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HUMAN RIGHTS COUNCIL

STUDY GUIDE 2018

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Introduction to the Committee

The Human Rights Council (HRC) is an inter-governmental body within the United Nations (hereinafter: UN) system responsible for strengthening the promotion and protection of human rights around the globe, for addressing situations of human rights violations and making recommendations on the latter. It may discuss various human rights issues and situations that require its attention throughout the year and holds meetings at the UN Office in Geneva.¹

The Council is made of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former UN Commission on Human Rights.² It was established by the General Assembly on 15th March 2006 by resolution 60/251.³

In the following year, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all UN Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.⁴

¹HRC, About HRC, URL: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> (August 1, 2018).

² Ibid.

³ UN General Assembly, Resolution 60/251, 3 April 2006, UN Doc. A/RES/60/251.

⁴ HRC, About HRC, URL: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> (August 1, 2018).

The emergence of the situation in Palestine

The Palestinian problem arose at a time when Zionist ideology began to form. It has roots in Eastern Europe, especially in Russia and Ukraine at the end of the 19th century. Zionism was primarily a reaction to waves of anti-Semitic pogroms and was founded by a group of Jewish Intelligence Hovevei Zion.⁵ After its establishment Zionist immigration began in Palestine, at that time under the domination of the Ottoman Empire. There were two immigration waves between 1880 and 1910, in the Zionist-Israeli discourse called "First and Second Aliyah". Theodor Herzl, the founder of political Zionism, made the European colonialist vision, he had with the Jewish state of Palestine, manifest during the first Zionist congress in 1897. He proposed to the Ottoman sultan the resolution of Turkish financial affairs in exchange for the accession of Palestine. The new state was supposed to become a wall between Europe and Asia.⁶

Under the British mandate, Jewish immigration continued in the 1920s and 1930s, reinforcing the Yishuv Zionist Movement, the very first Jewish immigration in Palestine. During the first six years of the British mandate, Yishuv doubled from 55000 settlers in 1919 to 108000 in 1925. The number of Jewish agricultural settlements doubled to 100, and Hebrew became one of the three official languages, although the Jews accounted for less than 10% population of Palestine. The Hebrew University of Jerusalem was opened on April 1, 1925.⁷ At that time, opposition from the indigenous population increased against the Zionist project and its protection by Britain, but in 1948 the opposition was finally defeated when the Zionists expelled most of the 1.2 million Palestinians to ensure that Israel would be an exclusively "Jewish state" – at that time 650,000 Jews were occupied and more than 78% of the territories fought.⁸

⁵ PAPPÉ, Ilan, HILAL, Jamil. *Across the wall: narratives of Israeli-Palestinian history*. London: I. B. Tauris, 2010, p. 22.

⁶ *Ibid.*, p. 23.

⁷ *Ibid.*, p. 24.

⁸ *Ibid.*, p. 24.

Israeli-Palestinian conflict

The Israeli-Palestinian conflict has been lasting since the end of the 19th century. The modern one, however, dates back to 1948 when the Jewish state was proclaimed. There were several acts of violence between Palestinians and Jews in post-war years (1945-1948).⁹ The most famous was the massacre in the Palestinian village Deir Yasin which was attacked by Israeli militias, triggering a large exodus of the Palestinians. This event is often recalled and is even denounced in Israel, as it divided the Zionist groups.¹⁰

The first official Arab-Israeli war which marks the beginning of the modern era of the conflict, began immediately after Israel's declaration of independence in 1948. Israel calls it a “war of independence”, whereas Palestine calls it a disaster. Its most important consequence was that the borders of the UN plan dividing the territory were not created, while the territory on which Palestine should be established has been occupied by Jordan (West Bank) and Egypt (Gaza Strip).¹¹



1 Map of the region

In the 1950s and 1960s, large Jewish immigration took place in Israel and political clusters began to emerge in order to begin negotiations in the Palestinian territories. The best known was the Palestine Liberation Organization (PLO), which housed the

⁹ SHOMALIOVÁ, Lucie. Lidská práva a palestinský problém, bakalářská práce. VŠE, Praha, Fakulta mezinárodních vztahů, obor Politologie, 2013.

¹⁰ ČEJKA, Marek. Izrael a Palestina: Minulost, současnost a směřování blízkovýchodního konfliktu. 2. vyd. Brno: Barrister&Principal, 2007.

¹¹ Ibid.

People's Front for the Liberation of Palestine, Fatah and others. At that time, the antipathy of the neighbouring countries to Israel began to intensify, resulting in the Suez Crisis, and subsequently in another war called the Six-Day War which the Israelis won and captured three times larger territory than they had had before. Sadly, it was later estimated that almost 21 000 people, of which about 20 000 Arabs, died in just 132 hours of fighting. ¹² In that way Israel began to build the "Great Israel", which has been the centrepiece of the Israeli-Palestinian conflict to this day. ¹³

In the 1970s and 1980s the peace talks have begun. PLO moderated and began to meet with representatives of Israel. PLO leader Jásir Arafat was gradually being accepted as the head of the State since he was representing Palestine at international stage. Despite peaceful efforts, another armed conflict called the Yom Kippur War took place: Egypt and Syria attacked Israel in an attempt to take back the occupied territories (Siani and Golan). The Arab coalition launched a joint surprise attack on Yom Kippur, the holiest day in Judaism, which also occurred that year during the Muslim holy month of Ramadan.¹⁴ Despite initial disadvantage, Israel repelled the attack due to the weapon supply from the USA. The consequence of this conflict was beneficial in the end as the diplomatic negotiations between all parties of the Middle East conflict, mediated by US Secretary of State Henry Kissinger, and negotiations on the withdrawal of the hostile armies, began.

However, in December 1980, the first intifada (uprising) broke out in response to occupation, rising unemployment, settlement and other bloody struggles. It was mainly characterized by demonstrations and riots, throwing stones and using light weapons but the Israeli army responded much harder to this non-violent uprising. It ended with the signing of the Oslo Accords in 1993. In the 1990s peace processes were restored, and the leaders of both sides even received the Nobel Peace Prize. At that time, the West Bank was also divided into zones A, B and C under an Oslo Accords.¹⁵

¹² History.com Staff (2018). Six-Day War. URL: <https://www.history.com/topics/six-day-war> (8 September 2018).

¹³ ČEJKA, Marek. Izrael a Palestina: Minulost, současnost a směřování blízkovýchodního konfliktu. 2. vyd. Brno: Barrister&Principal, 2007.

¹⁴ Herzog, Chaim (1998). War of Atonement: The Inside Story of the Yom Kippur war, 1973. Greenhill Books

¹⁵ Ibid.

Despite the optimistic-looking peace treaties, the second intifada, which was more violent than the first one, broke out in 2000. The conflict petered out in 2005 and cost more than 4000¹⁶ lives since the Palestinian tactics centered on suicide bombings, rocket attacks, and sniper fire¹⁷. The rebellion triggered an increase in unemployment and Jewish settlers, restrictions in the Palestinian economy and a sharp increase of violence between the parties. All of these factors resulted in the Israeli government's decision in 2002 to build a wall separating the Gaza Strip and the West Bank from Israel. This project has significantly affected the geographic and demographic structure of the entire territory. In order to prevent the "imprisonment" of Israeli settlers on the Palestinian side, all settlements in Gaza and in the West Bank were evacuated.¹⁸

¹⁶ BBC, Intifada toll 2000-2005. URL: http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/3694350.stm (30 July 2018).

¹⁷ Beauchamp, Zack (2018). Everything you need to know about Israel-Palestine. URL: <https://www.vox.com/cards/israel-palestine/intifadas> (30 July 2018)

¹⁸ Herzog, Chaim (1998). War of Atonement: The Inside Story of the Yom Kippur war, 1973. Greenhill Books

Current human rights situation

This section briefly introduces selected topics related to human rights situation in the Palestine and other occupied Arab Territories. The list is non-exhaustive, delegates are encouraged to research beyond these suggestions and to link the factual situation to relevant international legal provisions.¹⁹

Arbitrary detention

The High Commissioner for Human Rights annually reports on the pressing issue of arbitrary detention (including of children) by Israel and the Palestinian Authorities. Five relevant legal categories of arbitrary detention include: 1) detention without legal grounds, 2) detention resulting from the exercise of fundamental freedoms (mostly freedom of expression, assembly and association, with special stress put on the social media e.g. Palestinian cybercrime law, journalists and human rights defenders, and to certain political affiliations)²⁰, 3) violations of due process guarantees rising to the level of arbitress,²¹ 4) arbitrary detention of migrants, and 5) detention based on discriminatory circumstances such as birth, race or political opinion.²²

Particularly alarming is the practice of administrative detention (detention outside the criminal context), which is permitted in very exceptional circumstances and subject to stringent safeguards.²³ Human Rights Committee called on Israel's unlawful practice as early as in 1998 and later urged Israel, together with the Committee against torture, to stop using the method due to lack of improvement. Most alarming is the administrative detention of children who are subject to military court proceedings,

¹⁹ See Section 4 for the introduction to key international law documents.

²⁰ Human Rights Council, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: Report of the High Commissioner for Human Rights, 21 February 2018, UN Doc. A/HRC/37/42, paras. 40-60.

²¹ Ibid., paras. 27-32.

²² Human Rights Council, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: Report of the High Commissioner for Human Rights, 21 February 2018, UN Doc. A/HRC/37/42, para. 6.

²³ Ibid., para 17.

frequently not informed promptly about their rights and charges and in a language, they do not understand.²⁴ In 2017 the Palestinian authorities as well arrested and detained over 335 children.²⁵

Movement restrictions on people and goods

Near total closure of the Gaza Strip for movement of people and goods, together with Egypt's closure of the border continue to gravely affect the lives of civilian population.²⁶ The Palestinian population is vitally dependant on the imports of essential supplies. In 2013, for example, 57% of the Gaza population was food insecure, only a quarter of households received running water every day and 90% of water extracted from the Gaza aquifer was unsafe for human consumption.²⁷ People are allowed to cross the Erez Check point, Gaza's passenger crossing to Israel, only in what the Israel military perceives as exceptional circumstances.²⁸ There is a critical shortage of some elementary medical supplies and construction materials necessary, among other, for the reconstruction of the 17,800 housing units severely damaged or destroyed during Israel's 2014 military operation in Gaza.²⁹ Lack of medical supplies, drinking water and inability of health workers to reach patients also raise concerns about the fulfilment of the well-established right to health in international law.³⁰ Additionally, the actions of Palestinian authorities led Israel to cut the already limited electricity supply, which further worsened the health, water, and sanitation situation.³¹ Palestinian territories and Israel are separated by the ever-expanding separation barrier separating the Israeli and the Palestinian territory.³² Numerous Palestinians

²⁴ Ibid., para. 34

²⁵ Ibid, para 39.

²⁶ Human Rights Watch, Israel and Palestine: Events of 2017, URL: <https://www.hrw.org/world-report/2018/country-chapters/israel/palestine>, 16 July 2018.

²⁷ UN Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, The Gaza strip: Humnitarian impact of movement restrictions on the people and goods 2013, URL: https://www.ochaopt.org/sites/default/files/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf (17 July 2018).

²⁸ Ibid.

²⁹ Ibid.

³⁰ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, 15 March 2018, paras. 27-62.

³¹ UN Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, The Gaza strip: Humnitarian impact of movement restrictions on the people and goods 2013, URL: https://www.ochaopt.org/sites/default/files/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf (17 July 2018).

³² Ibid.

are thus separated from their lands, have troubles getting to work, school, accessing medical care, visiting their relatives and mostly have no access to East Jerusalem to worship at their holy sites.³³

Settlements

Israeli settlements in the West Bank are linked to most human rights violations, including home demolitions and consequent displacement, discriminatory supply of basic necessities, settler violence and discriminatory military court system applied to Palestinians.³⁴ Israel continues to provide services for over 600,000 Israeli settlers in the West Bank and is expanding the network which has no legal foundations, that being in clear violation of international law, which prohibits the occupying power's transfer of its civilians to the occupied territories.³⁵ The illegality of settlements was confirmed by the Security Council Resolution 2334 (US abstaining).³⁶ On the other hand, the acquisition of building permits by Palestinians is nearly impossible and Israel is frequently demolishing Palestinian homes and other property due to lack of building permits. In 2017 nearly 400 Palestinian homes in the West Bank were demolished, affecting almost 600 people.³⁷

Human rights of women and children

Women are among the most vulnerable parts of the society and are subject to numerous forms of discrimination in private and public life originating also in the Israeli occupation, but most importantly in the traditional, patriarchal society.³⁸ More than 50% of Palestinian women have been exposed to psychological, economic and social violence, while 12% suffered from sexual violence, honour killings are frequent as

³³ Institute for Middle East understanding, Israeli Restrictions on Palestinian Movement, URL: <https://imeu.org/article/israeli-restrictions-on-palestinian-movement> (17 July 2018).

³⁴ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, 11 January 2016, A/HRC/31/73, para. 32.

³⁵ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, URL: <http://www.refworld.org/docid/3ae6b36d2.html>, 19 July 2017, art. 49(6).

³⁶ UN Security Council, Resolution 2334, 23 December 2016, S/RES/2334 (2016).

³⁷ Human Rights Watch, *Israel and Palestine: Events of 2017*, URL: <https://www.hrw.org/world-report/2018/country-chapters/israel/palestine> (16 July 2018).

³⁸ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine*, 8 June 2017, A/HRC/35/30/Add.2, para. 23.

well.³⁹ Women have difficulties entering the job market, which is further aggravated by the Israeli imposed restrictions.

International law, most importantly the Convention on the Rights of Child⁴⁰ to which Israel is State party, grants special rights to children. The Palestinian children in the occupied territories however continue to suffer from wide-spread abuse of their basic rights. According to UNICEF, 729 children were detained or arrested in 2017 only in Jerusalem.⁴¹ There are reports of physical and verbal abuse, regular use of hand ties and painful restraints, coerced confessions, lack of access to lawyer and family members, and consistent use of night arrests.⁴² Education system for children and youth is weak, children have difficulty accessing schools, numerous among which were totally or partially demolished and at least 15.000 children were affected by education-related violations in the first half of 2016 alone.⁴³ Poor economy and lack of education further diminish their decent future and growth opportunities.

³⁹ Ibid., paras. 24-30.

⁴⁰ HRC, *Convention on the Rights of Child*, URL: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (1 August 2018).

⁴¹ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, 15 March 2018, para. 11.

⁴² Ibid., para. 12.

⁴³ UNICEF, *State of Palestine Situation Report*, URL:

https://www.unicef.org/appeals/files/UNICEF_SoP_Humanitarian_SitRep_March_2017.pdf, 19 July 2018.

Some relevant legal documents

Delegates are advised to consult the following documents:

- International Covenant on Civil and Political Rights;⁴⁴
- International Covenant on Economic, Social and Cultural Rights;⁴⁵
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁴⁶
- Convention on the Elimination of All Forms of Discrimination against Women;⁴⁷
- International Convention on the Elimination of All Forms of Racial Discrimination;⁴⁸
- Convention on the Rights of Child.⁴⁹

Selected previous resolutions

- UN Resolution 181 (1947): An international status for the City of Jerusalem,
- UN Resolution 212 (1948): Palestinian refugees,
- UN Resolution 194 (1948): Conciliation Commission,
- UN Resolution 512 (1950): Report of the UN Conciliation Commission for Palestine,
- UN Resolution 2252 (1967): Humanitarian assistance in the 1967 war,

⁴⁴ HRC, *International Covenant on Civil and Political Rights*, URL: <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (August 1, 2018).

⁴⁵ UN, *International Covenant on Economic, Social and Cultural Rights*, URL: <http://www.un-documents.net/icescr.htm> (1 August 2018).

⁴⁶ HCR, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, URL: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx> (1 August 2018).

⁴⁷ UN, *The Convention on the Elimination of all Forms of Discrimination Against Women*, URL: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (1 August 2018).

⁴⁸ HRC, *International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination*, URL: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> (1 August 2018).

⁴⁹ HRC, *Convention on the Rights of Child*, URL: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (1 August 2018).

- UN Resolution 2728 (1970): Report of the Special Committee to investigate Israeli practices affecting the Human Rights of the population of the Occupied Territories,
- UN Resolution 3236 (1974): Palestinian right to self-determination,
- UN Resolution 3376 (1975): CEIRPP,
- UN Resolution 33/113 (1978): Living conditions of the Palestinian people,
- UN Ninth Emergency Special Session ES/9-1: The situation in the occupied Arab territories,
- UN Resolution 37/18 (1982): UNSC Resolution 487,
- UN Resolution 37/123 (1982): Sabra and Shatila massacre, occupation of the West Bank, Gaza and the Golan Heights,
- UN Resolution 40/169 (1985): Economic development projects in the occupied Palestinian territories,
- UN Resolution 43/21 (1988): Intifada,
- UN Resolution 43/176 (1988): International Peace Conference,
- UN Resolution 1073 (1996): The status of Jerusalem,
- UN Resolution 1397 (2002): Two-state solution,
- UN Resolution 2334 (2016): Israeli settlement building,
- UN Resolution 34/29 (2017): Palestinian right to self-determination,
- UN Resolution S-28/1 (2018): Violations of International Law in the Context of Large-scale Civilian Protests in the OPT.

Please see the listed documents in full length on <http://www.un.org/en/documents/index.html>⁵⁰ and <https://www.un.org/unispal/chr-res-on-qop/>⁵¹.

⁵⁰ UN, Documents, URL: <http://www.un.org/en/documents/index.html> (1 August 2018).

⁵¹ UN, The question of Palestine - CHR Resolutions, URL: <https://www.un.org/unispal/chr-res-on-qop/> (1 August 2018).

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DEFENCE FOR CHILDREN INTERNATIONAL - PALESTINE SECTION.

Recruitment and Use of Palestinian Children in Armed Conflict. Ramallah, 2012

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, URL:

<http://www.refworld.org/docid/3ae6b36d2.html>, 19 July 2017, art. 49(6).

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UN, Documents, URL: <http://www.un.org/en/documents/index.html> (1 August 2018).

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UNHRC Official website, URL: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> (31 July 2018).

UN General Assembly, Resolution 60/251, 3 April 2006, UN Doc. A/RES/60/251.

UN Human Rights Treaty System, URL: <https://www.ohchr.org/Documents/Publications/FactSheet30en.pdf> (31 July 2018).

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