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Opening Statement by the United Nations High Commissioner for Human Rights

Ms. Navi Pillay

With the new impetus given by the end of the Cold War to the concepts of freedom, democracy and human rights, 7000 participants gathered at the Vienna Conference in June 1993. They hold discussions on different crucial issues, such as universality, sovereignty, impunity, and how to give a voice to victims. The most important outcome of this conference was the creation of the Vienna Declaration and Programme of Action. This document underlined that human rights are universal, indivisible, interdependent and interrelated. The notion of universality is especially crucial as States were committed to the promotion and protection of all human rights for all people “regardless of their political, economic, and cultural systems.” Another outcome of the conference was to state that there is no hierarchy between the social, economic and cultural rights and the civil and political rights. This continued with the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the its other Optional Protocol that allows for individual complaints.

The principle achievements of the Vienna Declaration and Programme of Action was its contribution in advancing women’s rights and fight impunity, as well as recommending the creation of the Office of the High Commissioner for Human Rights. The document contributed to adopt a vision of human rights for women. It also condemned gross and systematic violations of human rights such as torture, cruel and inhumane treatments and punishments, arbitrary and summary executions, disappearances and arbitrary detention. Racism, racial discrimination and apartheid, foreign occupation and alien domination, and xenophobia are other phenomena that were condemned by the Vienna Declaration and Programme of Action. Finally, the document discussed the issues of poverty, hunger and other denials of economic, social and cultural rights, as well as religious intolerance, terrorism and lack of the rule of law.

As achieving these goals required stronger leadership within the United Nations system itself, the Vienna Declaration and Programme of Action called for the establishment of a High Commissioner for Human Rights, with mandate to protect and promote human rights.

This was 20 years ago and, even though the human rights situation has improved, much progress need to be done because the promise of respecting all human rights is still a dream for too many.

Major advances in women’s rights occurred in many countries and international legislation was developed. The Convention on Elimination of All Forms of Discrimination Against Women has now 187 State parties and its Optional Protocol 104. Despite this progress, women are still subject to discrimination and violence.

In the order to tackle the impunity for international crimes, ad hoc tribunals were created in concerned countries and the International Criminal Court, the world’s first permanent tribunal in charge of the prosecution of perpetrators of international crimes, was established. However, there is a long way to

go as the International Criminal Court can only deal with cases involving one of the 122 State parties to the Rome Statute or if the Security Council has referred the situation to the court. So far, two situations, Darfur in 2008 and Libya in 2011, have been referred to the ICC. The Security Council has failed to push for the ICC prosecution regarding Syria. Despite these important advances in combating impunity and ensuring accountability, including through transitional justice processes, there are still too many to escape justice for serious crimes and gross human rights violations. Impunity remains for the responsible of the genocides in Rwanda and Bosnia and Herzegovina; massive violations that took place in Iraq and Sri Lanka; and the war crime that occurred in Afghanistan, the Democratic Republic of Congo, Mali, Sudan and Syria. The system that deals with such crimes and violations needs to be strengthened urgently and we must take action to prevent such situation from developing or deteriorating.

One of the most tangible outcomes of the Vienna Declaration and Programme of Action is the recognition of human rights institutions as independent and authoritative protectors and promoters of human rights at all levels.

Since the Vienna Conference, the human rights system has grown stronger. In 2006, the Human Rights Council began its work: since then, it has successfully managed the first cycle of the Universal Periodic Review, its mandate comprises 48 Special Procedures, and the human rights treaty bodies grew in number and weight, with the two major international treaties on Persons with Disabilities and Disappearances. The Office of the High Commissioner has also been expanded to 58 countries. However, much still needs to be done, which requires support and funding. Countries are urged to advance in the implementation of international legislations and standards. Our task is to give each human being the possibility to fully enjoy their human rights.

Summaries of Thematic Issues

Empowering women is shortcut to tackling hunger – UN expert on right to food, 4th March 2013

Through the presentation of his report, the United Nations Special Rapporteur on the Right to food, Mr. Olivier de Schutter, explained that, by sharing power with women it will be possible to reduce hunger and malnutrition, as it is the only efficient way to realizing the right to food. The Special Rapporteur also urges all the governments of the planet to adopt a transformative food security strategy that addresses the cultural constraints and that contributes to the redistribution of role between women and men.

As the Special Rapporteur underlines, agriculture has become a female sector. In fact, as more and more men are moving away from the family in search of work, women have to take care of the agriculture. In those situations, not only the women are responsible to sustain farms and families, but they have to face that burden without any tool that could facilitate her work, or improve the situation- on and off the farm.

Policy initiatives, such as the implementation of quotas for women in Indian public work scheme, were commended by the United Nations Experts. However, warnings were expressed about the multiplicity of barriers that women face in their participation to society. In fact, as he stressed, women will be able to take part to the working force of the country only if provision is created for childcare services. According to the Special Rapporteur, such individual measures do not suffice without being accompanied by a reorganization of the gender roles and responsibilities.

A first crucial step to take is, according to the Special Rapporteur, to remove all discriminatory laws and practices, which prevent women accessing farming resources such as land, inputs and credit. He also called for the creations of adequate public services, such as child care, running water and electricity, in order to relieve women on the burden of care responsibilities. As he underlined, tasks such as fetching water and caring for the young and the elderly can amount to the equivalent of around 15% of GDP in middle-income countries and as much as 35% in low-income countries.

Another call of the Special Rapporteur is to bring a renewed focus on education. In fact, according to the data from the sample of countries, 55% of the hunger reduction could be seen as related to the women's advancement during the 1970-1995. For that period, womens' improvements in education account for 43%, which is almost as important as the increase in food availability (26) and health advance (19%) put together.

"If women are allowed to have equal access to education, various pieces of the food security jigsaw will fall into place," he explained. "Household spending on nutrition will increase, child health outcomes will improve, and social systems will be redesigned – for women, by women – to deliver support with the greatest multiplier effects."

Furthermore, the UN expert called on States to implement multi-year transformative food security strategies that promote full equality for women by working to actively redistribute traditional gender roles and responsibilities.

Mr. De Schutter singled out the Bangladeshi Challenging the Frontiers of Poverty Reduction scheme as an example of how social support can be delivered in ways that are sensitive to the constraints on women, while working simultaneously to reduce these constraints. Less labour-intensive assets such as poultry are provided to women, along with extensive asset-management and social development training.

He warned that while the specific position of women should be recognized in such schemes, it should at the same time be challenged: "There is a fine line between taking into account specific constraints and reinforcing gender roles and stereotypes. Food security strategies should be judged on their ability to challenge gender roles and to truly empower women. Gender sensitivity is important, but is not a substitute for empowerment."

Human Rights Council - Interactive Dialogue with Special Rapporteurs on Torture and on Human Rights Defenders

On the 5th of March 2013, the Human Rights Council concluded its clustered interactive dialogue with the Special Rapporteurs on torture and on human rights defenders.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Mendez, and the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented their reports on the 4th of March 2013, in the afternoon.

In his concluding remarks, the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment said that the main purpose of the report was to assist States in developing legislation that was aligned with the new Convention on the Right of Persons with Disabilities and ensure free and prior consent of patients. The reports focused on the actual performance of medical staff that needed to ensure respect for human dignity. Dealing with the intention of inflicting suffering, as the mandate included not only torture but also other forms of cruel, inhuman or degrading treatment, the report did not intent to expand the definition of torture as recognized by international law but it aimed to reduce cases of treatment without consent.

In the concluding remarks the Special Rapporteur on the situation of human rights defenders said that, in order to strengthen the national human rights institutions with regard to human rights defenders, resources were important, as well as the setting up of human rights desks and focus points to carry out investigations, giving a broad mandate to national institutions, and ensuring that the enforcement of recommendations was carried out by States. A number of issues had been raised during the discussion and it has been agreed that the Government had primary responsibility to protect human rights defenders and that other means could be used both at regional and international level. Moreover, awareness-raising on how international human rights mechanisms could work and how defenders could be protected should be carried out by National institutions and documentation of complaints should be ensured.

Speaking in the interactive dialogue were Gabon on behalf of the African Group, Norway, Botswana, European Union, Uruguay, Pakistan on behalf of the Organization for Islamic Cooperation, Argentina, Australia, Denmark, Algeria, India, Republic of Moldova, Sri Lanka, Tunisia, Togo, Egypt, Indonesia, Croatia, France, Estonia, Belarus, Austria, Switzerland, United Kingdom, Chile, Russian Federation, Germany, Brazil, United States, Poland, Thailand, Spain, Nepal, Belgium, Mexico, Costa Rica, Paraguay, Qatar, Slovenia, Netherlands, Cuba, Senegal, Sierra Leone, Democratic Republic of the Congo, Burkina Faso and Czech Republic. The Organisation Internationale de la Francophonie also took the floor.

The following non-governmental organizations also took the floor: International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, International Service for Human Rights, International Commission of Jurists, COC Netherlands, Human Rights House Foundation, Cairo Institute for Human Rights, Union of Arab Jurists in a joint statement, and Action Canada for Population and Development.

Union of Arab Jurists, in a joint statement, recalled that an outstanding invitation to Iraq had been mentioned by the Special Rapporteur, and the Union of Arab Jurists underlined the urgency of this visit. The situation in Iraq had deteriorated, particularly concerning ill-treatment, and prison

conditions were among the worst in the world. The Union of Arab Jurists urged Iraqi authorities to make all efforts possible to schedule the visit as soon as possible, and for investigations to be carried out on human rights violations since 2003.

In the interactive dialogue concerning torture, the speakers welcomed the Special Rapporteur's progress in interpreting criteria to describe an act of torture or ill treatment and his identification of the groups particularly vulnerable to degrading treatments such as persons with mental and psychosocial disabilities; while some speakers welcomed his focus on mistreatment in health-care settings, others said that it fell out of his mandate.

On the situation of human rights defenders, speakers agreed on the indispensability of human rights defenders in any society based on democracy and the rule of law and the importance of national human rights institutions that, in conformity with the Paris Principles, could play a major role on the defense of human rights. They condemned the threats against human rights defenders and showed their concern on human rights defenders restrictions in some countries.

Human Rights Council - Interactive dialogue on Violence against Children and on the Sale of Children

On the 7th March 2013, the Human Rights Council held a clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Rapporteur on the sale of children, child prostitution and child pornography.

Marta Santos Pais, Special Representative of the Secretary-General on violence against children, presenting her annual report, highlighted the most significant developments and results and identified a priority agenda for the future three years of the mandate, which would invest in early childhood and adolescence and would focus its attention on the most vulnerable children in society. She said that strides had been made towards the prevention and elimination of violence against children but many challenges and gaps persisted visibly. In order to involve the states, the United Nations campaign for the universal ratification of the Optional protocol to the Convention on the Rights of the Child was important, and to support children with simple and useful information on the Protocol, the special Representative was preparing a child friendly version of the Protocol.

Najat Maalla M'jid, Special Rapporteur on the sale of children, child prostitution and child pornography, in her thematic report, highlighted the present situation, good practices, as well as challenges remaining in the area of child sex tourism. Child sex tourism was a form of exploitation for sexual purposes by individuals who during their travels had relations with children under the age of 18. The increasing development of cheap travel and tourism, as well as communication technologies, facilitated, in the absence of regulatory information, the access of sexual predators to children. Public information and prevention campaigns often remained sporadic. Judicial assistance was not always easy and best practices were not sufficiently identified and disseminated.

The establishment of integrated strategies, relevant legislation, and a legal global framework to combat the transnational and evolving dimension of the phenomenon were all needed.

On country visits, both Guatemala and Honduras' many efforts were noted in the protection of the rights of the child and had a relatively complete arsenal of law. Despite progress made, many children were still victims of sexual exploitation and forced labour. Assistance to children remained difficult and sporadic, despite efforts.

Guatemala, speaking as a concerned country, said that the report and observations of the Special Rapporteur on the sale of children encouraged Guatemala to intensify ongoing efforts to protect children and guarantee full enjoyment of their rights, and Guatemala's commitment was at the highest level in this regard. Guatemala had been working on the adaptation of national obligations in order to fulfil its commitments under international instruments and counted with adequate legislation and institutions. Efforts had been made to improve inter-ministerial coordination and to decentralise a number of these programmes, and work was underway to develop a code of conduct for touristic operators. Guatemala was aware that improvement in a number of areas was needed, including the strengthening of legislation, institutions and policies. The report also showed very clearly that it was the responsibility of a number of actors to collaborate in order to ensure that protection measures were efficient.

Honduras, speaking as a concerned country, said that among the actions undertaken to strengthen its legal framework, it had set up an inter-institutional commission against trafficking and exploitation and adopted a law against the trafficking of women. Honduras agreed with the Special Rapporteur on the importance of counting with a strategic framework for the protection of children. A first public policy and national plan of action on human rights had been approved in January, on the basis of a wide consultation process led by the Justice and Human Rights Ministry, and in which a broad range of stakeholders had taken part.

During the interactive dialogue, the following delegations took the floor: Uruguay, Venezuela, Brunei on behalf of Association of Southeast Asian Nations, Indonesia, Bahrain on behalf of the Arab Group, Morocco, Gabon on behalf of the African Group, Botswana, Palestine, Sierra Leone, Pakistan on behalf of the Organization of Islamic Cooperation, Senegal, Qatar, Switzerland, Egypt, European Union, Austria, China, Paraguay, Germany, Croatia, Peru, Georgia, United States, Australia, Algeria, Chile, Belgium, Luxembourg, Holy See and France.

Human Rights Council - Interactive dialogue on Enforced Disappearances and on Freedom of Religion or Belief

On the 5th of March 2012, Olivier De Frouville, Chair of the Working Group on enforced or involuntary disappearances, and Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief, presented their reports. A Human Rights Council's clustered interactive dialogue followed, which concluded on the 6th of March 2013.

At the beginning of the meeting, Alexandre Fasel, Vice President of the Human Rights Council, expressed his condolences to the family of Hugo Chavez, President of Venezuela, who passed away on the 5th evening. The Council held one minute of silence. Many delegations offered their condolences to the Venezuelan delegation.

Speaking in the interactive dialogue were the Republic of Korea, Venezuela, Czech Republic, Sri Lanka, Sweden, Algeria, Armenia, Ecuador, Thailand, Switzerland, Uruguay, Holy See, Greece, Slovenia, Sudan, Qatar, El Salvador, Netherlands, Norway, Canada, Indonesia, India, Cuba on behalf of the Group of Latin American and Caribbean Countries, Bolivia on behalf of the Bolivarian Alliance for the Americas, Bangladesh, Australia, Turkey, Malaysia, Poland, Democratic People's Republic of Korea, China, Japan, Slovakia, Libya and Sierra Leone.

The following non-governmental organizations also took the floor: Society for Threatened People, Amnesty International, Jubilee Campaign, International Movement against All Forms of Discrimination and Racism, International Humanist Ethical Union, International Institute for Peace, International Fellowship of Reconciliation, and European Centre for Law and Justice.

In the interactive dialogue concerning enforced or involuntary disappearances, speakers shared their concern about the continued practice of enforced disappearances which is considered one of the most serious violations of human rights. Some speakers questioned how a country with limited resources face this challenge properly. They all agreed that it was important to track the whereabouts of those who had disappeared or had been harmed, not only for their families but also for society as a whole.

In the interactive dialogue on freedom of religion or belief, speakers were worried about the number and gravity of human rights violations against persons of religious minorities and agreed that there was a need for concerted efforts to address the issue. The acceptance of the religious freedom of other persons and groups was the basis of dialogue and collaboration. The speakers considered the most effective ways to address the problem of discrimination against religious minorities and the effective steps that could be taken by the international community to ensure the protection of their human rights.

In the concluding remarks, Olivier De Frouville, Chair of the Working Group on enforced or involuntary disappearances, said that the Working Group had to face a real obstacle due to a lack of increased financial support which was needed to address the backlog of cases. The inclusion of enforced disappearances as a separated crime in national legislation was always supported by the Working Group. As for the protection of human rights defenders and people cooperating with the Working Group, there was a need for a more robust mechanism to protect human rights defenders and prevent violations of their rights.

In the concluding remarks, Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief, said that for the understanding and practice of minority rights the implications of a consistent human rights approach should not be underestimated since it meant moving beyond various traditional concepts of focusing only on predefined groups. What was needed was an infrastructure that allowed for self-organization, with an emphasis on communication to overcome the root causes of many expressions of hostility.

There was a need to move beyond narrow concepts and an inclusive society, as coined in the Durban Declaration, should be created. The Rabat Plan of Action gave space to some legal mechanisms and indicated a move away from blasphemy laws, and the idea not to be restrictive, but to make creative use of freedom of expression. On international solidarity there was a need for public attention, without labelling groups. The Universal Periodic Review provided a wonderful opportunity to always address questions of religious minorities in the appropriate spirit and in the human rights approach.

Human Rights Council - Interactive Dialogue on Arbitrary Detention and on Countering Terrorism

On the 5th of March 2013 the Human Rights Council held a clustered interactive dialogue with Mads Andenas, member of the Working Group on arbitrary detention, and Ben Emmerson, Special Rapporteur on the promotion and protection of human rights while countering terrorism.

Mr. Andenas, introducing his report, said the Working Group on Arbitrary Detention adopted its Deliberation N° 9 outlining the prohibition of all forms of arbitrary deprivation of liberty that formed part of customary international law and a peremptory norm. He shed light on the widespread arbitrary detention of migrants in an irregular situation.

During its mandate in 2012, the Working Group had transmitted 104 urgent appeals to 44 Governments concerning 606 individuals and welcomed the release of 21 prisoners. The Working Group developed the definition and scope of arbitrary deprivation of liberty under customary international law.

The use of “administrative detention” under public security legislation or migration laws was not compatible with international human rights law and it applied in both times of peace and armed conflict. In order to assist States in fulfilling their obligation to avoid arbitrary deprivation of liberty, the Working Group had started preparing the draft basic principles and guidelines on remedies and procedures on the right of anyone being deprived of his or her liberty.

The Working Group visited El Salvador in January 2012 where it noted the need for civil society and authorities to respect human rights. Despite that, the country was still facing serious challenges caused by organized crime.

Mr Emmerson, introducing his report, emphasized the need to form international consensus in favour of ethical counter terrorism policies aimed at eradicating the legacy of impunity. The Special Rapporteur focused on groups inspired by Al-Qaida, and emphasized the importance of Islamic civil society’s support in understanding these new threats. He outlined the need for international capacity building and confidence-building initiatives.

Speaking in the interactive dialogue were El Salvador, as it was a concerned country, France, Mexico, Cuba, Iraq, Venezuela, Pakistan on behalf of the Organization of the Islamic Cooperation, Egypt, Iran, United Kingdom, Greece, Gabon on behalf of the African Group, Bulgaria, Syria, China, the European Union, Poland, the Republic of Korea, Belarus, Lithuania, Algeria, Costa Rica, Malaysia, Burundi, Switzerland, United States, Indonesia, Morocco, Sri Lanka, Romania, Norway, Palestine, Pakistan, Democratic People’s Republic of Korea, Brazil, Russia, Austria, Libya and Panama. The Organization of Islamic Cooperation also took the floor.

The following non-governmental organizations also addressed the Council: American Civil Liberties Union, Indian Council of South America, Canners International Permanent Committee, Reporters without Borders, the Open Society Institute, Human Rights House Foundation, Society for Threatened Peoples and Rencontre Africaine pour la Défense des Droits de l'Homme.

El Salvador, as a concerned country, was grateful to the Working Group for visiting the country. Since its visit, the Government has adopted a general policy against insecurity and the violence unleashed by criminal activities. In addition, several judicial bodies had been strengthened and improved. A balance between the rights of defendants and victims had to be found and the human rights of both should be respected. The Catholic Church had put in place a dialogue with civil society as part of a broader peace process.

During the clustered interactive dialogue concerning arbitrary detention, speakers said that the continuation of incidences of arbitrary detention made the mandate of the Working Group very important. Concerning the Deliberation N° 9 of the Working Group on arbitrary detention, some delegations considered that it was clearly within its mandate, whereas others recalled that it had not been requested by the Council and therefore should not appear in the report. Some speakers said that although the issue of extraordinary rendition had attracted worldwide attention, the tendency of some States to hide the truth caused serious concerns.

With regard to the promotion of human rights while countering terrorism, speakers condemned all acts of terrorism and underlined that human rights had to be guaranteed at all times in the context of measures to combat terrorism. Several speakers said that the question of secret detention centres should be addressed by the Council. All actions of States while countering terrorism must strictly comply with international law. In the fight against terrorism, individuals should have the right to a fair trial so that the principle of lawfulness was respected at all times and the use of arbitrary criteria was avoided.

In the concluding remarks, Mr. Mads Andenas, the member of the working group on arbitrary detention, said that interventions in the discussion, which emphasised the importance of compliance with opinions and urgent appeals, were very important as it is part of a core international human rights supervisory system. It would continue its work and cooperation with other mandates including Mr. Emmerson's and it would continue to make reference to United Nations bodies and courts, and do so very strictly within its mandate.

In the concluding remarks, Mr. Ben Emmerson, the Special Rapporteur on promotion and protection of human rights while countering terrorism said, in his closing remarks, that the right to truth, the principle of accountability and the principle of non-impunity must apply to all States equally and not only the weaker ones. Taking account of the extraordinary nature of acts of terrorism, the pursuit of truth and accountability could enhance deterrence measures by Governments. It was critical that the West and democracies implemented the standards they called on others to implement. Use of torture by public officials must not be kept secret or justified in the name of national security; States routinely resorting to claims of national security were abused as a means for suppressing the truth. This justified the need for an independent judiciary that would regulate any claim made by the State in the name of national security.

Interactive dialogue with the Commission of Inquiry on Syria

On the 11th march the Human Rights Council held an interactive dialogue with Commission of Inquiry on Syria.

Paulo Pinheiro, Chairperson of the Commission of Inquiry on Syria, introducing the report, said that the destabilizing effects of the conflict were increasingly felt throughout the region and the events in Syria were escalating very quickly into a disaster that could overwhelm the international response capacity – political, security and humanitarian. The Commission's findings indicated that in their conduct of hostilities, the parties failed to protect civilians, and to distinguish themselves from civilians in the areas in which they operated, unnecessarily subjecting civilians to the brutality of war. The increased militarization of the conflict had devastating consequences for civilians and there was increased human cost associated with increased availability of weapons. An estimated 100,000 Syrian were wounded in the conflict and a quarter of them were permanently disabled. The security situation had prevented many humanitarian organizations from fulfilling their missions; hospitals and health centres were targeted and destroyed and civilians left to languish in dire need of treatment. All stakeholders in the Syrian crisis should redouble their efforts to facilitate a negotiated settlement and all parties to the conflict must comply with international humanitarian law in their conduct of hostilities.

Those responsible for grave violations must be held responsible as there could be no enduring peace without justice.

If the national, regional and international actors failed to find a solution to the conflict, the consequences would be the political, economic and social destruction of Syria and its society, with devastating implications for the region and the world.

Syria, speaking as the concerned country, said that the Commission quite deliberately ignored all documents and information provided by the Government of Syria. In its conclusions and recommendations, it had not spoken of the causes of the worsening situation. There were two objectives underlying the war in Syria, namely to dismantle Syria and to make it a puppet at the service of Israel, which had not openly entered in the conflict but constantly cooperated with Qatar, Turkey and the United States. Some had tried to give an international dimension to this crisis to ensure intervention. Qatar had financed and armed tens of thousands of mercenaries from 30 countries, and Turkey had provided the military base. They should not forget the war of misinformation. All of this ensured that the blood of the people had become a political tool, and the crisis had shown the Syrians who their true friends and enemies were.

In the interactive dialogue, speakers expressed concern about the widespread violations of international human rights and humanitarian law taking place in Syria, and called for an immediate end to hostilities, highlighting the suffering of the Syrian people. Numerous delegations also expressed concern about the human rights situation of children, as well as reports of sexual violence against women, men, and children. Calls were made for the international community to support the neighbouring countries that were hosting refugees. There was a need for a political solution to be found and for those responsible for the perpetration of violations to be held accountable. Concern was also expressed with regards to the continuing and acute lack of humanitarian access. A number

of speakers also supported the renewal of the mandate of the Commission of Inquiry and supported the referral of the situation in Syria to the International Criminal Court.

Speaking in the interactive dialogue were Egypt, Turkey, European Union, Cuba, United States, Libya on behalf of a cross-regional group of States, Italy, Chile, United Arab Emirates, Sweden on behalf of Nordic countries, Portugal, Qatar, Maldives, Russia, Austria, Iran, Switzerland, Estonia, Brazil, Saudi Arabia, Peru, France, Venezuela, Morocco, China, United Kingdom, Germany, Czech Republic, Bulgaria, Jordan, Japan, Canada, Romania, Australia, Tunisia, Ecuador, Paraguay, Netherlands, Republic of Korea, Poland, Slovakia, Malaysia, Belgium, Slovenia, Kuwait, Thailand, Mexico, Democratic People's Republic of Korea, Angola, Libya and Botswana.

The following non-governmental organizations also took the floor: Press Emblem Campaign, International Commission of Jurists, International Association of Jewish Lawyers and Jurists, Cairo Institute for Human Rights Studies, BADIL Resource Centre for Palestinian Residency and Refugee Rights and Amnesty International.

In his concluding remarks, Paulo Pinheiro, Chairperson of the International Commission of Inquiry on Syria, said that the Commission found itself in a surreal situation: it was not possible to check facts on the ground if access was not granted by the Syrian Government. The Commission had not received information from the Syrian National Commission and did not even have access to the Syrian Permanent Representative. The Commission would continue to ask the Syrian Government for access but appealed to human rights organizations and civil society on the ground to continue to monitor the situation and provide information. Since accountability lays at the core of the Commission's mandate, if the Government had not shown the willingness or ability to provide accountability for violations, in the absence of national measures, it was incumbent upon the international community and the Security Council to take measures to ensure accountability. The Commission had highlighted violations against children and was working closely with the Special Representative of the Secretary-General on children in armed conflict on this issue.

Concerning radicalisation, the Commission insisted that States should promote a negotiated solution and that they should stop supplying arms to parties to the conflict. It was very important that the Council continued to support the fight against impunity and the work of the Commission, including through the provision of adequate resources and access. Finally, Mr. Pinheiro thanked all Member States who had expressed appreciation for the work of the Commission.

Human Rights Council - General Debate on the Situation in Palestine and Occupied Arab Territories, Vienna Declaration

On the 18th of March the Human Rights Council held a general debate on the human rights situation in Palestine and other Occupied Arab Territories.

Navi Pillay, High Commissioner for Human Rights, presenting her report said that Israeli settler violence continued to be perpetrated with impunity and that Israel had an obligation to protect Palestinians and their property from such violence. Excessive use of force by Israeli security forces operating in the West Bank remained a priority concern and the situation of thousands of Palestinians

detained and imprisoned by Israel, including the detention of Palestinian children, was a matter of deep concern. In Gaza, the rights to life and security remained priority concerns. Israel should reassess its regulations concerning the use of live ammunition against civilians, and should adopt sanctions for members of the security forces who did not respect those regulations. On the Palestinian side, there was a pattern of indiscriminate attacks by armed groups targeting civilians and launching of rockets from populated areas.

Ms. Pillay concluded that in the occupied Palestinian territory serious violations of international law continued to be committed on a widespread scale and that the lack of accountability for such violations remained a major concern. Ms. Pillay urged Israel to ensure that its policies and practices were in compliance with its obligations under the Convention on the Rights of the Child and other international standards. One step in the right direction would be to ensure civilian oversight of relevant investigations and prosecutions.

Palestine, speaking as a concerned country, said that Israel, the occupying power, continued to violate international law and to expand its settlements. Israel's pirating of Palestinian tax and customs revenues had serious implications for the economic situation of Palestine. Since the beginning of occupation in 1967, 800,000 Palestinians had been detained by Israeli forces, they had been severely beaten and tortured, and 203 had died in Israeli detention centers. An investigation into those acts of violence must be conducted.

Syria, also speaking as a concerned country, said that Israel, the occupying power, continued to deny the legitimate rights of the population of the Syrian Golan. Syria drew attention to the tragedy of the prisoners languishing in jail for a quarter of a century under circumstances of inhuman detention and noted the multiplication of abductions by Israel of farmers, children and shepherds. Israel was also constructing an 8-metre-high separation wall in the Occupied Syrian Golan, and had granted to the United States the right to prospect for oil and gas in the Golan.

Israel did not take the floor as a concerned country.

Speaking in the general debate were Ireland on behalf of the European Union, Pakistan on behalf of the Organization of Islamic Conference, Bahrain on behalf of the Arab Group, Iran on behalf of the Non-Aligned Movement, United States, Switzerland, Indonesia, Maldives, United Arab Emirates, Malaysia, Venezuela, Ecuador, Libya, Kuwait, Egypt, China, Algeria, Tunisia, Sri Lanka, Norway, Russian Federation, South Africa, Senegal, Iran, Cuba, Bahrain, Saudi Arabia, Jordan, Iraq, Oman, Yemen, Lebanon, Bangladesh and Turkey.

The following non-governmental organizations also took the floor: BADIL Resource Centre for Palestinian Residency and Refugee Rights, International Association of Jewish Lawyers and Jurists, Al-Haq – Law in the Service of Man, Commission of the Churches on International Affairs of the Council of Churches, Mouvement contre le racisme et pour l'amitié entre les peuples, Norwegian Refugee Council, International Youth and Student Movement for the United Nations, North-South XXI, International Organization for the Elimination of Racial Discrimination, Cairo Institute for Human Rights Studies, Press Emblem Campaign, Human Rights Watch, Union of Arab Jurists, Organization for Defending Victims of Violence, International Buddhist Relief Organization, World Barua Organization, United Nations Watch, International Commission of Jurists, Hope International, Association of World Citizens, CIVICUS – World Alliance for Citizen Participation, European Union of Jewish Students, Touro

Law Centre – the Institute on Human Rights and the Holocaust, and Coordination Board of Jewish Organizations.

In the general debate on the human rights situation in Palestine and other Occupied Arab Territories, speakers deplored the continuing refusal of Israel to cooperate with the Council and other United Nations mechanisms, and condemned the ongoing violation of civil, political, economic, social and cultural rights of Palestinians by the Israeli occupying power. Concern was also expressed at the arbitrary detention of Palestinian citizens, including children, the displacement of Palestinians and the destruction of their properties due to Israeli settlements, the continuing blockade imposed on Gaza, and the impunity with which Israel continued to violate international law. Some speakers said that the legitimacy of the Council would remain in question as long as Israel was unfairly singled out under its own agenda item.

Human Rights Council holds interactive dialogue with Fact-finding Mission on Israeli Settlements

On the 18th March 2013, the Human Rights Council held an interactive dialogue with the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territories, including East Jerusalem.

Christine Chanet, President of the Independent International Fact-Finding Mission on Israeli Settlements, presenting her reports said that she had requested the cooperation of Israeli authorities in vain, with no replies. She said that settlement building was a growing, creeping form of annexation which compromised the right to self-determination of the people of the Occupied Palestinian Territories. It was the daily life of thousands of men and women that had become extremely difficult, which included living in fear, including fear of the violence of certain settlers who acted with full impunity, and fear of one's house being demolished. The dispossession of Palestinians of their lands, including their natural resources, had made it possible for the settlements to expand to the exclusive benefit of the settlers.

Israel should put an immediate end to this colonization process, begin a process of withdrawing settlements, and ensure effective remedy. It should also put an end to the arbitrary detention of Palestinians, to violations linked to settlements and to impunity, and it should make sure that justice was handed down for all victims in an indiscriminate way. All States were asked to fulfil their obligations vis-à-vis international law and assume their responsibilities in their relation with a State that had violated an imperative norm of international law. The mission also asked private enterprises to consider the impact of their activities on the human rights of the Palestinians.

Palestine, speaking as the concerned country, reiterated its strong condemnation of Israel's unwillingness to cooperate with the Fact-Finding Mission and said that it was behaving like a State above the law. Palestine said that the recommendations of the Fact-Finding Mission should be immediately implemented as settlements constituted a flagrant violation of the right to free movement, hampered education, and had a negative impact on the Palestinian economy. Israel must stop its settlement activities, withdraw the settlements and compensate affected citizens, and the

transnational companies working in the area should put an end to their commercial activities and stop contributing to the settlement process.

The Independent Commission for Human Rights of Palestine also took the floor and expressed grave concern about the systematic escalation of the Israeli settlement building and expansion which were in flagrant violation of international law; Palestinian land, property, water and other natural resources were expropriated in a discriminatory manner, and acts of violence and vandalism were carried out with impunity as settlers were protected by the complicity of the Israeli occupying forces. The Independent Commission for Human Rights of Palestine also called on the international community to take serious measures to implement the recommendations of the Fact-Finding Mission, exert pressure on Israel to dismantle all settlements and take serious measures to end impunity and accountability for acts of vandalism and violence.

The International Fact-Finding Mission had found that Israel was massively responsible for the flagrant violation of international law and resolutions of the United Nations system, and its recommendations should be implemented immediately so that Palestinians could enjoy their rights.

Israel was not present in the room to take the floor as the concerned country.

Speaking in the interactive dialogue were Pakistan on behalf of the Organization of Islamic Cooperation, the European Union, Bahrain on behalf of the Arab Group, Iran on behalf of the Non Aligned Movement, Qatar, Iceland, Saudi Arabia, Brazil on behalf of the India-Brazil-South Africa Dialogue Forum, Lebanon, Turkey, Jordan, Morocco, Egypt, United Arab Emirates, Tunisia, Cuba, Indonesia, Venezuela, Kuwait, Mexico, Malaysia, Maldives, Mauritania, Chile, Iraq, Bahrain and Bangladesh.

The following non-governmental organizations also spoke: United Nations Watch, International Association of Democratic Lawyers in a joint statement, International Association of Jewish Lawyers and Jurists, Norwegian Refugee Council and Al-Haq.

During the interactive dialogue, speakers expressed grave concern over the heavy toll of settlements on the rights of the Palestinian people, including the right to self-determination. Freezing of the settlement activity was not enough; they must be dismantled as they undermined the prospects for achieving a lasting peace in the region and achieving a two-State solution which would include a viable Palestinian State. Speakers condemned persistent settler violence, the arbitrary detention of Palestinians, especially children, and restrictions placed on the Palestinians' right to freedom of expression and free movement.

In concluding remarks, Unity Dow, Member of the Independent International Fact-Finding Mission on Israeli Settlements, called on Israel to stop the settlement activities and said that the report contained the recommendations for next steps in addressing accountability for the human rights violations. Israel was a duty bearer who must act and other States also had an obligation to uphold international law, prevent its breaches and report on the steps taken.

In the closing remarks, Christine Chanet, President of the Independent International Fact-Finding Mission on Israeli Settlements said that it was not within the mandate of the Fact-Finding Mission to say whether recourse to the International Court of Justice could settle the problem, it could not go

into the political question of how this element could be used and that the mission had simply legally qualified the facts that it had established.

GICJ Participation

GICJ and *BRussels* Tribunal coordinated the work of more than 300 NGOs and submitted to the 22nd session of the UN Human Rights Council reports covering the human rights situation in Iraq.

Written Statements

Reports submitted under agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.)

- [The impact of ten years of occupation on Iraqi children 2003-2013](#)
- [The death penalty in Iraq 2003-2013](#)
- [Disappearances and missing persons in Iraq 2003-2013](#)
- [The Iraqi education system 2003-2013](#)
- [The administration of justice and the rule of law in Iraq 2003-2013](#)
- [The situation of Iraqi women during war and occupation 2003-2013](#)

Reports submitted under agenda item 4 (Human rights situation that require the Council's attention.)

[Accountability and restoring justice for Iraq](#)

Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is based in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies and Special Procedures in order to gain justice for all victims. In particular, GICJ engages extensively with UN human rights mechanisms through active participation in Human Rights Council (HRC) sessions and through the submission of reports, statements and urgent appeals.

Human Rights Training Courses

To contribute to the promotion of human rights, GICJ offers Training Courses. These include theoretical and practical components, including extensive information on human rights; the UN, its bodies and mechanisms; international law instruments; and the rules and mechanisms for civil society participation. The practical component includes participating in HRC sessions and possibly side-events. Successful participants will receive a Certificate of Completion from GICJ.

Internship

Through its internship programme, GICJ provides interns with opportunities to deepen their knowledge and acquire professional experience in the field of International Law (IL), International Human Rights Law (IHRL), and International Humanitarian Law (IHL) as well as multilateral diplomacy. Interns obtain a unique understanding of the workings of both international organizations and non-governmental organizations. Tasks and responsibilities of GICJ interns include participation in UN human rights meetings and activities, especially the HRC; research and analytical work on human rights violations and applicable international law; and the writing of reports, letters, statements, and urgent appeals to UN mechanisms.



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