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**Human Rights Council 31th Session**

**Agenda Item 7**



**Introductory remarks by**

**Ms. Kate Gilmore**

**Deputy High Commissioner for Human Rights**

**Geneva, 21 March 2016**

Mr. President,

Distinguished Members of the Human Rights Council,

Excellencies,

Ladies and Gentlemen,

On behalf of the High Commissioner, I am pleased to introduce four reports, and an addendum, under agenda item 7, concerning the human rights situation in the Occupied Palestinian Territory and other occupied Arab territories.

In line with Human Rights Council resolutions S-9/1 and S-12/1, I present the High Commissioner’s eighth periodic report on the human rights situation in the Occupied Palestinian Territory. The report, which is based primarily on human rights monitoring carried out by OHCHR in the occupied Palestinian territory, highlights issues of concern and sets out recommendations with regard to each of the main duty bearers in the Occupied Palestinian Territory, namely the Government of Israel, the Palestinian Authority and the authorities in Gaza. An addendum to the High Commissioner’s periodic report, based on a desk review with inputs from some member states, UNCT and civil society, reviews all recommendations made by the 2009 fact finding mission and the 2014 commission of inquiry on Gaza, and provides detailed information on non-implementation of the recommendations.

By resolution 28/26, the Human Rights Council requested that the High Commissioner report on the status of implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem. The High Commissioner’s report pursuant to this resolution, addresses continued Israeli settlement activity; settler violence and lack of accountability; issues related to Palestinian detainees, including children in Israeli custody; and business and human rights in relation to the settlements. The report also reflects submissions received from Member States on the status of implementation of the recommendations contained in the report of the independent international fact-finding mission.

In addition to the two reports by the High Commissioner, two reports by the Secretary-General are before you. In accordance with Human Rights Council resolution 28/26 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, the report provides an update on Israeli authorities’ laws, policies and practices aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including through retroactive legalization of unauthorized outposts under Israeli law, declaration of state land, and zoning and planning policies. The report also raises concerns about continuing impunity for settlers involved in violent attacks against Palestinians, despite steps taken by the Israeli authorities to address this phenomenon. The report further examines the impact of continued settlement expansion and related policies on Palestinian communities, through an analysis of developments in Palestinian Bedouin and herder communities at risk of forcible transfer. Finally the report addresses issues related to Israeli settlements in the occupied Syrian Golan.

Pursuant to Human Rights Council resolution 28/27, the Secretary-General has submitted a report on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. The report presents the human rights situation through an analysis of how the occupation and associated measures restrict Palestinians’ right to freedom of movement, and examines the impact of these restrictions on Palestinians’ enjoyment of a wide range of other civil, political, economic, social and cultural rights. Briefly, the report also looks at the impact of Palestinian disunity on the freedom of movement.

Excellencies,

The High Commissioner in his reports to the Council has raised serious concerns regarding the human rights situation in the Occupied Palestinian Territory. He reports on confrontations between Palestinians and Israeli Security Forces that erupted in late 2015 in connection with the Haram al Sharif, fuelled by Palestinian concerns over access restrictions imposed on Palestinians seeking to enter the Old City of Jerusalem, and visits by Jewish Temple Movement groups and senior Israeli officials to Haram al Sharif. Although the Israeli authorities categorically denied plans to change the status quo, their decision to ban the Mourabitat and Mourabitoun – the groups of activists who seek to protect the compound – from the compound and a raid by the ISF on the mosque itself on 13 September, were seen by many Palestinians as provocations.

The High Commissioner reports on unrest, including protests and clashes that spread rapidly throughout the Occupied Palestinian Territory. There were also a large number of stabbing and alleged stabbing attacks and attempts against Israelis by young Palestinians, including children. October 2015 saw a peak in violence. In response, Israeli security forces and private citizens often responded with lethal force. From 1 November 2014 to 15 March 2016, 195 Palestinians in the West Bank, and 39 Israelis were killed in the context of the recent escalation of violence.

Both the High Commissioner and the Secretary-General have over many years made numerous constructive recommendations to all duty-bearers, which if implemented, would improve the human rights situation of all individuals, and protect civilians from violence and insecurity. Very many of these recommendations remain unimplemented; meanwhile the human rights situation in the Occupied Palestinian Territory shows little sign of improvement and serious concerns continue to be raised in the reports before you.

On behalf of the High Commissioner, allow me to take this opportunity to outline some of the key concerns and recommendations in the latest reports. In relation to Israeli violations, three reports before you today highlight the issue of settlements in the context of the Israeli military occupation. The presence and continued development of Israeli settlements lie at the root of a broad spectrum of human rights violations in the West Bank, including East Jerusalem. The settlements have resulted in the gradual fragmentation of the West Bank, restricted Palestinian access to natural resources in the Occupied Palestinian Territory, and the subsequent impediment to the Palestinian people’s right to self-determination, which is at the heart of the two-state solution.

Israeli practices related to the presence and expansion of settlements, which persisted during the period under review, continue to have a profound impact on land and housing rights, right to water and sanitation, on freedom of movement and related restrictions on the right to education. The High Commissioner welcomes steps taken by the Israeli authorities to address settler violence, which is directly related to the continued existence, proliferation and expansion of illegal settlements. A concern remains that efforts by the Israeli authorities have not yet translated into significant measures to deter attacks and ensure accountability where the victims of such crimes are Palestinian.

Indeed, most issues of concern raised by the fact finding mission on settlements continue to be reported, including in relation to the involvement of business establishments in exploitation of natural resources in the occupied territories, and sustenance and expansion of settlements.

The situation in Gaza continues to be alarming. In Gaza, the displacement caused due to the 2014 escalation and a further drop in economic prospects have compounded the prolonged crisis, resulting from successive escalations of violence, the illegal blockade, and slow reconstruction.

The continued blockade of Gaza remains the most significant obstacle to sustainable recovery. It has caused an ever-deepening humanitarian crisis, including through the limited availability of electricity and potable water, a shortage of medical supplies, the perpetuation of reliance on food aid, and a collapse of the industrial and agricultural sectors). Despite a slight easing in restrictions on the movement of goods, the population of Gaza continues to suffer from the lack of essential goods. The blockade of the Gaza Strip, which amounts to collective punishment, must be urgently lifted.

Rockets from Gaza, which are by nature lack precision and are indiscriminate, continue to be fired into Israel. The High Commissioner condemns unequivocally all such attacks by Palestinian armed groups in Gaza.

Accountability by all parties to the conflict for violations of international human rights and international humanitarian law committed during the 2014 escalation is far from achieved. As the High Commissioner notes in the addendum that while progress has been made in implementing some recommendations of the 2009 fact finding mission and the 2014 commission of inquiry on Gaza, a number of others are yet to be fully implemented. He places particular emphasis on the urgency to implement recommendations on accountability and the review of policies governing military operations, law enforcement activities in the context of occupation and respect for international humanitarian and human rights laws in general, by all parties to the conflict.

Meanwhile, in the West Bank, including East Jerusalem, the reporting period saw stabbing and wave of seemingly random attacks against Israelis. The High Commissioner condemns all such attacks, and calls on all individuals to maintain calm and adhere to the rule of law.

A sharp increase in apparent incidents of excessive use of force was registered during the reporting period – both in the context of protests, some of which also spilt into Gaza, and in response to attacks or alleged attacks by Palestinians against Israelis. Some of these responses strongly suggest unlawful killings, including possible extrajudicial executions and wilful killings. Prompt, independent, impartial thorough and effective investigations should be carried out into all allegations of excessive use of force.

Punitive demolitions, targeting the family homes of alleged perpetrators of attacks on Israelis, continued during the reporting period, displacing several Palestinians, including children and women, and have subsequently increased in the last months. The High Commissioner condemns such demolitions of family homes, noting that by their very nature, they punish the relatives of attackers and alleged attackers, and therefore constitute a form of prohibited collective penalty. The proposal by the Cabinet to revoke the residency rights of family members of alleged attackers raises similar concerns. Such punitive actions should be immediately stopped.

Physical attacks against, and harassment of, human rights defenders were documented by human rights organisations, especially against the backdrop of the upsurge of violence since September 2015. Protective presence organizations in Hebron faced repeated threats, assaults and arrests, by settlers and Israeli security forces. The High Commissioner condemns such actions aimed at silencing civil society, and underscores the vital role of journalists and human rights defenders, particularly in the context of the occupation.

Excellencies,

The need to address the root causes of conflict and establish accountability has been stated many times in the past, including in the aftermath of Israeli military operations and escalations in hostilities in 2008-2009, 2012 and 2014, and is evident through the reports before you. Adherence to international humanitarian law and international human rights law, and ensuring accountability for violations, are essential prerequisites for any lasting peace.

It is imperative that perpetrators of violations of international humanitarian law and international human rights law – Palestinians and Israelis alike - be held accountable and brought to justice. Alleged violations must be addressed through independent, impartial, prompt, effective, thorough and transparent investigations, and victims ensured an adequate and effective remedy for harm suffered. The ratification by Palestine of a number of the core human rights treaties provides a new means and opportunity to reinforce accountability in Palestine.

The High Commissioner strongly believes that effective accountability, a meaningful resolution to the current political impasse and an end to the occupation are key means to break the cycle of violence and human rights violations in the Occupied Palestinian Territory. He shares the Secretary-General’s views that Palestinian frustration is growing under the weight of a half century of occupation and the paralysis of the peace process.

The High Commissioner urges all actors of the need to reactivate the Middle East peace process with an unprecedented sense of purpose and urgency with the aim of obtaining a lasting peace. He reiterates that Israel has to be assured its security and not remain the object of threat. And the occupation, which has caused the Palestinian people such intense suffering for almost fifty years, generating rage and resentment – the occupation must end.

Excellencies,

The High Commissioner is also concerned, among other issues, about ill-treatment and arbitrary detention by Palestinian security agencies, especially of persons affiliated with political opposition groups; excessive use of force; violations of the right to a fair trial and due process of law, including cases of incommunicado detention, both in West Bank and Gaza. Cases of infringement of freedom of opinion and expression, and peaceful assembly have also been documented. The High Commissioner also urges all Palestinian authorities to desist from the application of the death penalty and declare a formal moratorium on its use, with a view to its abolition.

On a positive note, however, the High Commissioner notes, again, Palestine’s accession to a number of international treaties, including seven of the nine core human rights treaties and one of the substantive protocols, which creates an important opportunity to address human rights concerns in the Occupied Palestinian Territory and to strengthen Palestinian capacity to protect and promote human rights. Palestine has advanced in the preparation of a number of reports under these treaties. OHCHR, together with other UN entities, is leading in providing technical support to the Government in treaty implementation.

The High Commissioner welcomes this commitment by the Government of the State of Palestine to build a State on respect for human rights. The Government must now ensure that the rights contained in the treaties are effectively incorporated into domestic law, and implemented through its policies and practices, including its development efforts.

Excellencies,

The Office of the High Commissioner for Human Rights, in the field and at headquarters, remains firmly committed to engaging constructively with Israel and Palestine on human rights issues, and will continue to highlight issues of concern, with the hope that it can contribute to the wider peace and security in the Occupied Palestinian Territory and the wider region.

Thank you.