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**Human Rights Council 37th Session**

**Agenda Item 7**



**Introductory remarks by**

**Ms. Kate Gilmore**

**Deputy High Commissioner for Human Rights**

**Geneva, 20 March 2018**

Distinguished President of the Human Rights Council,

Excellencies,

Colleagues and friends,

On behalf of and the Secretary-General and the High Commissioner, it is my responsibility to introduce **six reports** under the Council’s agenda item 7, concerning the human rights situation in the occupied Palestinian territory (OPT) and other occupied Arab territories.

In the relevant instances, these reports draw largely on the systematic and impartial human rights monitoring work undertaken by our office in the occupied Palestinian territory.

In accordance with your resolution 34/30, the **first report** is on the human rights situation in the OPT (A/HRC/**37/42**) and focuses on the issue of **arbitrary detention**.

This report was prepared in consultation with *the Working Group on Arbitrary Detention.* The report describes the factors perpetuating the arbitrary detention of Palestinian prisoners and detainees in Israeli jails, as well as the practice of arbitrary detention by the Palestinian authorities in the West Bank and Gaza.

The report examines cases of detention without fair trial guarantees, including forms of administrative detention, as well as cases of those detained for exercising their fundamental rights, such as their right to freedom of opinion, as human rights defenders, or because of their political affiliation. These are cases of detention by either Israel or the Palestinian authorities - or in some cases, by both.

The report concludes that currently Palestinians are at high risk of being arbitrarily deprived of their liberty.

Excellencies, I must stress that the cases of continued arbitrary detention of children are particularly distressing.

The second report before you (A/HRC/**37/43**) describes what has been the **accelerated expansion of Israel’s settlement enterprise** during the reporting period, and it deals with the human rights impact of this expansion - as is requested by your resolution 34/31. In 2017, settlement planning accelerated in the West Bank, including in East Jerusalem, with almost double the number of housing units advanced for construction than was the case in the previous reporting period. The report also details an increase in the number of related legislative proposals in Israel and an accompanying escalation in political rhetoric, suggesting there is a move towards *de facto* annexation of parts of the West Bank.

In particular, this report finds that a number of factors in **occupied East Jerusalem**, that, in addition to being human rights violations, taken together, create an environment that has the effect of coercing residents to move. These are home demolitions and forced evictions, restricted access to services, threats of violence (including violence at the hands of settlers), restrictions on freedom of movement; and a strict residency regime for Palestinian residents of East Jerusalem. As in other areas of the occupied territory, such as Area C or Hebron’s H2 area, these among other factors may leave Palestinians with no other choice but to leave areas where they have been living for decades and for generations.

The third report before you is the High Commissioner’s **tenth periodic report** on the human rights situation in the occupied Palestinian territory (A/HRC/37/38), pursuant to your resolutions S-9/1 and S-12/1. It provides an overview of recurring violations of international humanitarian and human rights law in the occupied Palestinian territory as perpetrated by the full range of duty-bearers, and notes, in particular, concerns relating to excessive use of force; arbitrary detention; torture and ill-treatment; and restrictions on freedoms of movement, expression, peaceful assembly and association. In addition to these grave violations, the persistent lack of accountability and the shrinking space for media and human rights defenders are of particular concern.

The report confirms patterns of violations previously reported by the Secretary-General and the High Commissioner, and it concludes with recommendations to the main duty-bearers, namely the Government of Israel, the Government of the State of Palestine, and authorities in Gaza.

The fourth report before you (A/HRC/**37/41**) is presented pursuant to your resolution 34/28. It provides an update on matters related to **accountability for violations of international human rights and humanitarian law**, and it considers the responsibilities of **third States** to ensure respect for these norms. The report reiterates concerns regarding the lack of accountability, particularly with respect to the 2014 escalation of hostilities in Gaza, as well as the apparent excessive use of force by Israeli law enforcement officials. It also describes the situation of human rights defenders, and the troubling trend of increasing restrictions on their work at the hands of all duty-bearers.

The fifth report before you details OHCHR’s work on producing a **database of business enterprises engaged in specific Israeli settlement activities** (A/HRC/37/39), as your resolution 31/36 requested. These activities, which were identified in the report of *the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements*, are either explicitly linked to the Israeli settlements in the occupied Palestinian territory or otherwise enable and support their establishment, expansion and maintenance.

In line with resolution 31/36, OHCHR undertook associated work in consultation with the **Working Group on business and human rights**. The report details the rigorous methodology followed by OHCHR and describes progress made towards consolidation of the database. It recalls the relevant normative framework, drawing on *the Working Group on business and human rights’* June 2014 statement on the occupied Palestinian territory, and makes a preliminary analysis of the most common explanations given by companies for their involvement in listed activities.

As stated in the High Commissioner's press release of 31 January and his global update to the Council on 7 March, a total of **206 companies,** out of 321 companies reviewed, have been screened. The Office expects to release further details after communicating with all 206 companies and considering their responses and non-responses.

The High Commissioner notes that if the database is to be updated annually, as required by resolution 31/36, then **additional resources are required**.

The sixth report before you concerns human rights in the **occupied Syrian Golan (**A/HRC/**37/40**), as requested by your resolution 34/27. The report is based on information received from Member States on human rights violations in the occupied Syrian Golan. Issues related to Israeli settlements in the occupied Syrian Golan are also addressed in the previously mentioned report on settlements (A/HRC/37/43).

Excellencies,

**Half a century of occupation** has taken a heavy toll on the human rights of virtually every Palestinian, regardless of where in the occupied territory they reside.

After more than a decade under blockade, the **situation in Gaza** has deteriorated to a point that is unbearable for its inhabitants and untenable for the future. The range and depth of human rights violations in this crowded strip of land is truly alarming. The vast majority of the population of two million cannot leave due to restrictions to their freedom of movement. Essential services such as those associated with health, education, water and sanitation need reliable and affordable electricity. Yet today, Gazans live with electricity cuts lasting up to 18-20 hours a day.

This has brought the health system to the verge of collapse (with many lives lost along the way). It has made of simple daily tasks – such as cooking, washing, caring for children, heating homes, visiting relatives – a complex challenge with severe impacts on all Gazans and their families, but particularly for women.

It is next to impossible to operate viable businesses under these circumstances. At the same time, unemployment is now at extreme levels, dozens of Gazans are killed or injured along the fence with Israel and the sea, and those in the Strip who seek to complain, then see their rights to freedom of expression severely curtailed.

Exchange of fire between armed groups in Gaza and Israel have escalated in the past months, further increasing tension and risk to civilians on both sides.

This terrible reality for Gazans is recognized by Israel, understood by the Palestinian Authority, and known to the international community. Yet still, we, the UN family alongside others, find ourselves highlighting it again and again, week after week, month after month.

The **impact of the conflict on the lives of children** is entirely unacceptable. In this year alone, 6 children have been shot and killed in the context of protests. The past year saw hundreds of Palestinian children detained by Israel (some without charge under administrative detention). We also see worrying trends in the detention of children by Palestinian duty bearers. These figures call into question whether detention is being used as a last resort for children, as demanded by international law.

The past year of conflict saw a large number of **deaths and injuries**, with both Palestinians and Israelis suffering. In the first two months of 2018, 15 Palestinians and 2 Israelis lost their lives.

In addition, thousands of people have been injured in protests following the 6 December announcement by the US President recognizing Jerusalem as the capital of Israel. OHCHR continues to document cases of killing and injury, raising serious concerns about excessive use of force by Israeli security forces, and some of these appear in the reports before you.

The feelings of **despair** among Palestinians in the face of these developments cannot be overstated. And, I reiterate that both Israeli and the Palestinian authorities must take steps to protect **human rights defenders** and civil society organizations so that their work may continue without undue restrictions.

OHCHR also has further grave concerns over the excessive use of force; alleged torture and ill treatment of detainees; administrative and arbitrary detention and unlawful use of the death penalty by **Palestinian authorities** in the West Bank and Gaza. These concerns must be addressed.

On a more positive note, I **welcome the State of Palestine’s continued work on implementation of the human rights treaties** to which it has acceded, as well as its accession to the Optional Protocol to the Convention Against Torture and to the Optional Protocol to the Convention on the Rights of the Child on 29 December 2017. The technical assistance my Office has provided will continue and expand this year, and we look forward to the submission of other reports to the treaty bodies.

Thank you.

[1600 words or 9 minutes]