



Analytical Report on the Violations of Social and Cultural Rights as monitored by the Young Human Rights Defenders in 2019

East Jerusalem, Old City of Hebron, North Gaza, and Khan Younis

**The Palestinian Initiative for the Promotion of Global Dialogue and
Democracy- MIFTAH**

September 2020

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“Youth as Human Rights Defenders” Project

September 2020

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Supported by the European Union

This Project is Funded by



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Introduction:

The Fourth Geneva Convention, relative to the protection of civilian persons in times of war, was introduced in the wake of the horrendous effects of World War II where there was a great absence of protection to civilian populations. Based on a resolution adopted by the 17th International Conference of the Red Cross (Stockholm, 1948), which approved the draft conventions formulated by the International Committee of the Red Cross (ICRC), the Fourth Geneva Convention came to respond to “the deepest aspirations of the world’s peoples” and specified “the essential rules of protection that every human being deserves to have”. Since 1948, i.e. the year in which the Stockholm Conference took place, the State of Palestine has been suffering from wide-scale violations of human rights while Israel, as an Occupying Power, pays no heed to its different obligations under the International Humanitarian Law (IHL) and International Human Rights Law.

There are different forms of violations committed by the Israeli occupation, whereas its policy of collective punishment has become a general pattern of illegal measures against the rights of Palestinians. These measures include the Israeli settlements, blockades, house demolitions, prohibition of movement and travel, and the policy of racial separation. For example, the occupation forces are continuously promoting settlement activities that aim to change the historical facts on the ground and impose a new status-quo by swallowing more Palestinian lands, changing the identity of the occupied territories, and implementing a policy of racial discrimination against Palestinians. This discriminatory policy has led to the creation of two separate societies in one geographic area where the colonizing society enjoys prosperity and freedom while the Palestinian society is isolated and their basic rights are restricted. The occupation forces are also proceeding in building the apartheid wall which, upon its completion, will isolate an area of 733 square-kilometers of Palestinian lands which will be annexed by the wall. Moreover, the occupation forces are pursuing a Judaization policy in Jerusalem while demolishing the houses of Palestinian Jerusalemites in the city. Furthermore, the Israeli occupation is continuing its land and sea blockade on the Gaza Strip for the 14th year in a row, which led to extensive and catastrophic effects on the social and economic levels and a collapse in several vital sectors such as the Health sector. This also

contributed to raising Gaza's unemployment rates to record levels that are considered the highest in the world.¹

Amidst these ongoing violations, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) carried out capacity-building activities for groups of Palestinian youth in the West Bank and Gaza Strip in the second half of 2018. These activities were implemented through the support of the European Union, whereas training programs were provided for enhancing the skills of monitoring and documenting human rights violations. MIFTAH also contributed in building the institutional capacities of five grassroots and civil-society organizations in the targeted areas in the field of documenting human rights violations committed by the Israeli occupation forces. This work also aimed to bridge the gap in the Palestinian legal system for protecting human rights. Hence, a total of 30 human rights defenders in the West Bank and Gaza Strip documented and monitored the violation of the right to health; right to work in the land and sea buffer zones in the Gaza Strip; and the violation of educational, cultural and religious rights in East Jerusalem and the Old City of Hebron in 2019.

The aim of this report is to analyze the human rights violations that were reported in 2019 by the youth groups of human rights defenders in Hebron, Jerusalem and the Gaza Strip in order to highlight the policies and measures that negatively affect the human rights status, as well as providing recommendations to tackle this problem. This report by no means provides the full statistics of violations in the areas of activity. Rather, its main aim is to provide indicators regarding the policies and measures that undermine the Palestinians' cultural and religious rights and violate the people's right to education and health (which is considered a violation of the International Humanitarian Law and International Human Rights Law).

¹ Asharq Al-Awsat Saudi Newspaper, "The Poverty and Unemployment Index in the Gaza Strip is the highest in the world": <https://cutt.us/iqnfb>

Report Preparation Methodology:

The information included in this report was collected by the Human Rights Defenders team, who used a number of documentation tools such as questionnaires, testimonies and field reports. These tools focused on the provision of health services, obstacles to accessing health services, medical negligence and malpractices, Israeli violation of the right to work, as well as the government's violation of the right to work in areas within the Gaza Strip and its negative impact on women. It is worth noting that the documentation tools in the governorates of Jerusalem and Hebron focused on the following matters: condition of school classrooms, children's house arrest, Israelization of Palestinian curriculums in Jerusalem, obstacles to accessing schools, impediments to repairing homes, [Israeli] raids and closing down of cultural organizations, school dropouts, violations of the right of worship and religious rights, as well as the impact of house demolitions on women in Jerusalem and the impact of Israeli violations on women in Hebron.

Through the project titled "Palestinian Youth as Defenders of Human Rights", which was implemented by the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) with support from the European Union, the human rights defenders were trained and familiarized with the international human rights conventions and International Humanitarian Law (IHL). The project focused on five main areas of the occupied Palestinian territory (OpT); and especially East Jerusalem, Old City of Hebron, and the land and sea buffer zones in the Gaza Strip.

The different testimonies and questionnaires that were collected in the field during the reporting period underwent several stages of review and editing in line with the quality standards of MIFTAH in field data collection; and especially with regard to monitoring human rights violations. These stages were as follows:-

1. **Field Editing:** This editing is done by the field coordinators and supervisors who edit and review a set of questionnaires and testimonies that are selected randomly before sending them to the main office.
2. **Desk Editing:** At this stage, all the questionnaires are edited and reviewed by the project team who also verify its credibility.
3. **Questionnaire Encoding:** After the editing process is completed, the questionnaires are encoded by referring to previously prepared coding guides, whereas the final form of the questionnaire is set up in order to input the data.
4. **Editing during Data Entry:** This is done through the data entry program, whereas this program has been equipped with precautionary logical rules that do not allow the entry of irrelevant data, while also taking into consideration the automatic transfer of questionnaire data by the program.
5. **Database:** A database was designed through the SPSS.V23 statistical program. After the completion of the data entry process and ensuring its correctness and readiness for analyzing and extracting the results, this data was analyzed by using the SPSS program.

The Time-Period Covered by the Report:

The violations mentioned in this report were monitored during the month of July until December of 2019.

The Areas Covered by the Report:

The report included the monitoring and documentation of human rights violations in the Jerusalem and Hebron governorates, land and sea buffer zones in the North Gaza Governorate, and the buffer zones of the Khan Younis governorate.

Governorate	Targeted villages, cities and refugee camps
Jerusalem	East Jerusalem
Hebron	Old City
Khan Younis	The buffer zones in Abasan Al-Jadida, Abasan Al-Kabira, Bani Suheila, Khuza'a, and Al-Zanna
North Gaza	The buffer zones east of Jabalia and Beit Hanoun, as well as the access restricted areas north of Beit Lahya, Beit Hanoun, and Al-Qarya Al-Badawiya

Number of Documentation Tools Collected from the Field during the Reporting Period:

Geographic Area	Number of Documentation Tools
Gaza Strip	483
Hebron	126
East Jerusalem	100
Total	709

Due to the presence of double documentation tools (i.e. both questionnaires and testimonies) for 192 cases, these cases have been analyzed as representations of a single violation. Therefore, the total number of monitored cases was 517 distributed as follows:-

Right to Education	22 cases of children's house arrest, 2 cases of assaults/attacks on schools, 23 cases of preventing students or teachers from reaching schools, 48 cases of school dropouts, and 1 testimony about the Israelization of curriculums.
Right of Movement	27 testimonies about the prohibition of movement through Israeli Military checkpoints in the governorates of Jerusalem and Hebron.
Right to Housing	22 testimonies related to the demolition of Palestinian homes in Jerusalem, and 10 cases of preventing Hebronite residents from renovating their houses.
Right of Free Access to Holy Sites	23 cases of preventing persons from accessing their places of worship, such as the Ibrahimi Mosque and Al-Aqsa Mosque.
Right of Association (Cultural and Educational Organizations)	10 cases of closing down or restricting the activities of cultural organizations and centers, most of which took place in Jerusalem (9 cases), whereas one such case was reported in the Hebron governorate.
Right to Health	A total of 41 violations related to the provision of health services to citizens in locations adjacent to the access restricted area in the Gaza Strip, 13 testimonies about medical negligence, 11 questionnaires mentioning the occurrence of a medical malpractice or negligence, 18 testimonies related to preventing persons from receiving medical treatment abroad, and 49 cases of preventing citizens from receiving treatment abroad at the access restricted areas.
Right to Work	92 questionnaires indicated a violation of the right to work in areas adjacent to the access restricted areas in the Gaza Strip, 27 testimonies about the spraying of pesticides by Israeli airplanes on agricultural areas in access restricted areas, 28 cases of bulldozing and leveling off agricultural lands by the occupation forces, 3 cases of preventing Palestinians from accessing their agricultural lands, 24 cases of shooting gunfire on agricultural lands and farmers, and 23 cases of bombarding agricultural lands and facilities.

First: Applicability of the International Humanitarian Law and International Human Rights Law in the State of Palestine

International Humanitarian Law and International Human Rights Law in the Palestinian Territories

Tens of resolutions issued by the United Nations General Assembly confirm the existence of an occupation in Palestine. For example, the preambles of these resolutions clearly refer to and describe the territories occupied in 1967 as “occupied Palestinian territory”. Therefore, the provisions of the International Human Rights Law and International Humanitarian Law are applicable to the Occupied Palestinian Territory (OpT). The year 2019 saw the issuance of General Assembly Resolution 74/87 (A/RES/74/87), which stated that the United Nations General Assembly is deeply concerned by the Israeli occupation’s persistent and systematic violation of Palestinian human rights; including the excessive use of force, policy of collective punishment, closure of areas, confiscation of lands, establishment and expansion of settlements, construction of the apartheid wall, destruction of properties and infrastructure, and the forced displacement of civilians. The United Nations General Assembly also issued resolution A/RES/74/139 in the same year to protect the Palestinian people’s right to self-determination. This resolution stressed the urgency of achieving without delay an end to the Israeli occupation that began in 1967, and also affirmed the need to respect and preserve the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem.

The United Nations General Assembly also confirmed in “A/RES/74/243”, which was issued in December 2019, that it would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations. Similar to the other General Assembly resolutions, this resolution calls upon Israel, the Occupying Power, to comply strictly with its obligations under international

law, including International Humanitarian Law, and to cease all policies and measures aimed at the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem.

It is worth noting that the United Nations Human Rights Council also issued a report in 2019 regarding the Palestinian people's right to self-determination. In this report, the Human Rights Council recalled the conclusion of the International Court of Justice, in its advisory opinion of 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel through the construction of the apartheid wall in the 1967 occupied territory, including East Jerusalem, which, together with the Israeli settlement enterprise, results in serious violations of the International Humanitarian Law and International Human Rights Law.

Applicability of the International Humanitarian Law in the West Bank and Gaza Strip

The International Humanitarian Law is defined as a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.²

The provisions of the International Humanitarian Law apply to both the West Bank and the Gaza Strip, as affirmed during the High Contracting Parties conference related to the Fourth Geneva Convention. This was also confirmed by the advisory opinion of the International Court of Justice (ICJ) regarding the apartheid wall and Israel being an Occupying Power in the Occupied Palestinian Territory. The ICJ advisory opinion reaffirmed the "applicability of the Fourth Geneva Convention, as well as Additional Protocol I to the Geneva Conventions to the Occupied Palestinian Territory, including East Jerusalem". It is worth noting that the Geneva Convention adopts the following definition of "Occupation": "*Territory is considered occupied when it*

² International Committee of the Red Cross (ICRC): <https://www.icrc.org/en/document/what-international-humanitarian-law>

is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised" [Article (42) of the Hague Regulations of 1907]. Therefore, the "actual authority" element and Israel's full sovereignty over the occupied territory are important to define the situation as an occupation, and this actually exists in the Gaza Strip and West Bank.³ This was also confirmed by several General Assembly resolutions, including the United Nations General Assembly Resolution 58/97 (A/RES/58/97), issued on the 9th of December 2003, which reaffirms that "the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967". In the aforementioned resolution, the General Assembly also demanded that Israel would accept the de jure applicability of the Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of this Convention. Moreover, the General Assembly called upon all High Contracting Parties to the Convention, in accordance with Article (1) common to the four Geneva Conventions, to continue to exert all efforts to ensure respect for its provisions by Israel, the Occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. Even after Israel's unilateral disengagement from the Gaza Strip, the provisions of the International Humanitarian Law still apply to the Gaza Strip because the act of "occupation" means to actually place a region under the authority of a hostile army at the expense of the civil authority that existed there prior to that, and this is actually the case. Such an act does not require that there would be forces on the ground in a direct manner, and it is sufficient that the hostile forces would be able to exercise their control in the region whenever they want; and this is evident through Israel's control of the land and sea borders and the airspace of the Gaza Strip.

As for the International Human Rights Law, it is a set of rules adopted by the

³ For more information, refer to: Samir Jabr Dweikat, "The legal status of the Gaza Strip according to the provisions of International Humanitarian Law", 2008, p.4 (Arabic source). For further details, See: MIFTAH, Training Material of the Human Rights Defenders project, 2018.

Universal Declaration of Human Rights and the two international covenants. The aim of these rules is to protect human rights at all times whether during peace or war. Israel claims that the International Human Rights Law is not binding over its practices in the occupied territories and is not applicable in this case because Israel does not officially rule over the occupied territories; and therefore it has a lesser obligation to act in accordance with the International Human Rights Law. This rationale was utterly rejected by International Law experts all around the world and it is not accepted by the International Court of Justice (ICJ) and the United Nations committees entrusted with implementing the various human rights conventions. These committees reaffirmed that states have the duty to apply the aforementioned provisions wherever they have placed their actual control.⁴

The United Nations Human Rights Committee, which monitors the law enforcement of states that have ratified the International Covenant on Civil and Political Rights (ICCPR), reviewed the Israel-related report on 22 October 2014. During the fourth periodic review of this report, the Committee strongly objected to Israel's ongoing claim that the ICCPR does not apply to the occupied Palestinian territory. In its concluding remarks issued on the 30th of October 2014, the United Nations Human Rights Committee affirmed that Israel is responsible for implementing the provisions of the ICCPR in the occupied Palestinian territory, including East Jerusalem, and that it must acknowledge that the applicability of the International Humanitarian Law in times of occupation and armed conflict does not nullify the applicability of the ICCPR's provisions in the Palestinian territory.⁵

⁴ B'Tselem, "The Occupied Territories and International Law", 2017, p.6. For further details, See: MIFTAH, Training Material of the Human Rights Defenders project, 2018.

⁵ Statement issued by Al-Haq organization on 1 November 2014.

The United Nations General Assembly resolutions issued in 2019, which refer to Israel as an Occupying Power and affirm the applicability of the International Humanitarian Law and International Human Rights Law in the Palestinian Territories:

No.	Resolution No.	Session	Item	Date	Subject
1	A/RES/74/243	Plenary Session	60	19/12/2019	Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.
2	A/RES/74/139	Third Committee	69	18/12/2019	The right of the Palestinian people to self-determination.
3	A/RES/74/117	Plenary Session	71 (b)	16/12/2019	Assistance to the Palestinian people
4	A/RES/74/89	Fourth Committee	51	13/12/2019	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem
5	A/RES/74/88	Fourth Committee	51	13/12/2019	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan
6	A/RES/74/87	Fourth Committee	51	13/12/2019	Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
7	A/RES/74/86	Fourth Committee	50	13/12/2019	Palestine refugees' properties and their revenues
8	A/RES/74/85	Fourth Committee	50	13/12/2019	Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East [UNRWA]
9	A/RES/74/84	Fourth	50	13/12/2019	Persons displaced as a result

		Committee			of the June 1967 and subsequent hostilities
10	A/RES/74/83	Fourth Committee	50	13/12/2019	Assistance to Palestine refugees
11	A/RES/74/13	Plenary Session	35	3/12/2019	Special information programme on the question of Palestine of the Department of Global Communications of the Secretariat
12	A/RES/74/12	Plenary Session	35	3/12/2019	Division for Palestinian Rights of the Secretariat
13	A/RES/74/11	Plenary Session	35	3/12/2019	Peaceful settlement of the question of Palestine
14	A/RES/74/10	Plenary Session	35	3/12/2019	Committee on the Exercise of the Inalienable Rights of the Palestinian People

Second: The Reality of Human Rights Violations in Palestine

Analysis of the Violations of Educational, Cultural, Religious and Housing Rights which were reported in East Jerusalem and the Old City of Hebron

I. Right to Education

The right to education is one of the most important rights guaranteed by all international covenants and is a common denominator among several United Nations declarations; such as the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities. For example, Article (26) of the Universal Declaration of Human Rights, which was adopted in 1948, stipulates that:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Also, Article (13) of the International Covenant on Economic, Social and Cultural Rights states that:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and

shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

The right to education was also affirmed by many international conventions and covenants, such as the Convention on the Rights of the Child, which stipulated, [in Article (29)] that the education of a child shall be directed towards the development of the child's personality, talents and mental and physical abilities to their fullest potential; development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; and preparation of the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also reaffirmed the right to education. For example, Article (10) of CEDAW confirms the importance of giving an equal access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality. This article also calls for the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods. Article (10) of CEDAW also highlights the importance of giving equal opportunities to benefit from scholarships and other study grants.

Patterns of Violating the Right to Education in East Jerusalem and the Old City of Hebron

Governorate	Number of Schools in Jerusalem and Hebron				Number of Students in the Schools of Jerusalem and Hebron		
	Male	Female	Mixed	Total	Male	Female	Total
Jerusalem Suburbs	35	33	51	119	13797	15228	29025
Jerusalem	34	31	72	137	20112	21212	41324
North Hebron	50	49	26	125	21614	23193	44807
Hebron	73	81	45	199	37934	39439	77373
South Hebron	57	48	75	180	26116	27460	53576

The Palestinian Ministry of Education stated that the number of schools (public, private and UNRWA schools) in the Jerusalem Suburbs is 119, whereas the number of students (both male and female) in these schools was 29,025. Meanwhile, Jerusalem has 137 schools with a total of 41,324 students. The number of schools in North Hebron is 125, with 44,807 students, whereas Hebron has 199 schools with as many as 77,373 students in these schools. As for South Hebron, there are 180 schools with a total of 53,576 students⁶ (see the table above).

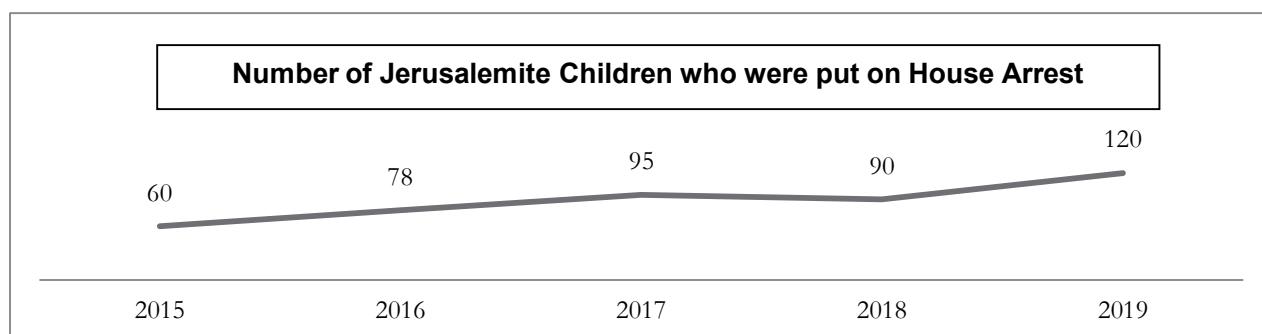
During the reporting period, MIFTAH documented several types of violation of Palestinian rights to education by the Israeli occupation. Examples include children's house arrests, attacks on schools by the Israeli forces and settlers, preventing pupils from reaching their schools by closing the checkpoints, and school dropouts as a result of the occupation's practices.

⁶ Ministry of Education, Education Statistical Yearbook for Scholastic Year 2018-2019, p.18-19.

1. Children's house arrest by the Israeli Occupation in East Jerusalem

A house arrest takes places when the Israeli occupation imposes a confinement on children for specific periods of time inside their houses or the houses of their relatives in a coercive manner. The occupation sometimes extends the house arrest to new periods of time, and they impose additional penalties if the child violates the house arrest. Such decisions are in violation of the International Humanitarian Law; and especially the Fourth Geneva Convention and the conventions that protect the right to education; such as the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. This is because such decisions have a devastating impact on children's right to education.

During the year 2019, more than 880 cases of Palestinian children's detention were recorded.⁷ With regard to house arrests, the statistical information issued by the "Commission of Detainees and Ex-Detainees Affairs"⁸ show a continuous rise in the number of children who are subjected to this type of violation. For example, the number of Jerusalemite children who received house arrest sentences was 120 children in 2019, 90 children in 2018, 95 children in 2017, 78 children in 2016, and 60 children in 2015.



⁷ Addameer Prisoner Support and Human Rights Association, "The Arrest of children is a systematic destruction of Palestinian childhood", 2020, p.1.

⁸ Commission of Detainees and Ex-Detainees Affairs, Annual Report, 2019.

During the reporting period, MIFTAH documented 22 cases of children's house arrest by Israeli courts in the Jerusalem governorate, in addition to recording other cases of children's house arrest through 18 field reports and 4 questionnaires; all of which took place in East Jerusalem where this policy is implemented. The analysis of the documented cases clearly indicated that 96% of children who were subjected to house arrests were between the age of 10 and 17. This shows the detrimental effect of this violation on children's right of education; and especially for Secondary level students, who comprised 77% of the victims. It is worth noting that 38% of the children who were put on house arrest indicated that they had left school afterwards, whereas 62% mentioned that they were delayed in their academic achievement and that their behavior was negatively affected. Moreover, 33% of these victims expressed their constant feeling of tension, 22% did not want to socialize with their friends and others, and 44% of the victims no longer wanted to leave their house.

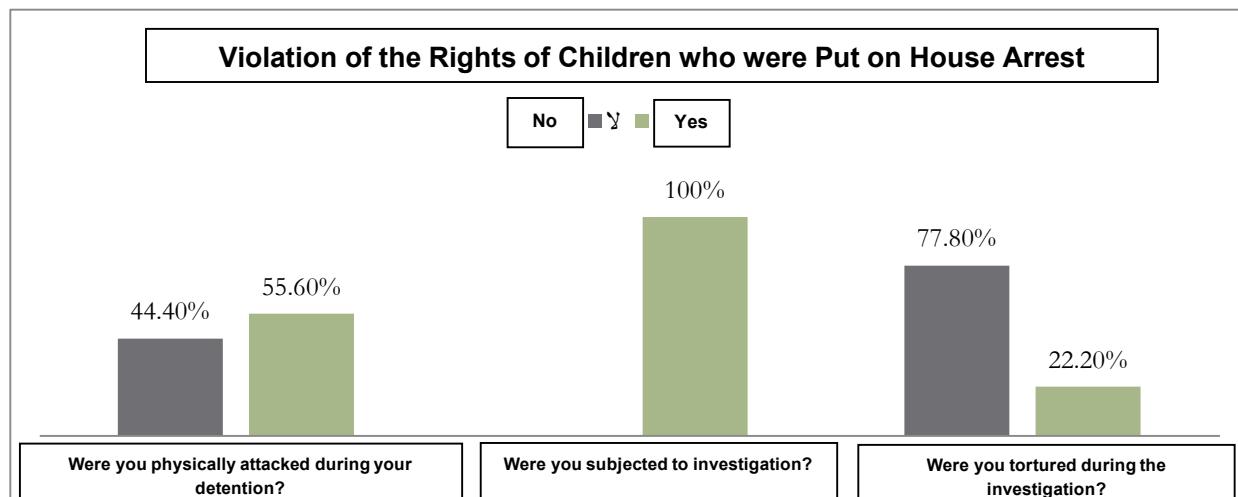
House Arrest	
Age	Percentage
10 – 15	%23
15 – 17	%73
20 – 25	%4

Testimony of a Child from Jerusalem

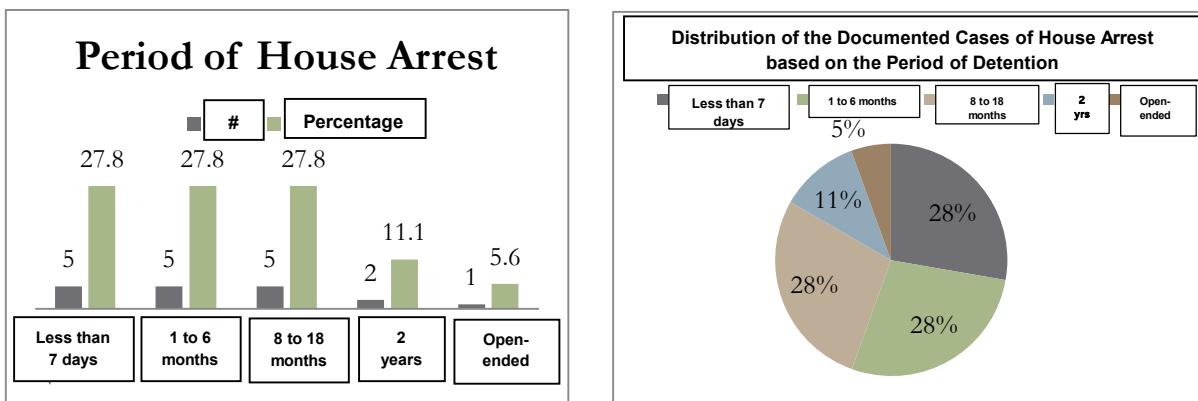
On the 28th of September 2019, I received a call from a Shin Bet (Security Service) officer. He introduced himself as such in the beginning of the phone call and asked me to go to the Police station of Salah e-Din street after half an hour. I looked at my watch and it was 14:30 p.m., and I told him "Inshallah". I put on my clothes and went to the Salah e-Din Police station [also called "Shalem" station] in East Jerusalem. I was searched at the main gate of the station and was told to go to an office on the right side of the second floor. Upon reaching the second floor, I entered the office of a security officer whose title (as "Shin Bet officer") was clearly indicated in the office door signpost. The Shin Bet officer greeted me and said: "Welcome to Khader the terrorist!". I asked him: "Who is the terrorist?". He told me: "You are, and I brought you a gift on this occasion". I asked him: "What is the gift?". He told me that there is a military decision to put me on house arrest for 4 days. I told him that this was an arbitrary decision, but he did not pay any attention to me. When I asked him why they issued this decision against me, he told me that this was a decision from the high

command and that it cannot be discussed. I was very angry when I left the Police station and tore down the paper because I was furious from the sudden and unjust decision against me. Then I came back home and noticed how this decision started affecting my academic journey. This is because I am a student at "Haifa College" in Jerusalem and was given this military decision in the period of submitting research papers. I received bad grades in courses as a result of my absence due to this decision".

The analysis of the monitored cases indicates the presence of a clear Israeli policy of violating Palestinian children's rights and subjecting them to torture. It is worth noting, for instance, that 55.6% of the children whose house arrest was documented during the reporting period said that they were physically attacked during their detention, and they were all subjected to investigation without any exception. The analysis also shows that 22% of these child victims were tortured during the investigation.



Despite the Israeli forces' claim that the house arrest decisions are intended to "minimize" the cases of traditional detention of children, the victims of the documented cases clearly noted that some of them were actually detained for a period between one day to two months before the issuance of the house arrest order against them.



11% of the victims stated that they were detained for a period between 30 to 60 days, and 16.7% said that they were detained between 16 to 30 days. Also, 44% of the victims confirmed that they were detained for a period between 7 days and one month, apart from possibly receiving an actual prison sentence against them even after the end of the house arrest period.

The documented cases revealed that the house arrest period issued by Israeli courts ranged between 7 days or less and open-ended periods. 77.8% of these house arrest decisions ordered the confinement of the child in his/her house, whereas 22.2% of them ordered his/her confinement outside of Jerusalem. The Israeli occupation was still not satisfied with these unfair judgments as 88% of the children who were put on house arrest stated that these sentences were accompanied with severe financial penalties, while 11% of them noted that the house arrest order was accompanied with other decisions, such as depriving them from going to school.

2. Attacks on Schools by the Israeli forces and settlers in the Old City of Hebron

The International Humanitarian Law is based on a set of basic principles that were established to protect civilians; including the protection of civilian facilities such as schools. In the “H2” area of Hebron, teargas canisters are often thrown around schools, in addition to enforcing harsh new measures at checkpoints, which expose pupils and teachers to violence. More than 20 such incidents were documented in one of the schools in “H2”, which

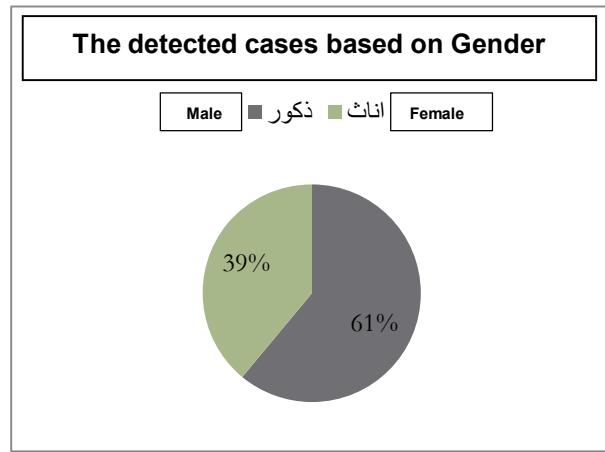
suffered severe damages in 2018.⁹ Across Hebron governorate, around 4,200 pupils have their journey to school obstructed by military checkpoints every day, frequently facing harassment, intimidation and delays that result in lost school time.¹⁰ During the reporting period, MIFTAH documented two cases of attacks on schools in Hebron, where the Israeli forces fired teargas canisters on two schools.

Testimony of a Female Student from Hebron Governorate

On Tuesday, 24 December 2019, my classmates and I were in the classroom at the Taysir Maraqa Girls School. While sitting for the final exams of the first semester, we heard the loud voices of bombs outside our school fence. There was also a lot of screaming outside the school. Our teacher told us to remain silent and she closed the windows. She told us that these are normal incidents that often take place in this area. However, the strong smell of teargas quickly penetrated the classroom window and the girls started coughing. The teacher took the exam papers from us. I looked at my watch and it was ten in the morning. The teacher took us out of the classroom, where I saw my younger sister Jude sitting in the corridor totally unconscious. We quickly took her to the principal's room. She remained unconscious for ten minutes, and then came our sister Lama, who was suffering from a shortness of breath. After Jude regained consciousness, we went back home and did not complete the examination.

3. Preventing pupils and teachers from reaching their schools due to the policy of closing checkpoints

According to International Humanitarian Law, Israel has an obligation to facilitate the free movement of Palestinian citizens. In its 2004 Advisory Opinion, the International Court of Justice (ICJ)



⁹ Joint Press Statement from Jamie McGoldrick, Humanitarian Coordinator in the occupied Palestinian territory, Genevieve Boutin, UNICEF Special Representative in State of Palestine, and UNESCO, 2018.

¹⁰ Rise in incidents disrupting schooling across the West Bank, issued on 14 December 2018 as part of the Monthly Humanitarian Bulletin, November 2018.

established that the sections of the Barrier which run inside the West Bank, including East Jerusalem, together with the associated gate and permit regime, violate Israel's obligations under international law.¹¹ The Israeli occupation forces implement a policy of isolating Palestinian villages and cities from their surroundings and closing their exit points. This is especially true in the Hebron governorate, where MIFTAH documented 23 testimonies (during the reporting period) related to preventing pupils and teachers from accessing their schools. The analysis of these testimonies showed that 61% of the detected cases were related to girls. The Israeli occupation forces perpetrated 78% of these violations, while the settlers committed the remaining 22% of these unlawful acts. The documented testimonies also indicated that 30% of certain activities of the Israeli army and settlers led to physical injuries (e.g. wounds from beatings and suffocation from teargas), whereas 70% of such activities led to psychological damages.

Testimony of a Female Teacher from the Old City of Hebron

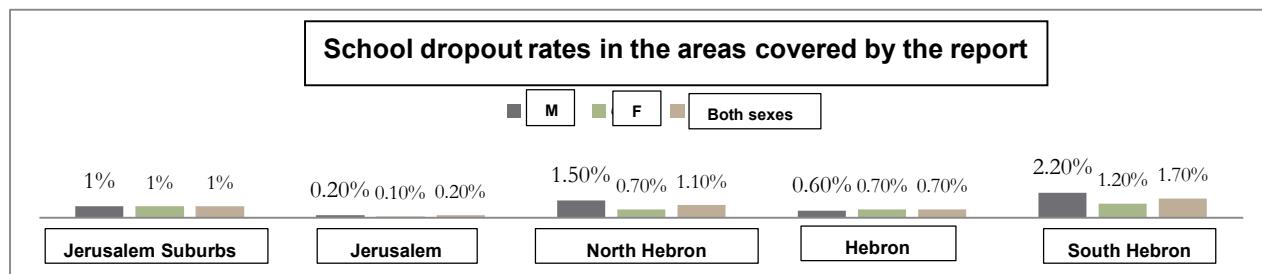
"On Tuesday, 10 October 2019, at around 13:15 p.m., after leaving our usual work from the Qurtuba Elementary School for Girls, I was detained at Checkpoint 55 together with 5 other teachers. As we were inside the checkpoint that we cross through every day upon our departure to and return from work, we suddenly heard the sound of teargas bombs and pelted stones, and the checkpoint was quickly closed. Without any previous warning, the checkpoint gates were totally locked while we were inside. We could not see what was happening outside, but the soldiers who were inside – a male and a female soldier – went outside and did not tell us anything. As we were stuck inside, we smelled the strong and disturbing smell of teargas. Hence, we knew that the sound that we heard was from the teargas bombs being thrown outside. We had a great difficulty breathing in that place. After around one hour of being caged inside, the noise calmed down, and the area's military commander came inside the checkpoint. He was tall and tannish and could speak fluent Arabic. We asked him when the gates will open, but he started screaming at us and

¹¹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Over 700 road obstacles control Palestinian movement within the West Bank", September 2018; <https://www.ochaopt.org/content/over-700-road-obstacles-control-palestinian-movement-within-west-bank>

saying: "Until the terrorists who threw stones at the checkpoint will be arrested!".

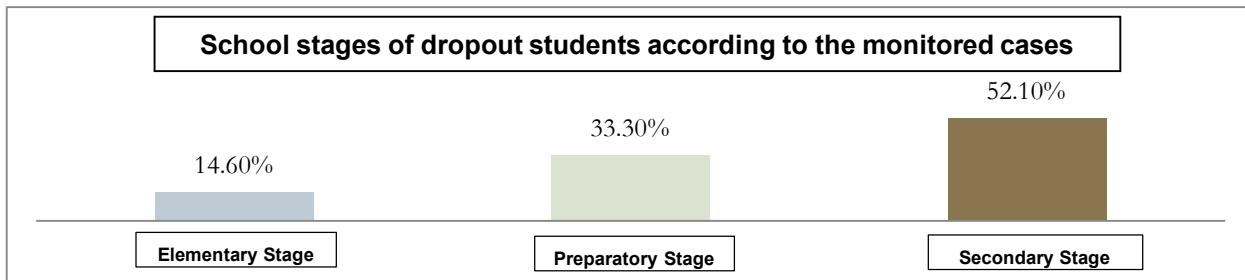
4. School Dropouts

School dropouts are one of the consequences of the unfavorable environment that undermines children's right to education. This environment was imposed by the Israeli occupation in the Palestinian territories, whereas the practices of the Israeli occupation – whether through the harsh checkpoints, hunting down students, or the practices of settlers - are an obstacle to the students' fulfilment of their right to education. The Ministry of Education stated that the average school dropout rate for both sexes ranges between 0.2% in Jerusalem and 1.7% in South Hebron, which had the highest school dropout rate among the districts covered by the report¹² (see below).



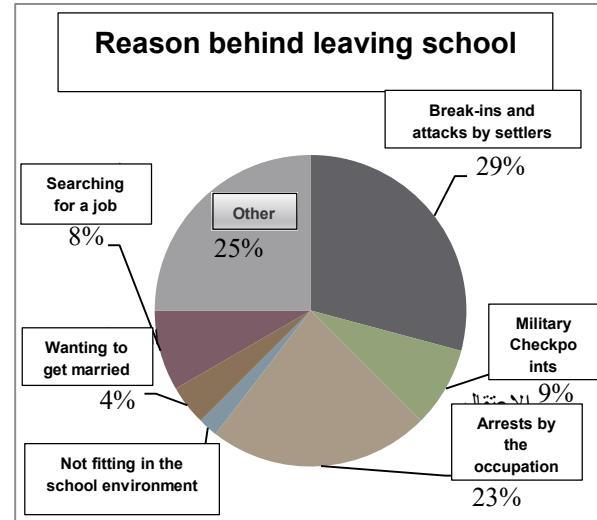
During the reporting period, MIFTAH monitored 48 cases of school dropouts; 37 of which were in the Hebron governorate and the remaining 11 in the Jerusalem governorate. MIFTAH's analysis of these cased revealed that 52.1% of the monitored dropout cases were related to secondary stage students, 33.3% were related to preparatory stage students, and 14.6% were related to elementary stage students.

¹² Ministry of Education, Op. Cit., p.46-47.



According to the monitored cases, the Israeli military and settlers are the biggest cause of school dropout among Palestinian children. For example, the military checkpoints, attacks by the settlers, and arrests by the Israeli occupation together represented 61% of the reasons behind children leaving school [see the chart on the right].

It is also worth noting that the adopted Israeli measures greatly undermine the steps taken by the Palestinian Authority to reduce the school dropout rates. These violations disrupt the essential and interrelated features of educational services in Palestine, as specified in the guidelines presented in General Comment 13 of the Committee on Economic, Social and Cultural Rights. Among the most important components in this framework is the accessibility component in education; which includes three basic elements: non-discrimination, physical accessibility, and economic accessibility. Therefore, access to educational institutions should be granted to all, and especially the vulnerable groups such as women and children; and this is among the challenges faced by children.



MIFTAH's Second Quarterly Report on the Violations in Hebron in 2019

In the schools of Qurtuba, Al-Ya'coubia, Al-Yaqatha, Al-Fayhaa and Al-Ibrahimiyya – all of which are located within only a few meters from the four settlement outposts in the Old City (in addition to other nearby schools), the school students feel a great sense of bitterness from the settlers' attacks on them while they're in class. These attacks include releasing wild and well-trained dogs to attack them, as well as throwing stones, bottles, incendiary chemicals and explosive objects, thus leading to extreme fear and panic and turning their lives into hell.

As many as 94% of the monitored cases expressed no regret for leaving school, and 90% of them did not even try to return to school again. This may indicate serious educational repercussions caused by the occupation in the hearts of children in the Hebron and Jerusalem governorates. The monitoring process also indicated a dangerous phenomenon: 54% of these children's parents agreed to their children leaving school, and 45% of them did not object to that.

These indicators mean that the obligations of the State of Palestine have become subjected to the Israeli occupation's practices, whereas it should be noted that Article (28) of the *Convention on the Rights of the Child* stipulates that a state is obliged to take measures to encourage regular attendance at schools and the reduction of drop-out rates, and to achieve this right progressively and on the basis of equal opportunity. Therefore, the occupation's practices are considered a violation of International Humanitarian Law.

5. Israelization of Educational Curriculums

With the beginning of Academic Year 2017/2018, the Israeli Occupation Municipality of Jerusalem announced that the number of Palestinian pupils studying the Israeli curriculum reached 5,800 students, distributed into 12 schools. This is a 14% increase from the previous year. It is also worth noting that, in 2012, the number of pupils studying the Israeli curriculum was only 1,400; which shows a 400% increase in the last 6 years.¹³ This

¹³ Metras.co website, "The curriculum battle in Jerusalem": <https://cutt.us/eoUoF>

constitutes a violation of the right of the occupied people to learn a curriculum that is compatible with their national character and cultural specificity.

Testimony of Mr. Abdul-Karim Lafi, Head of the Parents' Commissions in Jerusalem

In 2011, the Israeli authorities began making changes in the Palestinian curriculum which was being taught at the time in all Arab schools, whereby removing the Palestinian Authority logo and flag from the books. There was also the erasure of everything related to Palestinian nationalism and Palestinian history. Moreover, the "National Education" book was banned and there was the removal of some Arab poems from the Arabic language book, such as the song of the Intifada. In 2013, the Israeli authorities began introducing the Israeli curriculum to a number of classrooms in East Jerusalem schools (such as the case in Ibn Khaldun school among others), and some classrooms began teaching this curriculum. The students' parents did not understand the gravity of this matter, so we started visiting families in their homes to warn them about the dangers of this curriculum, hence a number of parents moved their children away to other schools.

In 2015, the occupation imposed the Israeli curriculum by force in a number of East Jerusalem schools. Hence, there was an increase in the number of schools that taught the Israeli curriculum, and among the main challenges were the parents' ignorance about the dangers of this curriculum and the weakness of the Palestinian Tawjihi [secondary education examination] system. In the meantime, Israel decided to allocate 2.1 billion Shekels for the Judaization of East Jerusalem within five years. The person who became the director of the East Jerusalem strategic planning department at the Israeli Ministry of Education is David Koren. Koren was the advisor of the Israeli Occupation Mayor of Jerusalem for Arab affairs and is a senior military intelligence officer who also speaks fluent Arabic. He received a Doctorate degree in the history of Jerusalem and the Muslim world and was assigned the task of building schools and training teachers. Based on that, whichever school will be built in the future must teach the Israeli curriculum. Also, the teaching of the Israeli curriculum in the old schools will begin gradually but cumulatively, starting from the lower grades. As a father and head of the Parents' Committees, I found myself in a deep state of confusion: shall I ask to build new schools or not? If I ask for that,

education will be according to the Israeli curriculum, and if I do not ask for new schools, our children will remain in the streets; and especially since the Palestinian Authority cannot help us in this regard.

II. Right of Movement

The international human rights conventions and treaties are greatly concerned with protecting people's right of movement. For example, the International Covenant on Civil and Political Rights was keen on safeguarding this right, as stipulated in Article (12), which states that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence, and everyone shall be free to leave any country, including his own, and return to it. The same article also states that the above-mentioned rights shall not be subject to any restrictions.

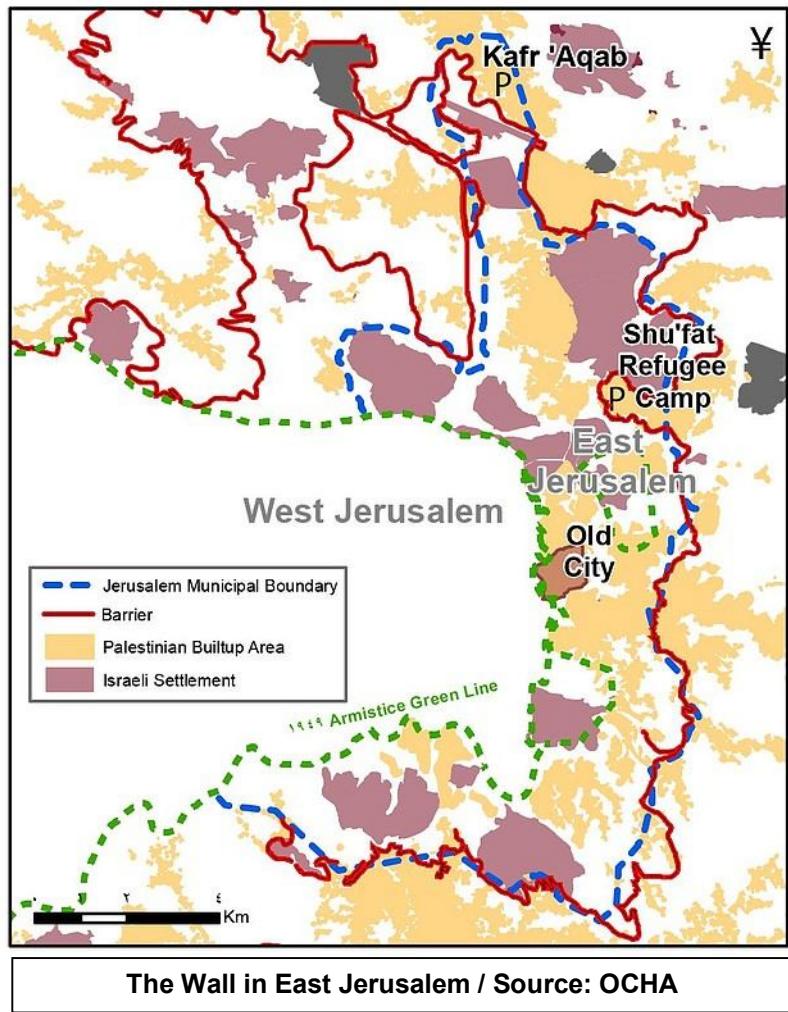
The aforementioned Israeli practices are also a flagrant violation of the International Covenant on Economic, Social and Cultural Rights of 1966; which stipulates in Article (1) that "*In no case may a people be deprived of its own means of subsistence*". Moreover, Article (5) of the same Covenant states that "*Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein*".

In this context, it is important to note that approximately 30% of the Palestinians residing in the Israeli-controlled H2 area of Hebron City (whose number is estimated at 12 thousand Palestinians) live in areas adjacent to settlement blocs and are subjected to harsh restrictions that limit their ability to access this area. Currently, there are over 100 physical obstacles, including 20 permanently staffed checkpoints and 14 partial checkpoints that separate the settlement area from the rest of the city. Several streets within this area are designated for the exclusive use of settlers and are prohibited for Palestinian vehicles. In some streets, even Palestinian pedestrians are banned.¹⁴

¹⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Further restrictions on Palestinian movement in the Israeli-controlled H2 area of Hebron city", posted on 11 October 2017: <https://www.ochaopt.org/content/further-restrictions-palestinian-movement-israeli-controlled-h2-area-hebron-city>

As seen on the map, the Israeli authorities used the separation wall – which isolates East Jerusalem from its surrounding - to annex the largest possible area of land and bring it under their control. The length of the separation wall around Jerusalem is about 202 km, thereby isolating 43% of the area of the Jerusalem governorate, with a land area of about 151,000 dunums.¹⁵

Israel's violations of the right of movement led to weakening the ties between East Jerusalem residents and their West Bank surroundings. A study¹⁶ published in 2018 shows that 71.4% of Jerusalemites see that their relations with the surrounding community – i.e. the West Bank – were significantly weakened, and 83% of Jerusalemites believe that the relations became stronger with Israel and its institutions due to building the separation wall. According to the same study, the policy of separating and isolating Jerusalem from its surroundings created a fragmented society that is isolated from one another as a result of the racist segregation policy imposed by the wall on Palestinian lands. Moreover, Israel used different methods and means to impose a reality of geographic division and fragmentation on the Palestinian people. For example, it divided the places of Palestinian presence into different geographic cantons and limited the communication between them, such as the 1948 Palestinians, Jerusalem



¹⁵ Hasan Ibhais and Khaled 'Ayed (2010). "The Separation Wall in the West Bank". Beirut: Al-Zaytouna Centre for Studies and Consultations.

¹⁶ Walid Khaled Zayed. "The Racist Wall around Jerusalem: Facts and Motives". Vision Center for Political Development: <https://vision-pd.org/archives/302516>

residents, residents of the West Bank, residents of the Gaza Strip, and Diaspora Palestinians. Israel also restricts the freedom of movement between these areas and often prevents people from returning to their homes, as well as imposing a permit regime, separation wall, military checkpoints, revocation of residency, and other means to limit the movement and communication between Palestinians. This dispersion does not ultimately aim to assimilate them into a colonial society that maintains their rights and culture as some think, but it aims to strengthen the feelings of estrangedness towards one's self and one's homeland and identity, which leads to even more fracture so to speak. This fragmentation is not limited to the demographic aspects but is also reflected on the social, cultural, political, and economic aspects of the Palestinian people's lives.¹⁷

During the reporting period, MIFTAH monitored 27 testimonies related to the denial of movement through Israeli military checkpoints in the Jerusalem and Hebron governorates. These testimonies included 12 cases of arrests at checkpoints, whereas the above-mentioned Israeli occupation practices clearly violate the Fourth Geneva Convention, which guarantees the protection of citizens in times of armed conflict. For example, the provisions of Article (33) of this Convention stated that "*No protected person may be punished for an offence he or she has not personally committed [...]. Reprisals against protected persons and their property are prohibited*".

Testimony of a Female Citizen from Hebron Governorate

On Thursday, 7 November 2019, a new checkpoint was set up twenty meters away from my house. Therefore, I now need to pass through 3 checkpoints in order to leave the Old City of Hebron. Although I am now over 60 years old, the soldiers often deny me the right of passage, which greatly restricts my movement. The soldiers at the new checkpoint always claim that my name is not on the list of those who are authorized to enter the area, and I am detained every time I try to leave or enter my house. I frequently need to call my husband – who is an old man of 72 years old - to

¹⁷ Haq Al-Awda Newspaper, Aseel Issa, Aathar Jayyousi and Linda Sandouka, "The Targeting of the Palestinian Identity by the Israeli Colonization", issue 64:
<http://www.badil.org/phocadownload/badil-new/publications/periodicals/haq-alawda/haqelawda-64.pdf>

come and talk to the soldiers to prove to them that I live in this area and that I need to get back to my house. This made me avoid leaving my house to a large extent because any attempt to cross this checkpoint will take more than one hour. I cannot keep standing for long hours because I suffer from joint diseases and we are now in the winter season, so the situation is much worse.

Testimony of a Child from Hebron

On Saturday, 23 November 2019, I went with my father to his aunt's funeral. The funeral house was about 100 meters after "Jaber" checkpoint. That street was full of settlers. Suddenly, I felt that someone hit me on my back, so I turned around to see where the strike came from. At that point, we were attacked by all the settlers in that street. I was beaten by a stick on the back of my head and saw a group of settlers grabbing my father and dragging him on the ground. I remember how my father was screaming so loud in that street. I tried to defend myself and run away together with my father, but they caught us and took out their belts and started beating us. The beating lasted for about 10 minutes.

III. Right to Housing

In Jerusalem alone, a total of 2,074 Palestinian houses were demolished between 1967 and 2018, thus leading to the displacement of 9,492 Palestinians. As for the year 2019, which witnessed the highest increase of house demolition cases so far, the occupation authorities demolished as many as 140 Palestinian houses until the end of September 2019, leading to the displacement of 238 Palestinians. It is worth noting that the Israeli authorities demolished an average of 54 houses every year between the years 2004-2018, which means that the house demolition cases in 2019 were the highest to date. Therefore, the year 2019 was among the hardest years for Jerusalemites due to the noticeable increase in the number of demolition cases. The total number of displaced Palestinians in the first 4 months of 2019 was 193 individuals, which is higher than the number of displaced persons in 2018 (178 individuals). In April 2019 alone, 63 Palestinians houses and buildings were demolished, making it the largest

number of demolitions per month carried out by the Israeli authorities in East Jerusalem since the start of the occupation.¹⁸

According to available data, the Palestinian Jerusalemite residents did not receive more than 30% of the building permits granted by the Israeli Occupation Municipality in East Jerusalem in the period between 1991 and 2018, and they received only 16.5% of the permits granted to the two parts of the city during the same period. The data also shows that the number of permits granted to Jerusalemites during this period (1991-2018) was only 9,536 permits, compared to 21,834 permits for settlement construction in East Jerusalem and 26,367 permits in West Jerusalem. Moreover, the Israeli Occupation Municipality of Jerusalem gave its approval to build 1,861 settlement units in occupied East Jerusalem in the years 2017-2018; which is a 60% increase from the 1,162 settlement units approved in the 2015-2016 period. In contrast, the number of building permits granted to Palestinians in East Jerusalem was only 1,233 permits in the years 2017-2018.¹⁹

“Peace Now”²⁰ estimates that the number of Palestinian houses in East Jerusalem that do not have permits is around 20,000 from a total of 40,000 units. One of the reasons that push Palestinians to build without a permit are the complicated bureaucratic procedures imposed by the occupation for the obtainment of permits. These procedures take between five to eight years and may end with the rejection of the submitted applications under several pretexts, such as the “absence of structural plans”. Also, the building license cost could amount to 50,000 U.S. Dollars, and this substantial cost is one of the reasons which force Jerusalem residents to build without a license.²¹

These Israeli practices constitute a violation of international law. Article (25) of the Universal Declaration of Human Rights clearly states that: *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical*

¹⁸ MIFTAH, Fact Sheet: “Effect of house demolitions on women in Jerusalem”, 2019: <http://www.miftah.org/arabic/Display.cfm?DocId=15393&CategoryId=19>

¹⁹ Baraah Darazi, “Jerusalem between the massacres of building permits, demolitions and settlements”: <https://alquds-city.com/articles/748>

²⁰ Israeli non-governmental organization.

²¹ Baraah Darazi, Ibid.

care". Also, Article (11) of the International Covenant on Economic, Social and Cultural Rights stipulates that "*The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent*". Also, the UN Committee on Economic, Social and Cultural Rights (CESCR) focused in General Comment 7 on legal protection against forced eviction, harassment and other threats, and confirmed that forced evictions are incompatible with the obligations stated in the International Covenant on Economic, Social and Cultural Rights.

The rules of International Humanitarian Law included the protection of the right to housing since houses are considered a civilian object. In particular, Article (33) of the "Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War" of 1949 prohibited the Occupying Power from punishing a person for an offense that he or she has not personally committed. Moreover, the house demolition acts perpetrated by the Israeli occupation forces in Jerusalem violate Article (53) of the Fourth Geneva Convention, which prohibits any destruction by the Occupying Power of real or personal property belonging to a person or group, except where such destruction is rendered absolutely necessary by military operations. The "absolute necessity" element is not there in Jerusalem since all the Palestinian buildings in Jerusalem are civilian buildings and its residents are civilians.²²

Testimony of a Female Citizen from Jerusalem

On the 24th of December 2019 at 3:30 a.m., a force of about 60 soldiers, with a bulldozer and police dogs, came to our house and asked us to leave because they wanted to demolish the house. We left the house after we asked them to allow us to take our important things out, but they refused and brought the dogs into the house and prevented us from entering the

²² MIFTAH, "Effect of house demolitions on women in Jerusalem", op. cit.

house. After they disconnected the electricity and gas lines from the house, they entered the house, but I do not know what they did there. It was around 6 a.m. when they started destroying the house, and the demolition process lasted for about one hour.

The house demolition policy in East Jerusalem leads to disastrous consequences for women, as women bear the brunt of restoring the household's stability. Women get particularly traumatized when they see their houses destroyed because they lose their whole world and essence in the physical and social sense, and they no longer feel responsible but will have to live in someone else's house from then on. In most cases, families whose houses were demolished cannot bear alternative accommodation costs and are forced to move to their relatives' house, and in particular because the household's income is wasted on paying the huge fines imposed by Israeli courts, as well as legal consultancy fees and building license fees.²³

Testimony of a Female Resident from Jerusalem

Since our house was demolished, we have been living in a rented house in Issawiya, where we pay 2,500 Shekels every month. I always try to appear strong in front of my family because the house demolition tragedy greatly affected them. The renovation and restoration of the demolished house cost us approximately one and a half million Shekels. I am the oldest of my siblings and must remain strong no matter what. Of course, the demolition incident greatly affected me as well, and especially when I saw the horrendous act being carried out in front of us. I felt broken-hearted when that happened. All our memories evaporated, and my siblings keep asking me: "Why don't we have a house and rooms like before?". Even my work was negatively affected; I can no longer focus like before. I am also many times absent from work before of the court cases, and 1,000 Shekels were deducted from my salary because of that.

In addition to the psychological effects, the house demolition policy has a great effect on the economic and social aspects of the family. This is because the loss of one's shelter is strongly related to poverty, whereas all the family's savings simply go to waste. When a woman's house is demolished, she loses her personal safety, security, privacy, movement

²³ Ibid.

and lifestyle, as well as her physical and psychological health and social protection system. Women and families were greatly traumatized as a result of losing their homes and the related financial losses. Their houses contain the heritage of an entire family, and the intimate and memorable things are kept there.²⁴

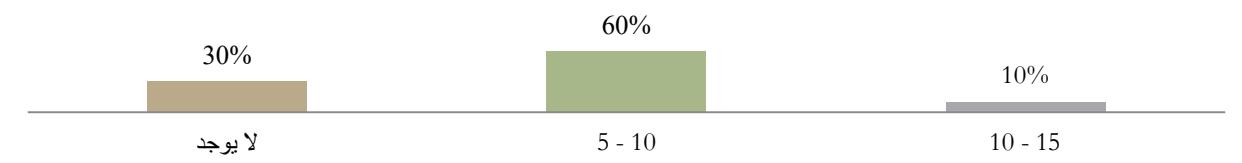
Statement of a Female Resident from Jerusalem

The demolition of our house greatly affected my life in terms of stability and health status. My Diabetes problem intensified immediately after the demolition took place. I suffered a lot after losing my house, which I worked so hard to build, and I have so many memories from that house.

My life has no stability at all at this point. After the demolition took place, I moved my belongings to a room that my son owns, but it is quite old and not suitable for living. Therefore, I spend my life living precariously, moving between the houses of my different sons and daughters.

During the reporting period, MIFTAH received 22 testimonies related to the demolition of Palestinians' houses in the Jerusalem governorate, as well as 10 cases of preventing residents from restoring their houses in the Hebron governorate. The citizens whose house renovation prevention was monitored indicated that the majority of these houses (90%) were residential and only 10% of them were commercial stores. 70% of these houses are inhabited, 60% of which have 5 to 10 persons who have now

Number of Residents living in the houses whose renovation prevention was monitored

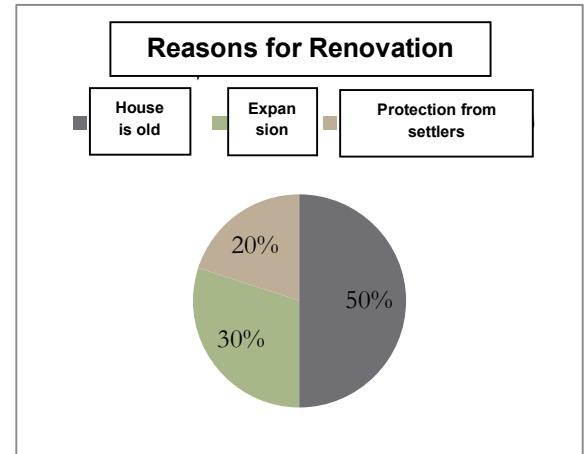


become homeless.

²⁴ Hanan Abu Ghosh, "A study on the impact of house demolitions on gender roles and relations", Women's Affairs Technical Committee (WATC), 2013, p.19.

In 50% of the monitored cases, the aim of renovation was because the house was old, whereas the aim was expansion/extension in 30% of the cases. As for the remaining 20% of the monitored cases, the aim of renovation was to secure and protect their homes from the settlers' attacks.

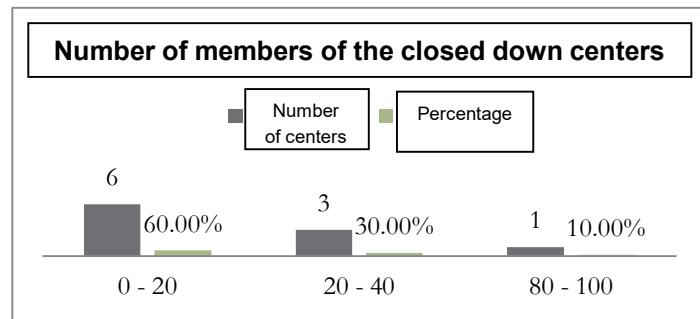
The main practices of the Israeli occupation's soldiers in this regard is the forcible halting of workers or preventing workers from reaching the construction site. 70% of the monitored cases indicated that Israeli soldiers forcibly prevented the workers from reaching the construction site, whereas they effectively demolished the restored parts in 10% of the cases. In 20% of the cases, the soldiers stopped the renovation works by using force. It is also worth noting that, in 80% of the monitored cases, the Palestinian citizens resorted to appointing lawyers to follow up the procedures and try to stop the demolition decisions. However, only 20% of them presented an appeal against rejection decisions. Also, the majority of them (70%) do not resort to institutions that provide assistance to citizens, such as legal, psychological and material assistance among others.



IV. The Right of Association (Cultural and Educational Organizations)

The international human rights covenants gave particular attention to encouraging the formation of associations, federations and unions since this is a basic human right. In spite of that, the Israeli occupation forces work in a systematic manner to close down or halt the activities of Palestinian associations and organizations in Jerusalem and Hebron. Among the main types of violations committed by the occupation in this regard are storming and raiding the organizations' buildings, preventing the holding of events and activities, conducting searches, confiscation, arresting employees, temporary closure, and definitive/final closure.

The closure of Palestinian organizations comes in the context of an Israeli plan that was formulated in the early days of its military control over Jerusalem in 1967. This plan came into effect when Israel disposed of the Arab Jerusalem Municipality and official Arab courts. The city was isolated by military checkpoints since 30 March 1993, and the Israeli separation and expansion wall was erected later on. This led to isolating the city demographically and geographically from its Palestinian extension; which is the reflection of a racist policy that stems from the strategic goal of uprooting the people of the land and replacing them with colonizers. The closing down of Palestinian organizations in the city of Jerusalem (which is the symbol and identity of the homeland)



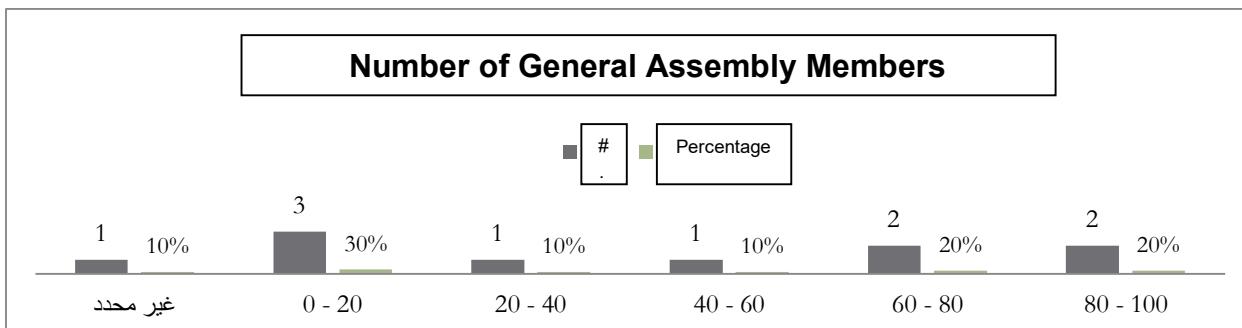
and replacing them with Israeli culture and organizations is a very exclusionary policy. In fact, this is an act of ethnic cleansing of Palestinians in Jerusalem.²⁵ The Israeli attempts to prevent the Palestinians of Jerusalem and Hebron from forming associations is part of a regime of control over Palestinians in the Occupied territories along with the suppression of any opposition.²⁶ It is worth noting that Article (21) of the International Covenant on Civil and Political Rights stated that "*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others*". Also, Article (20) of the Universal Declaration of Human Rights affirmed that everyone has the right to freedom of peaceful assembly and association.

During the reporting period, MIFTAH monitored 10 cases of closing down or restricting the activities of cultural organizations. 9 of these cases took place in Jerusalem, and there was 1 case in the Hebron governorate. Some associations whose rights were violated mentioned that their General Assembly is comprised of 100 members.

²⁵ Yacoub Odeh. "The closure of organizations in Jerusalem is an ethnic cleansing of Arab Jerusalem", p.24.

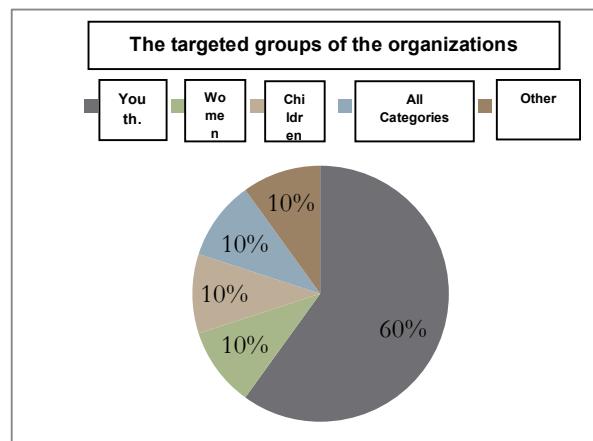
²⁶ Dr. Abdul-Rahman Ali. "Israel and International Law", p.301.

On the level of General Assembly members, 30% of the organizations/associations which were closed down or had their activities restricted have between 0 to 20 members in their General Assembly, whereas 10% of them have a General Assembly that has between 20 to 40 members. Also, 10% of these organizations/associations have a General Assembly of between 40 to 60 members, and 20% of them have a General Assembly of 80 to 100 members.



Number of Volunteers in the Closed Down Centers		
No. of Volunteers	No. of Organizations	Percentage
0 – 20	4	%40.0
20 – 40	1	%10.0
40 – 60	1	%10.0
60 – 80	2	%20.0
80 – 100	2	%20.0
Total	10	%100.0

The targeted groups of these organizations vary greatly. However, most of them serve the youth. Youth organizations and centers comprise 60% of these organizations, whereas the remaining 40% of organizations serve the women, children, and other categories.



V. Right of Free Access to Holy Sites

The 1954 Hague Convention for the Protection of Cultural Property stipulated that “*the High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage*”. The international jurisprudence has a consensus regarding the condemnation of violating the sanctity of places of worship, or their destruction, looting, closure, or any other act that might harm these places during the period of occupation. The Israeli authorities are obliged to respect the religious and doctrinal rights of civilians in the Occupied territories, and must refrain from harming, destroying, looting or plundering the places of worship or disrupting the religious rituals and worship ceremonies.²⁷

During the year 2019, the Israeli authorities issued 355 orders to expel people from Al-Aqsa Mosque, 44 orders to expel people from the Old City of Jerusalem, and 10 orders to expel people from the city of Jerusalem, in addition to travel bans and preventing entry to the West Bank. These expulsion orders ranged between 3 days and 6 months.²⁸ During the reporting period, MIFTAH monitored 23 cases related to the denial of access to places of worship, such as the Ibrahimy Mosque and Al-Aqsa Mosque. Some of these cases involved 18 arrests, whereas the Israeli forces insist on limiting the worshipers' access to Al-Aqsa Mosque; and especially the Bab Al-Rahma prayer house.

Testimony of a Jerusalem Resident

On the 22nd of August 2019, I was arrested in the “Bab Al-Rahma” area of Al-Aqsa Mosque. It was about 13:30 pm. I was pushed around and arrested by Israeli Police officers wearing blue uniforms. I was then taken to the Qishla investigation station [in the Old City of Jerusalem], and a Policeman named Alaa interrogated me. The investigation lasted for about two hours. At around midnight, I was moved to a detention center in Ramla and was not brought before the court on the following day. I was taken back to the Qishla investigation station and was given an expulsion order to

²⁷ Dr. Ahmad Barrak. “The crime of violating the sanctity of Al-Aqsa Mosque from the International Criminal Law perspective”, p.3.

²⁸ Wadi Hilweh Information Center. "The violations committed by the Israeli occupation authorities against the Jerusalemites during the year 2019".

stay away from Al-Aqsa Mosque for 7 days, as well as a subpoena, on 31 August 2019. The expulsion writ mentioned that I must stay away from Al-Aqsa Mosque for two months, i.e. until 31 October 2019. However, I had no idea why I was being expelled from Al-Aqsa Mosque, which is a mosque for Muslims only. Of course, they always do expulsions without any pretext.

Testimony of a Female Resident from Jerusalem

On 18 September 2019, I received a phone call and was asked to go to Qishla investigation station. I went there at about 10:00 a.m. and was given an expulsion order but I refused to sign it. The Police officer, who was wearing a blue uniform, told me that “this decision has already been issued. Regardless of whether you will sign or not, this is what you will receive!”. This order affected me psychologically. I could no longer meet my friends because we are accustomed to meet, talk and study at Al-Aqsa Mosque. I am not allowed to pray in the Mosque even though I am a Muslim and my religion and Quran say that Al-Aqsa Mosque is for Muslims. Since when are Muslims expelled from their mosque like that?

The Old City of Hebron houses the Ibrahim Mosque. It is one of the oldest mosques in Palestine and the world (over 2,000 years old) and is considered an important historical and heritage landmark. It is also included in the World Heritage List. The Israeli authorities aim to control the Mosque and convert it into a synagogue by various means. After a bloodbath massacre committed by an Israeli settler against Muslim worshipers in 1994, the Ibrahim Mosque was unilaterally divided between Muslims and Jews, hence the Muslim worshipers have a problem in accessing the mosque to pray in it. This is because the Mosque is surrounded by electronic gates manned by Israeli soldiers and policemen who provoke and perform searches on Muslim worshipers and check their identity cards. The Ibrahim Mosque is surrounded by 12 military checkpoints, 2 Israeli Police stations, as well as border guards.²⁹ Only in the first half of 2019, the Muslim call for prayer from the Ibrahim Mosque minarets was banned 285 times.³⁰

²⁹ MIFTAH, First Quarterly Report on the Violations in Hebron in 2019.

³⁰ MIFTAH, Second Quarterly Report on the Violations in Hebron in 2019, p.13.

Testimony of a Citizen from Hebron

All the people were looking at me as the Israeli soldiers were asking me to take off my clothes for no reason. And when I disobeyed the order, a soldier pulled a gun on me. I got scared and started to take off my shirt and undershirt, then the soldier pointed to my pants so that I would take them off as well. This was done while the weapon was pointed at my head. I was almost naked in that courtyard, and the soldiers knew that I had nothing that might pose a threat to them. One of the soldiers approached me and took me to the inspection room, which is a small distance away from the first gates. He cuffed my hands and covered my eyes and took me half-naked to the room. I stayed there about one hour and did not know what was happening around me. Then came the Chief of Staff of the area, whom I have seen before because he was leading the settlers' tours in the Old City of Hebron in order to protect them. He approached me and gave me my clothes and asked the soldier to untie me. He then asked me to wear my clothes and said that it was forbidden for me to enter the Ibrahimi Mosque for two weeks. I asked for the reason behind this decision, but he didn't respond. I put on my clothes and then he gave me back my ID. Then the soldier who untied me took me outside and accompanied me until we were about 100 meters away from the area of the Ibrahimi Mosque.

Analysis of Human Rights Violations in the Gaza Strip (Access Restricted Areas at Land and Sea)

I. Right to Health

The ongoing blockade on the Gaza Strip has caused significant damages to the Health sector. The population growth in the Gaza Strip is increasing disproportionately compared to the number of health centers. For example, there are 13,149 citizens for every health center.³¹ There are only 13 hospitals in the Gaza Strip, and there are 10 doctors per 10,000 of its population. Moreover, there is only one hospital for every 100,000 persons and 15 beds for every 10,000 persons, whereas the bed vacancy period – i.e. the period in which a hospital bed remains vacant - in Gaza Strip hospitals does not exceed 5 hours. Moreover, the Gaza Strip suffers from a severe shortage of medications due to a 50% unavailability (run out) of essential medicines, as well as a 25% shortage of medical consumables and a 60% shortage of laboratory and blood bank supplies.³² In light of the ongoing occupation of the Gaza Strip, the Fourth Geneva Convention states that, to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. The Convention also stipulated that, to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics, and that medical personnel of all categories shall be allowed to carry out their duties.

³¹ Ministry of Health in the Gaza Strip, Annual Report on Population and Health, 2018, p.22.

³² Ministry of Health in the Gaza Strip, Annual Report of 2019, p.36.

On the local level, the authorities of the Gaza Strip have a legal obligation to provide quality health services to citizens. The UN Committee on Economic, Social and Cultural Rights (CESCR) provided, in General Comment No. 14,³³ a detailed guidance to States parties regarding their obligations to respect, protect and fulfill the right to health. The CESCR also highlighted that this right includes the following essential and interrelated features: *Availability*; that the authorities of the Gaza Strip would provide a sufficient number of (both public and individual) health facilities which the citizens can resort to without having any shortage. The second feature is *Accessibility* to health facilities; i.e. that local authorities of the Gaza Strip would give citizens access to health services, whereas these services are characterized by four elements: *Non-discrimination*, *Physical Accessibility*, *Economic Accessibility*, and *Access to Information*. Every person, especially the most vulnerable, must have access to health facilities and services without any discrimination on the basis of the prohibited grounds. Moreover, the facilities and services must be safe and physically accessible and should include the basic health infrastructure such as water and sewage facilities. Everyone should be able to bear the expenses of health-related facilities, goods and services, while taking into account the principle of fairness regarding the paid financial remuneration, which in many times leads poor families to avoid bearing the burden of paying health expenses that are not commensurate with their financial capability. Finally, the States parties must ensure that everyone has the right to seek, obtain and impart information related to health issues without undermining the confidentiality of medical data.

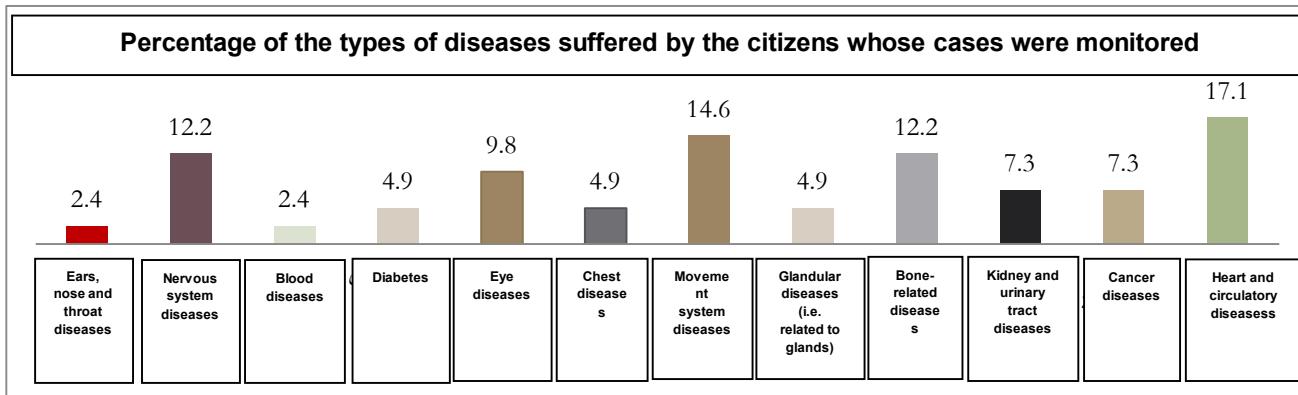
The third feature is *Acceptability*, which means that authorities must be respectful of all health facilities, medical ethics and the culture of individuals and societies, as well as taking into consideration the requirements of both sexes and the life cycle. The fourth and last feature is *Quality*, i.e. that the health facilities should be scientifically and medically appropriate and of good quality. This requires, among other things, the availability of the needed medication and equipment, skilled medical personnel, and safe water and sewage facilities.

³³ United Nations General Assembly, Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14.

During the reporting period, MIFTAH monitored 41 violations related to the provision of health services to citizens in locations adjacent to the access restricted areas of the Gaza Strip, 13 testimonies claiming the occurrence of medical negligence, and 18 testimonies related to the prevention of receiving treatment abroad. The results of the analysis of the monitored violations were as follows:-

Provision of Medical Services

92.7% of citizens whose suffered violations were monitored noted that they suffer from health problems, whereas 61% of them said that one of their family members also suffers from health problems. With regard to the type of health problem suffered by the citizens whose cases were monitored, the most prominent cases were as follows in the list of order: heart and circulatory diseases, movement system diseases, bone-related diseases, and nervous system diseases. These four types of diseases accounted for more than half of the cases (56%), while the rest of the cases were as follows: cancer diseases, kidney diseases, urinary tract diseases, glandular diseases (i.e. related to glands), chest diseases, eye diseases, Diabetes, blood diseases, and ears, nose & throat ("otolaryngology") diseases.



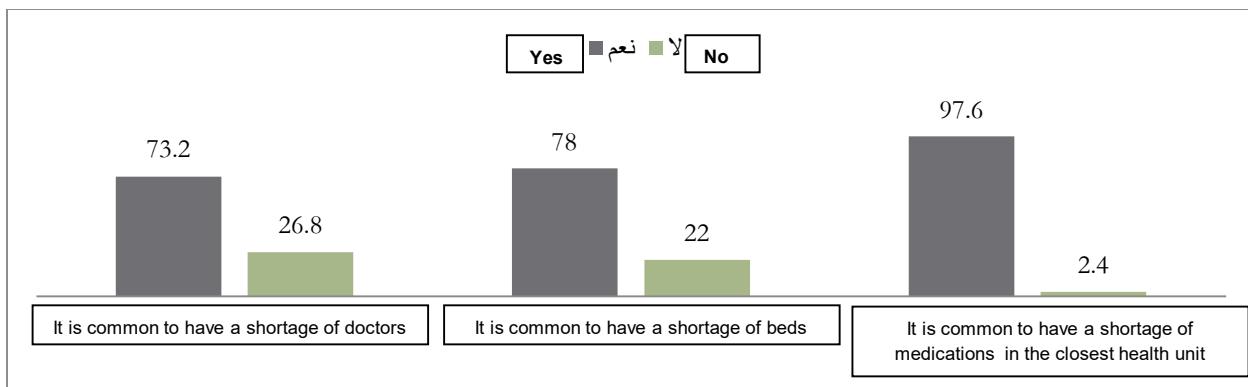
56.1% of the monitored cases indicated that the nearest health unit for patients was a clinic, and 26% of them showed that the nearest health unit was a hospital. It was also seen that access restricted areas suffer from their long distance from hospitals, which are usually built in city centers. Also, 9.8% of these cases showed that the nearest health unit was a health point, and 7.3% of these cases indicated that the nearest health unit was a pharmacy.

With regard to the ownership of the closest health units to the residents of the access restricted areas; 73% of these residents stated that the closest health unit to them was a governmental one, whereas 22% of them said that the closest health unit to them was a private one. Meanwhile, 4.9% of these residents [i.e. those in access restricted areas] indicated that the closest health unit to them was either a charitable or UNRWA one.

Only 14.6% of the health units that are closest to the monitored cases in access restricted areas have a maternity ward, and 53.7% of the contacted persons from these areas mentioned that the nearest health unit to them does not provide medical vaccination services to newborns and that they must go to city centers to receive these services. Also, 87.8% of the citizens whose health rights violations were monitored confirmed that the nearest health unit to them does not provide psychological support services.

It is also worth noting that 97% of the persons (whose rights violations were monitored) noted that they have a medical insurance, and that in most of these cases (87.8%), the government of the Gaza Strip provides this insurance. However, 51.2% of these persons stated that their health insurance does not include medications, and 95% of them resort to buying medicines at their own expense.

51.2% of the persons monitored by MIFTAH said that it takes them between 10-20 minutes to reach the closest hospital, whereas 41.5% stated that it takes them not less than 20-40 minutes to reach the nearest hospital. Also, 7.3% of them said that they need approximately 40-60 minutes to reach the closest hospital. Furthermore, 97% of the citizens (whose health rights violations were monitored) said that it is common to have a shortage of medications in the closest health unit to them and 73% pointed out that it is common to have a shortage of doctors in the closest health unit, whereas 78% of them stated that there is a shortage of beds in the nearest health unit (see below):

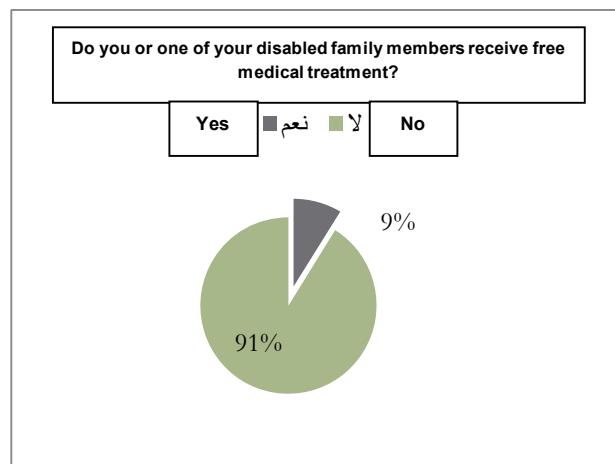
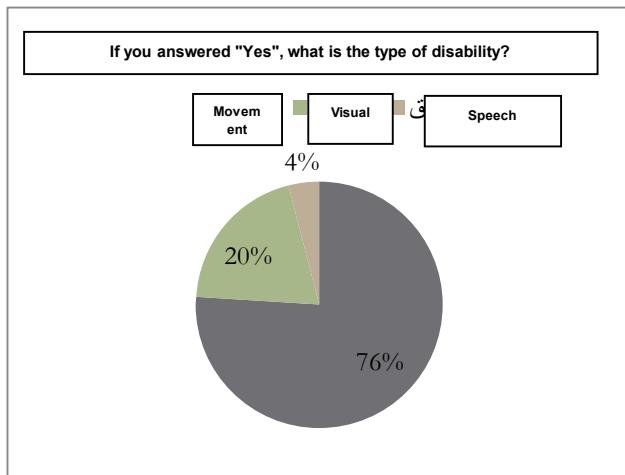
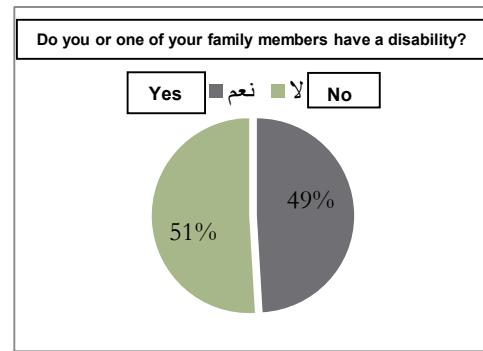


On the level of ambulance services, 61% of the citizens whose rights violations were monitored said that it takes ambulances between 10-20 minutes to arrive at the areas adjacent to the access restricted areas [of the Gaza Strip], whereas 39% of them pointed out that it takes ambulances between 20-40 minutes to arrive at these areas.

Access to Health Services

According to the monitoring of right to health violations, 35% of the residents of access restricted areas stated that the roads leading to the nearest health unit are unpaved, and 94.4% of them indicated that they were not educated on health issues related to communicable or common diseases in the access restricted areas. Moreover, none of the citizens whose cases were monitored took part in any awareness-raising workshops related to health services, and 98% of them did not participate in any strategic planning for health services in access restricted areas whether by governmental service providers, UNRWA, or the civil society. Moreover, all the cases indicated that the Ministry of Health does not disclose financial budgets related to the Health sector in access restricted areas.

With regard to persons with disabilities, 51% of the citizens whose right to health violations were monitored stated that they or one of their family members has a disability. Regarding the type of disability suffered by them or one of their family members, 76% answered that it is a movement disability, 4% said that it is a speech disability, and 20% pointed out that it is a visual disability.



91% of the citizens, whose right to health violations were monitored, stated that neither they nor their disabled family members receive any free treatment, despite Article (10) of the Palestinian Disability Law No. (4) of 1999, which referred to some special rights, including the provision of preventive and curative services that aim to reduce the percentage of disability inside the society. Article (10) of the aforementioned law also stipulates that persons with disabilities should receive a Disability Card; which is a card that specifies the services package that disabled persons are entitled to receive as part of a structured program. However, 94% of the persons whose cases were monitored stated that they did not receive this card.

67% of the citizens whose cases were monitored stated that the Ministry of Health has diagnosed their or their family members' degree of disability, whereas diagnosis is considered one of the rights stipulated by the Palestinian Disability Rights Law. This law stated that persons with disabilities have the right to receive diagnosis and have their degree of disability classified. With

regard to the ability of disabled persons to access health facilities, 97% of the cases showed that the nearest health facility was not adapted to accommodate the person's type of disability. 96% of the residents of access restricted areas (whose rights violations were monitored) stated that the water provided to them by the local authorities is not potable, whereas 74.1% of them mentioned that the monthly cost of purchasing fresh water is less than 100 Shekels, and 22.2% said that this costs them between 100-200 Shekels each month.

According to the monitoring of right to health violations, 53.7% of the citizens pointed out that the local authorities do not provide them with sewage services, and 93% of them use sewerage wells to make up for the lack of sewage services from the local authorities. Also, 7% of them mentioned that they collect the sewage water in sewage pools.

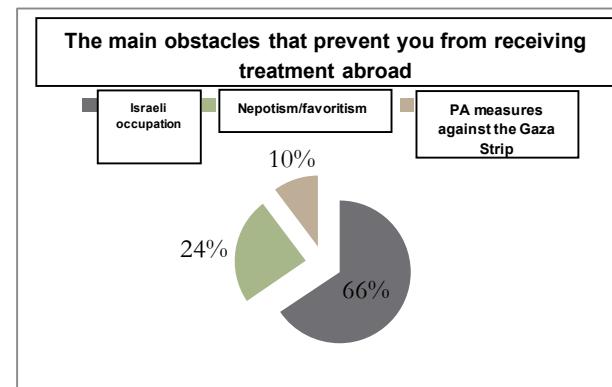
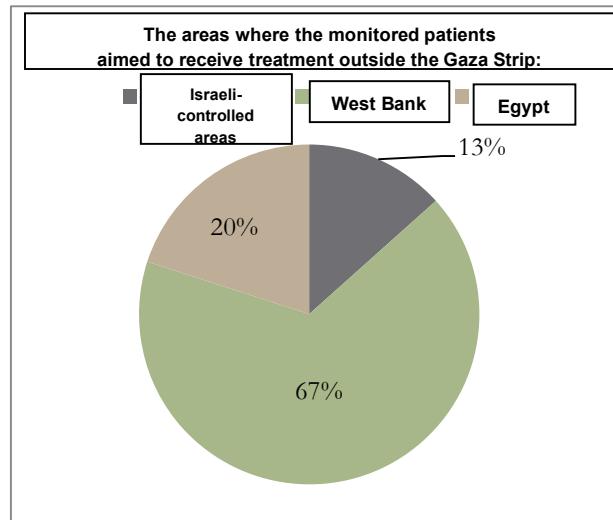
92.6% of citizens stated that the local authorities do not provide the service of eliminating rodents and rats, whereas only 20% of the citizens whose human rights violations were monitored said that the local authority provides mosquito control services in access restricted areas. The monitoring tools related to the provision of health services indicated that 97% of the monitored persons have health insurance, whereas the residents noted that they pay additional expenses despite having a health insurance. For example, according to a conducted analysis, 59.3% of these persons spend more than 120 Shekels each month on medicines even though they have a health insurance.

Cost	10-30 Shekels	30-60 Shekels	60-120 Shekels	120 Shekels or More
Cost of reaching the closest health unit (monthly)	%57.7	%9.3	%13	%24.1
Cost of medicines and medical consumables (monthly)	%14.8	%5.6	%20.4	%59.3
Cost of medical follow-up/consultations in clinics (monthly)	%55.6	%14.8	%9.3	%20.4
Cost of laboratory tests (monthly)	%83.3	%1.9	%9.3	%5.6

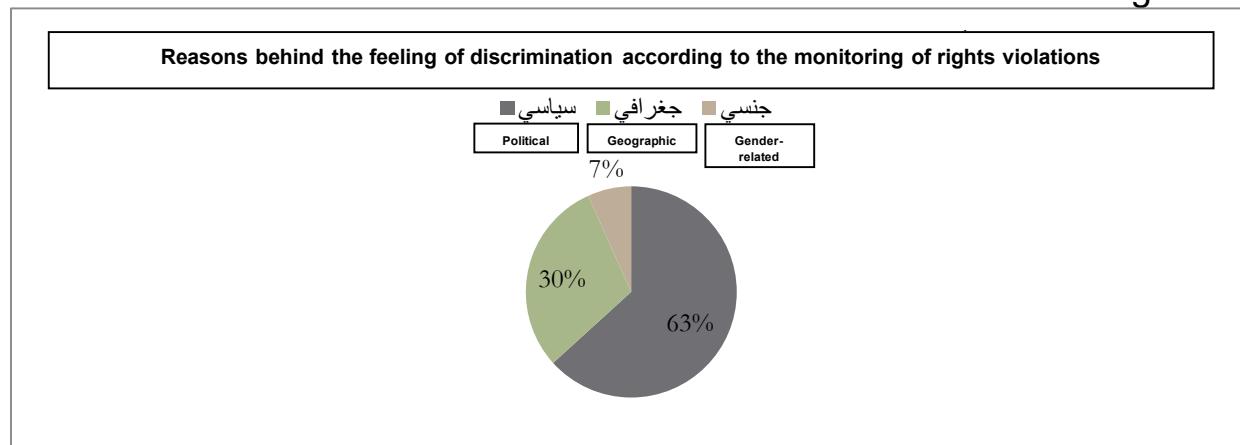
Medical Treatment Outside the Gaza Strip:

During the reporting period, MIFTAH monitored violations of the citizens' right to receive treatment outside the Gaza Strip, such as monitoring 49 such cases in the access restricted areas. 45% of the citizens whose cases were monitored stated that they received medical transfers to receive treatment outside the Gaza Strip, whereas 55% of them could not receive such medical transfers. The citizens who received medical transfers stated that 13% of these transfers were directed to hospitals in Israeli-controlled areas, 67% were directed to West Bank hospitals, and 20% of these medical transfers were directed to Egyptian hospitals.

The monitored cases in the access restricted areas indicated that the main obstacles that prevent them from receiving treatment abroad are as follows in the list of order: The Israeli occupation, nepotism and favoritism, and Palestinian Authority measures against the Gaza Strip. As high as 93% of the cases showed that patients were prevented from receiving treatment abroad, and 93% stated that they feel discrimination when it comes to receiving treatment abroad. 63% of the monitored patients indicated that the grounds for their feeling of discrimination were political reasons related to the Israeli occupation and its desire to stifle the Palestinians in the Gaza Strip. Meanwhile, 30% of the residents of access restricted areas (whose rights violations were monitored) stated that the discrimination was based on geographic grounds related to reducing the Gaza Strip's share of medical treatment abroad due to the measures taken by the Palestinian



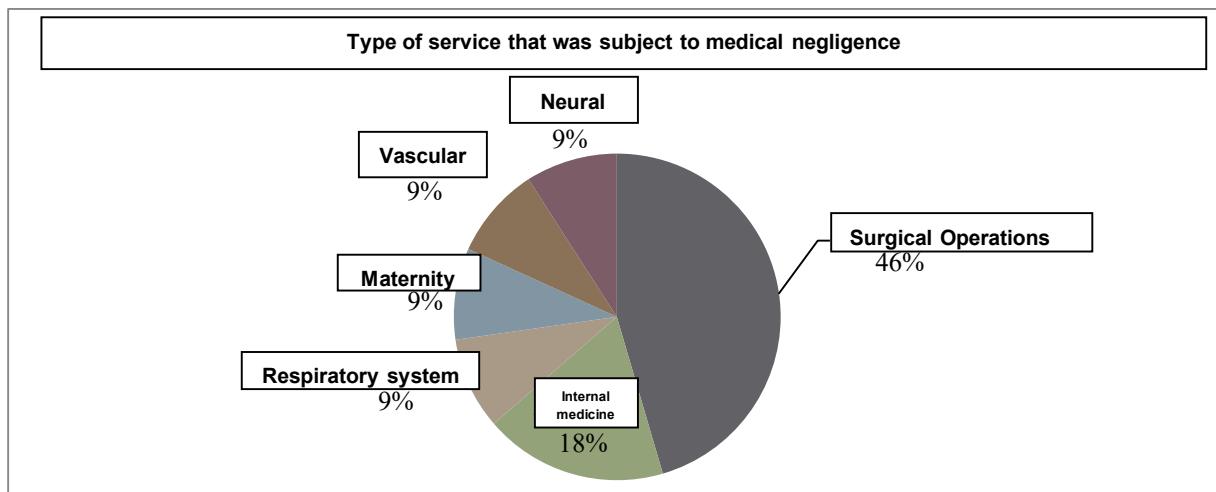
Authority in 2019. It is also worth noting that 7% of these cases felt that the basis of discrimination was related to gender.



45.2% of citizens of the monitored cases indicated that the main form of violation of their right to receive medical treatment abroad is the travel bans for “security reasons”, and many times without any justification. Also, 16.1% of these cases noted that the main form of violation of their right to receive treatment abroad is the Israeli policy of restricting the patient’s accompanier, whereas 35.5% of them stated that the main form of violation (of their right to receive treatment abroad) is the prolonged response to requests for medical permits.

The main forms of monitored violations of citizens' right to receive treatment abroad		
Travel bans	14	%45.2
Policy of restricting the patient's accompanier	5	%16.1
Prolonged response to requests for medical permits	11	%35.5

Medical Negligence and Malpractice



In the access restricted areas, MIFTAH monitored 11 claims/allegations of the occurrence of a medical negligence or malpractice; [almost] half of which took place during a surgical operation. Various types of malpractices took place, such as the mistreatment of patients, giving excessively large quantities of medical drugs that are not suitable for the age or weight of the patient, or an inaccurate diagnosis. Different results stemmed from cases of medical negligence, ranging from small damages to the patient to actual cases of death.

Testimony of a Female Resident of Khan Yunis

"I had a cornea transplanted in an Israeli hospital, and we were notified by the hospital's administration that the operation was successful. We then went back to the Gaza Strip. The hospital's administration told us to come back later to have the stitches removed and check up on the situation. After a short period of time, I went to a treating doctor in Gaza hospitals to obtain "Form No. (1)" to submit it for the purpose of traveling and receiving treatment abroad. But the doctor refused to give me the form, justifying in his claim that there are doctors in Gaza who are capable of doing whatever is necessary without my need to travel abroad. The stitches were removed in the European Gaza Hospital, but this led to damages in the retina and destroyed an optic nerve, leading to bleeding and chronic eye pressure. On the 1st of January 2019, the doctor informed that the eye will be completely plucked out because of the constant eye pressure."

II. Right to Work

The term "Land and Sea Buffer Zone" is used to the land and sea areas which the Israeli military forces unilaterally and illegally declared as restricted access areas along the eastern and northern land borders, as well as the sea borders of the Gaza Strip. This took place after the implementation of the redeployment plan in September 2005. According to what was announced by Israel, the buffer zone extends on a distance of 300 meters along the northern and eastern borders of the Gaza Strip. As for the Mediterranean Sea, the areas permitted for fishing vary according to the security condition.

The land buffer zones include the best agricultural lands in the Gaza Strip, with an estimated area of 27,000 dunums, i.e. approximately 35% of the total agricultural land area of the Gaza Strip. This area is also distinguished by its abundant livestock products, especially poultry and cattle. The land buffer zone includes the largest reservoir of potable groundwater for agricultural use in the entire Gaza Strip. The denial of access to these areas limited the farmers' ability to grow diverse crops. Also, the Fisheries sector in the Gaza Strip is unable to contribute effectively to the Palestinian local economy. For example, its contribution to the Gross Domestic Product (GDP) remained 1%, and this is due to the limited resources of Gaza's fishermen, daily Israeli assaults against fishermen during their work, reduction of the permitted area for fishing, and intensifying and tightening the maritime blockade.³⁴

The policy of collective and individual sanctions and the ongoing blockade and closure of the Gaza Strip led to disastrous effects on the economic situation. These policies resulted in severe restrictions on the movement of individuals, goods and funds; including the closure of all borders, crossings and external passages that link the Gaza Strip with the outside world. In 2019, there were 217,100 persons who have been unemployed for 15 years or more in the Gaza Strip. Also, the unemployment rate in the Gaza Strip is 45%, compared to 13% in the West Bank.³⁵

These practices constitute a violation of international conventions and charters. For example, Article (23) of the Universal Declaration of Human Rights guarantees for every person "*the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment*". Also, the International Covenant on Economic, Social and Cultural Rights stipulates in Article (6/1) that the States Parties to the Covenant must recognize "*the right to work, which includes the right of everyone to the opportunity to gain his living by work*". Moreover, Article (6/2) of the same Covenant stipulates that "*the steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes*". It is also worth noting that Article (1/2) of the "International Labor Organization (ILO) Convention No. 122 of 1964 Concerning Employment

³⁴ Palestinian Centre for Human Rights, Report on Israeli assaults in the buffer zone, 2017, p.8.

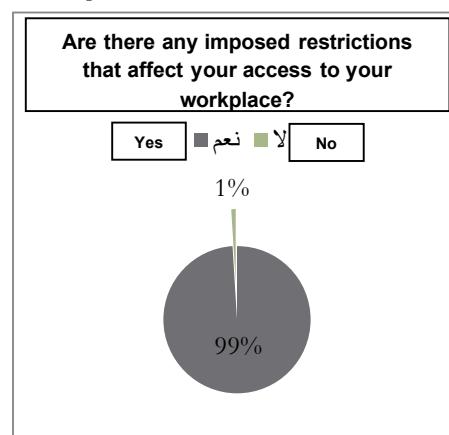
³⁵ Palestinian Central Bureau of Statistics (PCBS), The Labour Force Survey Results - Third Quarter (July-September, 2019) Round.

Policy" stipulated that the States Parties to the Convention shall aim at ensuring that "*there is work for all who are available for and seeking work*". The Israeli violations also constitute a breach of the Fourth Geneva Convention, which stated that "*All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited*".

MIFTAH organization received 92 questionnaires related to the violation of the right to work in areas adjacent to the access restricted areas in the Gaza Strip. Also, MIFTAH received 27 testimonies about the spraying of pesticides by Israeli airplanes on agricultural areas in access restricted areas, as well as 28 cases of bulldozing and leveling off agricultural lands by the occupation forces, 3 cases of preventing Palestinians from accessing their agricultural lands, 24 cases of shooting gunfire on agricultural lands and farmers, and 23 cases of bombarding agricultural lands and facilities.

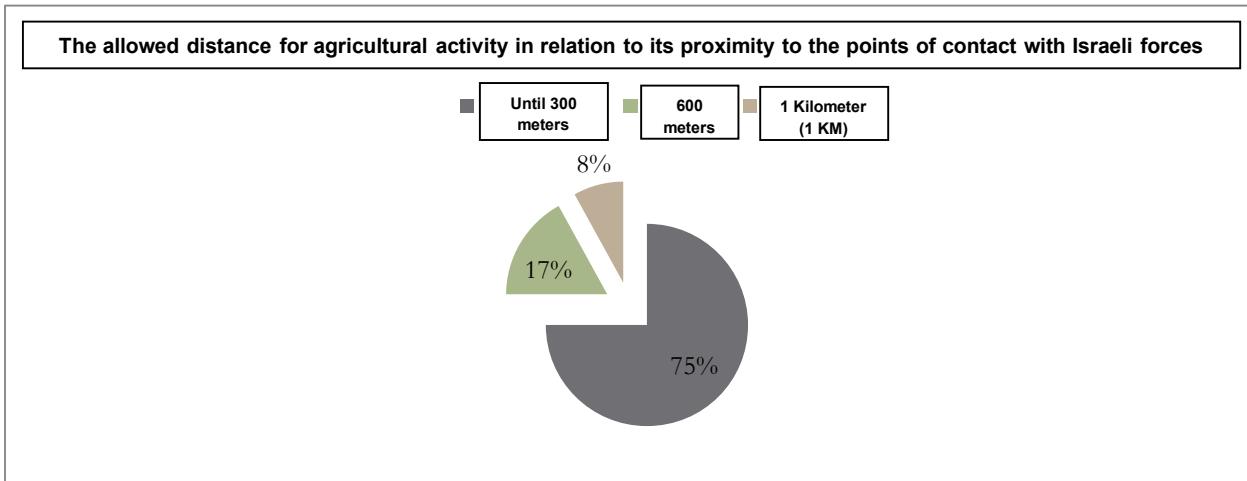
Restriction of Access to Workplaces by the Occupation

99% of the farmers and fisherman who work in the access restricted areas indicated that there are imposed restrictions that deny them access to agricultural fields and lands in the eastern areas of the Gaza Strip or to the areas that are suitable for fishing. All the monitored cases showed that the party that prevents them from exercising their right to work is the Israeli occupation, by means of the widespread Israeli military zones in the eastern areas of the Gaza Strip or through the Israeli Maritime Forces in the Mediterranean Sea. The restrictions imposed by Israel include the shooting of fire on those who approach the agricultural lands in access restricted areas; which represents 95% of the restriction cases. Other restrictions include the deployment of roadblocks (especially in agricultural lands in the area which has barb wires separating the Gaza Strip from the Israeli-controlled areas), which represent 1% of the restriction cases, and Israel's closure of certain areas - such as the closing of Gaza's beaches and preventing fishing activities - which represents 1% of the monitored cases during the reporting period.





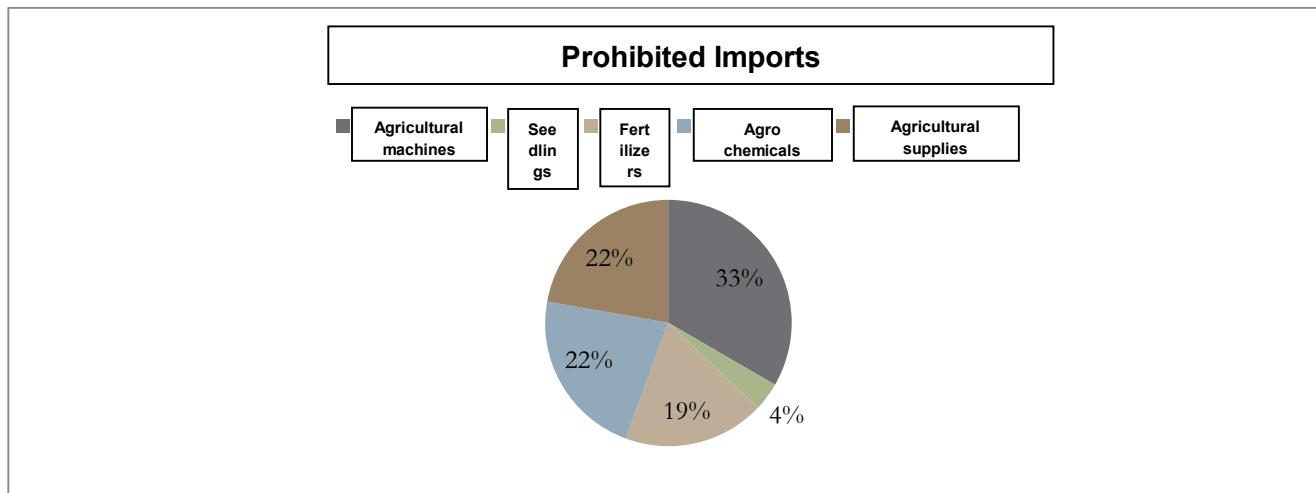
According to the monitoring of right to work violations, 96% of the farmers in access restricted areas are exposed to gunfire, teargas canisters, or bombardment (in some cases) upon approaching the access restricted areas. The monitored cases showed that the denial of access usually took place (i.e. 75% of the time) between the 300-meter buffer zone and the wires separating Gaza from the Israeli-controlled areas. Meanwhile, 17% of denial of access cases took place in areas ranging between 300-600 meters from the separating wires, whereas 8% of the cases showed that the denial of access took place as far as 1 km.



The violation of farmers' rights in access restricted areas is not limited to the shooting of fire and prevention of approaching. For example, 73% of the farmers in access restricted areas (whose violations were monitored) stated that they are regularly exposed to the spraying of insecticides and agricultural pesticides by Israeli planes; thus leading to great damages to

their crops. Also, 82% of these farmers mentioned that their crops had been damaged because of the Israeli forces' bombardment of agricultural areas. As for the fishermen, they work in an extremely complex environment, and all 10 cases (100%) showed that they are at risk of being arrested, shot at, or have their fishing boats closed down. Also, the Israeli forces occasionally bulldoze and level off the agricultural lands close to the wires separating the Gaza Strip from Israeli-controlled areas, whereas 73% of these farmers stated that their crops were destroyed because of the systematic leveling and bulldozing of their agricultural lands.

It is also worth noting that Gaza's farmers are prevented from exporting their agricultural products. Based on the monitoring of right to work violations, 70% of the farmers mentioned that they are prevented from exporting their crops. According to MIFTAH's monitoring activity, vegetables, strawberries, flowers and citrus are the main crops that Gazan farmers are prevented from exporting abroad. Also, 63% of the farmers (whose cases were monitored and documented by MIFTAH) were prevented from importing raw materials necessary for agriculture, whereas 22% of them were prevented from importing agrochemicals. Also, 33% of them stated that they were prevented from importing agricultural machines, and 19% were prevented from importing agricultural fertilizers.



The Work Environment in Access Restricted Areas

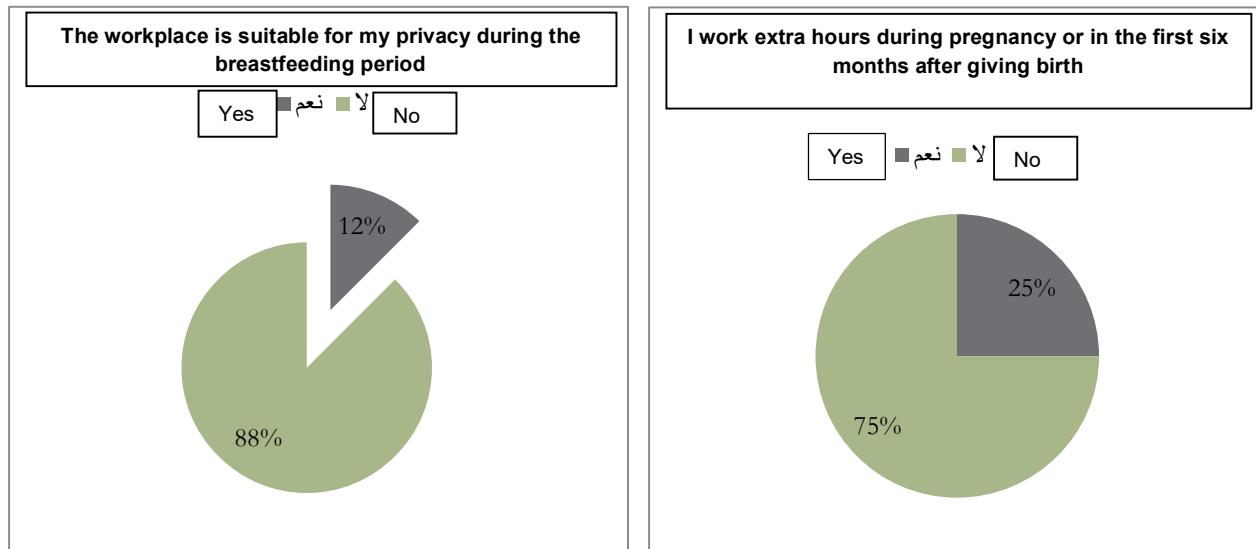
The Israeli policy of restricting access to Gaza's eastern agricultural areas and closing down the Gaza beach impeded the development of the agricultural and fishing sectors and led to destabilization. The majority of Gaza's farmers and fishermen are living in a dire economic condition. For example, the right to work violations monitored by MIFTAH showed that 15.2% of Gaza's farmers and fishermen have written work contracts, 84.8% of them have "verbal" work contracts, and 9% of them have permanent work contracts. Also, 44% of Gaza's farmers and fishermen have fixed-term work contracts while 47% of them work only upon request.

Most farmers and fishermen earn salaries that are less than the minimum poverty threshold. For example, 33.3% of them receive a monthly salary that is less than 500 Shekels, 9.1% receive a monthly salary of 1,000-1,500 Shekels, and 48.5% of them receive a monthly salary of 500-700 Shekels. It is also worth noting that 41% of these farmers and fishermen support and provide for 5 to 10 individuals, whereas 59% of them support and provide for more than 10 persons.

According to the monitored cases, 90.9% of the fishermen and farmers in access restricted areas indicated that they are about to have their work contract terminated. This is because they do not receive any severance pay. Also, 69.7% of them noted that they do not receive any legal aid related to workers' rights in the case of terminating their work. Moreover, 91% of the farmers and fishermen stated that they do not know whether it is possible to submit complaints to the Ministry of Labor with regard to their labor rights. It was also found out that 30.3% of farmers and fishermen work more than 45 hours per week, but only 12.1% of them receive overtime pay for any additional work hours. Also, 90.9% of them do not receive a 150% pay for every additional (overtime) work hour. It was also found that 54% of workers in the field of agriculture and fishing do not receive rest hours, and 52% of them do not receive any weekly holidays. Moreover, only 45% of farmers and fishermen receive annual leave, and 87% of them are obliged to work during vacations.

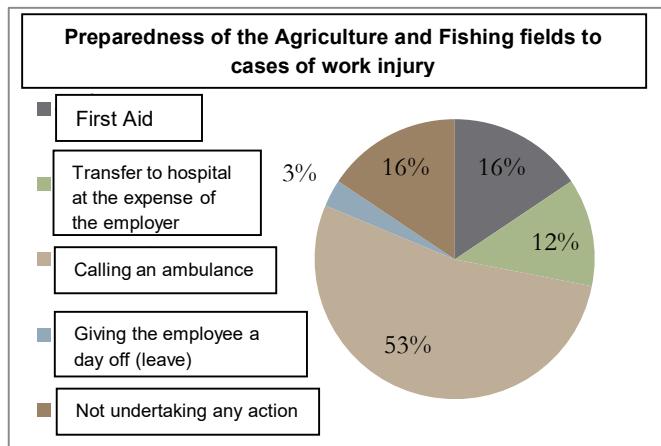
Based on the cases monitored by MIFTAH regarding right to work violations; 25% of the women who work in the field of farming and fishing in access restricted areas work additional hours during pregnancy or in the first six months after giving birth. Moreover, only 25% of these women receive maternity leave, but 100% of the received maternity leave is without pay. Additionally,

75% of these women stated that they are not allowed to take any breaks for breastfeeding, and 88% of them noted that their workplace is not suitable for enabling a woman to breastfeed her child since these places do not allow for privacy.



According to the monitoring of right to work violations, 50% of women reported that their wages are less than those of men in the same field of work. As for the conditions of children working in access restricted areas, 77% of workers in the agricultural and fishing fields stated that it is permissible to hire children in their work environment. The workers stated that 17% of child laborers are between 6-9 years old, 57% of them are between 10-14 years old, and 26% are between 14-18 years old.

Regarding the preparedness of laborers to cases of work injury, the workers of the agricultural and fishing sectors [whose right to work violations were monitored] noted that 100% of them will not receive any compensation in cases of work injury. Also, 19% of the enterprises do not have public safety supplies, and 72% of enterprises do not have first aid kits. Moreover, 100% of the



enterprises do not have written public safety procedures, 100% of enterprises do not provide occupational hazard insurance, and 78% of laborers do not have health insurance.

Third: Main Conclusions of the Report

After presenting the violations monitored by the Human Rights Defenders team vis-à-vis the right to health and right to work in the access restricted areas of North Gaza and Khan Yunis governorates – as well as examining the educational, cultural, religious and women's rights in the Jerusalem and Hebron governorates - the report concluded that the Israeli occupation is systematically violating the International Humanitarian Law and International Human Rights Law as follows:-

Right to Education

In this regard, Israel is violating the International Humanitarian Law and International Human Rights Law through the harmful practices that target the Palestinian educational sector. One of the main types of violations committed by the occupation is the continued issuance of house arrest orders against the children of Jerusalem; and especially because the monitored cases clearly indicated that these orders have detrimental effects on the detained children's educational journey. This policy led to delays in children's academic achievement in most cases. MIFTAH also detected behavioral and psychological effects on the children who received such sentences and rulings. For example, according to the monitored cases, most of the children who received house arrest sentences were attacked and assaulted during detention or investigation, which proves the falsehood of Israeli claims that house arrests are conducted in conformity with international children's rights standards.

Israel also violates its obligations as an Occupying Power under International Humanitarian Law by failing to facilitate the movement of Palestinians. This includes preventing Palestinian students and teachers from reaching schools. Perhaps this is most vivid in the Old City of Hebron, which was isolated from its surroundings, and school children were impeded from arriving at their classrooms. The report also sheds light on school dropouts as one of the direct outcomes of right to education violations in Palestine. It was also found in the report that attacks by the Israeli forces and settlers and the child detention policy are the main causes of school dropouts. Another finding of the report was that the Israelization of Palestinian curriculums in Jerusalem is one of the main types of violations of the Palestinians' right to express their cultural identity in their educational system. The Israelization of Palestinian curriculums is alarmingly increasing, whereas the number of students who

are studying the Israeli curriculum has risen four-fold (400%) in the last six years.

Right of Movement

Israel is systematically restricting the right of movement in the Jerusalem and Hebron governorates. The report found that this policy aims to weaken the ties between the Jerusalem residents and their West Bank surroundings, as well as the collective punishment of Palestinians by dividing villages and cities and closing them down by checkpoints. Such practices violate the International Humanitarian Law, which guarantees the protection of citizens in times of armed conflict. A good example of this is Article (33) of the Fourth Geneva Convention, which prohibits occupation forces from punishing a protected person for an offence that he or she did not personally commit, and that reprisals against protected persons and their property are prohibited.

Right to Housing

The Israeli occupation violates the International Humanitarian Law by demolishing the houses of Palestinian residents in Jerusalem, whereas the year 2019 saw the highest number of house demolition cases in Jerusalem to date. Also, the complications presented before Palestinian Jerusalemites in obtaining building permits proves the presence of a systematic policy of ethnic cleansing and forcible transfer of Palestinians from Jerusalem. With regard to Hebron, the analysis of violations showed that %20 of the cases of preventing the restoration of houses were related to renovations that aimed to secure and protect the houses from settlers' attacks. The effects of house demolitions are not only limited to violating the right to housing, but they also have far-reaching psychological and social effects on women in Jerusalem. For example, the testimonies showed that women whose houses were demolished had feelings of insecurity, disappointment, frustration, tension, anxiety, and grief over the loss of their house.

Right of Free Access to Holy Sites

The report concluded that the Israeli occupation forces are violating the provisions of the Hague Convention for the Protection of Cultural Property by failing to respect the Palestinian people's right to worship and disrupting the practice of religious rituals in Al-Aqsa and Ibrahimi mosques. This took place through the issuance of expulsion orders and denying access to these

mosques for performing worship rituals in a continuous manner. These practices and policies aim to suppress the cultural identity of the holy sites by restricting access to them and imposing new facts on the ground by dividing them in time and space.

Right of Association (Cultural and Educational Organizations)

The occupation forces violate the Palestinians' right of association by raiding and temporarily closing down cultural organizations and restricting their activities. Moreover, the occupation forces are violating the rights of the groups targeted by these organizations. For example, an analysis of the committed violations showed that 60% of these organizations serve the youth, whereas 40% of them serve children and women. Also, the Israeli attempts to prevent the Palestinians of Jerusalem and Hebron from forming associations is part of the imposed control regime in the Palestinian Occupied territory to suppress all opposition; and this is considered a form of collective punishment. Israel also suppresses the cultural identity of these cities in order to combat the preservation of the Palestinian national identity and cultural heritage, which these cultural organizations aim to maintain.

Right to Health

The analysis of right to health violations highlighted several illegal activities perpetrated by the occupation against the residents of the Gaza Strip. Israel restricts the citizens' access to adequate health services alongside the poor services provided to patients by the local authorities. In the access restricted areas in the east of Khan Yunis and north and east of North Gaza governorate, the citizens suffer from a limited access to health services. This is because of the lack of hospitals in the vicinity of the access restricted areas that are usually subjected to bombardment and frequent gunfire. Moreover, the medical insurance is quite ineffective and there is a shortage of doctors, medicines and beds in the nearest health units.

The residents of access restricted areas also suffer from the violation of their right to health by preventing them from receiving treatment abroad. According to the monitored cases, only 45% of patients were given medical transfers to receive treatment outside the Gaza Strip, whereas 55% of them were not given such medical transfers. The analysis of the monitored violations also showed that the Israeli occupation, nepotism/favoritism, and the Palestinian Authority measures against the Gaza Strip in the past years, were the main

obstacles that prevented Gazan patients from receiving treatment abroad. Most of the cases whose right to health violations were monitored in access restricted areas indicated that they feel discriminated against, whereas 63% of them stated that the Israeli policies are the main source of discrimination. Meanwhile, 30% of residents saw that the discrimination was because of reducing the Gaza Strip's share of medical transfers, whereas 7% of them felt that the basis of discrimination was related to gender. The women of the Gaza Strip feel that they are less able to obtain medical treatment opportunities abroad in comparison to men. The poor quality of services was also reflected on people with disabilities. For example, the analysis of violations showed that there was a failure to implement the provisions of the Palestinian Disability Rights Law and other rights of disabled persons prescribed in international conventions, such as the Convention on the Rights of People with Disabilities. The analysis also showed that disabled persons do not receive free medical treatment and there are no special services for disabled persons, such as diagnosing their disability, specifying their degree of disability, and giving them a special disability card.

The analysis also showed the weak performance of local authorities in providing potable water, whereas the local authorities, Coastal Municipalities Water Utility (CMWU) and the Gaza Strip Water Authority do not provide potable water to the residents of access restricted areas. Hence, these residents are obliged to bear the cost of purchasing water. Moreover, the local authorities do not fulfill their obligation of providing sewage services to the residents of access restricted areas. According to the monitored violation cases, 93% of residents of access restricted areas use sewerage wells to dispose of the wastewater in their houses due to the absence of sewage networks.

Right to Work

Through the policy of restricting access to Gaza's buffer zones, the occupation is causing detrimental effects on the local economy. For example, 99% of the workers in access restricted areas stated that they are prevented from accessing the agricultural lands and fishing locations in these areas. The restrictions imposed by the occupation in these areas include the shooting of fire, deployment of roadblocks, and closing down the access restricted areas.

The Israeli occupation forces systematically and deliberately spray pesticides on agricultural areas in order to destroy the agricultural crops. For example, 73% of the monitored cases in access restricted areas showed that the residents are regularly exposed to the spraying of pesticides, whereas 80% of them noted that their agricultural lands were subjected to bombardment. Also, 73% of the monitored cases witnessed the leveling and bulldozing of the residents' agricultural lands. Furthermore, the occupation forces violate the farmers' right to work by preventing them from doing imports, whereas 63% of cases stated that they were prevented from importing agricultural machines, fertilizers, agrochemicals, seedlings, and other agricultural supplies. The occupation authorities also prevent them from exporting crops; according to the monitored cases, 70% of them were prevented from exporting crops like strawberries, vegetables, citrus and flowers.

The Israeli violations led to an unfavorable environment that prevented workers from enjoying their rights in the agricultural and fishing sectors. The farmers and fishermen in access restricted areas suffer from different violations related to the right to work, including low salaries. For example, 90% of them receive a salary that is less than the minimum wage in the Gaza Strip. Also, the work environment in access restricted areas shows the failure of employers to meet their obligations, as well as Palestine's failure to fulfill its commitments mentioned in the ratified conventions that stipulated the citizens' right to work, such as the International Covenant on Social, Economic and Cultural Rights. For example, only 15% of workers have written work contracts, and 90% of them do not get their due labor rights (such as severance pay) in the event of service termination. Additionally, the government does not provide any free legal aid and employers do not commit to the regular working hours specified by law and do not pay any overtime wages.

Women working in the agricultural sector in access restricted areas also suffer from violations because their work environment does not adhere to gender-related standards. For example, a quarter of the women [whose human rights violations were monitored] work additional hours (overtime) during pregnancy or in the first six months after giving birth. Also, only 25% of women receive maternity leave after giving birth, but 100% of the received maternity leave is without pay. Furthermore, the work environment does not take women's privacy into consideration, as only 75% of the women of monitored cases are allowed to take breaks for breastfeeding. Additionally, 88% of the women in the monitored cases stated that their workplace is not

suitable for enabling a woman to breastfeed her child since these places do not allow for privacy. The report also concluded that there is a weak governmental oversight on the employment of children in access restricted areas, whereas 77% of the monitored cases showed that child labor is permitted in these work environments.

Fourth: Recommendations

On the International Level:

1. To call upon the High Contracting Parties to the *Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War* to urgently and immediately intervene and pressure Israel to stop all of its violations. It is also important to request from the Special Rapporteurs of the conventions ratified by Israel to pressure the Occupying Power to respect and abide by the provisions of its signed conventions, as well as holding Israel accountable for its ongoing breaches of these conventions. The Special Rapporteurs and UN mechanisms and bodies (including the UN Secretary-General, Human Rights Council, and UN Security Council) should highlight Israel's violations of cultural, religious, health and work rights.
2. Enhance the application of the principle of International Jurisdiction by the State of Palestine and the High Contracting Parties to the Fourth Geneva Convention, in accordance with Article (146) of the Convention, which stipulates that "*the High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention [...]. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case*".
3. The State of Palestine must continue to accede to more international conventions and harmonize its legislations in line with the accession requirements of these conventions and the obligations arising from them, in order to enhance the Palestinians' rights to education, work and health.
4. To call upon the UNESCO to commit to its responsibilities of preserving the Palestinian historical, religious and cultural sites amidst the ongoing

violations by Israeli forces (and especially in the Old City of Jerusalem and Hebron and the Muslim and Christian holy sites), with special focus on Al-Aqsa and Ibrahimi mosques, which should be strongly safeguarded since they are an integral part of UNESCO's World Heritage sites.

5. To call upon the Hashemite Kingdom of Jordan to take all the necessary measures to protect Al-Aqsa Mosque from Judaization and guarantee the freedom of worship in its courtyards given the Jordanian jurisdiction over Muslim and Christian holy sites in Jerusalem following the Wada 'Araba Treaty.
6. To call upon the UN Women organization to defend and rehabilitate women in Occupied Palestine and enhance the protection of women in armed conflict. It is also important to urge the UN Women to take the necessary measures to expose the Israeli practices and crimes against women; and especially the systematic policy of house demolitions in Jerusalem (which constitutes a war crime and a crime against humanity), and also to support the women who suffer from continuing assaults in Hebron.
7. It is imperative that the State of Palestine would raise the issue of house demolitions before the International Criminal Court (ICC) since this crime is being implemented in the framework of a systematic and ongoing public policy. This is considered collective punishment against Palestinian civilians who are forcefully subjected to the Occupying Power's authority. These acts also constitute a war crime and a crime against humanity which fall under the jurisdiction of the International Criminal Court (ICC) according to the Rome Statute of 1998.
8. To demand that the World Health Organization (WHO) and Food and Agriculture Organization (FAO) would establish scientific laboratories to examine the soil and agricultural products in the areas that are constantly sprayed with chemical pesticides by Israeli airplanes in the access restricted areas of the Gaza Strip. This will reveal the composition of these pesticides and their impact on agricultural lands and citizens' health.
9. To request from the International Committee of the Red Cross (ICRC) to establish medical points for providing health care to the residents of the access restricted areas in the Gaza Strip.

10. Organize an international advocacy campaign to put an end to the terrible humanitarian crisis inside the Old City of Hebron as a result of deploying more than 100 military checkpoints. This led to the ongoing violation of people's dignity and threatening their physical well-being, as well as violating their freedom of movement and freedom of worship, paralyzing the tourism and commercial sectors, targeting schools and students, and disrupting access to medical services.

On the National Level:

1. There is a need to work on adapting and harmonizing the Palestinian national legislations, procedures and policies to ensure their conformity with the provisions of international conventions (and especially those related to the right to work and right to health) and enhancing the right to education on the national level.
2. Institutionalize the process of monitoring and documenting the violation of cultural and educational rights, by unifying national efforts on the official level and also through civil society organizations.
3. Restructure, and establish new funds, which aim to support the steadfastness of the Palestinian people in Jerusalem and provide urgent relief services to Palestinians. These funds should also help in rebuilding demolished houses and paying the fines and penalties related to them, as well as using these funds to enhance the cultural identity of Jerusalem's residents in the face of the settlement and Judaization process.
4. Ensure the provision of medicines and medical supplies and equipment to the Gaza Strip. Also, it is important to restructure the Health sector in the Gaza Strip by removing all elements that hinder the State of Palestine's exercise of its legal obligations towards the Palestinians of the Gaza Strip, and especially by putting an end to the internal Palestinian division.

5. To adopt economic measures that specifically focus on the agricultural and fishing sectors in the Gaza Strip. Such economic policies must aim their work towards the following three tracks: i. provide aid to the agricultural and fishing sectors, ii. empower and rebuild the agricultural sector, and iii. improve the work environment in the agricultural and fishing sectors, including the work of women in these sectors.
6. Implement the five-year sectoral plan for Jerusalem, which was adopted by the State of Palestine. It is also important to allocate budgets that meet the needs of the city's different sectors, and especially the Education sector; in order to preserve the Palestinian schools in Jerusalem and formulate a plan to protect the Palestinian national curriculum.
7. Formulate joint electronic teaching plans and programs in cooperation between the Palestinian Directorate of Education and local and international organizations specialized in children's education. This will help in supporting the children who are on house arrest and rehabilitating them educationally and psychologically by providing them a safe environment and granting them the right to education.
8. Demand that the State of Palestine would activate *Decree Law No. (12) of 2013 Concerning the Fund for Agricultural Risk Prevention and Insurance*, in order to enhance the resilience of Palestinian farmers who are affected by Israel's ongoing attacks against them and their agricultural lands.
9. To urge the Palestinian Ministry of Tourism to organize touristic programs inside the Old City of Hebron in a way that stimulates the tourism and commercial activity therein.
10. To ask for an increase in the Ministry of Jerusalem Affairs (MoJA) budget for supporting the Palestinian households that were affected by house demolitions, and to empower these households economically, morally and psychologically.

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