

**Mandates of the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on the human rights to safe drinking water and sanitation**

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(Please use this reference in your reply)

4 June 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the rights of peasants and other people working in rural areas; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 54/9, 53/4, 58/10, 52/10, 50/6, 1993/2A and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the systematic and escalating violations that Israel, as the occupying power, is committing against Palestinian peasants and rural workers in the West Bank, including East Jerusalem. The allegations take place in the context of Israel's obligations under the IV Geneva Convention, article 49 and Hague Regulations, articles 46, 52 and 55, and the Advisory Opinion rendered by the International Court of Justice on 19 July 2024, which ordered Israel to withdraw the occupation, dismantle the colonies and end henceforth the exploitation of Palestinian natural resources. Besides the impact on the Palestinian peasants and rural workers, the human rights violations have included targeted attacks against civilians, causing death and injury, in addition to the destruction of housing, land, water infrastructure, and other property – including housing – belonging to peasants, farmers, herders and rural communities in Palestine.**

According to the information received:

*Systematized Dispossession of Palestinian Peasant Land*

As of December 2024, over 770,000 Israeli settlers reportedly resided in the West Bank and East Jerusalem across 180 settlements and 256 outposts, 138 of these outposts are classified as agricultural or pastoral, blocking Palestinian access to 489,000 dunums of land (1 dunum is equal to 1,000 m<sup>2</sup>). In 2024, 51 new illegal outposts were built, 36 of which are pastoral, specifically designed to seize large swaths of Palestinian land and prevent agricultural cultivation. On 10 February 2025, the Israeli Government issued six military

orders to seize a total of 16,200 dunums under the pretext of "pastoral activity" for settlers. These orders primarily target agricultural and pastoral lands across multiple Palestinian governorates, including:

- Salfit and Ramallah Governorates: 2,600 dunums in Deir Ballut and Al-Lubban Al-Gharbi;
- Ramallah Governorate: 1,505 dunums in Kafr Malik and 4,900 dunums in Deir Jarir;
- Jericho Governorate (Al-Far'a Valley): 426 dunums;
- Tubas Governorate: 8,700 dunums.

It is reported that the Israeli Settlements Administration, established in 2023, now has sole authority over settlements, bypassing the defence minister. This allegedly accelerates settlement expansion as civil – not military – control now dictates settlement planning, land seizures, and the systematic denial of Palestinian construction permits. As of December 2024, the Settlements Administration's Higher Planning Council held weekly meetings to approve settlement building and expansion plans. In the two months since its establishment, it reportedly approved hundreds of new settlement units every week, which appears to signify a normalization of ongoing settlement expansion and land occupation.

#### *Violence against Palestinian peasants and other people working in rural areas*

Armed settlers reportedly often operate in coordination with the Israeli Defence Forces (IDF), and they have attacked Palestinian villages, burned homes, poisoned water sources, and destroyed crops in the West Bank. According to the reports received, incidents of violence have included:

- 16,600 total assaults by settlers and IDF in 2024;
- 2,274 settler attacks in 2024 on Palestinian agricultural land, including arson, livestock theft, and the poisoning of water sources;
- In 2024, 1,768 Palestinian-owned structures, including homes, were demolished, either by Israeli authorities or the owners, who were forced to do so by the authorities. Demolitions are typically carried out due to lack of Israeli-issued permits, which are nearly impossible to obtain, but in some cases the circumstances are different, including punitive demolitions and demolitions carried out as part of military activities.<sup>1</sup>

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<sup>1</sup> [Data on demolition and displacement in the West Bank | United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory](#)

- 1,697 incidents of Israeli settler violence causing Palestinian civilian casualties or property damage in from 1 January 2024 to 28 February 2025. In March 2025 alone settler attacks resulted in more than 1,400 sheep and goats stolen or killed, and over 380 olive trees and fruit trees vandalized;
- 26,100 trees were destroyed by Israeli settlers in 2024;
- Israeli settler attacks resulted in the killing of five Palestinians (including a child) and the injuring of 360 (including 35 children) in 2024, with 111 additional settler attacks reported to 28 February 2025;
- Between 1 January and 21 April, 2025 the IDF allegedly killed 123 Palestinians (including 19 children) and injured 1,025 Palestinians (including 216 children), across the West Bank);
- Israeli settler attacks and intimidation targeting Bedouin and herding communities in the West Bank has resulted in the forcible displacement of over 300 Bedouin families comprising 1,762 people (including 856 children) in 2024; and
- In the months of January and February 2025, across the Ramallah, Hebron, Bethlehem, Tubas and Nablus governorates, Israeli settlers routinely beat or shot Palestinian farmers. Soldiers joined in or opened fire on protesters in Al Mughayyir and Qusra, while tear-gas barrages in Qalqiliya compounded settler violence.

### *Economic Harm & Destruction of Agriculture*

The Israeli Government is alleged to be systematically undermining Palestinian food production through actions that have included: 898 movement obstacles (checkpoints, roadblocks, and gates) preventing farmers from reaching their land, herders from grazing their livestock, and communities from accessing basic needs such as safe drinking water, food, markets, medical centers, educational facilities, and humanitarian support. Among other attacks, on 1 April 2025 water infrastructure was targeted, damaging to irrigation networks, water tanks, and pipelines, including the destruction of a 1,700-metre pipeline serving over five dunams of farmland in An Nazla ash Sharqiya village, in Tulkarm governorate.

In addition, 2,800 dunums of greenhouses and 10,000 dunums of open fields in Tammun, Tubas governorate, are currently inaccessible to Palestinians due to Israeli-imposed access restrictions. Furthermore, Palestinian farmers and herders face threats to the survival of their livestock due to supply chain disruptions, limited access to essential resources; including the elimination of grazing areas which have been seized for settlement expansion.

As a result, Palestinians have suffered the following detrimental consequences on their agriculture and economy:

- The direct agricultural damages in the West Bank between 7 October 2023 and late 2024 are reported to reach approximately 76 million USD;
- Between 7 October and 31 December 2023, Palestinian farmers and herders experienced an estimated 22,585,410 USD in damages;
- In 2024, the West Bank GDP declined by more than 19 per cent, and the unemployment rate rose to 35 per cent. The total Palestinian GDP declined by 28 per cent and the total unemployment rate rose to 51 per cent; and
- In 2024, the formal agricultural sector declined 17 per cent in the West Bank, and 32 per cent in all of Palestine (91 per cent in Gaza Strip), for a total loss of 564 million USD.

Palestinian farmers reportedly lost an estimated 8.5 million USD in direct damages due not being able to harvest their olives due to Israeli settler attacks and movement restrictions in 2024, with additional indirect losses of 1.5-2 million USD (nearly 70,000 workdays).

Without wishing to prejudge the accuracy of the information received, we express serious concern at the acts of the Israeli Government and Israeli settlers, which appear to constitute a systemic and widespread pattern of intimidation, threats, violence and human rights violations caused to Palestinian peasants, Bedouins, farmers, herders and rural communities. These violations allegedly include the arbitrary deprivation of life, bodily harm, destruction or damage to homes and properties, and the loss of livelihoods. We are concerned that many such acts have violated international human rights and humanitarian laws and undermine the right to life, the right to an adequate standard of living, including food, adequate housing, and safe drinking water and sanitation, and right to fair legal system and access to justice.

In addition to the absolute and non-derogable prohibition under international human rights and humanitarian law, the right not to be arbitrarily deprived of life is a *jus cogens* obligation and should be respected and protected at all times, without possible derogation or exception even in times of war or security emergencies.

The continued attacks targeting Palestinian Bedouin, peasant and rural communities do not appear to be incidental, but rather an intentional strategy to sever Palestinians from their land, erase their presence in key agricultural areas, and undermine their food security and food sovereignty. By eliminating the ability of Bedouin and rural communities to produce their own food and creating conditions of forced displacement where Palestinians are left with no choice but to flee due to unliveable conditions, those detrimental actions would lead to a de facto annexation of the West Bank, particularly in areas where Israeli policies are pushing for full settlement integration.

We reiterate to your Excellency's Government that, as the occupying power in the West Bank, Israel bears the obligation to take necessary measures to safeguard Palestinian communities at risk of displacement, as well as those defending their rights, livelihoods, and lands. This includes halting illegal settlement expansion and related threats to life, ensuring impartial and thorough investigations into these violations by independent authorities, prosecuting those responsible, and guaranteeing victims of forced displacement and other human rights abuses have access to justice, redress, and reparations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on concrete measures taken or envisaged, pending the withdrawal of your presence from the area, to protect the right to life of Palestinian peasant, herders and rural communities in the West Bank and east Jerusalem, and to prevent their arbitrary deprivation of life, including through ensuring prompt, thorough, complete, independent, impartial and transparent investigation into all allegations of threats/violations of their right to life, in accordance with [the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions \(Minnesota Protocol\)](#).
3. Please provide information on measures being taken to investigate attacks committed by Israeli settlers, with a view to prosecute those responsible; on the mechanisms that provide access to justice for affected Palestinian peasants, Bedouin and rural workers, and the remedies provided for damages suffered and to families of victims.
4. Please provide information on the measures undertaken or envisaged, pending the withdrawal of your presence from the area, to ensure the human rights to food and housing, and related land and property rights, as well as the human rights to safe drinking water and sanitation of Palestinians in all areas of the West Bank impacted by Israeli soldier and settler violence, as well as the protection of those engaging in the defence of the rights of the communities. Please inform on the measures taken to document violations thereof, ensure accountability for perpetrators, and provide appropriate compensation, restitution, reparations and remedy for those affected.

5. Please provide information on measures taken, pending the withdrawal of your presence from the area, to ensure access to humanitarian assistance to Palestinian civilians in need, including internally displaced persons, and to facilitate rapid and unimpeded access by humanitarian actors to populations in need.
6. Please describe measures taken, pending the withdrawal of your presence from the area, to ensure that Palestinian communities in the West Bank and east Jerusalem impacted by Israeli settler violence, demolitions, and access restrictions are afforded the protections required by the Fourth Geneva Convention, pending an end to Israel's unlawful presence in the Occupied Palestinian Territory as mandated by the International Court of Justice.
7. Please provide information on the measures undertaken or envisaged, pending the withdrawal of your presence from the area, to prevent further arbitrary displacement, and provide protection and assistance to internally displaced persons during their displacement, investigate violations of their rights, and ensure accountability for perpetrators and remedy to victims. Please also provide information on measures to ensure the right to return of arbitrarily displaced persons, or if return is no longer feasible or desired – on measures to facilitate resettlement or reintegration.
8. Please provide an update on measures taken or envisaged, pending the withdrawal of your presence from the area, to comply with the Advisory Opinion of the International Court of Justice issued on 19 July 2024, including the obligations to:
  - (a) Bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible.
  - (b) Cease all new settlement activity, repeal legislation and measures creating or maintaining the unlawful situation, including measures that discriminate against the Palestinian people and aim to modify the demographic composition of any parts of the territory.
  - (c) Provide full reparation for the damage caused by its internationally wrongful acts and restitution of land, housing and other immovable property and all assets and cultural property seized since the start of its occupation in 1967, or compensation in lieu thereof.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this letter is being sent to the Government of the State of Palestine.

Please accept, Excellency, the assurances of our highest consideration.

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## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to refer to article 3 of the Universal Declaration of Human Rights, which provides that every individual has the right to life, liberty and security of the person. The right to life constitutes a jus cogens, peremptory norm from which no derogation is permitted. It applies at all times including during armed conflicts and is further enshrined in article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, and in Common article 3 to the four Geneva Conventions that provides for the customary norm according to which persons taking no active part in hostilities shall be treated humanely and should not be subject to violence to life and person.

We further highlight that an integral part of the right to life is the conduct of thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions, in accordance with international standards including those set out in [the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions \(Minnesota Protocol\)](#). Immediate and effective measures must be adopted to hold accountable those responsible, guarantee non repetition of such violations, and provide full reparation for families of victims, in compliance with the State's obligations under International Humanitarian and Human Rights Law.

General comment No. 36 on the right to life adopted by the Human Rights Committee states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States but also positive obligations to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, are contrary to article 6 of ICCPR that protects the right to life. Furthermore, the Committee indicated that the obligation to respect the right to life entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and to exercise due diligence to protect the lives of individuals against deprivations even if caused by persons or entities not attributable to the State. This absolute and non-derogable obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life.

We remind your Excellency's Government that all potential violations of the right to life, as outlined in article 6 of the ICCPR, should be investigated when appropriate ex officio and the Government should support and cooperate in good faith with international mechanisms of investigation and prosecutions addressing these potential violations in an independent, impartial, prompt, thorough, effective, credible,

and transparent manner, in compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

We would also refer to article 17 of the ICCPR and 12 of the UDHR, recognizing the right of everyone not to be subjected to arbitrary interference with his or her privacy, family, home or correspondence in connection with the above alleged facts and concerns.

While Israel remains the unlawful occupying power, it is bound by the obligations set out in the Fourth Geneva Convention of 1949 on the protection of the civilian population during armed conflicts, additional protocol I of 1977 to the Convention, and customary international humanitarian law throughout the occupied Palestinian territory.

We would like to recall that under article 49 of the Fourth Geneva Convention, ratified by Israel on 6 July 1951, individual or mass forcible transfers of protected persons by the Occupying Power are prohibited, as is the transfer by the Occupying Power of its own civilian population into the territory it occupies. Forcible transfer is defined as a war crime and a crime against humanity in the Rome Statute. “Forcible” in the context of the Rome Statute has been interpreted as not solely restricted to physical force, and may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment. The applicability of the 1949 Fourth Geneva Convention to the situation in the occupied Palestinian territory has been the subject of consecutive legal affirmation (see the ICJ Advisory Opinion on the Wall 2004) as well as political affirmation (including through UNGA res A/RES/76/82 of 9 December 2021). We wish to further recall that article 53 prohibits “[a]ny destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations” except “where such destruction is rendered absolutely necessary by military operations”.

We remind your Excellency’s Government that on 19 July 2024, the International Court of Justice issued an Advisory Opinion on the “Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”. The International Court of Justice declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions. The Court affirmed, *inter alia*:

“The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful”; that “this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967”; and that “this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law”.

The Court further reaffirmed “that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained in violation of international law (see *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 184, para. 120).” The Court also noted “with grave concern reports that Israel’s settlement policy has been expanding since the Court’s Wall Advisory Opinion. In particular, in December 2022 Israel’s parliament approved the establishment of an additional minister within the Ministry of Defense vested with governing powers in the West Bank, including land designations, planning and co-ordination of demolitions, which would expedite the approval process for new settlements.”

The Court determined that Israel’s “policies and practices amount to annexation of large parts of the Occupied Palestinian Territory” and recalled that “to seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force.” Among the policies and practices cited by the Court in its determination that Israel’s actions constitute annexation was “the displacement of the local population from the occupied territory, which sustains Israel’s settlement policy, also advances the integration of the territory.” The Court clarified that “Israel’s policies and practices induce the departure of the Palestinian population from parts of the Occupied Palestinian Territory, notably from East Jerusalem and Area C in the West Bank. This, in turn, enables the further expansion of Israel’s settlement policy and the ready integration of Palestinian territory into Israel.”

The ICJ observed that “almost the entire Area C has been allocated to settlements, or it has been designated as closed military zones and nature reserves. While these areas are accessible to all settlers and holders of an entry permit to Israel, including non-Israeli Jews, Palestinians in the Occupied Palestinian Territory require a special permit to access them” and that this and other legislation and measures served to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities” which it determined to constitute a breach of article 3 of CERD.

The ICJ also unequivocally affirmed that “occupation cannot transfer or confer sovereign title to the occupying Power over the territory that it occupies”, reaffirming that “the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies”. It is to be noted that the Court explicitly affirmed that Israel’s security concerns cannot override the prohibition of the acquisition of territory by force, a peremptory norm.

The International Court of Justice mandates Israel to terminate its occupation, dismantle settlements, provide reparations to Palestinian victims, and facilitate the return of displaced people.

In December 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants (UNDROP). Article 6 of UNDROP guarantees

peasants and other people working in rural areas the right to life, liberty, and personal security. This includes protection from violence, harassment, intimidation, and arbitrary detention, particularly when defending their rights, land, and resources. States are obligated to take measures to prevent and punish violence against peasants, including actions by private actors such as corporations or landowners. States must also ensure that peasants can safely exercise their human rights, including their right to peaceful protest, without fear of retaliation. In partnership with rural communities, states should adopt legal frameworks and policies that safeguard personal security and uphold the rule of law, ensuring that peasants and rural workers live free from threats and can fully participate in society. These protections are crucial to maintaining the dignity and safety of rural populations as they engage in the defence of their livelihoods and territories.

In addition, article 15 of UNDROP affirms the right of peasants and other people working in rural areas to land, water, and other natural resources essential for their livelihoods. This includes the right to access, use, and manage these resources sustainably and equitably, based on traditional practices and in ways that preserve the environment for future generations. States are obligated to protect these rights by ensuring that peasants are not arbitrarily deprived of their land or resources, preventing land grabbing, and promoting equitable land distribution. Article 15 also calls on states to respect customary land tenure systems, recognize collective land ownership, and provide legal protection against forced evictions and displacements. Additionally, states must support peasants in their efforts to sustainably manage natural resources, ensuring that land and resource policies align with the principles of equity, sustainability, and human rights. By securing access to land and resources, article 15 aims to promote rural development, food security, and the environmental stewardship of rural communities.

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction (principle 3(1)). Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request (principle 3(2)). All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored to avoid displacement altogether.

Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(1)). If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall

be complied with: (a) A specific decision shall be taken by a State authority empowered by law to order such measures; (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) The free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)).

Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (principle 9). Every human being has the right to dignity and physical, mental and moral integrity. (principle 11).

In light of the Advisory Opinion, it is particularly important to draw attention to the recognition therein of the denial of the right of the Palestinian people to self-determination. This is a *jus cogens* norm, enshrined by common article 1 of the ICCPR and ICESCR as the bedrock of international human rights law, and recognized as the prerequisite to the enjoyment of human rights. It is a recognition by states that without the right to self-determination, it is impossible to realise all other human rights. As such, it has an interpretive function for the construction of all human rights protections. Where a people are denied their right to self-determination, this must inform the way in which human rights protections are constructed vis-à-vis the state being asked to protect them. In particular, the positive and negative obligations of that State party should aid in enabling the fulfilment of the right of the people themselves to self-determine the protection and realisation of all their human rights.

ICESCR requires States to take appropriate steps to ensure the realization of the right to an adequate standard of living, including adequate food and housing (article 11(1)). While article 11(1) is subjected to progressive realization to the maximum of States available resources, article 11(2), provides “the fundamental right to freedom from hunger and malnutrition,” which is of immediate application. In interpreting this provision, the Committee on Economic Social and Cultural Rights (Committee) stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). Thus, the right to food entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7). Additionally general comment 12 further underlines, the obligations to respect existing access to adequate food requires State parties and to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the state must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security

(para. 15.) Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

In its general comment No. 4, the Committee on Economic, Social and Cultural Rights has stated that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of “merely having a roof over one’s head”, but it should rather be seen as the right to live somewhere in security, peace and dignity. The Committee has also underscored the State’s obligation to ensure security of tenure and legal protection against forced eviction, harassment, and other threats (paragraphs 7 and 8). In its general comment No. 7, the Committee concluded that forced evictions are “prima facie incompatible with the requirements of the Covenant” and are performed “against the will of individuals families and/or communities” and “without the provision of, and access to, appropriate forms of legal or other protection” (general comment No. 7, paragraphs 1 and 3). Hence, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. Paragraph 15 of the same general comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness nor vulnerability to the violation of other human rights (paragraph 16), and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Furthermore, evictions are only legitimate under international human rights law if they strictly comply with the Basic Principles and Guidelines on development-based Evictions and Displacement (A/HRC/4/18, annex).

Moreover, we wish to underscore that the systematic or widespread destruction of housing, including of informal settlements, may amount to “domicide” if they form part of an attack directed against any civilian population. In the report on the right to adequate housing during violent conflict, the Special Rapporteur on the right to adequate housing established that the deliberate destruction of homes may also constitute a crime against humanity (A/77/190). He also called upon States to establish and enhance “participation mechanisms for affected communities and victims of housing rights violations, including ethnic or religious minorities” in order to “understand and address their distinct and unique vulnerabilities and risks.” He also called upon government officials and military and security forces to ensure that their actions “are compliant with international humanitarian law, international human rights law and international criminal law.”

We also wish to recall the report by the Special Rapporteur on the right to adequate housing on spatial segregation (A/HRC/49/48) in which he called upon States to “refrain and desist from actively pursuing segregationist policies and practices, resulting in the violation of the right to adequate housing and the prohibition of

discrimination.”

We further wish to draw the attention of your Excellency’s Government to CESCR’s general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups, and should respect and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”. In this regard, we would like to refer to the Special Rapporteur on the human rights to water and sanitation report, A/HRC/51/24, in which he recommended Member States to recognize in national legislation the existence of Indigenous Peoples within their borders and their collective rights to lands, territories and natural resources, including aquatic ecosystems, with legal communal ownership of the lands, resources and water rights in their territories.

We further wish to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and

realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. In addition, article 12 provides that states “shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.