**The International Alliance for Peace and Development**

|  |
| --- |
| c/o Calliopee Business Center  Rue de chantepoulet 10,  1201, Geneva. |

**Report of Housing discrimination and spatial segregation**

This report will be focusing on the identification of contemporary and historical forms of discrimination and segregation that affect the right to adequate housing in the Occupied Palestinian Territories. With regard to historical forms of discrimination, and answer to the six questions raised by the Special Rapporteur on the right to adequate housing.

**Preface:**

The British Mandate for Palestine (1918-1948) caused radical changes in Palestine in terms of coexistence, tolerance and religious openness, due to its adoption of colonial and racist policies represented in the denial of the Palestinian national identity and the denial of the existence of the Palestinian people. Britain adopted by dividing the population of Palestine on a religious basis into two groups, which it called the “non-Jewish communities in Palestine” (the Palestinian people, both Muslims and Christians), and the “Jewish people” (the European Jewish immigrants) which constitutes the first spatial segregation and housing discrimination in Palestine. As for contemporary forms of discrimination, forms appear through the grave violations committed by the occupying forces of discrimination and racism on the basis of race, nationality and religion in the occupied territories against the Palestinians.

**Q (A) Studies and information concerning barriers to the enjoyment of the right to adequate housing experienced by individuals and groups due to discrimination by public or private actors**

Indeed, residential patterns in Palestinian population gatherings are still affected by forced displacement over the continuing Israeli occupation, which suffers from Palestinian refugees living in eight parks in the Gaza Strip and 17 in the West Bank since 1948. Although the State of Palestine is working on coordination with the popular committees of services in camps, providing several services to them, such as electricity and water, but they still suffer from complex and difficult problems in population congestion, lack of water, serious environmental pollution, and inadequate infrastructure. In addition to targeting their residential camps in repeated aggression on the Palestinian people, which considered one of the barriers to decent housing and with the risk of services provided by the scarcity of resources caused by international support. Besides that, ethnic and racial groups suffer like the rest of the Palestinian people in the State of Palestine from several difficulties regarding the right to resident, for example, Armenians face financial difficulty in finding appropriate housing. Also, the Samaris community also suffers from a lack of land-owned land in the city of Nablus, which warns a sharp future residential crisis. Israel, the occupying Power, is taking systematic and broad systematic policies, which are reflected in practices violated by the right of Palestinians in housing, which are represented in its repeated military aggression on Palestinian land, punitive and retaliatory demolition of Palestinian homes, demolishing administrative homes, and indirect forcible transfer, as follows:

1. The Israeli aggression on Palestinian housing: Israel has caused its aggression in 2009 full destruction in more than 3354 houses, while partial destruction in more than 11,112 houses. Two years after its 2014 aggression on Gaza, which destroyed more than 18,000 homes fully or partial, the number of Palestinian displaced persons arrived at 65,000 displaced persons. The Israeli siege also prohibits the entry of building materials for the reconstruction of housing destroyed.
2. Punitive and retaliatory demolition of Palestinian homes: Israel takes a retaliatory method of collective punishment, represented by demolishing the homes of the families of those accused of participating in activities against the occupation, at the same time that the occupying power does not use this procedure before, against settlers who attack Palestinians and threaten their lives on a daily basis. In addition to that, between 1967 and 2004, Israel demolished more than 2,464 Palestinian homes in implementing such a punitive and vengeful policy.
3. Administrative demolition of Palestinian homes: This policy constitutes one of the most important tools of demographic engineering and the indirect forcible transfer of Palestinians. Since it has a monopoly on itself, without any legal basis, the power to issue permits to build Palestinian homes, and at the same time it arbitrarily refuses to issue them, so that it relies on them later as an excuse to demolish them. On the other hand, the number of permits issued by the occupation authorities is not commensurate with the Palestinian need for housing, forcing many Palestinians to build without a permit under threat of demolition. During the period between 2009 and 2013, the occupying power issued nearly 34 licenses out of 2,000 requests for permits by Palestinian persons, and in 2014 only one building permit was issued, and in 2015 not even one license was issued. On the other hand, and as evidence of its discriminatory and racist policies between the Palestinians and the Israelis, the occupying power approved the construction of nearly 1500 illegal settlement units, which led to the expansion of the colonial settlement construction in an unlimited way, and in 2016, the occupation authorities demolished more than 168 housing units in the West Bank, including East Jerusalem which led to the displacement of more than 740 Palestinians, including 384 children. At the end of the year, the number of demolished housing units reached 1100, which is double what was demolished by the occupation in 2015.
4. Reducing and fragmenting the Palestinian land at the expense of Israeli colonial expansion: Israel violated its duties as an occupying power under international humanitarian law, and monopolized for itself, without any legal basis, the authority to divide and plan the occupied Palestinian land, with the aim of annexing the Palestinian land by force as a de facto reality that cannot be changed. Israel is also adopting a policy of confining the Palestinians to narrow and densely populated areas at the expense of giving the settlers vast swaths of Palestinian land seized by force. In addition to its construction of the Annexation and Separation Wall and racial expansion, it contributed to the strengthening of colonial expansion. For instance, this wall violated the right of the Armenians to live in Bethlehem, as there was a plan to establish a residential neighborhood for the Armenians, but the construction of the wall impeded the construction of this neighborhood.

**Q (B)** **Information concerning patterns and practices of segregation including spatial segregation in urban, rural and peri-urban-rural contexts and the impacts of spatial inequality and segregation on affected communities;**

In fact, information concerning patterns and practices of segregation may be divided into four sections; **first of which**, discrimination in the policies of organization and urban planning within the green line, including rural and peri-urban-rural **2)** Discrimination in planning policies and urban planning in the West Bank, **3)** Discrimination in the policies of organization and urban planning in East Jerusalem, and **fourthly**) Discrimination in the policies of organization and urban planning in the Gaza Strip.

**The first section**: discrimination in the policies of organization and urban planning within the green line.

The green line in Palestine, is called the dividing line between the occupied territories in 1948 and the occupied territories in 1967. During the period between the years 1948, Israel prepared the legal mechanisms that would facilitate the confiscation of Palestinian lands, their seizure of lands, their control over them, and their redistribution. These lands belong to the approximately 750,000 Palestinian refugees who were displaced by Israel from their homes during the Nakba. Israel also confiscated about 50% of the lands owned by 160,000 Palestinians who remained in their homes within its “borders” and became its citizens. In addition, between 15% and 30% of the Palestinian citizens of Israel are considered internally displaced, whose lands have been confiscated and their villages destroyed.

Over the years, Palestinian population gatherings have turned from countryside to urbanities, without a general strategy mechanism to govern this transformation. The majority of these gatherings lack appropriate planning procedures and do not find those who meet their population's needs, infrastructure, territories and development. However, the central government works in many cases to promote, develop and consolidate Israeli-Jewish communities by various means. While the Palestinian communities in Israel face a number of obstacles:

* Institutional obstacles that lead to the absence or insufficiency of planning procedures, and this is the case in most Palestinian communities in Israel.
* Obstacles arising from planning policies are procedures used to delay or reject development plans.
* Obstacles arising from specialization or obstacles imposed by bureaucratic procedures, which are obstacles that prevent the implementation of the approved master plans for the development of Palestinian communities.

On the other hand, Wadi al-Naam in the Negev, a total of 90,000 Palestinian citizens lived in the Negev before the Nakba. During this war, the vast majority of these people were expelled from their homes and became refugees in neighboring Arab countries (including the West Bank and Gaza Strip), leaving only 11,000 residents of this region residing on their land there. The Israeli government, military officials and representatives of the Jewish National Fund prepared the "colors plan", which aims to evacuate the remaining Palestinians from the main axes in the Negev and to group them into one area. This plan aims to secure lands for the purpose of settling Israelis - Jews and building military bases. Accordingly, Israel restricted the remaining Palestinian population centers to a confined area called “the fence” (Siyaj) whose area does not exceed 10% of the total land on which they lived and cultivated. In addition, Israel imposed military rule on these citizens between 1948 and 1966, when it imposed full control over most of their lands as well.

**The second section:** discrimination in planning policies and urban planning in the West Bank.

The Palestinian population centers within Area C are subject, in their planning and planning, to a legal framework based on the practice of oppression against their residents. This legal framework aims to displace the non-Israeli-Jewish population from their areas of residence, particularly through arbitrary orders that stipulate that large areas of Palestinian lands be declared as state property and that the Jewish colonialists replace them. Thus, the occupying power has complete control over all planning and construction procedures. In another case, the E1 lane represents an area of land that occupies strategic importance, which is approximately 12 kilometers2 and is located between Jerusalem and the Israeli colony of Ma'aleh Adumim. The E1 area, despite its relatively small size, can be viewed as a miniature version of the occupation and colonization of the entire West Bank by Israel. For years, Israel sought to transfer its Jewish citizens to this area. Through these measures, Israel intends to merge the city of Jerusalem with the colony of Ma'aleh Adumim, which constitutes a serious violation of the provisions of Article 49 of the Fourth Geneva Convention.[[1]](#footnote-1) These measures effectively lead to the blockade of Jerusalem and surrounding it by an island of Israeli colonies.

**The third section:** discrimination in the policies of organization and urban planning in East Jerusalem.

In June 1967, Israel annexed an area of 70.5 kilometers2 of the occupied territories in and around Jerusalem. This unilateral action, which constitutes a violation of international law, meant the confiscation of a third of East Jerusalem. Israel has added these areas to the municipal boundaries of Jerusalem, which is subject to Israeli rule, and has subjected them to administration, laws, and the Israeli jurisdiction. Moreover, Israel annexed these lands without annexing their owners and the citizens who lived on it. After the occupation of the West Bank (including East Jerusalem) in 1967, Israel adopted a systematic and deliberate policy based on prejudice and bias against the Palestinians in East Jerusalem in all areas related to land acquisition, planning and construction. For example, Israel applies the Israeli Planning and Building Law of 1965 in order to reduce the powers related to granting building permits in areas that do not fall within the planning boundaries or areas that lack building plans. This law is still in effect today, and it is highly discriminatory in its application. In addition, Israel has transformed the Kafr Aqab neighborhood in the far north of Jerusalem, 11 kilometers from the Old City, and 4 kilometers from Ramallah, from one of the most affluent neighborhoods in Jerusalem, into an area of ​​poverty and dense population. The Apartheid Wall has separated this neighborhood from the city center of Jerusalem, and the severe restrictions on construction, house demolitions, and land confiscation have turned it into something like a "ghetto", in which Jerusalemites have no financial ability to stay in Jerusalem, and families formed from marriages from the West Bank, and another from Jerusalem. Israeli law deprives them of residing in Jerusalem if they permanently reside in the West Bank, so these families chose to stay in the Kafr Aqab ghetto. Like the residents of the rest of the Jerusalem neighborhoods separated by the wall from the city, the residents of Kafr Aqab lack many services that the occupation municipality refuses to provide in the neighborhoods behind the wall, and they suffer legal, social and human rights problems that lead them to an unstable daily life financially and psychologically.

**The fourth section:** discrimination in the policies of organization and urban planning in the Gaza Strip.

The blockade continues for more than 12 years, making the Gaza Strip unlivable, according to recent reports from the United Nations, about Israel's violations of its obligations as an occupying power, under the rules of international human rights law and international humanitarian law. It resulted from the blockade, which amounts to collective punishment, has resulted in depriving Palestinians of their right to freedom of movement, adequate housing, life, health, human dignity, and an adequate standard of living, in flagrant violation of Article (5) of the International Convention on the Elimination of All Forms of racial discrimination[[2]](#footnote-2). Gaza Strip is one of the most densely populated and densely populated areas in the world. In 2005, Israel implemented the “disengagement plan” from Gaza Strip, by unilaterally withdrawing its army forces and the Israeli settlers who resided there. Israel continues to impose its control over Gaza Strip despite its disengagement from it in 2005, as it controls the lands surrounding its borders by it, which it considers as a buffer zone, in addition to its control over the movement of people and goods to it through its complete and tight control over its airspace, territorial waters and land crossings. The control that Israel imposes on the territorial waters of Gaza Strip also includes the establishment of a marine buffer zone.

Therefore, there is inequality and spatial discrimination on urban, rural and peri-urban-rural societies in the occupied Palestinian territories, which contradicts with international instruments. Israel pursues apartheid in its dealings with the Palestinians. Israel is an apartheid state "primarily to Article 2 of the International Treaty for the Suppression and Punishment of the Crime of Apartheid[[3]](#footnote-3) of 1973 and the Rome Statute of the International Criminal Court, where the term" the crime of apartheid "includes and applies to racial segregation and discrimination policies and practices similar to those practiced In South Africa, inhuman acts committed for the purpose of establishing and perpetuating the domination of one ethnic group of people over another group and systematically oppressing it. The Anti-Apartheid Treaty states that the crime of apartheid is a distinct inhuman act that is considered a crime against humanity only when it is deliberately committed to achieve the essential purpose from racial hegemony, while the Rome Statute defines in its definition the existence of an "institutional system" that serves the "intent of racial domination," which is what exists in the form of the Israeli system.

**Q (C) Factors, policies, laws and regulations contributing to spatial segregation or housing discrimination;**

There are lots of factors, policies, laws and regulations contributing to spatial segregation or housing discrimination, including but not limited to; Israeli law deprives Palestinian families from residing in Jerusalem if they permanently reside in the West Bank, which we referred to in the Kafr Aqab ghetto. As well, there are several laws that discriminate against Arab citizens of Israel and Palestinians in the Occupied Palestinian Territory, and create differences between them regarding their civil status, legal protection, access to social and economic benefits, or the right to land and property. Israel also continued to discriminate by adopting Amendment No. 30, issued in 2018, to the Entry into Israel Law (Law No. 5712-1952), which is an already discriminatory law that gives the Israeli Minister of Interior wide discretionary power to cancel the permanent residence permit in Israel for Palestinians living in Jerusalem Eastern[[4]](#footnote-4). In addition, the Israeli law that grants all Jews in the world the right to return to Israel and obtain Israeli citizenship regardless of their mother country or their association with the state of Israel or not, while denying Palestinians any similar right to return to a Palestinian state, including Palestinians who own homes registered from the era of their ancestors in the country, which constitutes a flagrant violation of the constitutional rights of the Palestinians to their property, their dignity, equality, adequate housing, and the freedom to choose their place of residence. Also, the existence of two separate legal systems operating in parallel - a civil law system inside the Green Line and settlements, and a military law system that takes place on the Palestinians beyond the Green Line[[5]](#footnote-5). Besides that, the Israeli Planning and Building Law of 1965 in order to reduce the powers related to granting building permits in areas that do not fall within the planning boundaries or areas that lack building plans, and the Distinctive Law to Settle the Settlement of the Bedouin Arabs in the Negev, which establishes in the law the continuation of the policy of demolishing homes and forcibly uprooting the indigenous Bedouin population from their land. Moreover, with regard to the spatial segregation, clearly shows meanwhile that there is a Jewish sector and a non-Jewish sector, including the existence of two educational systems that are not equal in terms of conditions, as well as separate municipalities. There are Jewish municipalities and so-called “minority municipalities,” which raises violations of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. There is also the continued granting of full discretion to the admission committees to reject applicants who are considered "unsuitable for the social life of the community.[[6]](#footnote-6)" Accordingly, all of this indicates that Israel is an apartheid state, contributes to the spatial segregation and commits crimes of discrimination in housing, which constitutes a clear and explicit violation of international human rights law.

.

**Q (D)** **Impact of spatial segregation in accessing in a non-discriminatory manner the right to adequate housing, public services, including electricity and access to digital services, ensuring security of tenure, and other rights, such as the rights to water, sanitation, education, health, work, the right to a safe and clean environment, and the right to equal protection of the security of the person;**

Clearly shows meanwhile, the impact of spatial segregation on public services, access to digital services, and other basic rights, including education, health, sanitation, work, the right to a safe and clean environment, and the right to protection.[[7]](#footnote-7) Segregation results in the separation of public facilities and social events, and the delineation of housing and employment opportunities by race. Consequently, the following elements must be present in a country in order for it to be considered an apartheid state:

1. Discrimination must be institutionalized and prescribed by law.
2. The reason for the discrimination must be racial, meaning that the discrimination applies to public facilities, social events, work opportunities, and residential areas.

Hence, Israel enacted some laws contain discrimination and spatial segregation which achieve the first rule that any discrimination must be provided by law, which means the racism and inequality are enshrined in its municipal laws. Also, the discriminatory laws in Israel have enacted for racial and discrimination to public facilities and other fundamental Human Rights such as, distinct law, citizenship law and separate legal systems. Thus, the Palestinian people are suffering from the spatial segregation which affected on the other rights, such as, The Fence "Siyaj" area, which falls under military rule, has no water or electricity network, and without government services such as education and health, and with flagrant violation of freedom of movement, only partial government services, a shortage of public and green places, and a very high unemployment rate.

**Q (E & F)** **Tensions between the protection of cultural and minority rights, the rights of Indigenous Peoples, the freedom of choice of residence and the prohibition of discrimination under international human rights law. Suggestions how such tensions can or have been solved in compliance with international human rights law.**

**Policies, laws and measures aimed at preventing discrimination and spatial segregation in relation to the right to adequate housing. Positive measures that have resulted in a reduction of spatial segregation and housing discrimination.**

Tensions of spatial segregation are closely connected to the minority rights and the rights of Indigenous Peoples. In case of Israel, ethnic and racial groups suffer like the rest of the Palestinian people in the State of Palestine from several difficulties regarding the right to resident, for example[[8]](#footnote-8), Armenians face financial difficulty in finding appropriate housing, and the separation wall violated the right of the Armenians to live in Bethlehem, as there was a plan to establish a residential neighborhood for the Armenians, but the construction of the wall impeded the construction of this neighborhood. Also, the Samaris community also suffers from a lack of land-owned land in the city of Nablus, which warns a sharp future residential crisis.

Besides that, Bedouin communities: most of the Bedouin communities are located in the areas surrounding East Jerusalem and other areas in the Occupied Palestinian Territory, especially in the Jordan Valley and southern Hebron areas. These marginalized communities are more vulnerable to violations of the Israeli occupation, especially violations related to demolishing buildings, impeding the right to education, the right to movement and movement in Bedouin communities, and the forced displacement of their members.

In addition, forcibly and internally displaced persons: the number of forcibly displaced persons inside the Palestinian Territory since the occupation in 1967 has reached (263,500) displaced persons. Approximately (106,000) people were displaced during the Israeli aggression on the Gaza Strip in 2014. Approximately (134,000) people were displaced as a result of practicing racist occupation policies in the West Bank since 1967, knowing that most of the members of this group are Bedouins. Also, the foreign workers were not spared from violations and infringement, even if the work of them in the civil and humanitarian field is restricted to international organizations and non-governmental organizations, where foreign workers face discriminatory policies by the occupation authorities related to their cultural, social, civil and political rights.

Moreover, the indigenous people face great difficulties in reaching their workplaces due to the Israeli occupation policies, especially after the construction of the Annexation, Separation and Segregation Wall, which in turn has prevented Palestinian farmers from reaching their farms. The occupying power also prohibits Palestinian fishermen in the Gaza Strip from fishing in 85% of the marine areas they are allowed to fish in, after it prohibited fishing in areas that are more than six nautical miles from the shore.

In addition, Palestinians belonging to one of the racial and ethnic groups enrich their Palestinian culture by exercising their right to participate in cultural activities as follows:

1. Syriacs: Syriacs have a scouting group. Syriacs have many cultural and national activities that are intended to revive the Syriac heritage, such as the Journal of Wisdom, which publishes religious articles, studies and research on Syriacs. The Monastery of Saint Mark also includes a valuable ancient library containing hundreds of historical documents that are an important source for the history of Palestine. Seven Syriac bishops have traded on this monastery throughout history.
2. Armenians: the Armenians have scouting movements. And sports clubs, and other cultural ones interested in highlighting the Armenian culture and language. They have several, and the cultural infrastructure of Armenians includes the library of the Monastery of Saint Jacob, which includes the largest collection of ancient Armenian documents in the world, the Museum of the Monastery of Saint Jacob, as well as the Armenian Printing Press, which was founded in the nineteenth century.
3. Palestinians of African descent: the cultural participation of the African Palestinians also includes activities specific to their African identity, for example Africans are proud to light candles in the Old City of Jerusalem mourning the death of the South African leader Nelson Mandela, who knew his struggle against the apartheid regime in South Africa, and they consider an act like this demonstrating their composite identity and preserving their connection with Africa.
4. The Samaritans: the Samaritans exercise their cultural rights through several institutions.

Accordingly, Israel, the occupying power, impedes the Palestinians from their right to practice their cultural activities, especially in East Jerusalem, by closing cultural institutions and associations, as well as pursuing obliteration, suppression and cancellation of cultural activities and activities that express the Palestinian identity in Jerusalem as part of the scheme to Judaize the city, for example: Preventing summer school camps from visiting Al-Aqsa Mosque. **Based on prior information**, the Israeli forces stormed a number of schools and community organizations and obstructed the conduct of cultural and sporting events and activities, as a number of event organizers were arrested, flags and equipment to prepare the celebrations were confiscated, as well as a number of peaceful protests against these measures were suppressed.

**prior information** means prior censorship and prior restraint

In effect, the Inter-American Commission on Human Rights (IACHR) prohibits the prior censorship in its article (13) as the only human rights instrument containing this prohibition, and the IACHR highlighted that the Convention clearly stipulates that prior censorship is completely incompatible with the full enjoyment of the rights protected by this instrument. Also, prior restraint is prohibited under the international instruments. The moral of prohibiting prior censorship and prior restraint is to avoid chilling effect that could be affected on those who are by-standards.

**prohibition of discrimination under international human rights law**

The discrimination in prohibited under all the international instruments, in particular; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)[[9]](#footnote-9), the Committee on the Elimination of Discrimination against Women (CEDAW)[[10]](#footnote-10), International Treaty for the Suppression and Punishment of the Crime of Apartheid[[11]](#footnote-11) and Rome Statute of the International Criminal Court.[[12]](#footnote-12) Besides that, the prohibition of discrimination is also protected under regional[[13]](#footnote-13) and constitutional instruments[[14]](#footnote-14), including but not limited to, in Algeria: the General Penal Code provides for penalties for crimes of discrimination, and in 2013 a law (criminalizing discrimination) was issued, providing for the punishment of perpetrators of crimes of discrimination on the basis of color, race, or religion. In Tunisia: a draft law (Elimination of Discrimination) was prepared, the draft defined the types of discrimination and stipulated procedures to prevent manifestations of discrimination. It also stipulated the right of victims of discrimination to be protected from it and to be compensated in the event that it occurred. The National Committee against Discrimination attached to the Ministry of Human Rights. In Egypt: a law criminalizing discrimination was issued in 2011 and provides for criminalizing discrimination on the basis of religion, and tightens penalties for those who cause sectarian events. The 2014 constitution also stipulates the elimination for discrimination in all its forms. The UAE Discrimination Law provides for the criminalization of contempt of religions and the practice of any discrimination towards others, and stipulates that freedom of opinion shall not be invoked to commit acts of incitement or discrimination, and it stipulates in articles / 4 to 18 / describing crimes and determining their penalties. In Sudan: there is no anti-discrimination law, but the Sudan Constitution of 2005 stipulated in several places the plurality of cultures and languages ​​and coexistence between races and religions and considered that the diversity of religions and cultures is a source of strength, harmony and inspiration for the Sudanese people, and Article 64 of the Criminal Law stipulated the crime of inciting hatred and contempt towards other components for the Sudanese people. In Saudi Arabia, a draft system for combating discrimination and spreading hate was prepared: It aims to combat prejudice and consolidate the concept of citizenship. It was stated in the justifications for its issuance that it is a continuation of the Islamic approach of the Kingdom and is in line with what is stated in the International Convention on the Elimination of All Forms of Racial Discrimination. This law punishes with imprisonment and heavy fines anyone who commits crimes he calls spreading hatred and whoever detracts from others because of sect, sect, or religion, color, gender, race, ancestry, tribe, or because of intellectual affiliation, or adopting a different viewpoint.

On the other hand, the Human Rights mechanisms also prohibited the discrimination, and clearly shows meanwhile when the Special Rapporteur on contemporary forms of racism, racial discrimination racism, intolerance, discrimination and other forms of harmful exclusion and differentiation on the basis of race, colour, descent, or national or ethnic origin[[15]](#footnote-15). As well, the prohibition of discrimination from the HRC, when the president of the Council at the 46th session affirmed all form of combat racial and discrimination. As well as, as enshrined in treaties of bodies in order just to protect the fundamental Human Rights, and in light of the importance of eliminating racism, the Council shows great interest, especially in the universal periodic review, to impose recommendations on states related to racism and eliminate it.

**Suggestion for a more effective mechanism**

According to the Convention on the Elimination of Racial Discrimination, the state undertakes to preserve the rights of people within its area, including its citizens, freedom of movement and freedom to choose housing and move to live within its borders - without discrimination based on race, color, nationality or origins. The State of Israel signed the Convention in 1966 and ratified it in 1979. However, Israel has not taken policies, laws, and measures aimed at preventing discrimination and spatial segregation with regard to the right to adequate housing. Also, there are no positive measures that could led to the reduction of spatial segregation and discrimination in the area of housing.

Accordingly, most of the countries did not abide by their international obligations.

Thus, IAPD suggests the following:

1. the international community must pressure Israel to abide by its international obligations to reduce the blatant violations that the occupation authorities carry out against the Palestinian people.
2. The necessity to establish human rights bodies to ensure that the state adheres to its obligations and have offices in all governorates, and among its tasks is monitoring violations based on discrimination in its various forms, receiving reports about this, and following up on the outcome of cases considered by the judiciary, and the final judgments issued in their regard.
3. Issuing a law (Anti-discrimination Act in Israel) that includes a definition of discrimination in its various forms, and this aims to eliminate all forms and manifestations of discrimination, in order to achieve equality of rights and the performance of duties in accordance with the provisions of the constitution and international instruments.
4. The Human Rights Council and its mechanisms should press Israel to amend domestic discriminatory laws to reduce the legalization of human rights violations.

**IAPD’s recommendations**

Indeed, spatial segregation, discrimination and racism hinder the path of development and impede the sustainable development goals. In addition to that, increasing contemporary forms of discrimination and increasing violations of basic human rights, including the right to adequate housing.

Thus, IAPD recommends the following:

1. The Israeli authorities should revoke the internal discrimination laws and act on what was included in the international instruments to combat all forms of racism.
2. Israel must abide by its international obligations, in particular the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which it signed in 1966 and ratified it in 1979.
3. The necessity to amend the Israeli Planning and Building Law of 1965 and repeal any discriminatory text, especially with regard to spatial segregation.
4. Establishing a law that includes granting the victim of discrimination a fair compensation that includes the material and moral harm suffered.
5. Establishing a law that includes criminalizing spatial segregation and operating in a single judicial system that applies to all persons.
6. The necessity of establishing a law that includes mechanisms guaranteeing the prevention of all practices of discrimination and that the state adopts the spread of human rights culture principles of equality, tolerance and acceptance of the other among the various components and consecrates this in culture, sports, media and health.

1. the Fourth Geneva Convention and abbreviated as GCIV, is one of the four treaties of the Geneva Conventions. It was adopted in August of 1950 [↑](#footnote-ref-1)
2. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention. The convention was adopted and opened for signature by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January 1969. As of July 2020, it has 88 signatories and 182 parties. [↑](#footnote-ref-2)
3. On November 30, 1973, the United Nations General Assembly opened for signature and ratification The International Convention on the Suppression and Punishment of the Crime of Apartheid. [↑](#footnote-ref-3)
4. See CERD/C/ISR/CO/17-19 [↑](#footnote-ref-4)
5. See CERD/C/ISR/CO/14-16 [↑](#footnote-ref-5)
6. ibid [↑](#footnote-ref-6)
7. The Palestinian Ministry of Foreign Affairs and Expatriates, the draft of the first national report prepared under Article (9) of the International Convention on the Elimination of All Forms of Racial Discrimination [↑](#footnote-ref-7)
8. The Palestinian Ministry of Foreign Affairs and Expatriates, the draft of the first national report prepared under Article (9) of the International Convention on the Elimination of All Forms of Racial Discrimination [↑](#footnote-ref-8)
9. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention. The convention was adopted and opened for signature by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January 1969. As of July 2020, it has 88 signatories and 182 parties. [↑](#footnote-ref-9)
10. The Convention on the Elimination of all Forms of Discrimination Against Women is an international treaty adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it was instituted on 3 September 1981 and has been ratified by 189 states. [↑](#footnote-ref-10)
11. On November 30, 1973, the United Nations General Assembly opened for signature and ratification The International Convention on the Suppression and Punishment of the Crime of Apartheid. [↑](#footnote-ref-11)
12. The Rome Statute of the International Criminal Court is the treaty that established the International Criminal Court. It was adopted at a diplomatic conference in Rome, Italy on 17 July 1998 and it entered into force on 1 July 2002. As of November 2019, 123 states are party to the statute. [↑](#footnote-ref-12)
13. The European Convention on Human Rights (ECHR) (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) is an international convention to protect human rights and political freedoms in Europe. the convention entered into force on 3 September 1953, art. 14. / The African Commission on Human and Peoples' Rights (ACHPR). The American Convention on Human Rights, also known as the Pact of San José, is an international human rights instrument. It was adopted by many countries in the Western Hemisphere in San José, Costa Rica, on 22 November 1969. [↑](#footnote-ref-13)
14. The Racial Discrimination Act 1975 (Cth), (RDA) is a statute which was passed by the Australian Parliament, Administered by Australian Human Rights Commission. / The Sex Discrimination Act 1984 is an Act of the Parliament of Australia which prohibits discrimination on the basis of mainly sexism, The Act implements Australia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women which came into force in September 1981 and which Australia ratified in July 1983. / The Disability Discrimination Act is an act passed by the Parliament of Australia in which prohibits discrimination against people with disabilities in employment, education, publicly available premises, provision of goods and services, accommodation, clubs and associations, and other contexts. / The Age Discrimination Act 2004 is an Act of the Parliament of Australia that prohibits age discrimination in many areas including employment, education, accommodation and the provision of goods and services. / The Human Rights Code is a statute in the Canadian province of Ontario that guarantees equality before the law and prohibits discrimination in specific social areas such as housing or employment. / The Canadian Human Rights Act (French: Loi canadienne sur les droits de la personne) is a statute passed by the Parliament of Canada in 1977 with the express goal of extending the law to ensure equal opportunity to individuals who may be victims of discriminatory practices based on a set of prohibited grounds. / The Human Rights Act 1998 (c. 42) is an Act of Parliament of the United Kingdom which received Royal Assent on 9 November 1998, and came into force on 2 October 2000. / The Civil Rights Act of 1964 (Pub.L. 88–352, 78 Stat. 241, enacted July 2, 1964) in USA. / The Civil Rights Act of 1968 (Pub.L. 90–284, 82 Stat. 73, enacted April 11, 1968) in USA. / The Office of Fair Housing and Equal Opportunity (FHEO) is an agency within the United States Department of Housing and Urban Development. [↑](#footnote-ref-14)
15. See A/HRC/44/57 [↑](#footnote-ref-15)