

27<sup>th</sup> Session of the Human Rights

Council

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***Change the discourse on Palestine - integrate a human rights perspective now!***

*"All victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action. That is the essence of your mandate. That is ultimately how you will be judged. I wish you strength and inspiration in that mission," Mr. Ban Ki Moon, Secretary General United Nations addressing the Human Rights Council at the opening of its Fourth Session in March 2007*

***It's a human rights obligation***

*Human Rights are not selective; they apply to all people at all times regardless of nationality, race, religion or gender and must be applied without discrimination. The images that were seen around the world showing the impact of the destruction in Gaza on ordinary civilians, particularly on children and women, moved hundreds of thousands around the globe to demonstrate and to call on their governments to take action to protect the population of Gaza. They expected a response.*

*To date it is clear that exigencies of political and economic allegiance have overridden human rights obligations in this Council. The positions adopted reiterate the views, which seek to justify violence, not to finding ways of preventing that violence by finding solutions.*



### ***Lack of action and state responsibility***

*The Goldstone report of 2009 clearly identified that there had been violations of IHL by both parties but with far, far greater impact on Palestinians. No action was taken by member States to follow through on the recommendations, leading the former High Commissioner for Human Rights, Navi Pillay to question whether, if there had been implementation, this last onslaught against Gaza would or even could, have taken place. States have a responsibility to assist other states to uphold their obligations under international law, to their own populations and in respect to those under its occupation, and to those in which are in conflict. The test in the case of Bosnia Herzegovina v Serbia in the ICJ clarifies the nature of this responsibility.*

*Law of itself will not solve the conflict unless it is accompanied by a different approach, as Archbishop Tutu said:*

*“It requires a mind-set shift. A mind-set shift that recognizes that attempting to perpetuate the current status quo is to damn future generations to violence and insecurity. A mind-set shift that stops regarding legitimate criticism of a state’s policies as an attack on Judaism. A mind-set shift that begins at home and ripples out across communities and nations and regions – to the Diaspora scattered across the world we share. The only world we share.” Archbishop Desmond Tutu, 14 August 2014*

### ***Welcoming the Commission of Inquiry***

*As voted by the Human Rights Council itself in its Resolution of the 23th July 2014 the two parties to the conflict cannot be considered equal powers, and their actions – once again – appear to be of incomparable magnitude. The abstention by many states in voting for the resolution, which additionally, (and again), established an independent commission of inquiry, is indicative of this failure to find a mind set shift to one where we uphold law and ensure its implementation through policy.*



### ***Power and conflict analysis***

*During the 27<sup>th</sup> session of the Human Rights Council, WILPF International hosted a high level delegation of representatives from Palestinian women organisations. Yet again, women have been disproportionately affected by the conflict and aggression in Gaza and despite their long-term capacity in peace processes and negotiations they are absent from any of the attempt to find a resolution to the conflict. They are seriously concerned that the reconstruction processes will continue to exclude women from decision-making and participation. During the 4 days programme in Geneva, the delegation addressed member states and relevant UN agencies with their analysis and recommendations to change the discourse and move towards a response to the on-going violence, in accordance with, and in reliance on, international human rights law. They also emphasised the importance of integrating a comprehensive gender perspective in any political, humanitarian and civilian response to the conflict.*

### ***What is the answer?***

*In a side-event on the 19<sup>th</sup> September, cosponsored by the permanent mission of Norway to the UN Geneva, the delegation highlighted the impact of the human rights violations that has taken place in the occupied State of Palestine for decades, the consequences of the occupation and the effects of the recent Israeli aggression on Gaza to the civilian population. The event emphasised what it is all about, changing the mind-set to use all necessary means and available mechanisms address the human rights violation as a collective responsibility and to put pressure to end the occupation on Palestine. Failing to address these issues will only increase extremism, violence and insecurity both in the occupied State of Palestine and in Israel as well as in the whole region. The women appeal to member states to “help assist Israel in creating security in the region by ending the occupation, and ensuring its human rights obligations under human rights and international humanitarian law are fulfilled. The only way to achieve*



*sustainable peace is for Israel to end its occupation, and to ensure there is no impunity for human rights violations. Without the security of the Palestinian people, there will be no security for the Israeli people.”*

*Currently, the international community and UN agencies present are not able to provide protection for the civilian population. It is not known what will happen on the 27<sup>th</sup> of September when the ceasefire ends. The delegation strongly called for the international protection in the occupied State of Palestine: Gaza, the West Bank and including east Jerusalem to prevent more human rights violations and ensure a durable and just reconstruction of the demolished areas.*

*The siege that has been imposed on Gaza for more than 7 years as well as the segregation wall exhibit the characteristics of collective punishment and contrary to article 33 of the Forth Geneva Convention. The women delegation urge the High Contracting Parties to the For the Geneva Convention to take its responsibility to ensure the respect for the obligations arising from the Convention in relation to the occupied State of Israel, and to convene a conference of the High Contracting Parties without delays to agree on necessary measures to be taken to ensure immediate compliance.*

### ***Include the women***

*As women continue to be excluded from any formal processes of negotiating a more long-term settlement or continued ceasefire, the delegation demands involvement and equal meaningful participation of women in the resolution of the conflict which should be based on international human rights law, the UN Security Council Resolutions on women peace and security and the UN resolutions relevant to the Israeli Palestinian conflict. It is the collective responsibility of the international community to ensure women’s protection, security and participation in accordance with UNSCR 1325, 2122 and CEDAW GR30.*



*Please find the full list of recommendations below.*

## **RECOMMENDATIONS**

1. *The only way to achieve sustainable peace is for Israel, to **end its prolonged occupation of the Occupied State of Palestine**, in accordance with international law and relevant United Nations resolutions. We, the Palestinian women organisations urge member states to use all necessary efforts to ensure the ending of the Occupation, including the provision of immediate international protection for all civilian population in the Occupied State of Palestine.*
  
2. *All High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the Convention in relation to the Occupied State of Palestine. We, the Palestinian women organisations urge the Government of Switzerland and contracting parties, to **convene a Conference of the High Contracting Parties to the Fourth Geneva Convention** without delay, to discuss Israel's non-compliance with the Fourth Convention and First Additional Protocol, as well as agreeing on all necessary measures to be taken.*
  
3. *We welcome **The establishment of the Independent, International Commission of Inquiry**, appointed by the President of the Human Rights Council, as a crucial step towards investigating all violations of international humanitarian law and international human rights law in the Occupied State of Palestine. We, the Palestinian women organisations, call on all member states of the Human Rights Council to ensure that the Commission of Inquiry has all the necessary support to fulfil its mandate effectively and*



*ensure that the findings of the Commission form a base for developing immediate concrete adequate accountability measures.*

*We call the Commission of Inquiry to adapt a **holistic gender perspective** when investigating and documenting violations and to take into account the disproportionate impact of violence on women and girls, and ensure consultations with women and girls victims and a broad of number of organizations in the Occupied State of Palestine.*

- 4. Palestinian women have great concern that the ceasefire will not hold unless the international community ensure that Israel **lift the siege on Gaza** and to secure the right of mobility, right for free access and movement from and to Gaza for people and goods.*
- 5. Palestinian women have been excluded from any consultation or formal participation in the negotiated ceasefire to end the aggression in Gaza. We, the Palestinian women organisations, urgently call for the **involvement and equal participation of women in the resolution of the conflict** between Israel and the occupied State of Palestine and the integration of a women's rights and gender perspective in the resolution of the conflict and the collective responsibility of the international community to ensure women's protection and security in accordance with UNSCR 1325, 2122, and CEDAW GR30.*
- 6. We, the Palestinian Women Organizations, call upon the United Nations Member States and the Human Rights Council to ensure **immediate action for the reconstruction in Gaza**, to hold Israel accountable for the destruction and to guarantee the prevention of any further destruction perpetrated by the occupying power. Israel must compensate all those who are affected. In the process of reconstruction, the international community should see*



*to it that Israel would not profit from the reconstruction operation in any way. We also urgently call for the consultation and inclusiveness of women and a holistic gender perspective the reconstruction process.*

- 7. We, the Palestinian women organizations, urge the Human Rights Council to support and to decide on a **panel on the human rights situation of Palestinian women under occupation**, during the 28<sup>th</sup> Session of the Human Rights Council.*

