



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted by
States parties under article 9 of the Convention**

List of themes in relation to the combined initial and second periodic reports of the State of Palestine

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Up-to-date data on the demographic composition of the population in the whole of the State party's territory, disaggregated by race and ethnic or national origin. Detailed data and information on the enjoyment of the rights under the Convention by racial, ethno-religious and national minority groups (CERD/C/PSE/1-2, paras. 23–26 and 162).

3. Disaggregated data on the number of non-citizens, including stateless persons, migrants, refugees and asylum seekers in the State party, and information on measures taken to ensure their enjoyment of their rights under the Convention, without discrimination (CERD/C/PSE/1-2, paras. 26, 91, 97, 117 and 121).

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1–4 and 6)

4. Lack of a comprehensive definition of racial discrimination in line with article 1 of the Convention. Full compliance of article 9 of the Amended Basic Law of 2003 with the Convention. Efforts to revise the Jordanian Penal Code of 1960 (applicable in the West Bank) the Penal Code of 1936 (applicable in the Gaza Strip) and the draft penal code of 2011, to prohibit and punish discrimination in accordance with the Convention (CERD/C/PSE/1-2, paras. 27 and 33; CEDAW/C/PSE/CO/1, paras. 10–11).

5. Full incorporation of the provisions of the Convention into national legislation, including through publication in the official gazette, and measures to ensure its implementation in the Gaza Strip and the West Bank, including in East Jerusalem (CEDAW/C/PSE/CO/1, paras. 12–13).



6. Compliance of the Supreme Constitutional Court's decision No. 4 of 19 November 2017, holding that treaties acceded to by the State party take precedence over national law only insofar as they are consistent with the national, religious and cultural identity of the Palestinian people, with the State party's obligations under the Convention (CERD/C/PSE/1-2, paras. 20, 27 and 36; CEDAW/C/PSE/CO/1, paras. 12–13).

7. Time frame for the legislative review by the committee for harmonizing legislation to ensure compliance with the Convention. Harmonization of the different sets of laws implemented in the Gaza Strip and the West Bank to ensure that all persons living under the jurisdiction of the State party are afforded equal protection under the law, in line with the Convention (CERD/C/PSE/1-2, paras. 4 and 36; CEDAW/C/PSE/CO/1, paras. 14–15).

8. Steps to amend discriminatory laws, including the Civil Service Code, the Egyptian Family Rights Law (applicable in the Gaza Strip) and the Jordanian Personal Status Law (applicable in the West Bank) and the Decree Law on General Elections, to ensure their compliance with the Convention (CERD/C/PSE/1-2, paras. 78, 83, 102 and 117; CEDAW/C/PSE/CO/1, paras. 14–15).

9. Detailed information on the implementation of legislative provisions that prohibit, in accordance with article 4 of the Convention, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination or acts of violence and organizations that promote and incite racial discrimination (CERD/C/PSE/1-2, paras. 50 and 54).

10. Detailed information and data, disaggregated by the race and ethnic or national origin of the alleged victims, on complaints of racial discrimination, hate crimes and hate speech handled by the national courts, the Independent Commission for Human Rights, the Complaints Department at the Ministry of Endowments and Religious Affairs or other relevant Palestinian institutions, and the number of investigations, prosecutions and convictions of perpetrators (CERD/C/PSE/1-2, paras. 39, 52–53 and 149).

11. Activities to raise the awareness of the public of their rights under the Convention and the available complaint mechanisms (CERD/C/PSE/1-2, para. 53). Steps to revitalize the National Legal Aid Commission, finalize the strategic plan on legal aid and adopt the draft law to establish a legal aid fund for victims of racial discrimination (CERD/C/PSE/1-2, para. 151; CEDAW/C/PSE/CO/1, paras. 16–17).

12. Information on measures taken to provide the Independent Commission for Human Rights with adequate resources and with a specific mechanism for monitoring and evaluating progress in the implementation of the Convention in an independent and transparent manner (CERD/C/PSE/1-2, para. 39).

Situation of ethnic and ethno-religious groups (arts. 1, 5 and 7)

13. Situation of racial, ethno-religious and national minorities, in particular Samaritan, Armenian, Afrodescendent, Syriac, Maghribi, Kurd, Roma, Turkmen, Ahmadi, Druze, Bosnian, Circassian, Maronite, Druze and Baha'i minority groups, and their ability to fully enjoy all the rights covered by the Convention without discrimination (CERD/C/PSE/1-2, paras. 25, 119–120 and 162).

14. Information and data on the representation of racial, ethno-religious and national minorities in political and public life, including in State institutions and the administration at all levels (CERD/C/PSE/1-2, paras. 25 and 162).

15. Enjoyment by Bedouin communities of their rights to housing, health care, education, employment, basic services and freedom of movement, without discrimination (CERD/C/PSE/1-2, para. 26).

Situation of non-citizens (arts. 1, 2, 5 and 6)

16. Measures to unify and clarify the complex set of laws governing nationality (CERD/C/PSE/1-2, paras. 95–96 and 98–99). Efforts to address the issue of nationality for Palestinians who are deprived of citizenship owing to prolonged refugee status abroad and

to discriminatory citizenship laws in the occupied Palestinian territory, in particular in East Jerusalem (CERD/C/PSE/1-2, para. 100; CEDAW/C/PSE/CO/1, paras. 32–33).

17. Extent of human trafficking in the State party. Process of modernizing legislation to combat human trafficking and exploitative practices associated with trafficking, including forced labour, sexual exploitation and domestic servitude (CEDAW/C/PSE/CO/1, paras. 28–29). Complaints, investigations, prosecutions, convictions, sanctions and redress and rehabilitation measures for victims.

Education to combat prejudices and promote understanding (art. 7)

18. Awareness-raising on the negative effects of racial discrimination and the need for tolerance and understanding among different groups, including in school curricula and vocational training programmes, with a view to combating racial stereotypes and prejudices. Details on the State party's citizenship programme and programme on human rights and international humanitarian law. Impact of the implementation of the National Strategic Plan for Culture 2014–2016 (CERD/C/PSE/1-2, paras. 156–162).
