

Committee: Human Rights Council

Delegation: Federal Republic of Germany

Topic: human rights situation in Palestine and other occupied Arab territories



The Federal Republic of Germany (henceforth: Germany) looks upon the situation in the Palestine territories and Israel with grave concern. At the outset Germany would like to emphasise that it recognises the interests of both sides. On the one hand, security of Israel forms the corner stone of our foreign policy due to our special responsibility on Israel`s right to exist.<sup>1</sup> On the other hand, Germany condemns all human rights violations suffered by the Palestinian people. Germany – as an active member of the Human Rights Council (henceforth: HRC) and State party of several international conventions on human rights – calls upon all sides to cease with human rights violation practices.

Peace and stability in the region are in the interest of Germany. We are hosting a large number of refugees; many of them displaced Palestinians coming from Syria or from Palestinian territories. By the end of 2017 a total of 970,365 Refugees lived in Germany.<sup>2</sup> There is a reason to believe that the worrisome human rights situation contributes to this flow of refugees. Consequently, Germany calls upon for improvement and stabilization of the human rights situation on the Palestinian territories.

This human rights situation was partly addressed on the 28<sup>th</sup> Special session of this committee held in May 2018.<sup>3</sup> It is true that Germany abstained from voting on the (consequently adopted) resolution, which condemned the Israeli use of force against protesters. However, we must explain the reasons behind our abstention. As stated by our representative on that session, Germany acknowledges that the right to peaceful protests also applies in Gaza. Nonetheless, Germany has always made it clear that this right must not be abused and used as a pretext to incite violence and escalate the situation. We regretted that the draft resolution did not reflect the role of non-State actors (e.g. Hamas) in Gaza.<sup>4</sup> Therefore - on this new opportunity - Germany calls upon this committee (in line with the EU position<sup>5</sup>) to recommend a transparent and independent inquiry of human rights violations committed by all parties, namely the Palestinian authorities, Israel, and non-state actors - Hamas.

In this context Germany notes several worrying human rights violations. Firstly, Germany is concerned by the arbitrary detention practices of both Israeli and Palestinian authorities. A recent example is the arrest of Issa Amro (a human rights defender) by the Palestinian security services. It is generally assumed that he was arrested for the reason of making comments criticizing the government on social media. Germany would like to remind the Palestinian authorities that they are obliged to protect the right of freedom of expression according to art. 19 of the Palestinian basic law and para. 1 of art. 19 of the Covenant on Civil and Political rights.<sup>6</sup> What is more, Germany deeply condemns the arbitrary detention of children. We advocate a particularly high standard in this regard. For instance, we have enacted a provision,

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<sup>1</sup> Müller, Patrick. (2018). Germany and EU-Foreign Policymaking toward the Israeli-Palestinian Conflict: Assessing National Europeanization Experiences, pg. 7.

<sup>2</sup> The UN Refugee Agency – Country update Q1 2018, URL: [http://www.unhcr.org/dach/wp-content/uploads/sites/27/2018/03/Factsheet\\_Germany\\_O1\\_2018.pdf](http://www.unhcr.org/dach/wp-content/uploads/sites/27/2018/03/Factsheet_Germany_O1_2018.pdf) (Accessed 14.10.2018).

<sup>3</sup> A/HRC/S-28/L.1 on violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem.

<sup>4</sup> Press report: Human Rights Council concludes special session on the deteriorating human rights situation in the occupied Palestinian territory. Statement of the German representative at the HRC 28<sup>th</sup> special session, URL: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23107&LangID=E> (Accessed 15.10.2018).

<sup>5</sup> Human Rights Council 28th Special Session - "The human rights situation in the occupied Palestinian territory" - EU statement, URL: [https://eeas.europa.eu/topics/eu-enlargement-and-neighbourhood-relations/44906/human-rights-council-28th-special-session-human-rights-situation-occupied-palestinian\\_en](https://eeas.europa.eu/topics/eu-enlargement-and-neighbourhood-relations/44906/human-rights-council-28th-special-session-human-rights-situation-occupied-palestinian_en) Accessed: 19.10.2018.

<sup>6</sup> Press release (08.09.2017): German Federal Human Rights Commissioner on the arrest of the Palestinian human rights defender Issa Amro, URL: <https://www.auswaertiges-amt.de/en/newsroom/news/170908-kofler-amro/292332>, Accessed: 14.10.2018.

which prohibits placing children under the age of 24 in detention.<sup>7</sup> In contrast UNICEF documented 135 cases of detained children by the Israeli authorities between November 2016 and September 2017,<sup>8</sup> and 335 cases of arrested and detained children by the Palestinian authorities in the West Bank between January and October 2017.<sup>9</sup> As a result, Germany calls upon all parties to cease with aforementioned detention practices, which constitute a clear breach of International law.

Secondly, Germany is concerned on the imposed movement restrictions on people and goods in the Gaza strip. We take note and understand this depressing humanitarian situation, with almost no immediate exit.<sup>10</sup> For example, Germany shows its compassion towards Palestinians by being one of UNRWA's<sup>11</sup> long standing and largest donors, with donating 81 million € in 2018 alone.<sup>12</sup> In addition Germany notes that the closure of the Gaza border violates international law, in terms of hindering the freedom of movement which is a precondition for the exercise of several other economic, social and cultural rights protected under the international conventions.<sup>13</sup> Therefore, Germany calls upon all parties to change the security and economic situation in Gaza by ending the closure of the border, with at the same time taking into account Israel's legitimate security concerns.

Thirdly, Germany expresses concern on the construction of further Israeli settlements - and the demolition of Palestinian villages - on the occupied West Bank. All such unilateral acts of settlement activity are contrary to international law and jeopardize a two-state solution, which Germany supports.<sup>14</sup> For instance, Germany supported UN Security Council resolutions 1397 (2002) on the two-state solution, and 2334 (2016) on the Israeli settlement building. In the latter, the Security Council reaffirmed that the establishment of Israeli settlements in the Palestinian territories has no legal validity and constitutes a flagrant violation under international law. Germany publicly welcomed and supported the adoption of this resolution.<sup>15</sup> Thus, Germany calls upon Israel to cease with all settlement activities on the occupied territories.

Lastly, Germany expresses concern on the alleged violations of human rights of women in terms of exposure to violence, gender job related discrimination, and access to education.<sup>16</sup> Aforementioned practices are contrary to international law standards which Germany advocates for. Thus, we call upon all the parties to cease with these practices.

Overall, Germany calls upon an independent and balanced investigation of alleged human rights violations. It is important not to focus solely on Israel, but also on the Palestinian authorities, and non-state actors such as Hamas. Moreover, all concerned parties must do everything to stop with all the abovementioned human rights violations practices. Both Israelis and Palestinians deserve to live in peace and human dignity.

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<sup>7</sup>Addendum - Follow-up mission to Germany (HRC commissioner report), /HRC/30/36/Add.1, URL: <https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session30/pages/listreports.aspx> Accessed: 15.10.2018.

<sup>8</sup> Human rights situation in the Occupied Palestinian Territory, including East Jerusalem - Report of the United Nations High Commissioner for Human Rights A/HRC 37/42, para. 33.

<sup>9</sup> Ibidem, para. 39.

<sup>10</sup> Press release (14.05.2018) of the Federal foreign office on the situation in the Gaza Strip, URL: <https://www.auswaertiges-amt.de/de/newsroom/proteste-gazastreifen/2078584> Accessed: 14.10.2018.

<sup>11</sup> United Nations Relief and Works Agency for Palestine Refugees in the Near East. This organization provides aid to 5.4 million people in the Gaza strip, the West bank, Jordan, Syria and Lebanon.

<sup>12</sup> Humanitarian assistance for Palestine refugees in the Middle East (28.09.2018), URL: <https://www.auswaertiges-amt.de/en/aussenpolitik/themen/humanitaerhilfe/german-assistance-for-unrwa/2142812> Accessed: 15.10.2018.

<sup>13</sup> International Covenant on Civil and Political rights (e.g. freedom of movement, art. 12), International Covenant on Economic, Social and Cultural rights (e.g. right to work, art. 6).

<sup>14</sup> Press release (31.05.2018) Statement by the Federal Foreign Office on settlement construction in the West Bank, URL: <https://www.auswaertiges-amt.de/en/newsroom/news/siedlungsbau-westjordanland/2100374> Accessed: 13.10.2018.

<sup>15</sup> Steinmeier welcomes UN resolution against settlement construction (24.12.2016), URL: <https://www.tagesspiegel.de/politik/israel-empoert-ueber-usa-steinmeier-begruesst-un-resolution-gegen-siedlungsbau/19175438.html> Accessed: 18.10.2018.

<sup>16</sup> UNICEF, State of Palestine Situation Report (19.07.2018), URL:

[https://www.unicef.org/appeals/files/UNICEF\\_SoP\\_Humanitarian\\_SitRep\\_March\\_2017.pdf](https://www.unicef.org/appeals/files/UNICEF_SoP_Humanitarian_SitRep_March_2017.pdf) (Accessed 15.10.2018).