

Universal Periodic Review of Israel

Human rights situation in the Gaza Strip

Key issues and development since Israel's last UPR

Since Israel's last Universal Periodic Review in 2018, Al Mezan has documented a marked deterioration in the living and humanitarian conditions of over two million Palestinians living in the Gaza Strip. The main causes of these conditions are purely man-made and are to be found in Israel's closure of Gaza, which marked a grim 15th anniversary in June 2022, its apartheid policies and another two deadly military offensives against the Strip in May 2021 and August 2022.



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Unlawful closure and blockade on Gaza

Considered an unlawful collective punishment under international law, Israel's illegal land, sea, and air closure of Gaza started in 2007 and continues to this day. This policy segregates Gaza's two million residents in an isolated enclave in which they are denied fundamental freedoms and in which they are trapped in a state of protracted humanitarian catastrophe. Gaza has long been deemed uninhabitable, and in 2023 it does not allow for conditions to live a life with dignity. In other words, Israel's apartheid policies toward Gaza have turned the Strip into a bantustan.

Amongst the harshest forms of control over the Gaza Strip put in place by Israel are the restrictions on freedom of movement to, from, and within the Strip. Israel's permit regime has a particularly severe impact on medical patients, who are forced to seek urgent and lifesaving treatment otherwise unavailable in Gaza due to Israel's closure and repeated military attacks by being referred to hospitals in the West Bank, including East Jerusalem, Israel, and abroad.

Recommendations for Israel:

- Immediately, fully, and unconditionally lift the closure and blockade of the Gaza Strip and all associated unlawful restrictions imposed on the movement of people and goods to and from the Gaza Strip.
- Uphold its legal obligations as an occupying power and abolish any constraints on the freedom of movement of Palestinians, particularly medical patients from Gaza, through the abolition of the permit regime.

Use of lethal force against Palestinians in Gaza

In the past two years, Israel carried out two large-scale military operations against the Gaza Strip, killing hundreds of Palestinians—most of whom were civilians. Al Mezan's years of fieldwork and monitoring on the ground during each Israeli military offensive show that, in carrying out these operations, the Israeli military kills and injures Palestinian civilians and deliberately targets and destroys civilian objects, in complete disregard of the principles of distinction, proportionality and precaution enshrined under international humanitarian law.

Recommendation for Israel:

- Comply with the basic principles of international humanitarian law regulating the conduct of hostilities—including distinction, proportionality, and precaution—and stop the indiscriminate and disproportionate attacks and direct targeting of Palestinian civilians and civilian objects in the Gaza Strip.

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The Great March of Return

Since the last UPR cycle, Israeli forces targeted thousands of Palestinian civilians in the course of Gaza's Great March of Return, the weekly peaceful demonstrations demanding an end to the closure and the right of return for Palestinian refugees, who make up around two-third of Gaza's population. Because of their peaceful and non-violent nature, these demonstrations were a legitimate exercise of the rights to freedom of expression, peaceful assembly, and association, and took place in a law enforcement paradigm governed by international human rights law. Although no genuine threats were posed to Israeli soldiers or to surrounding communities, the Israeli military systematically suppressed the demonstrations using lethal and other excessive force directly targeting unarmed civilian protesters, media and medical personnel.

Recommendations for Israel:

- Stop using lethal force against peaceful protesters and civilians—including children, journalists, health workers and persons with disabilities—who pose no imminent threat to life.
- Ensure that the rules of engagement do not authorize lethal force against “main inciters” as a status but permit such force only as a last resort, where the person targeted poses an imminent threat to life or directly participates in hostilities. Prohibit targeting persons based solely on their actual or alleged affiliation to any group, rather than their conduct.

Lack of accountability and perpetuating impunity

Israel continues to maintain a criminal investigative system that fails to uphold the international standards requiring thorough, effective, independent and impartial investigations of suspected perpetrators of grave violations of international humanitarian and human rights law and prosecutions that are commensurate with the gravity of the acts committed. Al Mezan's long engagement with the system and its output long evidences that its primary function is to shield Israeli troops, military commanders and government leaders from criminal responsibility, making the State decisively unwilling or unable to act in accordance with international law.

Recommendation for Israel: Ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all of the obligations under the Statute. Fully cooperate with the Office of the Prosecutor as it carries out the investigation into the situation in Palestine.

Recommended advanced questions for Israel

- What steps has Israel taken to implement the recommendations of the 2018 United Nations Independent Commission of Inquiry on the protests in the occupied Palestinian territory to lift the blockade on Gaza with immediate effect, to fulfill the right to health of all Palestinians, to bring Israel's rules of engagement for the use of live fire in line with international human rights law and to refrain from resorting to excessive and lethal force in violation of international standards?
- What steps has Israel taken to implement the recommendations of successive United Nations Independent Commissions of Inquiry to comply with international human rights standards and that allegations of international crimes, where substantiated, are met with indictments, prosecutions, and convictions, with sentences commensurate to the crime, and to take all measures necessary to ensure that such investigations will not be confined to individual soldiers alone, but will also encompass members of the political and military establishment, including at the senior level, where appropriate?