to work before obtaining that permit (as stipulated in article 14 of the Code). The Code does not discriminate against foreign workers and they are subject to its provisions.

84. Decree No. 45 of 2004 on work permits granted to non-Palestinian workers by the Ministry of Labour stipulates the following conditions: that they do not compete with the national workforce, that there is a genuine need for their work and that their qualifications and experience are commensurate with the post they apply for. The same article states that the Ministry of Labour may require reciprocity from the State of origin of the work permit holders.

85. At the time of writing the present report, the Ministry has not received any complaints relating to this issue. In fact, the Ministry not only strives to ensure that the provisions of the Palestinian Labour Code (Act No. 7 of 2000) are enforced without discrimination against anyone but, in line with the Code's provisions, it seeks to apply even more robust rights wherever possible. As a matter of course, this is equally applicable to foreigners working in the territory of the occupied State of Palestine.

Racist hate speech and hate crimes, and guaranteeing freedom of opinion and expression (paragraphs 19 and 20 of the concluding observations)

86. Before considering the efforts made at the national level to implement this recommendation, it is necessary to recall that the Palestinian people suffer from a long-standing foreign colonial occupation that, without accountability, denies and violates all their legitimate rights, including their human rights. The Committee's general recommendation No. 35 on "combating racist hate speech" sought to identify and describe the phenomenon of hate speech and to explore the relationship between speech practices and

the standards of the Convention. In paragraph 14 of that recommendation, the Committee states:

“Public denials or attempts to justify crimes of genocide and crimes against humanity, as defined by international law, should be declared as offences punishable by law”. In the same paragraph, the Committee stipulates: “The expression of opinions about historical facts should not be prohibited or punished”. In paragraph 15 of the recommendation, the Committee recognizes the need to take account of certain contextual factors when determining whether speech amounts to hate speech, notably “the economic, social and political climate prevalent at the time the speech was made”, and “the objectives of the speech” to the effect that “speech protecting or defending the human rights of individuals and groups should not be subject to criminal or other sanctions”. It follows, then, that Palestinian discourse concerning the historical facts of the struggle of the Palestinian people, the demands to protect the human rights of the Palestinian people and the fight to end the Israeli colonialist occupation cannot in any way be classified as hate speech. Any attempt to do so constitutes a clear circumvention of international law, a violation of the Palestinian people’s right to self-determination, their struggle for freedom and their legitimate fight to achieve independence. It also stands in contradiction to the Committee’s own recommendation on “the right to self-determination”.

87. In this context, it is important to emphasize that the State condemns hate speech and will, as a matter of principle, seek to combat it wherever it emerges. At the same time, however, demonstrating the reality of the colonial occupation, opposing it and pursuing accountability for its crimes is a right that has to be upheld until the occupation ends and the independence of the State of Palestine is achieved. Therefore, the systematic smear campaign pursued by Israel, the occupying Power, and its accusation that the Palestinian people, who suffer under its racist colonialist occupation, are practising hate speech is totally unacceptable and must be opposed. Equally unacceptable is the systematic and widespread Israeli policy of arresting journalists and human rights defenders in an attempt to undermine their societal, cultural and political role and to prevent them from exposing its violations and conveying the truth, thus diverting the attention of the international community from its own violations.

88. Palestine wishes to reaffirm what it already stated in its follow-up report that extremist Israeli non-governmental organizations (NGOs) which work to enable the occupation to pursue its crimes without accountability – including NGO Monitor, UK Lawyers for Israel and the so-called United Nations Watch – continue to promote and incite racial discrimination. They also seek to cover up and justify the crimes of the occupation and to spread lies and malicious rumours about the Palestinian people. Such actions place these NGOs within the category of racist organizations that practise hate speech to the fullest extent, as defined in paragraph 21 of the Committee’s general recommendation on combating hate speech, according to which denial of international crimes – indeed, attempts to justify them – constitutes hate speech, and organizations which practise hate speech must be declared illegal and prohibited.

89. Also as already stated in the follow-up report, Palestinian journalists continue to suffer repression and violations at the hands of the Israeli occupation soldiers. They have been persecuted and arrested while performing their journalistic activities, and some have been assassinated or prevented from covering events. Violations range from killing and injury, to beatings, to the destruction of equipment, to arbitrary arrest, to preventing journalists from accessing areas where events are taking place (paras. 29–33 of the follow-up report). This has also included the deliberate targeting and killing of several journalists with complete impunity. Although, in 2022, the International Federation of Journalists submitted a memorandum to ICC explaining the direct and systematic targeting of Palestinian journalists by the colonial occupation forces and the failure to prosecute the perpetrators of these crimes,⁴ this did not deter those forces from assassinating the journalist Shireen Abu Akleh

⁴ Palestine: ICC case filed over systematic targeting of Palestinian journalists, International Federation of Journalists, published on 26 April 2022. Available through: <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/palestine-icc-case-filed-over-systematic-targeting-of-palestinian-journalists.html>.

on 11 May 2022. She was killed instantly after being shot in the head while performing her work as a journalist, covering a raid by the colonial occupying forces into Jenin. This took place despite the fact that she was wearing clothing and markings clearly identifying her as a journalist.

90. For its part, OHCHR in Geneva confirmed that the bullet that killed journalist Shireen Abu Akleh came from the Israeli army of occupation.⁵ The International Federation of Journalists and the Palestinian Journalists' Syndicate submitted a petition to ICC to investigate the assassination of Shireen Abu Akleh while, in the same connection, the State of Palestine submitted a petition to the ICC Prosecutor to add the case to the already large file on "intentional killing" submitted to the Court. A number of international media outlets – the *Washington Post*, the *New York Times*, *CNN*, *Associated Press* and *Haaretz* – also conducted investigations and all of them concluded that the fatal bullet came from the Israeli colonialist army. Despite all of this, no one has been held responsible for the crime.

Efforts made at the national level

91. Palestinian security forces have received training on the Convention, as well as on how to recognize and deal with cases of racial discrimination and how to distinguish between, on the one hand, hate speech and, on the other, freedom of opinion and expression. The Ministry of the Interior has incorporated the Convention into its strategic, development and operational plans; into the procedures regulating the services it provides to citizens and into its training programmes for law enforcement personnel, which are supervised by the Ministry's Human Rights Unit. In 2020, the Ministry of the Interior adopted a continuous education strategy to provide training on human rights issues and, in cooperation with Birzeit University, it has developed a training portfolio for law enforcement officials. In pursuit of this strategy, on 4 April 2022, the Ministry of the Interior held a train-the-trainer course on the portfolio for senior officials and personnel from various law enforcement agencies and for students from Al-Istiqlal University (a police academy).

92. In 2019, the Ministry of the Interior drafted a manual to regulate the relationship between security forces and journalists in the field. A number of training courses, discussion and workshops on the manual were held in various northern governorates, with the active participation of journalists and representatives of law enforcement and of civil society organizations. The Ministry of the Interior applies and develops legal measures that are consistent with the human rights treaties signed by the State of Palestine, and it designs and applies policies intended to ensure optimal conditions for journalists to practise their profession freely, to guarantee freedom of opinion and expression and to ensure the security and safety of journalists.

93. On 26 June 2022, the Ministry of the Interior formed a specialized team made up of certified trainers from law enforcement agencies and Al-Istiqlal University and, in 2023, the Human Rights Unit of the Ministry of the Interior is seeking to use those trainers to run a human rights training programme for law enforcement personnel. Furthermore, on 20 March 2022, the Ministry of the Interior signed a memorandum of understanding and cooperation with the Arab Observatory for Democracy and Elections and the Horizon Centre for Political Studies and Media Outreach. Under the memorandum, the signatories agree to hold televised discussions and legal awareness-raising sessions with the aim of strategically bridging gaps and engaging with Palestinian civil society activists. This is to be achieved through effective dialogue with the Ministry of the Interior and law enforcement agencies, a dialogue based on providing space for peaceful public assembly and freedom of expression, within the framework of the Palestinian legislation that regulates those rights. The encounters have served to deepen understanding and awareness of Palestinian legislation and of human rights treaties relating to freedom of opinion and expression and freedom of peaceful assembly, and the line between those rights and hate speech and incitement.

⁵ Killing of journalist in the occupied Palestinian territory, Office of the United Nations High Commissioner for Human Rights, published on 24 June 2022. Available through: <https://www.ohchr.org/en/press-briefing-notes/2022/06/killing-journalist-occupied-palestinian-territory>.

94. The Human Rights Unit at the Ministry of the Interior is responsible for promoting human rights principles and values to support a democratic and pluralistic political system, as stated in the Declaration of Independence and in the Basic Law and its 2003 amendments. The Human Rights Unit also seeks to promote the principle of partnership and cooperation with civil society organizations. In this context, the Unit, in cooperation with the Arab Observatory for Democracy and Elections and the Horizon Centre for Political Studies and Media Outreach, has held a series of eight meetings that were televised via the *Watan* media network. The meetings – which were transmitted as part of the *Free Spaces* programme and were attended by representatives from the Ministry of the Interior, from the security establishment and from civil society organizations – served to consider the current status of the right to peaceful assembly and freedom of opinion and expression in Palestine.

95. A series of meetings to raise awareness about the right to freedom of expression and peaceful assembly have been held in the governorates of Jenin, Tulkarm, Nablus, Salfit, Hebron, Bethlehem, Qalqilyah and Tubas. They were attended by representatives of the relevant governorates, law enforcement officials, representatives of civil society organizations and youth activists, for a total of 320 participants.

Right to nationality (paragraphs 29 and 30 of the concluding observations)

96. The State of Palestine wishes to draw attention to the information contained in its initial report concerning the right to nationality, residence and to legal documentation. In that connection, the Palestinian Declaration of Independence has outlined the parameters of Palestinian identity, stipulating: “The State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence.”

97. A number of other Palestinian documents and charters include definitions that are likewise completely devoid of discrimination on any of the grounds envisaged in the Convention, as follows:

(a) Article 5 of the Palestinian National Charter states: “Palestinians are the Arab citizens who habitually resided in Palestine until 1947, whether those who were expelled therefrom or who remained therein. Anyone born to a Palestinian Arab father after that date, in or outside Palestine, is Palestinian.”

(b) Article 27 of Decree-Law No. 1 of 2007 regarding general elections states: “A person is deemed to be Palestinian: (a) If he or she was born within the borders of Palestine as delineated at the time of the British Mandate or had the right to acquire Palestinian citizenship under laws in effect at that time; (b) If he or she was born in the Gaza Strip or West Bank, including Jerusalem; (c) If the provisions of paragraph (a) above apply to any of his or her ascendants, regardless of their place of birth; (d) If he or she is the spouse of a Palestinian woman or Palestinian man, as defined above.”

(c) In addition to existing legislation, article 28 of the Palestinian draft constitution of 2015 states: “Palestinians are the Arab citizens who habitually resided in Palestine until 1947, whether those who were expelled therefrom or who remained therein. Anyone born to a Palestinian father or a Palestinian mother after that date, in or outside Palestine, is Palestinian. This definition is to exclude the minorities who came to Palestine for purposes of colonization. Anyone born to a mother or father who holds Palestinian citizenship has the right to Palestinian citizenship.”

(d) Article 30 of the Palestinian draft constitution reads: “The Palestinian people form a single unit. Palestinians who were forcibly displaced from their homes in Palestine or compelled to leave Palestine before or after the Nakbah of the Palestinian people in 1948 and whose return thereto was prevented shall have the right to return to the homes and properties from which they were driven. This is part of the inherent right of the Palestinian people to

self-determination, which is a permanent right not subject to any period of limitation. The return of Palestinian refugees to the Palestinian State and their possession of citizenship in accordance with the law does not diminish their right to return to their original homes in accordance with General Assembly resolution 194. The Palestinian State is committed to continue to strive for the implementation of this legitimate right of Palestinian refugees to return to their homes, recover their property, and be compensated for their losses, damages and suffering.”

98. As concerns a unified legal framework regulating the issue of nationality, article 9 of the Basic Law, as amended, envisages the adoption of a law to regulate the conditions surrounding Palestinian nationality. However, until such a law can be enacted, that question has to be regulated by a body of British and Jordanian laws that remain in force in Palestine, in addition to Palestinian laws. In this context, it must be noted that the laws in force in the State of Palestine regulate the right to nationality without discrimination of any kind, guaranteeing women and men equal rights to transmit, acquire, change or retain their nationality. Provisions in those laws that regulate the revocation or withdrawal of nationality are likewise consistent with the Convention.

99. It is important to remember that the exercise of the rights deriving from Palestinian citizenship is closely linked to ending the colonial occupation, which imposes illegal and arbitrary control over Palestinian civil affairs and applies racist laws that determine the criteria for entering or residing on the territory of the State of Palestine or for moving between Palestinian towns. At the same time, Israel, the occupying Power, uses a number of procedures and practices to violate Palestinians’ right to citizenship:

(a) Denial of the existence of a Palestinian people and failure to recognize Palestinian identity or any national rights of the Palestinian people.

(b) Absolute refusal to implement any resolutions under international law that envisage the return of Palestinians to the homes from which they were displaced, including those located inside Israel.

(c) An arbitrary apartheid regime, which uses a system of authorizations and residency permits to sever the links between Palestinian cities, notably Jerusalem, limiting the power of movement of Palestinian citizens and thereby curtailing their ability to continue to live with dignity in their own country and forcing them into displacement. In fact, Israel, the occupying Power, imposes absolute control over residency, resulting in many Palestinians and their spouses and families being unable to reside together in the State of Palestine. The United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 has stated: “Palestinians from the Occupied Palestinian Territory cannot live together with foreign spouses.”⁶ The practices of the occupying Power vis-à-vis Palestinians in this regard stand in contrast to the facilities it provides to the foreign spouses of Israelis moving to and residing in Israel.

(d) In its 1992 concluding observations on the State of Israel, the Committee on the Elimination of Racial Discrimination concluded that nationality-based discrimination did exist, with some members expressing concern “over Israeli policy that, on the one hand, accorded citizenship automatically to Jewish immigrants arriving in Israel and, on the other hand, barred the return to their former homes of Arabs displaced by war”. In spite of that, the occupying Power continues to discriminate between Palestinians and Israelis in immigration and nationality laws, preventing Palestinians from returning to the homes from which they were displaced in 1948, in clear violation of international law and United Nations resolutions, notably resolution 194. At the same time, those laws – first and foremost the 1950 Law of Return – allow anyone to obtain Israeli citizenship and immigrate immediately, merely on the basis of their Judaism.

100. Palestine attaches great importance to this issue and has established a number of institutions to preserve and protect Palestinian national identity and to ensure that Palestinian people are able to exercise their right to citizenship without discrimination, as illustrated in

⁶ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Human Rights Council, [A/HRC/4/17](#), para. 48.

paragraphs 96 to 99 of the present report. For further information please refer to paragraphs 95–104 of the 2018 initial report of the State of Palestine. At the same time, Palestine must reiterate the fact that respect for and enforcement of any nationality law is contingent on ending the colonial occupation of the State of Palestine and enabling the Palestinian people to achieve their freedom, independence and right to self-determination. In fact, the Israeli colonial occupation prevents the Palestinian people from enjoying any rights, including the right to nationality. In this connection, the State of Palestine can affirm that it is continuously striving – to the extent possible in the light of the current situation – to enable its people to enjoy Palestinian identity, and it will pursue its efforts in this regard until all Palestinian are able to enjoy all their rights, including the right to nationality.

Articles 6 and 14

Complaints of racial discrimination (paragraphs 17 and 18 of the concluding observations)

101. The State of Palestine has never been accused of applying racist policies against its own citizens, and the rule of law is the only standard applied in dealings with foreigners resident on national territory.

102. Acting under article 14 of the Convention, the State of Palestine has launched an individual complaints procedure and has designated the Independent Commission for Human Rights (Bureau of Grievances) as the body competent to receive and consider petitions from individuals and groups who claim to be victims of violations related to racial discrimination. On 28 June 2022, a training course on the Convention was held for staff of the Independent Commission, the aim being to provide them with the skills necessary to monitor complaints of racial discrimination. In partnership with the Commission, the Ministry of Foreign Affairs and Emigrants has collaborated with the OHCHR country office in the State of Palestine on a training course entitled: “Individual complaints under the Convention on the Elimination of All Forms of Racial Discrimination”. The course – which was directed at personnel of the Independent Commission in a number of governorates in the West Bank and the Gaza Strip – came in the light of the declaration of the State of Palestine under article 14 of the Convention and its designation of the Independent Commission as the body with legal jurisdiction to receive and consider petitions from individuals who are victims of a violation of any of the rights envisaged under the Convention. The Commission, in fact, is the most appropriate mechanism to receive individual complaints about racial discrimination, as it has the necessary qualifications and capabilities, and a proven record of neutrality and professionalism. It also plays an important role in educating the Palestinian people about their rights and the mechanisms available to them under the Convention.

103. The training course, which lasted two days, covered a number of topics, notably the following: the Convention itself and a presentation of some of its more important provisions; individual complaints procedures and the criteria and processes associated therewith; an examination of the Committee’s individual complaints form; the role of the Independent Commission as the national body competent to receive individual complaints; and the role of national institutions under article 14 (2) of the Convention. The Independent Commission has already begun adding the classification to its own complaints form; however, the challenge it faces is the absence of a clear classification applicable to the Palestinian context, for reasons mentioned earlier in the present report.

104. Steps have been taken to facilitate the submission of complaints regarding human rights violations and acts of racial discrimination committed by civilian officials or members of law enforcement agencies. To that end, the Ministry of the Interior has embraced a strategy that envisages multiple points where complaints can be submitted. The Ministry has also created a special complaints follow-up unit, which is linked to the unified complaints system of the Council of Ministers and to the complaints units of security agencies. Authority to receive and address complaints, and to interact with the parties involved, has also been conferred on the Human Rights Unit and the Gender Unit. Complaints are received directly from citizens and from civil society organizations. All this is in addition to complaints units in law enforcement agencies.

105. Palestinian courts are open to all persons irrespective of their racial or ethnic origin, gender or religion. In receiving complaints, no discrimination is shown against one group of persons at the expense of another, and the complaint is duly considered until a definitive ruling is handed down. In cooperation with the OHCHR office, the Convention has been printed in booklet form to serve as a reference for judges and to ensure that allegations of racial discrimination brought by individuals are thoroughly investigated and that individuals are not subjected to racial or ethnic stereotyping or profiling. The booklet has been distributed among ordinary Palestinian judges and members of the Public Prosecution Service in all governorates, as well as among judges of the Constitutional Court, the administrative courts and the administrative prosecution service. This was done once the Convention had been published in the Official Gazette and become an integral part of the Palestinian law that citizens can invoke before the Palestinian courts.

106. Classification of “age, gender and religion” has been included in the Mizan 2 online system used by the regular courts. The data has been entered since September 2019 whenever the courts receive complaints related to the Convention. Currently, as part of the plans of the Supreme Judicial Council, work is underway to integrate “ethnic and national origin” into the system, which is being upgraded to Mizan 3. This will have an impact on the statistics extracted by the Supreme Judicial Council in the future.

107. Statistics relating to the regular courts, produced via the Mizan 2 system, have been broken down and disaggregated in detail by type of offence, age, sex, court ruling for conviction or acquittal and penalties imposed on offenders, as shown in the table below. As regards compensation for victims, having examined all the complaints submitted in this connection, the Supreme Judicial Council has been unable to find any claim for compensation from victims. Moreover, certain court rulings concerning matters under the Convention will – within the limits of the law – be published on the website of the Supreme Judicial Council as part of its awareness-raising efforts.

108. In order to raise awareness among the public at large, information brochures on the core human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, are being produced in cooperation with OHCHR. The brochures will be distributed via courts, prosecution offices, the Bar Association and civil society organizations.

109. The Human Rights Unit at the Ministry of Justice professionally and systematically verifies the extent to which equality and non-discrimination are upheld in the Ministry’s public services and in its inspections of correctional and rehabilitation facilities.

110. It is important to emphasize that there have been no cases of direct racial discrimination. Other offences are listed in the table below:

<i>No.</i>	<i>Crime/legal provision</i>	<i>Total cases</i>	<i>Cases resolved</i>	<i>Cases pending</i>	<i>Age range</i>	<i>Sex</i>	<i>Trial outcome (acquittal or conviction) and penalty</i>
1	Provoking sectarian or racial strife or joining groups for that purpose (arts. 50 and 51 of the Criminal Code)	201	97	104	19 to 69	197 males, 4 females	90 acquittals, 7 convictions with penalties ranging from 3 months’ imprisonment to fines of JD 45
2	Creating an app or website to provoke hatred, racism and racial discrimination (arts. 24 and 25 of the Cybercrime Act)	57	36	21	21 to 60	58 males, 1 female	29 acquittals, 7 convictions with penalties ranging from 3 months’ imprisonment to fines of JD 400
3	Offending the religious sensibilities of others (art. 278 of the Criminal Code)	1 195	864	331	18 to 79	1 134 males, 61 females	327 acquittals, 537 convictions with penalties ranging from 3 months’ imprisonment to fines of JD 20

No.	Crime/legal provision	Total cases	Cases resolved	Cases pending	Age range	Sex	Trial outcome (acquittal or conviction) and penalty
4	Sexual exploitation as a manifestation of human trafficking (art. 310 of the Criminal Code)	12	2	11	32 to 53	3 females, 9 males	1 acquittal, 1 conviction with a penalty of 3 months' imprisonment

Article 7

Disseminating and promoting understanding and friendship among nations and racial or ethnic groups in the field of education

111. Firstly, and in response to the Committee's statement regarding the existence of "derogatory comments and images in school curricula and textbooks", it is important to note that curricula are based on the Palestinian Declaration of Independence and the Palestinian Basic Law. Moreover, they take due account of international human rights legislation and international humanitarian law and are consistent with international standards regulating the development and design of curricula. In the same context, article 3 (4) of the 2017 Palestinian Education Act enjoins "promoting religious and moral values and behaviours, respecting human rights and freedoms, upholding the principles envisaged in international treaties and national human rights legislation and reinforcing the values of citizenship" (see annex 1, which gives examples of how opposition to racial discrimination has been integrated into Palestinian school curricula).

112. The occupying Power continues its violations against education, especially in Jerusalem, in particular by falsifying and distorting curricula and advocating against the Palestinian curriculum with the aim of obliterating the truth, history and culture of the Palestinian people. In the light of that, the Ministry of Education drafted a report in 2022 comparing UNESCO curriculum standards with the reference framework document used for the development of the Palestinian curriculum. The report concluded by finding that the foundations and standards enshrined in the UNESCO document on improving education and educational outcomes are, in fact, an integral part of the Palestinian curriculum reference framework document, as approved by the seventeenth Palestinian Government.

113. The Ministry of Education has held several meetings with consulates of European countries, international organizations and their representatives in Palestine to clarify the truth about this issue and to explain the Palestinian point of view vis-à-vis the campaigns of incitement against school curricula. The meetings served as an opportunity to emphasize the following points:

- School curricula are, by their nature and par excellence, a matter of sovereignty, because they are viscerally linked to the issue of, on the one hand, Palestinian national identity and the narratives surrounding it and, on the other, its vital role in shaping children's consciousness, forming their identity, moulding their sense of belonging, preserving their cultural heritage and conceiving their sense of time and space and its connotations.
- Textbooks are reviewed at the decision of Palestinian educators and using Palestinian know-how. Reviews are based on academic educational criteria as well as on feedback from the field, inter alia from parents and guardians, civil and academic partners and research centres. Underpinning all these efforts is commitment to the children and a constant striving to improve the various aspects of the learning environment including curricula, teaching strategies, educational techniques, etc. The revision process is supervised by a higher technical committee set up by the Council of Ministers with the participation of a group of specialists. The revision process is to finish in mid-April 2020, so that the design and printing of the updated version of the curriculum can be completed before the academic year 2020/21.
- European parties must be aware that the State will not accept any unilateral study of Palestinian curricula, such as the one that the German Georg Eckert Institute has been contracted to conduct. The Ministry has stipulated that a symmetrical and

simultaneous study of both Palestinian and Israeli curricula needs to be carried out, as had been done in other cases. The Ministry of Education contacted the Georg Eckert Institute for it to conduct a review of Israeli curricula, but the Institute replied that it is not authorized to conduct studies on behalf of specific States and that it only does so when commissioned by regional or international organizations that include a group of States. The Ministry responded that it would be able to coordinate with such organizations to apply for such a review, and asked whether the Institute was ready to engage positively with the application. The Institute said that it would look into the option and revert shortly.

- There have been contacts with researchers and academics with a view to carrying out a preliminary study of Israeli curricula in the humanities and social sciences, and agreement to conduct such a study has been reached.

Other matters

Ratification of other treaties (paragraph 31 of the concluding observations)

114. The State of Palestine takes a positive view of the Committee's suggestion to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Convention relating to the Status of Refugees and its Protocol. Serious consideration is being given to that possibility, also by considering the ability of the State of Palestine, in the event of its accession, to implement the provisions of those treaties effectively, particularly in the light of the current situation and the Israeli colonial occupation of the territory of the State of Palestine.

Follow-up to the Durban Declaration and Programme of Action (paragraph 32 of the concluding observations)

115. The State of Palestine reaffirms its commitment to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (for further information please refer to paragraphs 5, 12, 14, 16, 17, 21, 22, 35 and 37 of the 2018 initial report of the State of Palestine). Palestine draws particular attention to operative paragraph 14 of the Declaration wherein the States parties recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that colonialism must be condemned and its reoccurrence prevented. The States parties further express their regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today. Operative paragraph 63 of the Declaration contains an expression of concern about the plight of the Palestinian people and recognizes their inalienable right to self-determination and to the establishment of an independent State. In operative paragraph 65, the States parties recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return. Despite this, Israel, the occupying power, still refuses the return of Palestinian refugees who were displaced from their homes, and continues to practise its colonial occupation, using apartheid as one of the main weapons in the expansion of its colonization.

116. The Durban Declaration constitutes a clear call to tackle racism throughout the world. Therefore, the State of Palestine reminds the international community, especially those countries that cling to their colonial legacy and unceasingly support the Israeli colonial occupation, that they have a moral, political, legal and economic responsibility to uphold the principles and commitments made in Durban and enable the Palestinian people to realize their inalienable rights, including their right to self-determination and independence.

117. The State of Palestine regularly participates in commemorations of the Durban Declaration and Programme of Action. The most recent of these commemorations was on 22 September 2021, when the State of Palestine participated in the commemoration of the

twentieth anniversary of the Declaration, on the sidelines of the seventy-sixth session of the United Nations General Assembly in New York. On that occasion, the State of Palestine sought to emphasize the suffering endured by the Palestinian people as a consequence of colonialism and apartheid, and stressed the importance of the Durban Declaration as a clarion call to tackle racism around the world. It also condemned the unjustified attacks and positions taken by a number of countries, who had sought to boycott the Conference and undermine its noble purpose.

People of African descent (paragraph 33 of the concluding observations)

118. On this subject, the State of Palestine wishes to recall the information concerning people of African descent contained in its initial report, and particularly paragraphs 23, 48, 74, 86, 93, 127, 142 and 162. Persons of African descent are, in fact, a fundamental part of the Palestinian people. According to the statistics of the African Community Association for 2020, persons of African descent number around 750, located in the Jerusalem area and chiefly concentrated near the main entrance of the Al-Aqsa Mosque, a position that leaves them perennially exposed to attacks by the extremist colonialist occupation forces. During the course of the national consultations, the African Community Association indicated that the State of Palestine periodically allocates money to support Jerusalem-based institutions and that, within that framework, the African community in the Jerusalem area was able to obtain financial support for its Community Association between 2017 and 2023. It is important to note that the African Community Association refuses to accept any conditional support – be it from a European, American or any other source – for fear of attempts to erase the Palestinian identity and cause. This makes their struggle to obtain funding more difficult.

119. In the same context, it should be noted that the State of Palestine, represented by a delegate from the African community, participated in the establishment of the Regional Network for Development and Anti-Racism in the Middle East and North Africa, which was launched on 21 March 2023. As of today, the Network includes more than 30 civil society organizations in the Middle East and North Africa region, as well as activists from 13 countries.
