



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Information received from the State of Palestine on follow-up  
to the concluding observations on its combined initial and  
second periodic reports\***

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\* The present document is being issued without formal editing.



## **Information provided by the State of Palestine in follow-up to the concluding observations**

### **Introduction**

1. Following consideration of the combined initial and second periodic reports of the State of Palestine (CERD/C/PSE/1-2), the Committee adopted its concluding observations at its 2764th meeting, held on 23 August 2019, wherein it requested the State of Palestine to provide, within one year, information on its implementation of the recommendations contained in paragraphs 10 (a), 14 (a) and (c), and 20 (b) of the document (CERD/C/PSE/CO/1-2), dated 20 September 2019. Preliminary information regarding those recommendations is provided herewith below and the State of Palestine hopes to include any further developments in that regard in its combined third and fourth periodic reports.

2. The State of Palestine wishes to thank the Committee for the constructive and effective dialogue into which it entered with the Palestinian delegation and for its concluding observations, which also focused on positive aspects and in which the Committee acknowledged the progress the State of Palestine has made in the fulfilment of its international obligations. The Committee's observations have been given serious consideration and are currently being followed up by a national team formed to monitor the implementation of the Convention at both the national and international levels. That team, referred to hereinafter as the National Team, was established under a presidential decree issued on 7 August 2019. It is headed by the Ministry of Foreign Affairs and Emigrants and its membership includes other relevant ministries. Having received the concluding observations, the National Team began allocating tasks among its members with a view to acting thereon. Via the Council of Ministers, it also caused the concluding observations to be circulated among other governmental agencies that are not members of the Team – including municipalities, the Ministry of Information and the Ministry of Culture – with a view to ensuring the effective implementation of the Convention at the national level. This is consistent with the Committee's recommendation for Palestine to make the concluding observations available to all State bodies entrusted with the implementation of the Convention, including municipalities.

3. The National Team first drew up a table containing all the Committee's concluding observations, the steps to be taken to implement each one, the agency responsible for the implementation, the time frame and the relevant performance indicators. Having done that, a number of meetings were held with a view to translating the table into a comprehensive national plan for the implementation of all the recommendations between 2020 and 2023. A draft of the plan was approved then thrown open for wide-ranging consultations at the national level, which involved government agencies, civil society organizations, the private sector and universities. In fact, the State of Palestine is determined to include all relevant institutions as the plan is a national undertaking that is not limited to government action.

4. The intention had been to hold national consultations on the plan face-to-face in order to hear the views and recommendations of the various different institutions; however, those consultations have had to be postponed due to the coronavirus disease (COVID-19) pandemic. If the state of emergency continues, the consultations will be held remotely using videoconferencing technology at the earliest possible opportunity.

5. The plan will be adopted using the national follow-up mechanism for the implementation of human rights treaties. In this way, following the integration of the comments emerging from the national consultation process, the plan will be put before a committee of experts from government agencies then to a higher ministerial committee responsible for following up on the accession of the State of Palestine to international treaties, protocols and charters, which is headed by the Ministry of Foreign Affairs and Emigrants. Once the plan in its final form has been adopted, in coordination with the Council of Ministers, it will be circulated to all relevant national institutions for them to follow up on its implementation, each in its own area of jurisdiction.

6. It should be noted that, as a result of the COVID-19 pandemic, a state of emergency was declared in Palestine. It began on 5 March 2020 and is still in force. The concomitant closure of State and private institutions and the disruption and irregularity of the work, which continues to this day, has affected the speed with which practical results could be achieved on the ground.

7. The ongoing Israeli colonialist occupation with its illegal and racist policies and actions still constitutes the most significant challenge the State of Palestine has to face as it seeks to fulfil its obligations. This is particularly so given the incessant plans and efforts to annex large parts of Palestinian territory, dismantle the country's geographical unity and change its demographic make-up. All this is underpinned with a racist narrative based on the "right of Jews" to settle in all of historical Palestine and a denial of the right of the Palestinian people – the indigenous inhabitants of the country – to self-determination and independence in their homeland, in accordance with international legitimacy and law. The current administration of the United States of America has fully embraced the Israeli colonialist agenda with its racist elements, based on a racist underpinning that presupposes Israeli ethnic superiority over Palestinian citizens, in accordance with the so-called "nation-state law". This is a racist law that limits the right of self-determination to Jews alone, rejects the Palestinian people's right to their land and to self-determination and denies refugees the right of return. The announcement of a plan known as the "deal of the century" – which adopts an Israeli colonialist and racist project allowing annexation of Palestinian land and denying the rights of the Palestinian people – is, of course, a flagrant violation of international law and international resolutions. It is also contemptuous of the international consensus based on the two-State solution and the inalienable rights of the Palestinian people throughout the diaspora, particularly the right to return, to self-determination and to independence in a State of Palestine with Jerusalem as its capital, and it blatantly undermines the international multilateral and law-based system.

8. In this context it should be pointed out that many international bodies have recognized that the annexation of the land of the State of Palestine by Israel, the occupying power, constitutes a violation of international law; and it is the responsibility of the international community to ensure accountability in that regard. Mention should be made at this point of a statement released by 47 United Nations special rapporteurs on 16 June 2020, which the State of Palestine fully endorses, part of which reads: "The annexation of occupied territory is a serious violation of the Charter of the United Nations and the Geneva Conventions, and contrary to the fundamental rule affirmed many times by the United Nations Security Council and General Assembly that the acquisition of territory by war or force is inadmissible. The international community has prohibited annexation precisely because it incites wars, economic devastation, political instability, systematic human rights abuses and widespread human suffering."

9. The statement goes on to say that the actions of Israel, the occupying power, amount to a "vision of a 21st century apartheid." Moreover, "the agreement by the new coalition Government of Israel to annex significant parts of the occupied Palestinian West Bank after 1 July would violate a cornerstone principle of international law and must be meaningfully opposed by the international community".

10. In addition: "The United Nations has stated on many occasions that the 53-year-old Israeli occupation is the source of profound human rights violations against the Palestinian people. These violations include land confiscation, settler violence, discriminatory planning laws, the confiscation of natural resources, home demolitions, forcible population transfer, excessive use of force and torture, labour exploitation, extensive infringements of privacy rights, restrictions on the media and freedom of expression, the targeting of women activists and journalists, the detention of children, poisoning by exposure to toxic wastes, forced evictions and displacement, economic deprivation and extreme poverty, arbitrary detention, lack of freedom of movement, food insecurity, discriminatory law enforcement and the imposition of a two-tier system of disparate political, legal, social, cultural and economic rights based on ethnicity and nationality."

11. In that context, the statement says: "These human rights violations would only intensify after annexation. What would be left of the West Bank would be a Palestinian Bantustan, islands of disconnected land completely surrounded by Israel and with no

territorial connection to the outside world. Israel has recently promised that it will maintain permanent security control between the Mediterranean and the Jordan River. Thus, the morning after annexation would be the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights. This is a vision of a 21st century apartheid.”<sup>1</sup>

12. In the same way, on 10 June 2020, 271 experts in international public law sent an open letter to the Israeli Government condemning its attempts at annexation which, they wrote, would violate the right to self-determination and lead to discriminatory acts justified in the name of law, inter alia in relation to citizenship or property rights.<sup>2</sup> This was followed on 23 June 2020 by a joint letter against annexation signed by 1,080 parliamentarians from 25 European countries and addressed to European governments and leaders. In the letter, the signatories state that annexation would challenge the most basic norms guiding international relations, including the Charter of the United Nations.<sup>3</sup> Moreover, on 24 June 2020, 400 professors of Jewish Studies in North and South America, Europe and Israel who have committed decades of professional life to the close study of Jewish history, culture, thought, religion, literature, politics, and society signed a letter opposing annexation, apartheid and the continuing Israeli occupation. Annexation, they write, would formally (de jure) create apartheid conditions in Israel and Palestine.<sup>4</sup>

13. It should be noted, furthermore, that the State of Palestine is facing a serious (and contrived) scarcity of financial resources as a consequence of the economic blockade which Israel, the occupying power, with the support of the United States administration, is imposing as a form of war of starvation against the Palestinian people. This is in addition to the ongoing theft of natural resources, piracy and the confiscation of Palestinian revenues, in violation of international humanitarian and human rights law. At the same time, smear campaigns are being run by pro-Israeli non-governmental organizations (NGOs) such as NGO Monitor, UK Lawyers for Israel and the so-called UN Watch, which continue to pressure parliaments around the world to enact rulings that would deprive the Palestinian people of economic aid. Moreover, there has been a significant decline in foreign assistance, which has led to a deep economic crisis and undermined the Government’s ability to provide the best services, especially in the face of challenges posed by the COVID-19 pandemic.

## Steps taken to implement the concluding observations

### The Convention in the domestic legal order

#### **Paragraph 10 (a): Fully and expeditiously incorporate the provisions of the Convention into national law, including through publication in the Official Gazette, and take all possible measures to ensure its implementation throughout its territory**

14. The National Team established by presidential decree to monitor the implementation of the Convention has acknowledged the importance of publishing the text in the Official Gazette. In doing so, the Team was acting in accordance with the State’s responsibilities in this regard, with ruling No. 5 of 2017 of the Constitutional Court regarding the implementation of international treaties within the domestic legal order and with the Committee’s own recommendation. In that connection, the Ministry of Foreign Affairs and Emigrants sent a memorandum to the Council of Ministers with a view to expediting such publication. The memorandum includes an annex explaining the provisions of the

<sup>1</sup> OHCHR, “Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability” (Geneva: 16 June 2020)

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960&LangID=E>.

<sup>2</sup> Opinio Juris, *An Open Letter to the Israeli Government Condemning Annexation*, (10 June 2020)

<http://opiniojuris.org/2020/06/11/an-open-letter-to-the-israeli-government-condemning-annexation/>.

<sup>3</sup> Independent, *More than 1,000 European MPs call on Israel to halt ‘destabilising’ annexation plans*, (24 June 2020) <https://www.independent.co.uk/news/world/middle-east/israel-west-bank-european-mps-annexation-palestine-a9582986.html>.

<sup>4</sup> Israel Apartheid-Annexation, *A Letter on Annexation and Apartheid in Israel*, (24 June 2020) <https://www.annexation.site/>.

Convention and confirming that it does not entail any legal consequences that are at odds with the domestic legal order, in the sense that the legislation in force in the State of Palestine does not, in general, conflict with the Convention.

15. Accordingly, meeting in Ramallah on 17 February 2020, the Council of Ministers, using its legally mandated authority and in order to further the public interest, issued Decree No. 01/43/18/M.W/M.1 of 2020 and delegated the President of the State of Palestine to take the action necessary to publish the International Convention on the Elimination of All Forms of Racial Discrimination in the Official Gazette. To that end, the Treaty Section of the United Nations Office of Legal Affairs in New York has been contacted to request a true copy of the Convention in Arabic so that the Bureau for Legal Advice and Legislation can complete the procedures for publication and prepare the way for a presidential decree. However, we have been informed that no original copy of the Convention in Arabic exists.

## **Harmonization of legislation and compliance with the Convention**

### **Paragraph 14 (a): Ensure popular participation in decision-making and address the current rule of law deficit by reinstating a democratically elected parliamentary legislative body, such as the Palestinian Legislative Council**

16. The fulfilment of this recommendation rests principally on the achievement of national reconciliation and the election of a legislative body for the State of Palestine. Many efforts have been made at the national level to achieve reconciliation, put an end to division and restore unity. These are considered to be national priorities and have been confirmed as such in decisions taken at sessions of the National Council and of the Central Council, as well as by the President on many national occasions, at international gatherings and before United Nations bodies. This led to a national consensus on fresh presidential and legislative elections as announced by the president in 2019. However Israel, the occupying power, strives to hinder efforts towards national unity and to obstruct the electoral process by not allowing elections to take place in Jerusalem and by refusing to lift the blockade on the Gaza Strip. Its purpose is to perpetuate the geographical division between the West Bank and the Gaza Strip and thereby further its own colonialist interests.

17. Efforts to achieve national reconciliation culminated in the historic meeting of 3 September 2020 under the auspices of the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people. The meeting brought together secretaries-general of national groupings and the President of the State of Palestine, Mr. Mahmoud Abbas, to initiate a nationwide process aimed at providing a response to a sincere national desire, a response consistent with the goals and principles of that desire and that translates into the end of division, the achievement of reconciliation and the embodiment of Palestinian national partnership.

18. Despite the aforementioned challenges, the State of Palestine is fully determined to incorporate popular participation into the decision-making process and, in fact, municipal and local-council elections are still taking place periodically. Moreover, many laws are submitted for community discussion, in which the relevant civil society institutions are involved. This process takes place through the Committee for the Harmonisation of Domestic Legislation with International Treaties and Standards, which works in partnership with those institutions. Examples of legislation that has been submitted for community discussion include the social security bill and the domestic violence bill, for which discussions were held over several stages and in the presence of civil society groups. In addition, the Committee for the Harmonisation of Domestic Legislation held meetings with the relevant civil society institutions to discuss objections raised in the community against the Cybercrime Act, which was subsequently amended to bring it into line with international standards and the recommendations of civil society. Moreover, the Government of the State of Palestine works in close cooperation with NGOs in Gaza in order to overcome political division and ensure respect for human rights.

**Paragraph 14 (c): Adopt a clear time frame for the completion of the review of the existing legislative framework, in collaboration with civil society organizations, to ensure compliance with the Convention**

19. The National Team, which was formed to monitor the implementation of the Convention on the Elimination of All Forms of Racial Discrimination, has held a number of meetings with the Committee for the Harmonisation of Domestic Legislation with International Treaties and Standards, which works in partnership with civil society organizations. The meetings served to discuss the concluding observations of the Committee on the Elimination of Racial Discrimination and how to fulfil the obligations arising from the accession to the Convention by the State of Palestine, in the framework of legislative harmonization. A brief presentation was made to the members of the Committee for the Harmonisation of Domestic Legislation regarding the importance of setting a time frame for legislative review.

20. For its part, the Committee for the Harmonisation of Domestic Legislation welcomed the concluding observations, which it considers to be a priority and has included in its updated action plan for 2020. In order to ensure the criminalization of racial discrimination in Palestinian legislation, the Convention is to be integrated into domestic laws as part of the process of harmonizing existing legislation or adopting new legislation consistent with international treaties. This is to prevent any conflict or confusion from arising within the domestic legal order after the Convention has been published in the Official Gazette, to promote human rights in the State of Palestine and to give real effect to the provisions of international treaties. To this end, the Committee has begun to develop an operational plan aimed at identifying elements in the domestic legal order that need to be harmonized with the Convention. This is expected to be completed in the coming period while the harmonization process itself should be finished within a year, taking account of the health and political conditions Palestine is currently experiencing.

21. The Council of Ministers issued Decree No. 06/37/18/M.W/M.A of 2019,<sup>5</sup> which included provision for the formation of a national team to review the 2011 Palestinian Criminal Code. The members of that team have developed an action plan and mechanism for the review of a draft Code that incorporates the international standards and treaties to which the State of Palestine has subscribed and that reflects the recommendations of human rights treaty bodies, including those of the Committee on the Elimination of Racial Discrimination, in particular recommendations relating to the criminalization of discrimination in all areas of life. A comprehensive definition of discrimination will also be included. The members of the national team have decided that the revised draft of the Code should be submitted for consultation to civil society organizations as well as to the competent national institutions. At the same time, an Internet website is being created to collect legal views regarding the draft Code. The national team began its review work at the start of 2020; however, due to the COVID-19 pandemic and the declaration of a state of emergency, its operations have been temporarily disrupted. The Government is currently taking steps to ensure that national teams and committees can continue to operate effectively, while taking the necessary preventive measures.

22. A definition of discrimination consistent with human rights treaties, including the Convention on the Elimination of All Forms of Racial Discrimination, has been adopted in the draft decree-law on protection against domestic violence. A definition of discrimination in the workplace has also been adopted, one that reflects recommendations of the Committee for the Harmonisation of Domestic Legislation with International Treaties regarding the review of the Palestinian Labour Code (Act No. 7 of 2000), which is currently in the process of being amended in line with international standards, as well as recommendations of the treaty bodies including the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women. A policy paper has been

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<sup>5</sup> The Ministry of Justice chairs the national team, which includes representatives from the Office of the President, the Secretariat of the Council of Ministers, the Supreme Judicial Council, the Ministry of the Interior, the Ministry of Women's Affairs, the Ministry of Foreign Affairs and Emigrants, the Office of the Public Prosecution and the Independent Commission for Human Rights. The team also has the right to call on the assistance of experts and specialists.

prepared regarding the areas of labour legislation where amendments are required, including a definition of discrimination, evidentiary mechanisms, procedures for legal recourse, the elimination of all exemptions, the provision of equal job opportunities and equal pay for work of equal value, the criminalization of sexual violence, etc. In addition, the Civil Service Act is currently being reviewed with a view to including legal provisions to prohibit and criminalize discrimination in the workplace.

23. As regards the Civil Status Code, on 5 March 2018 the Council of Ministers formed a technical committee to review the system of legislation governing personal and civil status, and to update it in accordance with international standards and best practices. The committee, which includes the competent government institutions and the General Union of Palestinian Women, may call upon the assistance of whatever experts it deems fit in order to carry out its tasks. It began its work in July 2018 and drew up a plan of action. However, it has not held many meetings since then due to campaigns in opposition to the Convention on the Elimination of All Forms of Discrimination against Women and the rejection by certain segments of society – mostly on religious grounds – of any modifications to personal status legislation that would bring it into line with the Convention. Nonetheless, the national team formed to monitor the implementation of the Convention and the higher ministerial committee responsible for following up on the accession of the State of Palestine to international treaties, remain in constant contact with the Council of Ministers with a view to relaunching the committee.

24. Consultations have been held with Christian communities in the State of Palestine with a view to amending legislation governing their personal status matters, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations of the Committee on the Elimination of Discrimination against Women. The Christian communities have manifested their readiness to discuss many of the issues raised. In addition, the Lutheran community amended its own personal status law to bring it into line with the Convention, one year after the accession of the State of Palestine thereto.

25. Discussions have been held with the bureau of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Ramallah with a view to providing training courses for personnel of the Central Bureau of Statistics, the Supreme Judicial Council, the Office of the Public Prosecution, the Committee for the Harmonisation of Domestic Legislation, the Ministry of the Interior and the Ministry of Justice. At this stage, the courses are intended to address the three priorities identified by the Committee on the Elimination of Racial Discrimination, particularly vis-à-vis the experience of other countries in aligning domestic laws with the Convention and respect for the right to freedom of opinion and expression. However, due to the COVID-19 pandemic, the courses have been postponed, although there is continuous follow-up with the OHCHR bureau.

## **Racist hate speech and hate crimes**

### **Paragraph 20 (b): Ensure that laws are not used to intimidate, harass, arrest, detain or prosecute journalists, human rights defenders or political opponents for exercising their right to freedom of opinion and expression**

26. Before considering the efforts that have been made to act upon this recommendation, reference must first be made to the Committee's general recommendation No. 35 on "combating racist hate speech" in which it identifies and names hate speech phenomena and explores the relationship between speech practices and the standards of the Convention. Paragraph 14 of that recommendation reads as follows:

"Public denials or attempts to justify crimes of genocide and crimes against humanity, as defined by international law, should be declared as offences punishable by law. ... The Committee also underlines that 'the expression of opinions about historical facts' should not be prohibited or punished." In paragraph 15 of its general recommendation, the Committee states that the following contextual factors need to be taken into account when considering whether to classify speech as hate speech: "the economic, social and political climate prevalent at the time the speech was made and ... the objectives of the speech". In particular, it is important to emphasize the Committee's

view that “speech protecting or defending the human rights of individuals and groups should not be subject to criminal or other sanctions”. It follows, then, that documenting historical facts regarding the struggle of the Palestinian people as well as demanding protection for their rights and an end to the Israeli colonialist occupation cannot in any way be classified as hate speech. To attempt such a classification is to subvert international law and to violate the Palestinian people’s right to self-determination and their legitimate struggle for freedom and independence, and it is inconsistent with the Committee’s own recommendation on self-determination.

27. In that context, the State of Palestine can confirm that it condemns hate speech and will continue to combat it. At the same time, it affirms that demonstrating the reality of the colonialist occupation is a right – a duty, even – that it will continue to exercise until such time as the occupation has ended and the State of Palestine has achieved independence, in spite of the systematic campaign of denigration pursued by Israel, the occupying power. That campaign, which is spearheaded by the Israeli Ministry of Strategic Affairs and Israeli internal security forces, aims to divert the attention of the international community away from violations and to accuse the Palestinian people of engaging in hate speech. At the same time, Israel pursues systematic and widespread policies of arresting journalists and human rights defenders in order to undermine their social, cultural and political role and to prevent them from exposing violations and conveying the truth.

28. Moreover, extremist pro-Israeli NGOs such as NGO Monitor, UK Lawyers for Israel and the so-called UN Watch, propagate and incite racism while continuing to deny – in fact, attempting to justify – the international crimes perpetrated against the Palestinian people. Those NGOs may, then, be classified as racist organizations that comprehensively engage in hate speech as per paragraph 21 of the Committee’s general recommendation on combating racist hate speech, which requires such organizations to be declared illegal and prohibited.

29. Palestinian journalists face repression and violations in many forms at the hands of Israeli occupying troops, including being pursued and arrested while reporting. Some are even assassinated or otherwise prevented from covering events. The violations they face range from targeted killing to injury (fractures, burns, suffocation) beatings, the destruction of press equipment and arbitrary detention without specific charges. In addition, they are often prevented from gaining access to areas where incidents take place. For example, in November 2019 the journalist Moaz Amarna lost his left eye when covering attacks by the Israeli occupying forces against Palestinian demonstrators during popular protests in the city of Hebron.

30. In that context, the statement released by 47 United Nations special rapporteurs on 16 June 2020 reads: “Palestinian and Israeli human rights defenders, who peacefully bring public attention to these violations, are slandered, criminalized or labelled as terrorists.” The statement also says that “restrictions on the media and freedom of expression, the targeting of women activists and journalists” constitute flagrant human rights violations against the Palestinian people.<sup>6</sup>

31. Operations to prevent media coverage include direct targeting against news organizations. This is what happened to Palestine TV, which saw its offices in Jerusalem closed for six months at the end of last year by order of the Israeli Minister of the Interior. On 10 May 2020, the closure order was renewed for a further six months and teams from the channel were forbidden from carrying out any media activities or coverage from Jerusalem. The closure of any media outlet – and especially such a large one as Palestine TV – is a very dangerous step to take as it constitutes an outright ban on the coverage of events and a blackout of current affairs for an extended period, not merely an embargo on covering a single incident.

32. According to a report of the commission on freedom of the Journalists’ Syndicate a total of 259 Israeli violations against journalists on the territory of the State of Palestine were recorded in the first half of 2020. The report states that 59 violations were registered in

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<sup>6</sup> OHCHR, “Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability” (Geneva: 16 June 2020) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960&LangID=E>.



Jerusalem, which are the most serious violations as they indicate direct targeting to prevent media coverage in the capital. In addition, 14 journalists suffered gunshot wounds from the Israeli occupying forces, 7 received direct bodily injuries from tear gas, sound bombs and water cannon and there were 41 cases of asphyxia due to tear gas. The occupying forces arrested 17 journalists and detained 96 to prevent them from filming and covering events. In all, 16 journalists were brought before the Israeli courts and 7 were summoned to appear. More than 50 journalists were targeted with tear gas while an increasing number were subject to fines, violations and expulsions from the old city of Jerusalem and the Al-Aqsa Mosque.<sup>7</sup>

33. The forces of the Israeli colonialist occupation also target media outlets by bombing and destroying their headquarters and vehicles, or by closing them down for some aspect of their coverage or by pirating Palestinian satellite channel frequencies. In the same context Israel, the occupying power, continues to hold a number of Palestinian journalists in its prisons. The oldest of these is Mahmoud Issa from Jerusalem who was sentenced to life imprisonment and has been held since 1993.

### **National efforts made in this regard**

34. A mechanism for reporting on the safety of journalists and the issue of impunity in Palestine was established in June 2019. The mechanism, which reports crimes and violations against journalists in the territory of the State of Palestine, brings together a number of government bodies including the Office of the Prime Minister, the Ministry of Information, the Ministry of the Interior and the Ministry of Foreign Affairs and Emigrants, as well as the Palestinian Journalists' Syndicate (which is the national partner in Palestine of the United Nations Educational, Scientific and Cultural Organization (UNESCO)) and civil society institutions.

35. Using the knowledge and expertise of its members, the mechanism documents violations against journalists then submits its reports to UNESCO. The mechanism also offers vocational training on how to document human rights violations against journalists in cooperation with Al-Haq, the Independent Commission for Human Rights and OHCHR.

36. The Journalists' Syndicate has organized a number of training courses – in which more than 200 journalists have taken part – on the safety of journalists and how to interact with security forces in the field. In cooperation with the Ministry of the Interior and the Independent Commission for Human Rights, the Syndicate has also held workshops – for both security agencies and journalists themselves – on best practices to ensure the safety of journalists in the field. The Syndicate issues periodic reports concerning violations against journalists, which are then circulated at the international level thanks to the fact that the Syndicate is a member of the International Federation of Journalists. In that context, the 2020 report of the commission on freedom of the Journalists' Syndicate points to a significant fall in the number of violations against journalists and to a tangible concern on the part of the Government of the State of Palestine to respect press freedoms.<sup>8</sup> In fact, the Government repeatedly underscores its respect for media freedom and freedom of expression and its openness to and engagement with constructive criticism, to which end it enacts policies and legislation that serve to protect citizens and journalists.

37. The State of Palestine is fully committed to raising awareness among the judiciary and law enforcement officials about protecting human rights and public freedoms and suppressing hate speech, while respecting the right to freedom of opinion and expression. It likewise undertakes not to use the law to intimidate journalists, human rights defenders and political opponents. A comprehensive programme has been rolled out to train judges in the

<sup>7</sup> Palestinian News and Information Agency (Wafa): “Two hundred and fifty-nine Israeli violations against journalists in the first half of 2020” (Ramallah 23 July 2020) <https://www.wafa.ps/Pages/Details/6574>.

<sup>8</sup> Palestinian News and Information Agency (Wafa): “Two hundred and fifty-nine Israeli violations against journalists in the first half of 2020” (Ramallah 23 July 2020) <https://www.wafa.ps/Pages/Details/6574>.

Convention with a view to ensuring that it is duly applied in court rulings during the coming judicial year 2020/21.

38. In that connection, electronic records of the courts in the State of Palestine show that, in the period between August 2019 (when the report of the State of Palestine was discussed before the Committee) and 20 August 2020 a total of 79 cases were recorded that concerned hate speech and freedom of opinion and expression. The courts handed down a total of 25 acquittals and just 3 convictions. In two of the latter, the accused received prison terms of 3 months and in the third a fine of 200 Jordanian dinars, also payable in other legal tender. The other 51 cases are still under review. The noteworthy development is the proportion of acquittals relative to the total number of cases and to the number of convictions. In fact, 32 per cent of such cases recorded in the year have already ended in acquittal as have 90 per cent of all cases in which a decision has been rendered. This shows that the Convention is being applied.

#### Cases concerning freedom of opinion and expression

<i>Legal provision</i>	<i>No. of recorded cases</i>	<i>No. of acquittals</i>	<i>No. of convictions</i>	<i>No. of cases still under review</i>
Article 58 of the Criminal Code regarding incitement to sectarianism	58	18	0	40
Article 24 of the Cybercrime Act regarding the publication of information over the Internet liable to incite racism	15	4	3	8
Article 161 of the Criminal Code regarding the incitement of others to commit acts of racism and sectarianism	5	3	0	2
Articles 37 and 48 of the Press and Publications Act regarding the publication of information concerning security and the police	1	0	0	1
<b>Total</b>	<b>79</b>	<b>25</b>	<b>3</b>	<b>51</b>

39. The Office of the Public Prosecution of the State of Palestine is drawing up a unified guide of operating procedures regarding cybercrime. In addition, the Ministry of the Interior has collaborated with national human rights institutions and international agencies to issue a guide for dealing with journalists in the field. The guide has been used in a number of interactive workshops that have been held in all governorates for members of security agencies and representatives of the Journalists' Syndicate. In all, around 300 persons from the security forces and media institutions, as well as journalists, participated in the initiative. The Ministry of the Interior is also continuing to run workshops for security personnel, that focus on the demarcation line between freedom of opinion and expression and incitement.

40. It should be noted, moreover, that the State of Palestine is working with other member States of the League of Arab States to issue an Arab guiding law to prevent, combat and criminalize hate speech and to promote dialogue and tolerance among all segments of society, in line with the relevant international treaties. The State of Palestine will undertake to abide by all the provisions of that law and to adapt its domestic legislation thereto, in order to promote the principles of equality and non-discrimination.