

May 29, 2023

## **Submission of NGO Monitor at the 138th Session of the Human Rights Committee for the Consideration of the Periodic Report of the “State of Palestine”**

NGO Monitor, a project of the Institute for NGO Research,<sup>1</sup> an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits the following information to the Human Rights Committee (HRC or Committee) in advance of the consideration of the periodic report of the “State of Palestine” and its compliance with the International Convention on Civil and Political Rights (ICCPR) at the 138th session of the Human Rights Committee (Committee). We hope that this submission will aid the Committee in its review and in the preparation of its report.

### **Introduction**

This submission focuses on the rampant campaign of antisemitic and anti-Israel incitement within the “State of Palestine”/Palestinian Authority (PA). This campaign of incitement is endemic throughout Palestinian society and is especially aimed at inculcating hatred within many generations of Palestinian children. Palestinian incitement undergirds the ongoing armed conflict with Israel and is responsible for countless deaths of both Palestinians and Israelis. It also underlies the extensive recruitment and use of Palestinian children as combatants. This promotion of violence and hatred is further bolstered by the PA’s perverse “Pay to Slay” policy, which financially incentivizes and rewards Palestinians who attack and kill Israelis – the more severe the crime, the more money the attacker and their family receive.

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<sup>1</sup> Members of NGO Monitor’s Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Michal Cotler-Wunsh, former member of Knesset for the Blue and White Party; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Bonnie Glick, former Deputy Administrator and Chief Operating Officer of USAID; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein.

Additionally, the human rights arena for women and members of the LGBTQ+ community in the “State of Palestine” continues to be characterized by inequality and exclusion. Any review of the “State of Palestine’s” compliance with the ICCPR must also address in-depth the issues of discrimination and marginalization.

We are also highly disturbed that the PA’s report to the Committee and claims made by NGOs that have participated in other treaty body reviews of “State of Palestine” appear to use the ongoing armed conflict with Israel and control of Gaza by Hamas to excuse or diminish the PA’s obligations under the ICCPR. In this respect, we note with concern the [Committee’s request](#) of the PA in the List of Issues to “tak[e] into account the impact of the Israeli occupation.” The PA’s obligations to uphold the ICCPR do not cease in the context of armed conflict or situations of occupation. More than 95% of the Palestinian population falls under the control of the Palestinian Authority, and the PA has jurisdiction and control over many aspects of life for Palestinians living in Jerusalem and Area C of the West Bank. In Area C, for instance, the PA retains jurisdiction and control over education, non-security related criminal offenses, and other matters pertaining to the daily life and human rights of Palestinians living in those areas. It is important, therefore, that the PA’s excuses for noncompliance with its obligations under the ICCPR are rejected.

### **The ICCPR Explicitly Prohibits Discrimination and Incitement Campaigns Based on Religion or National Origin**

According to the ICCPR, “State of Palestine” is required to “ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant” (Art. 3); the “inherent right to life” (Art. 6); to prohibit by law “any propaganda for war” and “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (Art. 20); the “right of peaceful assembly” (Art. 21); to “take part in the conduct of public affairs, directly or through freely chosen representatives” and to “vote and to be elected at genuine periodic elections” (Art, 25); and to “not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language” (Art. 27).

### **The “State of Palestine” has extensively violated all of these provisions.<sup>2</sup>**

<sup>2</sup> While this submission addresses ICCPR provisions pertaining to discrimination and incitement, we note that the PA has also violated Articles 2 (discrimination), 7 (torture and CIDT), 9 (arbitrary arrest and detention), 14 (fair trial), 18 (freedom of religion and belief), 19 (free expression), 22 (free association), 23 (women’s rights). We urge the HRC to review the PA’s obligations under these articles as well.

### **Article 3: Equal right of men and women to the enjoyment of all civil and political rights**

#### ***PA Prevention to the Development and Advancement of Women***

Palestinian women and their interest groups operate in a precarious space within larger Palestinian society. Pervasive and discriminatory patriarchal cultural traditions not only make gender equality a difficult issue to broach in society, but also permeate all aspects of life for women. This sentiment is echoed by a [UN Women study](#) in which the authors note, “The challenges and rights violations facing women and girls in the Arab region are many, including low political and economic participation, violence and discrimination grounded in deep-rooted inequalities and established systems of patriarchy.”

Personal status laws in the “State of Palestine” discriminate against women in matters of marriage, divorce, child custody, and inheritance. Repressive cultural practices such as child marriage, female genital mutilation, polygamy, and “honor” crimes are endemic. Coupled with unsatisfactory educational and employment opportunities, the laws and customs create an environment where there is both entrenched de jure and de facto discrimination.

For example, the PA states that marriage and divorce documents must be registered with the sharia courts. As admitted, these courts are dictated by men, giving little to no voice of women in their own material matters. For instance, noting the discrimination between men and women, the PA [explains](#) in a submission to the UN Committee on the Elimination of Discrimination against Women that “a marriage contract for a virgin daughter requires the approval of a guardian, who is always a male. Males do not need the approval of a guardian.” The minimum age for marriage in the West Bank and Gaza can be overruled by a judge, allowing girls as young as nine years of age to be wed if “she is ruled to be sufficiently mature and her physical constitution is equal to it.”

In addition to legal and cultural discrimination, the PA exploits women and girls to carry out and incite acts of terrorism against civilians. The PA promotes female terrorists as national role models for young girls, enabling a culture of violence. The PA also supports so-called “civil” society organizations that promote the exploitation of women for nationalism and violence, denying women the ability to access legitimate organizations that might aid them in achieving equality and prosperity. As well as failing to promote peace, the PA’s promotion of terrorists as role models effectively prevents young women from developing and advancing in society.

For example, in May 2017, the Women's Affairs Technical Committee (WATC) inaugurated a center for Palestinian girls, [naming it for Dalal Mughrabi](#). In 1978, Mughrabi was part of a terror cell that infiltrated Israel from Lebanon, [murdering 38 Israeli civilians](#) in what would come to be known as the "Coastal Road Massacre." When the Norwegian government – whose taxpayers had paid for the center through funding to UN Women – discovered the incident, it [demanded](#) that its logo be removed from the building and for its funding to be returned.

In addition to promoting female terrorists as role models to young girls, the PA, Hamas, and other Palestinian groups exploit women and girls by cynically using them to commit terror acts and serve as human shields – in violation of international human rights laws and humanitarian law commitments. For example, during what is referred to by Palestinians as the "Great March of Return" (2018-2019), a [7-year-old girl was sent through the border fence by Palestinian militant groups](#). The goal of this incident was to provoke a response by the IDF soldiers stationed along the border. However, the IDF identified the young girl and returned her to her family. The number of women and girls killed and injured in the violence also demonstrates how these members of society were encouraged to approach the border with Israel despite warnings of violence and potential threat to their lives.

The PA's personal status laws, exploitation of women and girls to promote terrorism and hatred, radicalization in the educational system, and denial of reproductive freedom represent widespread and systematic violations by the PA. Furthermore, the PA's regular blaming of Israel for all issues related to women's rights, including in areas where Israel has no jurisdiction or influence, clearly demonstrates the PA's attempt to shirk its responsibilities and obligations under various treaty bodies.

### ***Ignoring Torture of LGBTQ+***

The LGBTQ+ community faces heavy discrimination and hardship under the PA. Torture and abuse of LGBTQ+ Palestinians by Hamas and the PA is so frequent and severe that Tel Aviv University law professors and refugee law specialists Anat Ben-Dor and Michael Kagen [have proposed](#) that LGBTQ+ Palestinians be granted asylum in Israel.

For example, in February 2016, Mahmoud Ishtiwi, commander of Hamas's armed wing (Izzedine al-Qassam Brigades), was [tortured and murdered by Hamas for purportedly being gay](#). Additionally, in October 2022, Ahmad Abu Marhia was [kidnapped and brutally beheaded](#) in Hebron after his sexual orientation was revealed.

## Article 6: Right to Life

### *Palestinian Terrorism*

Article six of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Yet, the majority of submissions to the Committee undo this fundamental right as it is applied to Israelis by completely erasing the context of Palestinian terrorism and the ongoing attacks against Israel’s civilian population. Hamas, the Popular Front for the Liberation of Palestine (PFLP), Islamic Jihad, and other terror groups that subject Israeli population centers to suicide bombs, kidnappings, continual rocket and mortar attacks, shooting attacks, stabbings, fire bombs, fire kites, intentional burning of agricultural land, and thousands of tires to destroy the environment.

The [ruling party Fatah](#) and its [armed militia](#) are also involved in such attacks. Moreover, official PA media in both the West Bank and Gaza repeatedly incite and praise such attacks. For example, in February 2023, Fatah [published a video](#) bragging about the number of terror attacks carried out. Referring to the murder of two Israeli civilians, the video praises the killing of the brothers who were shot in the head, proclaiming that it “teaches us that continuing the path and keeping its spark burning will be carried out by blasting bullets into heads, and not by blasting words and grinding out chatter.” Additionally, in April 2023, official PA TV held a [special event](#) glorifying a terrorist who murdered 14 civilians, including a baby in Netanya, 3 people at a restaurant in Tel Aviv, and 6 people at a Bat Mitzvah in Hadera.

In 2022, there were [more than 2,500 terror attacks](#) documented by the Israeli security services. In one week alone, three separate terrorist attacks occurred, killing eleven people. On March 22, a [terrorist drove his car into a cyclist](#), killing him, then stabbed 3 people to death outside a shopping center. Five days later, 2 terrorists killed 2 police officers in Hadera, after opening fire on them at a bus stop. ISIS reportedly said that it was [behind the assault](#). Two days later, 5 people were killed and 10 were wounded in a [shooting attack in Bnei Brak](#).

This wave of Palestinian terrorism continued in 2023. In January, 7 people were shot and murdered while leaving a synagogue after attending Shabbat services. Seven civilians were killed in shooting attacks and a car ramming in February. In April 2023, a mother and two of her daughters were murdered execution-style in the West Bank by Palestinian terrorists.

During the five-day conflict in May 2023, Palestinian terror groups [fired over a thousand rockets](#) – each one a war crime – at Israeli population centers, including salvos of hundreds of rockets simultaneously at Tel Aviv.

In April-May 2021, in addition to the thousands of rockets launched on Israeli cities, rioting incited by Hamas led to attacks on Jews in “mixed cities” in Israel and on roadways in the Negev and Galilee. In Jerusalem, this incitement led to attacks on Orthodox Jews that were filmed and posted on TikTok. On the Jewish holiday of Shavuot, Palestinian rioters attacked a Chabad house with dozens of worshippers inside conducting prayers, and bombed a home in the West Jerusalem neighborhood of Abu Tor. A second bomb that failed to detonate was found in the yard of the house.

### ***Failure to Investigate***

Governing officials of “State of Palestine” incite terror attacks targeting Israeli citizens, carry out extrajudicial killings and torture of Palestinians in the West Bank and Gaza Strip, including “honor” killings that target women. The “State of Palestine” does not undertake investigations, or assign accountability to the perpetrators of these crimes.

### ***Torture of Those Collaborating with Israel***

Hamas’ torture and executions of perceived “collaborators,” namely those who are alleged to have assisted Israel in some capacity, is an acute problem in Gaza. Since 1997, selling land to Jews has been considered a crime, punishable by the [death penalty](#) under PA law. At least eight Palestinians have been [executed](#) for this offense, and many have received execution orders that have not been carried out. Legally, PA security forces are [barred from operating](#) in Jerusalem, yet Palestinian human rights activist Bassem Eid documented cases of Arab Jerusalemites who were [kidnapped and tortured to death](#) by the PA’s Preventive Security Agency in Ramallah for selling land to Jews.

Furthermore, in April 2017, the Gaza Interior Ministry [announced it was taking increased measures](#) to arrest collaborators. In August 2017, the Israeli Jerusalem District Court ruled that the PA was responsible for the [severe abuse](#) of 52 Palestinians in the West Bank from 1995-2002.

### ***Abolishment of the Death Penalty***

Since June 2018, when the State of Palestine acceded to the Second Optional Protocol to the ICCPR, agreeing to adopt measures to abolish the death penalty, Palestinian courts have issued numerous death sentences, including against women. Since September 2022, there have been [over 10](#) death sentences issued. Additionally, the law requires the consent of the President of the Palestinian Authority who has not endorsed any death sentences since 2006. There are currently over [75 crimes punishable by the death penalty](#) in Palestinian Law.

In April 2023, a military court in Gaza [sentenced two people to death](#) for collaboration with Israel. On September 4, 2022, Hamas [announced](#) it had executed five men, including two men who were condemned for collaborating with Israel.

Instead of abolishing capital punishment, the PA consistently introduces new amendments aimed at regulating the practice. The “State of Palestine” needs to abolish the death penalty from Palestinian law once and for all.

### **Article 20: Any propaganda for war shall be prohibited by law**

#### ***The Palestinian Authority Promotes Incitement and Violence against Jews and Israelis***

Despite the clear obligations mandated by the ICCPR, the PA systematically promotes hatred and violent incitement against Jews and Israelis. Much of this campaign is aimed at poisoning the minds of children by inculcating antisemitic hatred. The PA floods Palestinian society with racist and antisemitic messages, encouraging participation in violence, and heroicizing those who engage in antisemitism and extreme violence. The campaign of discrimination and incitement begins from birth and continues throughout the entire life of a Palestinian. It takes place through state media, schools (including those run by UNRWA), youth groups and centers, sporting and cultural events, unions, and civil society programming in both the West Bank and Gaza. Destruction of Jewish cultural property is also a central component of PA antisemitism and incitement. The many aspects of this campaign has been extensively documented by NGOs, governments, and international institutions.

Remarks by PA Minister Jibril Rajoub and President of the Palestine Olympic Committee and of the Higher Council for Youth and Sports at the March 2022 Opening Ceremony of the



Bethlehem Marathon provides a disturbing example. On stage, while standing next to senior European diplomats, Rajoub [stated](#) that “The international law must be enforced against the ugly face of Naziism, meaning Zionism. They are the new Nazis that are trying to eliminate the Palestinian people. The time to banish them or resist them has come.”

Additionally, the PA does nothing to prevent incitement campaigns and recruitment and use by Hamas, Islamic Jihad, PFLP, and other Palestinian armed groups. Failure to prevent these activities is a violation of the PA’s legal obligations. For instance, in the Concluding Observations to the [2019 CERD review of Palestine](#), the Committee expressed concern over “the existence of hate speech, in particular hate speech directed against Israelis, which at times fuels anti-Semitism towards this group, in certain media outlets, in particular those controlled by Hamas, as well as on social media, in public officials’ statements and in school curricula and textbooks, which also fuels hatred and may incite violence.”

Contrary to these recommendations, the PA, Fatah, Hamas, and other armed factions routinize the grooming of children from an early age as combatants in the Palestinian war against Israel and Jews. They have enacted a widespread and systematic program of violent and antisemitic incitement. Children are encouraged by cuddly animals on PA and Hamas TV to kill Jews. Fatah publishes manuals for kids on how best to kill with stones and knives.

Recreation centers and sports tournaments are named after terrorists, including kids who kill. UNRWA schools teach antisemitism, hate, and glorify Palestinian killers and the elimination of Israel. Kids are encouraged to skip school to participate in violent riots, slingshot rocks at passing cars, and even to stab children and mothers to death in their homes.

For instance, in April 2022, the PA [inaugurated a garden at the Al-Adawiya High School for Girls in Tulkarem](#) in “honor” of the “freedom tunnel prisoners,” six prisoners who were convicted for planning and carrying out numerous terror attacks, including suicide bombings and shooting attacks on civilians. Additionally, on March 18, 2019, on the official PA TV station, a Fatah official referred to two murderers who killed four Israelis as “[the role models for the children](#).”



**Article 20: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law**

***Pay to Slay***

Despite the clear obligations mandated by various international agreements and human rights conventions, the PA has routinely ignored the protection of children. Not only does the PA fail to protect its children from incitement, it has fully adopted and implemented a program specifically targeting them, flooding them with racist and antisemitic messages, encouraging children to participate in violence, and heroicizing those who engage in antisemitism and extreme violence. This program strongly emphasizes the commission of hate-based violence against Jewish civilians.

Instead of prioritizing social programs and economic development, the PA rewards and encourages this violence, spending more than [\\$350 million a year](#) incentivizing murder. This “pay to slay” policy – enabled by funds from the UN, EU, and many governments – rewards those who commit violence (including children) with cash payments. The greater the crime and the more victims injured or killed, the more money received. This campaign targeting children begins from birth and continues throughout childhood and the teenage years. It takes place through state media, schools (including those run by UNRWA), youth groups and centers, and sporting and cultural events in both the West Bank and Gaza.

***Recruitment and Use of Children - Child Soldiers***

While the PA’s international legal obligations explicitly forbid the recruitment and use of child soldiers, the recruitment and use of Palestinian children sanctioned by the PA and Palestinian armed groups is endemic.

The ruling Fatah party’s Tanzim and the Al-Aqsa Martyrs’ Brigades recruit and use children as combatants. Many other organizations in and members of the PA, the Palestinian Legislative Council, and the Palestine Liberation Organization are part of the Palestinian terror infrastructure including Hamas, the Popular Front for the Liberation of Palestine (PFLP), and the DFLP. The PA routinely allows armed groups to recruit on school campuses under the guise of carrying out “social programs.” Such activity allows vulnerable children to be in contact with violent actors, placing them at risk for recruitment.

In the Concluding Observations of the [2020 CRC review of “Palestine,”](#) the Committee explicitly criticized the PA for “recruitment and use of children in hostilities by non-State armed groups operating from the territory of the State party.”

In summer 2022, Fatah’s Central Hebron branch held the “[Buds of Construction and Liberation](#)” summer camp where hundreds of Palestinian children as young as seven were taught to handle automatic weapons and to celebrate the murderers of Israeli Jews. [Photos](#) posted on social media show hundreds of children holding Kalashnikov rifles in front of a banner depicting former PLO/PA/Fatah leader Yasser Arafat, and current PLO/PA/Fatah leader Mahmoud Abbas. A video on the Facebook page of the Fatah Commission of Information and Culture explains that the camp is necessary because “our battle with the sons of dogs [in other words, Israelis] is long and we need a young generation.”

For more information regarding 68 Palestinian minors since 2018 who carried out attacks on Israeli civilians and soldiers, as well as those killed in the context of clashes between Palestinians and Israeli security personnel, see NGO Monitor’s database “[Excuse and Disregard: Palestinian NGOs on Teens’ Involvement in Terror Attacks and Violent Clashes.](#)”

## **Article 21 and 25: Right of Peaceful Assembly and Participation in Public Affairs**

### ***Lack of Political Participation in the PA***

On 15 January 2021, President Mahmoud Abbas announced the first national (presidential and legislative) elections in 15 years. This was an important step for democracy and to empower citizens to exercise their right to political participation. Many had hoped that the elections would allow for political change, reform, and an end to political corruption. However, the hope did not last long. On April 30, 2021, the President enacted a decree indefinitely delaying the elections. Abbas is currently serving in the 17th year of what was meant to be a four-year term.

Additionally, in June 2021, Nizar Banat, a Palestinian activist who was a candidate of the Freedom and Dignity List for the national elections, was arrested and brutally assaulted by Palestinian security forces after [calling out corrupt members](#) of Fatah.

Following his murder, many Palestinian activists took to the streets to protest his death as well as the need for elections, [chanting](#) “The people want the downfall of the regime.” Security agencies arbitrarily detained individuals participating in political activity who were exercising their right to freedom of opinion and expression. Many of these peaceful assemblies were dispersed by force, as security forces fired tear gas canisters and sound grenades. Security personnel beat participants of peaceful assemblies using excessive force. They confiscated phones impinging on the right to privacy. They assaulted journalists and seized their equipment. These practices reflect a serious disregard for all rights enshrined in fundamental human rights conventions, including the ICCPR. The “State of Palestine” needs to uphold the rights to freedom of peaceful assembly, hold national elections, and hold those responsible for the killing of Banat to account.

**Article 27: Shall not be denied the right, in community with the other members of their group, to enjoy their own culture**

### *Destruction of Jewish Cultural Property*

As part of its campaign of antisemitism and incitement, the PA fails to safeguard Jewish cultural property and enables its destruction. For example, in April 2022, in the wake of a gun attack by a Palestinian terrorist on patrons at a Tel Aviv bar, killing 3 and wounding dozens, a mob of Palestinians set [Joseph’s tomb in Nablus](#) (a revered Jewish cultural shrine) on fire and caused extensive destruction inside the tomb. Two Jewish worshippers who went the next day to try and repair the damage were violently attacked by Palestinians. The tomb is under PA jurisdiction, but the authorities did nothing to stop the attack. This is one of many such examples occurring since the PA’s establishment.

### **Recommendations**

This submission has briefly highlighted only a small portion of the extreme campaigns of antisemitic and anti-Israel incitement, violence, and recruitment and use of child combatants actively carried out by the Palestinian Authority and Palestinian armed groups.

Rather than creating a tolerant, liberal, and open society, the PA’s campaign fosters hatred, antisemitic discrimination, prolonged armed conflict, and endemic societal violence. This

poisonous campaign is not only a violation of the PA's obligations under the ICCPR, but is the primary obstacle to peace with Israel.

We therefore recommend the Committee to adopt the following:

- The PA must eliminate all Personal Status laws and other laws that discriminate against women and girls.
- The PA must address the issue of antisemitic and anti-Israel incitement. The PA must specify what measures it has adopted to combat campaigns of antisemitism, racial discrimination, and violent incitement by PA officials and Palestinian armed groups, including Hamas.
- The PA must stop promoting violence and hatred in educational programming and other cultural activities for children. The PA must revise its educational materials and curricula to ensure they are not used to promote conflict, violence, incitement, and hatred.
- The PA must document what it is doing to combat the recruitment and use of child soldiers by itself and other Palestinian armed groups.
- The PA must address the “pay to slay” program and the eligibility requirements of this perverse funding.
- The PA must address its policy, as codified in Penal Law No 16 (article 114) of imposing severe punishments (“life imprisonment with hard labor”), on Palestinians who sell property to Jews.
- The PA must specify what steps it is taking to protect Jewish cultural heritage and to preserve Jewish historical sites within PA territory and explain what measures it is taking to end its blocking access to these sites in violation of the Oslo Accords.
- The PA must detail what steps it is taking to prevent further destruction of Jewish cultural property by the Waqf on the Temple Mount.
- The PA must address its role in the harassment and violence targeting non-Muslims visiting the Plaza of the Temple Mount.