

Shadow Report for the Committee on Economic, Social and Cultural Rights 66th Session - Israel Review

Background

This submission has been prepared by the Women's Centre for Legal Aid and Counselling (WCLAC). It is based primarily on first-hand accounts gathered by WCLAC from Palestinian women during 2016-2019¹ and is supplemented at times by secondary figures and reporting. The Women's International League for Peace and Freedom has supported the process.

In this submission, **WCLAC highlights the gendered impact of violations of the Covenant by Israel, and calls on the Committee to consider the cumulative and multiple forms of discrimination that women face in its consideration of the state party's report.** WCLAC's analysis is underpinned by Article 2 of the ICESCR prohibiting discrimination on the basis of sex, and Article 3 of the ICESCR, recognizing the right to equality between men and women. WCLAC draws on the Committee's General Comment 16 on Article 3 of the ICESCR, in which the Committee stressed that "Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented".² As this submission shows, WCLAC's research supports the findings of the Special Rapporteur on violence against women, its causes and consequences, following her mission to Israel and the Occupied Palestinian Territory / State of Palestine in September 2016, where she stated in her report that "*patriarchal attitudes and gender stereotypes are deeply entrenched in society and petrified and tolerated in the context of conflict and occupation constituting roots causes of [gender based violence against women]*" (para 26). As the Rapporteur also notes, this impact is further compounded and becomes

¹ The data is collected by WCLAC's professional field researcher via in-depth interviews around Palestinian women's personal experiences. Testimonies are presented in the annex form of statements and summaries. The statements used in this report have been shown to the concerned parties beforehand and given consent. Between the periods of April 2016 – May 2019, 110 testimonies have been collected from 110 women, between the ages 20-80, from different areas of East Jerusalem, the West Bank and Gaza. The areas are Silwan, Old City of Jerusalem, Ras Al Amoud, AITur, Shu'fat, Beit Hanina, Issawiya, Shu'fat refugee camp, Kufoor Aqab, Al sheikh Jarrah, Bardla, Salfit, Tawam, Jalameh, Khan Younis, Susiya village, East of Yatta – Wadi Al Samn, Al Naser, and Tulkarem.

² Committee on Economic, Social and Cultural Rights, General comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights, E/C.12/2005/4, 11 August 2005, para. 13

acute because victims of gender-based violence against women living under occupation lack access to justice.³

After its consideration of Israel's third periodic report, the Committee issued recommendations emphasizing Israel's obligation to report and fully guarantee and implement the Covenant's rights for all persons in all territories under its effective control.⁴ WCLAC is highly concerned that in its fourth periodic report, Israel still argues that the Covenant does not apply in the Occupied Palestinian Territory. This, as the Committee has previously stressed,⁵ undermines the enjoyment of the Covenant's rights in the Occupied Palestinian Territory. In this context WCLAC underlines the centrality of the right to self-determination, which enjoyment will be limited and restricted⁶ as long as Palestinians including Palestinian women live under occupation. The lack of self-determination in the Occupied Palestinian Territory forms the basis of, strengthens and magnifies violations of human rights by Israel as an occupying power. As the Human Rights Committee stressed, "self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights."⁷

Issues relating to specific provisions of the Covenant

House Arrests imposed on minors (Articles 3, 6, 10, 11, 12 and 13)

State Parties are under the obligation to recognize the widest possible protection and assistance to the family, particularly for its establishment and while it is responsible for the care and education of dependent children.⁸ In this connection, WCLAC wishes to raise the issue of house arrest imposed on minors. The UNCRC stipulates that the deprivation of liberty of a minor must always be a measure of last resort and for the shortest possible period of time.⁹ This has been recently echoed by the UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967.¹⁰ Yet, Israel routinely places Palestinian children under house arrest, often for months on end, in the majority of cases for throwing stones at heavily armed Israeli officials to whom they pose no real threat. It is likely that in such cases, house arrests, especially of children, can be considered a disproportionate and unnecessary measure that certainly does not account for the best interests of the child. This has major impacts on these youths and their families and has specific gendered dimensions. Israeli Military Order 1651¹¹ establishes the age of 12 as the

³ Ibid, para 2

⁴ List of Issues in Relation the Fourth Period Report of Israel 3 April 2019: General Information number 2 & 3

⁵ A (2) Concluding observations of the Committee on Economic, Social and Cultural Rights, 47th session
<https://www.refworld.org/publisher/CESCR/CONCOBSERVATIONS.ISR.52d65ec64.0.html>

⁶ CESCR, 1966, article 1, para 1.

⁷ Human Rights Committee, General comment No. 12: Article 1 (Right to self-determination), Twenty-first session (1984), para. 1

⁸ CESCR, 1966, article 10, para 1.

⁹ OHCHR, "UN rights experts alarmed by detention of Palestinian girl for slapping Israeli soldier" (2017)
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22654&LangID=E>

¹⁰ UNCRC, Article 19

¹¹ Article 186 of Military Order 1651, August 2015 Available at: http://www.addameer.org/sites/default/files/publications/article_186.pdf

minimum age for criminal responsibility.¹² After the age of 16, Palestinian minors are tried as adults, with a maximum penalty of 10 years imprisonment.¹³ It is often the case that, prior to Palestinian children being placed under house arrest, they are detained, without trial, for a period of time ranging from a few hours to weeks or even months. Following this period of detention, they are then placed on house arrest while charges are determined or while they await trial.¹⁴

The UNCRC provides in Article 40(2)(iii) that a child alleged to have committed a crime has the right to “...have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law...” In addition, the UN Rules for the Protection of Juveniles Deprived of their Liberty stipulate that in the case of children who are awaiting trial, “*Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention.*” The ICCPR Article 10(2) also makes specific reference to accused juveniles, requiring that they are “...brought as speedily as possible for adjudication.” In its General Comment no.35, the HRC recommends that accused children be brought before a judge within 24 hours.¹⁵ WCLAC contests that house arrest may be considered proportionate and necessary measures, as required by international law.¹⁶

According to WCLAC’s findings, three main conditions are imposed with a house arrest. Firstly, the minor must be guarded at all times by an adult. The adult guardian who is forced to stay with the minor to make sure the minor is not leaving the house must be one of the parents (or in very few exceptional cases the grandfather or grandmother). Secondly, a fine must be paid in full if the minor does not abide by the court sentence – i.e. he/she went out of the house. In almost all cases, if the minor does not abide by the court sentence he/she will also be facing actual imprisonment in an Israeli prison. Thirdly, frequent but unannounced visits are conducted by the Israeli occupation forces to the house where the minor is spending the sentence, which may occur at any time of day or night, without any prior notice.

When an Israeli court sentences a minor to house arrest, the minor is confined by the authorities to stay at his or her home for a certain period and is – in many cases – not allowed to leave under any circumstances. Accordingly, depending on the sentence made by the judge, minors are in some cases not allowed to go to school at all.¹⁷ In other cases, minors are sometimes allowed to attend school hours if accompanied. With

¹² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, article 1.

¹³ UNICEF report 2013: Children in Israeli Military Detention, p. 8: Available at https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

¹⁴ Defense for Children International “Child house arrests rise in Jerusalem clampdown” (2014) Available at: http://www.dci-palestine.org/child_house_arrests_rise_in_jerusalem_clampdown

¹⁵ UN Human Rights Committee (HRC), General comment no. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, Para.33

¹⁶ Defence for children international, Palestine, Child arrest rise in Jerusalem clampdown, DCI Palestine, 2014-12-1. Available at https://www.dci-palestine.org/child_house_arrests_rise_in_jerusalem_clampdown

¹⁷ (J. A)

respect to the ICESCR, the policy and practice violate the **right to education**¹⁸ and the **right to physical and mental health**.¹⁹

According to WCLAC's findings, such house arrests tend to disproportionately affect women. This is because mothers usually bear the traditional role of greater responsibility for childcare and housework. Hence, they are more likely to have to stay indoors with the minors under house arrest, in order to monitor them and ensure that they do not break the terms of the sentence, while their husbands leave for work. Also, if minors are allowed to attend school, the mothers must accompany them during the entire duration of school hours.²⁰ Hence, their **ability to work is highly restricted**.²¹ As a result, these mothers are also socially isolated from their community. Another example of isolation discovered through the testimonies collected by WCLAC is that women fear society's judgment that they were not able to prevent their sons from being put under house arrest. The burden is even greater for women who are single parents or whose husbands are disabled or otherwise unable to work. These restrictions lead to indirect discrimination against women, in violation of Article 3 of the ICESCR, and undermine these women's possibilities to improve their own **standard of living including living conditions** as elaborated below and their families'.²²

Because minors' house arrests and of women's role as guardians to their children, women have experienced financial distress due to loss of their source of income. Women are also sometimes left in precarious financial situations, after the period of house arrest, as they are forced to return to low skilled or low paid employment. This leaves them exposed to poverty and maltreatment, but also violates their prospects of autonomy and independence, which are often restricted in a patriarchal society.

Being forced to give up employment can also have long-lasting effects on women's mental health and confidence and creates further tension in the household, which also has a knock-on effect on girls in the sense that girls growing up in family settings that reinforce conservative gender norms will be given the responsibility of household work and childcare, thereby preventing them from enjoying their childhood. WCLAC's professionals also noticed that women who are effectively forced to become like prison guards for their children, expressed psychological pressure placing an emotional strain on their relationships²³ which endangers **the right to the highest attainable standard of physical and mental health**.²⁴ The measures and practices associated with house arrests against minors restrict women's enjoyment of the right to work and to health in line with obligations of States to respect Article 3, which requires refraining from actions that directly or indirectly result in discrimination against women.²⁵

Recommendations:

- Immediately stop the house arrest of minors' policy which forces women to become prison guards

¹⁸ CESCR, 1966, article 13, paras 1-4.

¹⁹ CESCR, 1966, article 12, para 1.

²⁰ (M. Gh)

²¹ CESCR, 1966, article 6, para 1

²² CESCR, 1966, article 11, para 1.

²³ (M. Q, A)

²⁴ CESCR, 1966, article 12, para 1.

²⁵ Committee on Economic, Social and Cultural Rights, General comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights, E/C.12/2005/4, 11 August 2005, para. 13

of their own children and hinders them from enjoying their economic, social and cultural rights.

- Immediately launch an independent inquiry into all alleged cases of torture and ill-treatment of Palestinian children, which must encompass bringing to justice anyone who has been ordering, condoning or facilitating these at all levels of the chain of command.²⁶

Residency revocations (Articles 2, 3, 9, 10, 11, 12, 13)

Residency revocation is the most direct tool used to forcibly transfer Palestinians from East Jerusalem. According to Israel's Ministry of Interior, Israel has revoked more than 14,500 residencies from Palestinians from Jerusalem between 1967 and 2017²⁷. Israel has broadened its regulatory intervention, making it easier to forcibly transfer the Palestinians of Jerusalem, such as the “centre of life policy”. The policy requires proof that a person’s centre of life is in Jerusalem or Israel, and if he or she overstays this period by residing outside of this area, there is a strong probability of losing his/her residency right in the city. Israel even considers moving to the West Bank or Gaza as “residing abroad”. Furthermore, the Minister of Interior has revoked a number of residencies of Palestinians from occupied Jerusalem based on “breaching allegiance” to the State of Israel²⁸.

At the conclusion of Israel’s 2011 CESCR review, the Committee called upon Israel to “*put a stop to the revocation of residency permits of Palestinians living in East Jerusalem.*”²⁹ WCLAC’s findings show that Israel³⁰ continues the practice of revoking residency as a collective punishment, implementing it against women and girls who are related to an accused perpetrator of politically related charges (Breach of Loyalty).

³¹ In addition, Palestinian women who live in Jerusalem may lose their residency permits, obtained through a family unification procedure³². Palestinians in East Jerusalem, in other words, are barred from living with their spouses from the West Bank in all but the most exceptional status if the husband decides to divorce or to remarry. If the children have a Jerusalem I.D. and remain with the father, the mother will no longer be able to live in the same city as her children – or even visit them – as under Israeli law entry to East Jerusalem by non-residents of the city requires special entry permissions issued by the Israeli authorities. In such cases, women’s residency permits to live in Jerusalem depend on their husband being able to renew their permit for them. Consequently, in case of divorce, the ex-husband would not be allowed to renew his ex-wife’s permit anymore. The fact that women’s residency depends on their relationships with their husbands

²⁶ Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May –14 June 2013), para. 36

²⁷ Human Rights Watch “Israel: Jerusalem Palestinians Stripped of Status – Discriminatory Residency Revocations” (2017) available at: <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>

²⁸ Universal Periodic Review of Israel <http://www.wclac.org/english/userfiles/UPR%20FINAL.pdf>

²⁹ Committee on Economic, Social and Cultural Rights, Concluding Observations: Israel, E/C.12/ISR/CO/3, 16 December 2011, para 17.

³⁰ Joint submission to the UPR Working Group 29th session, *Palestinian Women under Prolonged Israeli Occupation*, WCLAC, WILPF et al. 2018-01, page 7, para 5:2. Available at: https://www.wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

³¹ New Bill Allowing Revocation of Residency of Palestinians in East Jerusalem for “Breach of Loyalty” is Illegal:

<https://www.adalah.org/en/content/view/9390>

³² Under this residency system, spouses must submit family reunification applications where one member holds a Jerusalem ID and the other does not. Only if both have Jerusalem IDs can they live legally in Jerusalem. As of 2003, however, with the passing of the Law of Citizenship and Entry into Israel (Temporary Order, 2003), this reunification became almost impossible. Under this law, Palestinians are blocked from attaining Jerusalem ID on the basis of marriage.

create risks of gender related issues such as women's dependency and risk of exacerbating men's control over their wives. For example, in case a woman is a victim of domestic violence, she may be reluctant to go to the Israeli occupation authorities due to fear of being transferred outside Jerusalem if she does not have a permit, of losing custody of her children in case of divorce and to have her residency revoked as a result of divorce.³³ Arbitrary and gender-blind residency procedures lead to an increased risk of domestic abuse for women, dependency and control by husbands in Jerusalem.

Recommendations:

- Immediately cease the practice of the Ministry of Interior Affairs allowing residency revocations and review the "Entry into Israel Law" which endangers Palestinian women's rights to custody of their children and makes women reluctant to press charges against domestic violence out of fear of being forcibly transferred.
- Facilitate the process of family reunification and the registration of children who were born in Jerusalem.

Forced evictions and house demolitions (Articles 2, 3, 10, 11, 15)

In connection with the "List of Issues" issued by the Committee (Article 11 issue 25) and despite the Committee's Concluding Observations in 2011 urging Israel to stop home demolitions as reprisals, WCLAC's recent research in East Jerusalem shows that the practice of illegal house demolitions and forced evictions by the State party persists.³⁴

According to WCLAC's findings, women and girls are often significantly and differentially affected by house demolition policies and practices. Testimonies collected by WCLAC demonstrate that the constant fear and intimidation experienced by women in relation to house demolitions is profound, especially since some women and girls from rural or traditional backgrounds are more likely to stay at home, and not to work outside the house more than men and boys. Therefore, they are more likely to be at home and to be intimidated when Israeli officers come to inspect, serve demolition orders and carry out the actual demolishing.

One of the consequences of such measures is the infringement of Palestinian women's dignity and integrity when Israeli officials force themselves into households. According to our findings, no measures are taken to respect the specific social and cultural norms within households. For example, women expressed that their fear of not knowing when the Israeli occupation forces would raid houses made them wear the hijab at all times, even when sleeping.³⁵ Another woman explained that when Israeli occupation forces raided her home in order to demolish it, the first thing she thought of was collecting her underwear from her closet since she had heard of past stories about the military going through women's underwear in a humiliating way. Such practices may be humiliating for men and women of any background or context, and maybe even more so for women of conservative cultural backgrounds. These findings therefore raise concern over

³³ (N.Z.)

³⁴ CESCR, Concluding Observations: Israel, 2011, para 26.

³⁵ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Israel, 8 June 2017, A (HR/35/30/Add 1, page 13, para 61. Available at: <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>

the State Party's respect of cultural rights under Article 15 of the ICESCR. In its General Comment 21 on Article 15, the Committee clarifies that culture, encompasses, inter alia, ways of life. The Committee refers to UNESCO's definition of culture as "the set of distinctive spiritual, material, intellectual and emotional features of a society or a social group, [which] encompasses, ... lifestyles, ways of living together, value systems, traditions and beliefs".³⁶ The Committee further explains that the element of appropriateness entails "the realization of a specific human right in a way that is pertinent and suitable to a given cultural modality or context, that is, respectful of the culture and cultural rights of individuals and communities..."³⁷

Furthermore, the prospect of losing livelihoods places enormous pressure on families. Demolitions, or even the distress caused by the threat of demolition, may also cause profound psychological distress for children in the family. Throughout the documentation done by WCLAC, women who were exposed to such violations expressed a higher level of anxiety, insecurity, depression, and paranoia.³⁸ As stated in the Committee's General Comment no. 7 "the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to peaceful enjoyment of possessions".³⁹ All of these violations were found in WCLAC's latest research in relation to house demolitions

General Comment no. 7 of the Committee clarifies that forced evictions and house demolition as a punitive measure are inconsistent with the Covenant.⁴⁰ However, as noted by the Committee and other treaty bodies and special procedures in the past, house demolitions continue to be practiced by Israel in the Occupied Palestinian Territory⁴¹, and they constitute punitive measures against persons accused of security-related offences or members of their family. In 2016, the Committee against Torture found that punitive house demolitions is a violation of the prohibition of cruel, inhuman or degrading treatment or punishment according the Convention against Torture. These echoes similar findings of the Human Rights Committee in 2014.⁴²

From a gender perspective, punitive measures place enormous psychological strain and stress upon Palestinian women and girls, who are disproportionately affected by these kinds of collective punishment and are left to bear the weight of these consequences. It is most commonly men who are victims of extrajudicial killings, arrests or imprisonment, for which houses are often demolished as a punitive measure. Wives and families are left to endure the impact of such punitive measures, in addition to facing shame and guilt from their local communities. This places women and girls in such situations at increased risk of poverty and homelessness with the enormous pressure of supporting their families.⁴³

³⁶ UNESCO Universal Declaration on Cultural Diversity, fifth preambular paragraph

³⁷ General comment No. 21: Right of everyone to take part in cultural life, E/C.12/GC/21, 21 December 2009, paras. 10, 13 and 16 (e).

³⁸ (F, R)

³⁹ Committee for Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (art. 11(1) of the Covenant): Forced evictions. Sixteenth session (1997), para 4

⁴⁰ Ibid, para 12

⁴¹ See for example Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/40/73) para. 18

⁴² Committee against Torture, Concluding Observations on the fifth periodic report of Israel, CAT/C/ISR/CO/5, 3 June 2016, paras 40, 41; and Human Rights Committee, Concluding observations on the fourth periodic report of Israel, CCPR/C/ISR/CO/4, 21 November 2014, para 9.

⁴³ Joint submission to the UPR Working Group 29th session, *Palestinian Women under Prolonged Israeli Occupation*, WCLAC et al. 2018-01, p.20, para.5:4. Available at: http://www.wclac.org/Publication/30/WCLACs_submission_to_the_Universal_Periodical_Review_on_Israel

Finally, WCLAC wishes to highlight on the basis of its research, the financial burden suffered by Palestinian women and their families due to house demolitions, which leave women and their families deprived of crucial financial resources, often leaving them destitute. This is caused by several factors including the high fines imposed on them for lack of building permits⁴⁴, demolition expenses, the high cost of bail⁴⁵, and the endless payments for lawyers and legal procedures, as well as additional financial losses due to loss of personal belongings when a demolition occurs without prior notice, leaving the family with no time to remove belongings from their house. Of the interviews conducted by WCLAC, women had either experienced demolition by Israeli forces at night or in the early morning, or they had been forced to destroy the house themselves by demolition or concrete sealing. It was recorded that generally families are given the “option” to either have Israeli forces demolish their house for an extortionate demolition fee, or to do it themselves⁴⁶. This is a degrading and heart-wrenching task for the families who have fought to maintain their homes and livelihoods.

Demolition and self-demolition are linked to amendments to the 1965 Planning and Building Law, approved by the Israeli Knesset on 25 October 2017, and Palestinian concerns to avoid exorbitant fines and the risk of arrest.⁴⁷ The reason for self-demolition is attributed to families who fear to pay additional fines to legal fees and avoid imprisonment for failing to pay municipal fines.

Recommendations:

- Stop the practice of and revoke all policies on the practice of punitive demolitions and forced evictions, which have a harmful impact on the physical and psychological well-being of Israeli-Arab women and girls, and Palestinian women and girls in the Occupied Palestinian Territory;⁴⁸
- Review and reform Israel’s housing permit process which deliberately discriminates against Palestinians, subjecting them to lengthy and costly procedures.

Access to water and health hazards (Articles 11, 12)

Since the State Party’s occupation of the West Bank, including in East Jerusalem, and the Gaza Strip in 1967, the Israeli authorities have appropriated the bulk of water resources and posed restrictions on repairing old groundwater wells or digging new ones. The inequitable distribution of these resources

⁴⁴ [Only 13% of East Jerusalem’s land is allowed for Palestinian construction](#), whilst only [7% of building permits are granted to Palestinians](#)

⁴⁵ Overcrowding means it is difficult to obtain justification for a permit application. Furthermore, families will spend thousands of shekels trying to re-submit or oppose permit orders, leading to impoverishment, displacement, and mental and emotional strain especially on wives and mothers who are responsible for their family’s welfare. Due to this, Palestinians living in Jerusalem tend to build or expand their property without a building permit. These families have to pay for the Israeli authorities to demolish the house, which is very expensive. Therefore, the families would tend to demolish the house by themselves, in order to avoid paying the costly bail.

⁴⁶ Joint submission to the UPR Working Group 29th session, *Palestinian Women under Prolonged Israeli Occupation*, WCLAC, WILPF et al. 2018-01, page 7, para 5:2. Available at: https://www.wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

⁴⁷ <https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019>

⁴⁸ Based on Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Israel, 17 November 2017, CEDAW/C/ISR/CO/6, para. 33 a

between Palestinians and Israeli settlers has resulted in limited access to water in most Palestinian communities while Israeli settlers have greater access to water.⁴⁹

According to the Committee's General Comment 15 on the Right to Water, water must be of good quality, that is "water required for each personal or domestic use must be safe, therefore free from microorganisms, chemical substances and radiological hazards that constitute a threat to a person's health".⁵⁰ In line with the Committee's General Comment 15, and while recognising that the right to water applies to everyone, Israel "should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women". Further, water, and water facilities and services, must be affordable. The obligation to respect the right to water includes refraining from engaging in any practice or activity that denies or limits equal access to adequate water; and unlawfully diminishing or polluting water.⁵¹ In its list of issues, the Committee asked the State Party to provide information on the measures taken to ensure access to sufficient, affordable and safe drinking water without discrimination.⁵²

In some rural areas within Palestinian society, gender roles are more traditional and women typically bear domestic responsibilities entailing water management at the household level. Women in these contexts are indeed responsible for cleaning, washing, carrying out agricultural work around the home, securing drinking water and caring for the general health and hygiene of their families.

Today in the Gaza Strip, the percentage of water pollution raises up to 96,1%. As a consequence, some families invest in waste water separation or refining equipment in order to rinse contaminated water. However, during the frequent power cuts imposed by the Israeli occupation, this function cannot be operated.⁵³ In addition, as a result of water close to wells being polluted, women are forced to buy fresh water every week for drinking and cooking. Having to buy costly fresh water due to the pollution of the wells caused by the Israeli occupation is an everyday reality for many Palestinian women, therefore depriving them of economic resources, which are often very limited.⁵⁴

The gendered impact of access to water is also illustrated by WCLAC's gathered data looking at the consequences of women's longer exposure to polluted water. According to WCLAC's collected testimonies and research, there is a correlation between exposure to contaminated water and long term diseases such as kidney failure.⁵⁵ In order to receive medical treatment for such sickness, women need to visit the hospital multiple times per week, a process which is not only costly but also restricts women's opportunities to

⁴⁹ Dr. Jad Isaac, Dr. Khaldoun Rishmawi, *Status of the Environment in Palestine 2015*, Publications of the Applied Research Institute – Jerusalem (ARIJ), 2015-12, page 30. Available at: https://www.arij.org/files/arijadmin/2016/SOER_2015_final.pdf

⁵⁰ General Comment No. 15 (2002): The right to water - articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, E/C.12/2002/11, 20 January 2003, para 12 (b)

⁵¹ General Comment No. 15 (2002): The right to water - articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, E/C.12/2002/11, 20 January 2003, paras. 12 (c.ii), 16 and 21.

⁵² Committee on Economic, Social and Cultural Rights, List of issues in relation to the fourth periodic report of Israel, E/C.12/ISR/Q/4, para. 24

⁵³ (Zienab, Doctor GY)

⁵⁴ (Hanan)

⁵⁵ (Doctor GY, Hanan, Zienab)

work.⁵⁶ Some women need to be accompanied to such medical visits, often by women and girls of the family, which in turn can limit their access to work or education.

Some of the Palestinian women interviewed by WCLAC explained that they know that the water in nearby wells is contaminated by, for example, wastewater from surrounding settlements, but that they do not have any other solution to get clean water.⁵⁷ Women shared their feelings of stress, hopelessness and exhaustion from knowingly exposing themselves and their families to diseases by being forced to drink polluted water that both looks and smells bad, and also from having to use contaminated water for agriculture, treating livestock and for meal preparation.⁵⁸ Women in these areas explained that water pollution and water shortage affect them more, as they are the ones responsible for agriculture and livestock as well as for overall household duties.⁵⁹ In addition, water shortage may force women to sell their livestock in order to reduce water consumption.⁶⁰

Recommendations:

- Immediately stop the pollution of Palestinian water resources, caused by the Israeli occupation and Israeli settlers
- Ensure access to remedies and health services to women affected by contaminated water and water shortage in the OPTs, including for diseases, mental health impacts and loss of livelihood
- End practices which infringe on Palestinians' access to their natural resources, in violation of Israel's duties as an occupying power, and which have a negative impact of the realization of human rights for the protected Palestinian population and ensure equitable access to clean water, which is both a fundamental human right in itself as well as an integral component for the realization of a range of other human rights

Industrial Zones and Hazardous Waste (Articles 11 and 12)

Currently, Israel is using the West Bank as a dumping site for hazardous and industrial waste.⁶¹ In its latest report, the Special Rapporteur on the Occupied Palestinian Territory underlines that: "The transfer of Israeli industrial waste to treatment plants in the West Bank – through the creation of so-called 'sacrifice zones' that are less rigorously regulated – contributes to the environmental scarring of the occupied territory, without the involvement or consent of the Palestinians."⁶² This is endangering the health of Palestinians living in proximity, as such dumping of hazardous waste causes pollution of air, soil and water. Since large amounts of hazardous materials and wastes are either buried or openly disposed of in agricultural land, the

⁵⁶ (Hanan)

⁵⁷ (Amina)

⁵⁸ (Sahab, Fidyl, Amina)

⁵⁹ (Amina)

⁶⁰ (Sahab)

⁶¹ Kurzom, Geroje, Why has Israel relocated its hazardous waste treatment facilities to the West Bank?, MaanCenter, 2019, Available at:

<http://www.maan-ctr.org/magazine/article/2123/>; <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24349&LangID=E>

⁶² Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 March 2019, A/HRC/40/73, para. 26

soil and groundwater are being polluted.⁶³ In accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, to which Israel is signatory, each Party shall take appropriate measures to “ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal.”⁶⁴

However, more than 50 locations are used as dumping sites, which expose the Palestinian territories to waste-related hazard.⁶⁵ The hazardous waste dumped in the West Bank is generated from aluminium, leather-tanning, textile-dyeing, batteries, fiberglass, plastics and other chemical industries in Israeli settlements.⁶⁶ For example, in many Israeli settlements there are aluminium industries which produces aluminium and acidic waste. Electroplating produces nickel, chrome and acidic waste. Also, the battery industry produces lead in its wastewater. In conclusion, if these inorganic substances are accumulated in the human body, they are considered hazardous to health.⁶⁷ Located either inside residential settlements or near the settlements, there are at least 19 Israeli industrial zones within the West Bank. Research from 2014 estimated that there are approximately 252 Israeli industrial facilities, ranging from small businesses to large factories inside the West Bank.⁶⁸ It should also be mentioned that Israel is a signatory to the Stockholm Convention on Persistent Organic Pollutants, where the main objective of the Convention is to “protect human health and the environment from persistent organic pollutants.”⁶⁹

WCLAC’s findings show that agriculture is a work sphere common for Palestinian women living close to farmlands. Considering that Israeli solid waste, which is dumped and spread into the Occupied Palestinian Territory highly affects farming, Palestinian women are particularly affected including by the loss of livelihood, and the health risks related to pollution. WCLAC’s research indicates that women express feeling useless, distressed and anxious about the fact that they are no longer contributing to the economy of the family.⁷⁰ This in turn affects Palestinian women’s role within the family, as their independence and ability to own and harvest land is hugely hampered. Within a context of economic crisis in the Occupied Palestinian Territory, the loss of agricultural work is a real blow for women who work in this sector as they often tend to have low skills to fit in other forms of skilled labour.⁷¹ Israel’s pollution of the land through dumping of industrial waste, therefore, results in violations of the right to health, to work and to an adequate standard of living and indirectly results in discrimination against women who are disproportionately affected by such pollution under Articles 2 and 3 of the ICESCR.

⁶³ Dr. Jad Isaac, Dr. Khaldoun Rishmawi, *Status of the Environment in Palestine 2015*, Publications of the Applied Research Institute – Jerusalem (ARIJ), 2015-12, page 102. Available at: https://www.arij.org/files/arijadmin/2016/SOER_2015_final.pdf

⁶⁴ The Basel convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, 1989-03-22, article 4 para 2. (b).

⁶⁵ Dr. Jad Isaac, Dr. Khaldoun Rishmawi, *Status of the Environment in Palestine 2015*, Publications of the Applied Research Institute – Jerusalem (ARIJ), 2015-12, page 102. Available at: https://www.arij.org/files/arijadmin/2016/SOER_2015_final.pdf

⁶⁶ Ibid. 103.

⁶⁷ Ibid. 103.

⁶⁸ Ibid. 121.

⁶⁹ The Stockholm Convention on persistent organic pollutants, 2001-05-22, article 1.

⁷⁰ (Maram, Jalahmeh)

⁷¹ Ibid

In the West Bank, the waste water and solid waste from the settlements Kiyat Arba, Ja'bara and Kharsina has created a wastewater torrent extending from south of Hebron, including the villages of Yatta, and Samu'a, reaching to Negev.⁷² This wastewater torrent is an example of the various environmental consequences caused by the Israeli occupation. WCLAC's findings showed that women suffer from several health issues due to air pollution, for example women testified developing chronic breathing diseases.⁷³ Women themselves draw the correlation between mentioned diseases and hours spent in the household, adding even more hours after having kids. The health issues in turn leads to a financial burden, having to buy pesticides (since waste water dumped by Israel attracts insects), medicine and visiting the local clinic for treatments. Also, some women reported losing their land and having plantations destroyed when the torrent flooded leaving salt in the soil.⁷⁴

In conclusion, the consequences for women living close to Israeli factories in the occupied Palestinian Territories are severe. Women participating in WCLAC's study who lived close to Israeli factories in the Kashuri settlement reported that the manufacturing of batteries, metal coating, sponge and leather tanning causes gas, grey clouds and foul smell. Some women who are responsible for taking care of the household reported spending up to 17 hours of their day at home, without being able to open the windows, and unable to spend time outside due to the factory emissions. Living in constant pollution also puts the health of women at risk with reported cases of eye infections as well as skin and respiratory allergies.⁷⁵

Recommendations:

- Immediately stop illegal hazardous waste dumping in the OPTs
- Assess the impacts of illegal hazardous waste dumping in the OPTs particularly affecting Palestinian women including loss of livelihoods, access to clean water, and physical and mental health-related impacts of pollution and provide effective remedies to such impacts;
- Take legal action against Israeli settlements and businesses which causes solid waste pollution and industrial pollution.
- Ensure that hazardous waste is disposed of in compliance with international standards and that waste disposal does not infringe upon the human rights of the protected population, and recognize that disposal of hazardous material is an issue which impacts all surrounding areas given the interconnectedness of the local environment.⁷⁶

Chemical Spraying (Articles 6, 11, 12)

Since 2014, the clearing and bulldozing of agricultural and residential lands by the Israel military along the eastern border of Gaza has been complemented by the unannounced aerial spraying of crop-killing

⁷² See "Drowning in the waste of Israeli settlers", Aljazeera, September 2017. Available at: <https://www.aljazeera.com/indepth/features/2017/09/drowning-waste-israeli-settlers-170916120027885.html> and (Yasmine)

⁷³ (Yasmine)

⁷⁴ (Yasmine)

⁷⁵ (Mayson)

⁷⁶ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 March 2019, A/HRC/40/73, para. 66 d)

herbicides.⁷⁷ The areas treated by Israeli chemical spraying are located in the eastern and south-eastern border areas of the Gaza Strip, in the so-called “buffer zone” and are allegedly carried out for security reasons.⁷⁸ According to official Palestinian statistics, the border area encompasses some 29 square kilometres of agricultural lands, equivalent to about 25% of the total agricultural land in the Gaza Strip.⁷⁹

According to recent information collected by WCLAC, Palestinian women living in the buffer zones, in areas such as Khan Younis/Khoozaa/Eastern borders of Gaza, are very dependent on the mentioned farmlands. Women play a big role in a variety of tasks including planting, harvesting, irrigating, in addition to doing household chores and taking care of their children. Toxic pollution forces women to stay away from their land for a week after spraying.⁸⁰ Chemical spraying does not only kill crops but also affects the soil itself on the long-term.⁸¹ Therefore, women working in these fields risk being affected by the soil pollution. Crops are also affected for a long period and may continue to be polluted and hazardous.

The economy is also affected by chemical spraying with tons of crops disposed. The loss and destruction of crops after Israeli army aircraft spraying, resulted in re-ploughing, re-fertilizing and re-planting new seeds which can accumulate to a cost of 16000 ILS per year.⁸² According to OCHA, in one such aerial spraying operation by Israel in January 2018, 550 acres of agricultural lands belonging to 212 farmers were affected, with an estimated loss of 1.3 million USD.⁸³

Chemical spraying of crops disproportionately impacts Palestinian women whose role is central in farming and food production. Children usually also accompany their mothers to the fields and hence also risk diseases and infections associated with chemical spraying, which can in turn augment women’s time spent in caretaking.

Recommendations:

- Immediately end unannounced aerial spraying of crop-killing herbicides in the eastern and south-eastern border areas of the Gaza Strip, in the so-called “buffer zone”
- Assess the impacts of chemical spraying particularly affecting Palestinian women and children including through loss of livelihoods, access to clean water, food and health impacts and provide effective remedies to such impacts
- Enact safety measures to ensure adequate protections for pregnant women, children and other groups who are particularly susceptible to chemical spraying exposure

⁷⁷ Weizman, Eyal, *Herbicide warfare in Gaza*, Forensic Architecture, Available at: <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza>

⁷⁸ <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza>; <https://www.theguardian.com/world/2019/jul/19/israeli-spraying-of-herbicide-near-gaza-harming-palestinian-crops>

⁷⁹ Kurzom, Gero, Israel’s chemical war on Gaza farmers, MaanCenter, 2018, Available at: <http://www.maan-ctr.org/magazine/article/2016/>

⁸⁰ (Amal)

⁸¹ Ibid.

⁸² (Amal). 16.000 ILS is equivalent to 4500 USD.

⁸³ OCHA, “The humanitarian impact of restrictions on access to land near the perimeter fence in the Gaza Strip”, 3 August 2018 <https://www.ochaopt.org/content/humanitarian-impact-restrictions-access-land-near-perimeter-fence-gaza-strip>

Education (Article 13)

The government of Israel has imposed a complex web of restrictions on movement in East Jerusalem. The Annexation Wall, which Israel constructed in 2005, cuts directly through the city.⁸⁴ As a result, some 140,000 Palestinian residents of East Jerusalem have been isolated and must pass through military checkpoints to reach the heart of Jerusalem.⁸⁵ These Israeli restrictions on movement affect the access to education of Palestinian women and girls in unique ways. Physical searches by Israeli soldiers are particularly humiliating for girls. Reports indicate that Israeli soldiers sexually harassed Palestinian women and girls at checkpoint crossings.⁸⁶

As a result of frequent violence by the Israeli military at checkpoints and harassment by soldiers, many parents are hesitant to allow their daughters to cross the checkpoints to attend school. In contrast, though checkpoints are fraught with danger for boys as well, parents are more willing to allow their sons to make the journey. This dynamic contributes to Palestinian girls dropping out of school, especially in neighborhoods beyond the barrier near East Jerusalem, such as Kufr Aqab and the Shufat Refugee Camp. Further, many students who live in the Old City of East Jerusalem are often attacked or harassed by the Israeli Settlers in the proximity of schools, including by spitting on them, hitting them, pulling their hair and sometimes threatening them with weapons. By the time children reach school, they are in a bad condition due to fear and anxiety, and it takes them a considerable time before they can adjust and merge back into a normal day at school. Some of them miss school for a few days in fear that they might get attacked again by settlers or get in contact with occupation forces.⁸⁷ Although boys are generally considered capable of protecting themselves, many parents are hesitant to allow their daughters to attend school where there is a risk of settler or military violence on the way. As a result, Palestinian girls miss school for extended periods of time or drop out of school entirely, particularly in the “Holy Basin” neighbourhoods.⁸⁸

Recommendations:

- Immediately stop restrictions on freedom of movement, particularly physical searches by Israeli soldiers that are particularly humiliating for women and girls and which disproportionately affect their access to education
- Take appropriate measures to protect children passing by Israeli checkpoints and by Israeli settlements from harassment and attacks on their way to and from school, including effective sanctions against perpetrators. Acknowledge that current practices cause fear and anxiety, and it takes children a considerable time before they can adjust and merge back into a normal day at school.
- Effectively monitor and prosecute acts of harassment and intimidation by Israeli Settlers in proximity of schools, including provocation, spitting on children, and physical and verbal violence.

⁸⁴ See IR AMIM, *DISPLACED IN THEIR OWN CITY: THE IMPACT OF ISRAELI POLICY IN EAST JERUSALEM ON THE PALESTINIAN NEIGHBORHOODS OF THE CITY BEYOND THE SEPARATION BARRIER* (2015), at 54.

⁸⁵ There are approximately 80,000 residents in the Shufat Refugee camp and the three adjacent neighborhoods and 60,000 residents in Kafr ‘Aqab, north of Qalandiya checkpoint. *Id.*

⁸⁶ See Yaniv Kubovich, “Israeli Soldiers Accused of Sexually Harassing Palestinian Women at Checkpoint,” in *Ha’aretz* (Sept. 21, 2018), <https://www.haaretz.com/israel-news/israeli-soldiers-accused-of-sexually-harassing-palestinian-women-1.6493094>.

⁸⁷ Asma’a (15/9/2019)

⁸⁸ Referring to areas within the old town of Jerusalem.