



**Oral Intervention of Adalah**  
**NGO Briefing of the U.N. Human Rights Committee, in view of Israel's Fifth**  
**Periodic Report on its Implementation of the ICCPR**

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Committee Members,

In July 2018, the Israeli Knesset passed *the Basic Law: Israel as the Nation-State of the Jewish People*. The Basic Law constitutionally enshrines – for the first time – the identity of the State of Israel as the national home of the Jewish people *only*. As such, it denies the individual and collective rights of the Palestinian people as a whole, including the right to equality and the right to self-determination. The State Party has admitted to such in its report to this Committee.

The Basic Law legitimates existing systems of inequality, exclusion, and racism against Palestinians and provides a constitutional basis for the domination of Jewish people over non-Jewish citizens. It also legally obligates the State Party and its authorities to continue to pursue and adopt discriminatory practices, policies, and laws that contravene Israel's international human rights obligations, including to the ICCPR. Moreover, the Law contains no commitment to democratic norms or to equality, and no prohibition of discrimination on the basis of race, nationality, or ethnicity. There is no democratic constitution in the world that designates the constitutional identity of the state on racial grounds, as serving one ethnic group; the Basic Law asserts simply, "We, the Jewish People" solely and exclusively.

Of particular concern is Article 7 of the Law, which promotes Jewish settlement as a national value. This provision was passed to expressly guarantee constitutional justification for Israeli Jewish settlement throughout the occupied West Bank, including East Jerusalem. It also encourages the State Party to consolidate Jewish demographic majorities and establish exclusive Jewish towns at the expense of Palestinian communities within the Green Line, including Palestinian Bedouin citizens living in the Naqab (Negev), who are threatened daily with forced displacement from their homes and dispossession of their lands. The Basic Law thus renders land grabs, displacement, segregation, and racism as a constitutional norm.

International human rights experts and other UN-treaty bodies – including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social, and Cultural Rights, and numerous Special Rapporteurs – have expressed deep concern about the Basic Law and urged Israel to bring it in line with its international obligations or otherwise repeal the Law. However, rather than heed these recommendations, in July 2021, the Israeli Supreme Court upheld the Law in a ten-to-one decision, without any consideration of Israel's obligations under the ICCPR specifically, or under international human rights and humanitarian law more broadly.

Given the fundamental incompatibility of the Law as a whole with the Covenant, Adalah requests that this Committee unequivocally urge that Israel immediately cancel the Law and abstain from implementing it against all Palestinians under its control.