



# DEFENDERS

Winter 2023

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Territories  
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Territories

- Eva Nanopoulos, The Juridification of Individual Sanctions
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- A Look at the Frequency of the UN Special Rapporteurs' Country Visits
- A Look at the Contents and Volume of HRC Statements on OPT

# Sanctions

## Country Visits

### Food Security

# Occupied Palestinian Territories

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# Editor's Note

Defenders periodical focuses on human rights concerns in both the Middle East and the world. Various issues are discussed by the authors of the journal, covering a wide range of human rights related themes, including economic sanctions, the tensions in the Middle East, enjoyment of various human rights enumerated in the international Convention on Economic Social and Cultural rights as well as issues that take place in the UN Human Rights Council.

The 4 Articles in this issue of the periodical discusses independent human rights concerns: economic sanctions and EU law; Factors impacting global food security; UN Special Rapporteurs' Country Visits and UN Experts views on the Occupied Palestinian Territories (OPT).

The first article reviews a book titled “The Juridification of Individual Sanctions and the Politics of EU Law”, by Eva Nanopoulos, who discusses proliferation of economic sanctions and their role in EU security law and policy in addition to the resolutions adopted by the UN Security Council. Here, Özsu & Doutaghi explain that the book author has been more interested in the “politico-economic causes and historical antecedents” of sanctions rather than the human rights, humanitarian impacts or moral concerns associated with the sanctions.

The second article, draws attention to “Variables affecting right to food & food security”, enumerating “climate change and natural disasters”; “the outbreak of the Covid-19 pandemic” and the “Russia’s war in Ukraine” as the three major factors negatively affecting global access to food and the realization of the right to sufficient food.

The third article speaks about the Special Rapporteurs of the United Nations with a brief look at the frequency of the country visits performed by the country mandate holders in the time interval between the founding of the UN Commission on Human Rights till the end of 2022.

And the last article examines the viewpoints expressed by the UN high Commissioner on Human Rights and the UN Special Rapporteurs on the human rights of Palestinians and the policies adopted by Israel in the Occupied Palestinian Territories (OPT).

Looking forward to living in a world of globally peace and health where all people equally enjoy all human rights and fundamental freedoms in sustainable societies.

# **Eva Nanopoulos, The Juridification of Individual Sanctions and the Politics of EU Law \***

*(London: Hart, 2020). ISBN: 9781509909797 (hardcover)*

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In her new book, *The Juridification of Individual Sanctions and the Politics of EU Law*, Eva Nanopoulos provides a thoughtful discussion of the law, politics, and political economy of sanctions, focusing on their increasingly pronounced role in EU security law and policy. Nanopoulos is concerned specifically with the individualization and juridification of economic sanctions in EU law, and also in resolutions adopted by the UN Security Council. By ‘individualization’ she means ‘the shift from comprehensive sanctions imposed against states to sanctions imposed against named individuals, entities or groups’, typically involving travel bans and asset freezes (p.1). By ‘juridification’ she has in mind ‘the growing importance of law in the operation of individual sanctions, in conflict resolution and in the framing of debates concerning sanctions’ (p. 2). Dividing her book into three, interrelated sections, she examines both processes, and a host of others, by considering the form, content, and context of sanctions.

Nanopoulos departs from analyses of sanctions that foreground considerations of morality, humanitarianism, and political prudence. She is interested less in questions about the legal validity or defensibility of sanctions than in their politico-economic causes and historical antecedents (she discusses the League of Nations and Cold War period, among other things). She argues that sanctions ought to be understood first and foremost as instruments of policing—instruments for fostering, managing, and reproducing capitalist relations under neoliberal conditions. Blacklisted individuals and entities are not law-breakers so much as

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\*<https://www.cambridge.org/core/journals/leiden-journal-of-international-law>

enemies of order and good governance, latter-day pirates in an international system shot through with violence and inequality at every turn. To be the target of a sanction is to be distinguished by ‘a constitutive hostility ... to the international order’ (p. 254). To impose sanctions is to do the disciplinary work of ‘civilization’—of full incorporation into prevailing circuits of finance capitalism.

Nanopoulos draws upon a wide range of critical and Marxian scholarship to bolster this argument, from Mark Neocleous, the security and pacification theorist, to BS Chimni, who has developed an ‘integrated Marxist’ theory of international law. She brings a wealth of knowledge to the topic of sanctions, unsettling conventional dichotomies between war and peace, security and insecurity, domestic and international, and change and continuity (in regard to relevant legal rules). This makes for a wide-ranging and often impassioned book of direct relevance to contemporary debates about law and economic coercion, one that should be required reading for anyone interested in the topic. As with all books, though, some aspects could benefit from further elaboration.

First, some readers might expect somewhat closer engagement with the United States’ role in the development, legitimation, and enforcement of sanctions regimes. Nanopoulos recognizes that ‘the emergence and popularity of individual sanctions at the UN and EU level can be seen partly as an internationalisation of American policy and practice’ (p. 226), devoting a brief section of the book to the US wars on communism, drugs, and terror (pp. 227–33). She also notes that China and Russia—veto-bearing Security Council members like the United States—have historically preferred to leverage their energy resources and power over trading partners rather than impose sanctions. Moscow’s recent blacklisting of foreign officials (including EU officials<sup>1</sup>) is an exception to this rule, and one that has been taken largely in retaliation against US and EU sanctions following Crimea’s annexation. By contrast, as she observes, the United States has chosen to craft and enforce sanctions against a wide range of different adversaries, state and non-state alike (pp. 31, 40–41). Yet Nanopoulos does not provide a detailed explanation of US imperialism and its role in the creation and application of EU and Security Council sanctions. This yields a somewhat limited view of the EU. Consider, for instance, the EU’s inability to salvage the Iran nuclear agreement, formally the Joint Comprehensive Plan of Action,<sup>2</sup> after the United States withdrew unilaterally from it in 2018. In the face of the United States’ withdrawal, which was followed by its ‘maximum pressure’ campaign against Iran, the EU and its member states were unable to continue trading with Iran, as they were obligated to do pursuant to the agreement. This was in spite of



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efforts to facilitate ‘legitimate trade’ through mechanisms like the Instrument in Support of Trade Exchanges.<sup>3</sup> To be sure, the EU makes for a fascinating case study in regard to sanctions, given its size and geo-economic importance, not to mention its public profile as a ‘civilizing’ force that relies upon ‘soft power’ and a penchant for imposing sanctions against third parties and not merely its own members (pp. 126–28, 310). (A less persuasive reason for justifying this focus is what Nanopoulos calls ‘the fact’ that ‘the law plays a

greater role at the EU level, than it does at the UN level’ (5)—a puzzling claim whose accuracy is never demonstrated.) Still, it seems difficult to explain EU sanctions without a systematic account of the organization’s dependence upon US power.

A second concern relates to Nanopoulos’ view that the shift from country-specific to individually tailored sanctions speaks to their ‘privatization’ (e.g. pp. 61, 114, 152, 161, 242, 253). Nanopoulos understands ‘privatization’ here to consist of the blacklisting of individuals and entities ‘not formally part of the state apparatus’, as well as the more conventional targeting of state officials (p. 152). In her view, this development is part of wider efforts to depoliticize sanctions, which are regularly presented ‘as instruments designed to realise, rather than undermine, post-colonial sovereignty’ (p. 249). This is a thought-provoking perspective, but what remains under-explored are the broader socio-economic ramifications of such ‘smart’ sanctions. A focus on blacklisted individuals and entities ignores the wider social consequences of sanctions, which nearly always inflict disproportionate harm on people and institutions well beyond specified targets. Measures against banks and other financial institutions, for instance, have enormously destructive effects on trade, finance, and logistics.<sup>4</sup> Sanctions have further resulted in the closure of bank accounts of people entirely unaffiliated with designated targets, often simply because they happen to belong to a given nationality.<sup>5</sup> To ‘smart’ sanctions, ostensibly as part of an effort to reduce ‘humanitarian costs’ (p. 33), is to individualize a form of economic coercion that is inherently and fundamentally incapable of being individualized.

This is closely related to a third and final point, one pertaining to the book’s relative indifference to the social conditions in which sanctions take root and function. We appreciate that the book is intended as a topological analysis of individual sanctions, not a detailed reconstruction of the concrete social

circumstances in which sanctions actually operate. Nevertheless, some direct discussion of the work that sanctions do ‘on the ground’ seems to be needed, especially since cases that amplify or potentially complicate the book’s argument are noted only in passing. For instance, when Nanopoulos writes that ‘the alleged success of UN sanctions against South Africa in 1977 ignored the fact that apartheid would not have ended “without massive and sustained popular mobilization, which sanctions did not create and only modestly supplemented”’ (pp. 32–33), we are left wanting more information on how sanctions figured in

the anti-apartheid movement and the degree to which they were responsible for its ultimate success. How, after all, do we gauge the ‘effectiveness’ of sanctions? Similarly, when she states that UN sanctions against Rhodesia and South Africa ‘reflected the strength and militancy of a newly independent Third World, particularly on the African continent, which put significant pressure on the West to condemn the Apartheid regime and racial segregation more generally’ (pp. 98–99), we are left wondering how this happened, which conditions made it possible, and why it was that sanctions were the mechanisms around which large numbers of states and peoples rallied in these two cases. The Rhodesian and South African sanctions, imposed in 1966 and 1977 respectively, preceded the European Communities’ first sanctions in 1982—against the Soviet Union, following the US example in response to the introduction of martial law in Poland, and also Argentina, in support of the United Kingdom during the Falklands War. They also came long before the European Union first resorted to individualized sanctions in 1993 (against the National Union for the Total Independence of Angola) and the surge in EU sanctions in the years after the 2008 financial crisis (e.g. pp. 1, 25–28, 106–7, 126, 244–47). So why precisely were sanctions used in the cases of Rhodesia and South Africa? And how precisely were these instruments related to the eventual successes of liberation movements in both territories?

These questions do not stand in the way of Nanopoulos’ important and far-reaching contribution to the large and growing body of literature on the law of sanctions. A vital work that offers much room for thinking about sanctions beyond the limited frameworks of human rights and humanitarianism, *Juridification of Individual Sanctions and the Politics of EU Law* should be consulted by scholars and students of EU and international law. It is a timely reminder that legally formalized economic coercion remains a crucial medium of imperial power, and that its modalities are regularly adapted to changing circumstances.



**To ‘smart’ sanctions, ostensibly as part of an effort to reduce ‘humanitarian costs’ (p. 33), is to individualize a form of economic coercion that is inherently and fundamentally incapable of being individualized.**

# Variables Affecting Right to Food & Food Security

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## Introduction

If right to food is not the most important of human rights, without a doubt it is one of the most important. Living humans need food for survival and access to food has direct impacts on their health, life expectancy and living quality. Not only access to food is important, but its quality is also very important. Food affects the mental health in addition to physical health. Human beings have very different experiences eating a full dinner with their families and friends compared to having limited amount of food or insufficient access to food.

Every meal travels a way to reach people's plate and recently it has become more difficult for food to arrive at its destination. Increased restrictions in food distribution, food price and shortage of grains due to variables such as climate change, out-break of COVID-19 pandemic and the conflict in Ukraine have undoubtedly had an impact on all of the international community, with different levels of impact on countries.

## 1 –Statement of the Problem:

The right to food is a long-standing international human right to which many countries are committed.

Over the years, significant improvements have been made on the right to food at different levels. At the global level, it was the introduction to the 1948 Universal Declaration on Human Rights which turned into core treaties such as the International Covenant on Economic, Social and Cultural Rights. Other legal guarantees are also stated in specific documents such as the Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Rights of the Child.

Furthermore, over the last decades, a number of countries have developed and implemented constitutional amendments, national laws, strategies, policies and programs that aim at the fulfilment of the right to food for all.<sup>6</sup>

In view of understanding the importance and status of this right after remaining relatively unchanged since 2015, the number of people affected by hunger increased considerably in 2020 and continued to rise to 828million (9.8 percent

of the world population) in 2021.

According to UN bodies documents, around 193 million people in 53 countries or territories experienced acute food insecurity at crisis or worse levels (IPC/CH Phase 3-5) in 2021. This represents an increase of nearly 40 million people compared with the already record numbers of 2020. Of these, over half a million people (570 000) in Ethiopia, Southern Madagascar, South Sudan and Yemen were classified in the most severe phase of acute food insecurity Catastrophe (IPC/CH Phase5) and required urgent action to avert widespread collapse of livelihoods, starvation and death.<sup>7</sup>The situation in 2022 shows a notable rise compared to the previous year when 42million people were suffering from extreme food insecurity.<sup>8</sup>

These figures show the entry of variables which are added to the equation in the recent years and have impacted the direness of the situation. The global food crisis has been affected by COVID-19 and extreme climate change in the last few years. IN addition, the Ukraine war and shortage of grain exports is driving the whole world towards famine, and extensive rise in food prices in several important sectors.

## 2 – Climate Change

### 2-1 The Impact:

Without a doubt reliable access to safe, affordable and nutritious food is connected to forecastable climate and a healthy ecosystem. This is, while, drought, and rise in water shortage, fires, agriculture pests and diseases currently threaten the production of food items all over the world, the discussed changes of extreme climate change also harm food production, to an extent which puts countries on the verge of famine.

Yield growth for wheat, maize, and other crops has been declining in many countries due to extreme heat, severe weather, and droughts. By some estimates, in the absence of effective adaptation, global yields could decline by up to 30 percent by 2050. Countries that are already grappling with conflict, pollution, deforestation, and other challenges are likely to suffer the brunt of these impacts. The 2 billion people already without access to sufficient food, including smallholder farmers and other people living in poverty, will be hit hardest.<sup>9</sup> Climate change can also affect food security.<sup>10</sup> For example, the impact of the changes can affect economic activities, income and ultimately a reduction in the ability of households to buy food. Also it makes households vulnerable to the rise in food costs. In addition, climate change causes human migration and can reduce food safety in families through making changes in the allocation of work



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among family members.

2-2 How Access to Food is Affected According to Reports:

Eight out of ten of the 35 countries at greatest risk from climate change are already experiencing extreme food insecurity. In these 27 countries alone, over 117 million people are living with crisis or worse level hunger.<sup>11</sup>

Ethiopia, Madagascar, South Sudan and Yemen are among countries where 584,000 people currently face famine-like conditions as climate change intersects with the other huge driver of hunger, conflict – pushing 45 million to the brink

of famine. This number has risen from 27 million in 2019.<sup>12</sup> Furthermore, the region of Africa is in the grip of a historic drought, brought on by four consecutive failed rains. The crisis has left some 22 million people across Ethiopia, Kenya and Somalia struggling to find enough to eat, with numbers expected to rise.<sup>13</sup> Nearly one in three children in the 27 food insecure countries most at risk from climate change live with chronic malnutrition and stunting (harming their capacity to learn and develop) or with acute malnutrition, which can be fatal. One global study found that in five of six regions, higher temperatures are associated with decreased dietary diversity. By 2050, higher CO2 emissions could push an additional 138 million people into zinc deficiency, with disproportionate burdens for children and pregnant or lactating women who have heightened nutritional requirements.<sup>14</sup>

### **3 – COVID-19 Pandemic**

#### *3-1 The Impact:*

With the outbreak of COVID-19, the world saw changes for which it was not prepared. Unprecedented and extensive delay and disruptions in local and global markets were followed by emerging economic recession.

“According to the United Nations World Economic Situation and Prospects (WESP) mid-2020 report, Pandemic pushed more than 34 million people into extreme poverty just in 2020.<sup>15</sup>

Following this economic pressure other repercussions such as the shrinking of the food spending of families, turning to cheaper accessible food items and elimination of nutritious foods (which mostly were prepared in a more complex procedure) became visible. Also, with the imposition of Covid restrictions, trade activities slowed down throughout the world and visibly vulnerable countries and food trade small actors were affected. Subsequently, there was in the sudden rise in food prices and the world was faced hunger and decreasing food security. According to The Food and Agriculture Organization Food Price Index, measuring international prices on a monthly basis, food on average is 22.8

percent more expensive compared to May 2021—the highest level since the index started in 1990. According to Eurasia Group, the challenges we face today, could have a significant impact on the future generations. Food insecurity will rise by about 142 million-243 million by November 2022.<sup>16</sup>

### *3-2 Impact on Access to Food According to Reports*

The pandemic continues to create unbelievable effects on global food access and poverty especially on most vulnerable people. Since the outbreak of the pandemic in 2020, the number of people facing hunger has increased by about 150 million.<sup>17</sup> This number rose to as many as 828 million in 2021, an increase of about 46 million since 2020 and 150 million since the outbreak of the COVID-19 pandemic.<sup>18</sup> Around 2.3 billion people in the world (29.3 percent) were moderately or severely food insecure in 2021 – 350 million more than the figure which was announced before the outbreak of the COVID 19 pandemic. Nearly, 924 million people (11.7 percent of the global population) faced food insecurity at severe levels, an increase of 207 million in two years.<sup>19</sup>

Today, the number of severely food-insecure people has doubled - from the time before the pandemic - to 276 million people. By the end of 2022, due to the compounding effects of continued social, political, and economic crises around the world, the World Food Program (WFP) estimated the total would rise to 323 million people. The pandemic also exacerbated child hunger and malnutrition. As the pandemic enters its third year, 23 countries have yet to fully reopen schools to their more than 405 million school children. In 2022, COVID-19 disruptions and supply chain challenges pushed an additional 9.3 to 13.6 million children into acute malnutrition.<sup>20</sup>

## **4 – Impact of Russia’s war in Ukraine**

### *4-1 The Impact:*

Ukraine and Russia are the main players in the global agricultural produce market and Russia’s war against Ukraine, changed food security to concerns over hunger and famine.

They provide around 30 per cent of the world’s wheat and barley, one fifth of its maize, and over half of its sunflower oil. The UN World Food Program (WFP) (buys half of the wheat it distributes around the world from Ukraine. With the war, supplies are squeezed, and prices rise, including for fuel, increasing the cost for transporting food in and to the region<sup>21</sup>

Nearly 50 countries depend on the Russian Federation and Ukraine for at least 30 percent of their wheat import. Of these, 26 countries source over 50 percent of their wheat imports from these two countries.<sup>22</sup> Ukraine is the world’s largest producer of sunflower oil, too. Combined with Russia, it is responsible for more than half of global exports of vegetable oils. The region, also exports over a third (36%) of the world’s wheat.<sup>23</sup>

Russia’s war caused many disruptions in the Ukrainian agricultural exports and put agricultural goods under serious threat. Ukrainian ports’ blockade, limited capacity of railways and caused damages to physical properties and infrastructures of food storage, in addition, grain and other agricultural

exports have notably dropped. The ongoing conflict has even put next year's produce of the country under serious threat, the dangers of shortages in main raw materials can possibly increase the global food prices in a record breaking way. In addition, reduction in manpower (due to migration and or dying in the conflict) continued occupation, war attrition and military pollutions on lands, gives the probability that the arable lands capacity in Ukraine see a notable drop. For example, Ukraine's corn exports will drop by another 4.5 million tons to 23 million tons and wheat exports by 1 million tons, according to the U.S. Department of Agriculture's closely watched World Agricultural Supply and Demand Estimates, or WASDE. Global wheat stockpiles were revised down to 278.4 million tons, less than expected by a Bloomberg survey<sup>24</sup>."

#### *4-2 Impact of Access to Food According to Reports:*

As the war erupted, global average growth prospects have been revised downward; many countries' fiscal balances have deteriorated, and the average household has lost 1.5 per cent in real income due to price increases in corn and wheat alone<sup>25</sup>.

According to the United Nations' food agency, reduced exports of wheat and other food commodities from Ukraine and Russia risk leaving between 11 million and 19 million more people with chronic hunger over the next year.<sup>26</sup> As mentioned above, the conflict has cut off supplies from Ukraine's ports, which once exported vast amounts of cooking oil as well as cereals such as maize and wheat. This has reduced the global supply and caused the price of alternatives to soar. Global food prices are almost 30% higher than the same time last year.<sup>27</sup> Since the Ukraine conflict began, "a wave of hunger has turned into "a tsunami" and up to 345 million people in 82 countries are "moving towards starvation". "This is a record high – now more than 2.5 times the number of acutely food insecure people before the pandemic began".<sup>28</sup>

#### **Conclusion:**

Three variables in this discussion have the most impact on access to food and food security. Russia's war in Ukraine caused a rise in the price of food items and raw materials at the global level and the strongest impact has been on the most vulnerable and impoverished regions, particularly in Africa, the Middle East, Asia and Oceania. COVID-19 pandemic has been another factor which put more people at the risk of hunger across the world, forming a serious crisis and repeated natural climate disasters are the last variable affecting food security. They require urgent attention of UN bodies and relevant organizations and officials to the limitation of access to food, and the world must react practically and effectively as soon as possible; otherwise many people will not only be deprived of right to food and food security, but they will also lose the most fundamental of human rights which include the right to life.

# A Look at the Frequency of the UN Special Rapporteurs' Country Visits

*from the Founding of the UN Commission on Human Rights*

*till the End of 2022*

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## **Introduction:**

Over four decades ago, gradually mechanisms were created for the protection of human rights and monitoring the correct implementation of related regulations and treaties. One of the activities of the UN Human Right Council which has expanded with its founding, is using the capacity of human rights experts to review, study and monitor the human rights situation in States. Special Procedures is the general term, used for mechanisms which the Human Rights Council predecessor, the Commission on Human Rights, founded and the Council has accepted their implementation, so that the human rights situation in countries or territories (country mandates) or important human rights violations in countries or territories (thematic mandates) are reviewed in the UN Experts reports and recommendations and guidelines offered on them.

The Special Rapporteurs have benefited from their technical skills, experiences and submission of HRC reports to apply pressure on States in legislative, judicial and executive sectors, and persuade positive changes and promote observation of human rights.

## **Country Special Rapporteurs (country-specific mandates)**

They are experts are appointed by the Human Rights Council to review the situation in countries where there are allegations of extensive violation of human rights. The Special Rapporteurs are mandated to communicate with State officials, receive reports and evaluate human rights claims made by individuals and human rights organizations. The Rapporteurs are also mandated to visit the countries, if possible, observe conditions in person, review the human rights situation, and conclude their findings alongside their opinions in HRC reports. Some of these reports are solely submitted to the Human Rights Council such as reports on the human rights situation in Cambodia, Central African Republic, Mali etc. and some others such as the reports on the Islamic Republic of Iran,

North Korea, Occupied Palestinian Territories and Myanmar are submitted to both the Un Human Rights Council and the UN General Assembly.

According to figures published by the UN High Commissioner on Human Rights, currently (in 2022) there are 12 country Special Rapporteurs ( on Afghanistan, Belarus, Burundi, Cambodia, Central African Republic, North Korea, Eritrea, Islamic Republic of Iran, Mali, Myanmar, Occupied Palestinian Territories, Somalia and Syria), and at least 11 active mandated investigations (on Syria, South Sudan, Congo, Myanmar, Venezuela, Libya, Occupied Territories, Ethiopia, Nicaragua, and the Islamic Republic of Iran) who are responsible for review of human rights situation of these countries.

### **Thematic Special Rapporteurs (thematic mandates)**

These rapporteurs are mandated to review a particular human rights theme in different countries or at international levels, and submit reports on it. Currently (in 2022), there are 45 thematic Special Rapporteurs, Independent Experts and working groups covering themes such as: the right to freedom of association and peaceful assemblies; the negative impact of unilateral coercive measures on human rights; extreme poverty and human rights; human rights commitments on the use of safe, clean, healthy and sustainable environment; freedom of religion and belief; extrajudicial and arbitrary executions; the right to food; right to enjoy the highest level of physical and mental health; the right to development and a number of other themes. These rapporteurs are often obligated to submit annual reports to the UN Human Rights Council and/ or the UN General Assembly.

The present report, conducted by the ODVV and by the author of this report, on the extent of thematic and country Rapporteurs' country visits, discusses the country visits of thematic Special Rapporteurs from the establishment of the mandate to-date, the visits of country Special Rapporteurs from the start of mandate to-date and a comparative study on countries and regions visited by human rights mechanisms over the past four decades. This report also highlights parts of the Special Procedures' findings on countries and the extent of their cooperation with the UN mechanisms.

### **Findings:**

A) In the reviews conducted on 199 countries, notable conclusions have been observed: the United States of America (24 visits), Brazil (23 visits), Mexico (18 visits), Peru (16 visits), United Kingdom and Ecuador (15 visits each), Sri Lanka, Colombia, Tunisia, Turkey, Honduras (14 visits each), South Africa and Canada (13 visits each), Australia, Guatemala, Morocco and Romania (12 visits each), Spain, Nigeria, Japan and Kazakhstan (11 visits each), France, South Korea and Azerbaijan (10 visits each), are all among countries with the most country visits.

For example, 24 following Special Rapporteurs and mechanisms have paid one or two visits to the United States:

The Working Group on the people of African descent (2010 and 2016), the Working Group on Arbitrary Detentions (2010 and 2016), Working Group on Human Rights and Transnational Corporations, Special Rapporteur on the

right to education, Special Rapporteur on arbitrary and extrajudicial executions (1997, 2008), Special Rapporteur on adequate housing, Special Rapporteur on the rights of indigenous people (2012, 2017), Special Rapporteur on the human rights of the internally displaced people, Working Group on the use of mercenaries, Special Rapporteur on the freedom of peaceful assembly and association, Special Rapporteur on the human rights of migrants (2002, 2007), Independent Expert on the human rights of older persons, Special Rapporteur on extreme poverty (2005, 2017), Special Rapporteur on protection of the right to privacy, Special Rapporteur on the contemporary forms of racism (1994, 2008), Independent Expert on sexual orientation and gender identity, Special Rapporteur on the protection of human rights while countering terrorism, Special Rapporteur on trafficking in person, especially women and children, Special Rapporteur on violence against women, (1998, 2011), Special Rapporteur on access to clean drinking water, Working Group on discrimination against women and girls, Special Rapporteur on hazardous wastes (2001, 2012).

B) This report shows that there is a sort of geographic distribution in country visits and the Special Rapporteurs have not concentrated on one or several specific geographic regions.

C) Among the West Asian countries, Afghanistan with 5 visits, Saudi Arabia, the UAE, Pakistan and Iraq with 4 visits, and Bahrain with 2 visits have allowed Rapporteurs in their countries.

D) This report reveals that a number of small countries, like most countries of Oceania have not received any visits from Thematic Rapporteurs to-date, and nearly 17 countries that include Slovakia, Belize, Zaire, Samoa, South Sudan, Surinam, Cambodia, Kiribati, Gabon, Lithuania and Libya have only been visited once by Thematic Rapporteurs.

E) Approximately 37 countries have had between 2 to 3 visits. Bahrain, the Czech Republic, Zimbabwe, Somalia, Finland, Cyprus, North Korea, Nicaragua and Venezuela are such countries. The rest of the countries have had more than three country visits by thematic rapporteurs.

F) Finally, this report concludes that 45 Special Rapporteurs and Thematic Mechanisms in the Human Rights Council have had country visits. Among all the Special Rapporteurs, the Special Rapporteur on violence against women with 57 visits, the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members and the Independent Expert on the international order, with 2 visits have had the highest and lowest visits.



**The present report, conducted by the ODVV and by the author of this report, on the extent of thematic and country Rapporteurs' country visits**

# A Look at the Contents and Volume of Statements

*Released by the UN Special Rapporteurs and High Commissioner for Human Rights on*

*The Occupied Palestinian Territories  
2021-2022*

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## **Introduction**

With a long occupation, illegal annexation of Palestinian lands and forced relocations for over seven decades, Israel has continued its rule over the people of Palestine. Throughout these years more than 500 resolutions have been released by the UN Security Council, the General Assembly, the Commission on Human Rights and the Human Rights Council in condemnation of Israel's actions and to-date with deliberate disregard, Israel continues to violate the international law, and has not been committed to any of its international commitments. As a result of the increasing violations in The Occupied Palestinian Territories (OPT), a large number of statements have been released by the UN Special Rapporteurs and the UN High Commissioner for Human Rights, in condemnation of Israel's actions.

This article has a glance at about 50 statements released from the beginning of 2021 to the end of 2022. Out of all these statements, 8 were released by the High Commissioner for Human Rights, 8 were individual statements by the Special Rapporteur on the Human Rights Situation in the OPT and the rest were joint statements of the UN Special Rapporteurs. The issues discussed in the statements include: settlements constructions, impunity from punishment and accountability, racial discrimination and Apartheid, the situation of human rights defenders, forced eviction of Palestinians and demolition of their homes, increase in violence, access to justice, establishment of the Independent

Investigation Commission and the conditions of Palestinian detainees in Israel prisons. Most of the statements, released in the time period, addressed the situation of human rights defenders and their treatment by Israel, followed by unabated increase in violence against Palestinians.

With a brief look at each of these statements, this article highlights some of the important events taken place in the OPT and the international organizations' reactions to these developments.

### **Part One: Statements released from the beginning to the end of 2022**

*1 – Independent Investigation Commission's welcome's General Assembly's resolution on requesting ICJ's Advisory Opinion on Occupied Territories (31 December, 2022)* <sup>29</sup>

The Independent Investigation Commission on the Occupied Palestinian Territories, has welcomed the UN General Assembly 77/400 resolution which requested ICJ advisory opinion on the occupation of Palestine by Israel. In accordance with article 96 of the UN Charter, the resolution calls on the ICJ - according to article 65 of the Rome Statute – to give its opinion on the legal impacts of the continued violation of Palestinians' rights that include the violation of the right of the people for self-determination, continued occupation, settlements construction and annexation of occupied Palestinian lands since 1967.

In its first report, the Commission found that the continued occupation of Palestinian lands by Israel and discrimination against Palestinians were the root cause of frequent tensions, instability and prolonged conflicts in the region. Considering its findings on the illegality of the occupation, the Commission's second report to the General Assembly, has recommended request for ICJ's advisory opinion. The Commission believes that transparency on the legal consequences of Israel's refusal to end the occupation and the commitments of the third parties for guaranteeing observation of international laws, will be vital in the review of the next actions of member states and the UN.

*2 – Condemnation of Israel's extremist violence in the West Bank, 15 December 2022* <sup>30</sup>

In a joint statement, a number of Human Rights Council Special Rapporteurs condemned the extremist violence of settlers and the use of extreme force by the IDF against Palestinians in the West Bank in 2022. According to this statement 2022 has been the deadliest year for the OPT from the time when the United States began to document the systematic deaths of the region in 2005. 150 Palestinians that include 33 children have been killed in 2022. According



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to the UN Rapporteurs, illegal settlements constructions is a destructive threat to peace and if the IDF do not put aside this settlements construction mentality and do not correctly treat Palestinians as protected people, Israel's record in the occupied West Bank will be even bleaker in 2023.

*3 – Expulsion of French-Palestinian human rights activist can be seen as war crime, 2 December 2022*<sup>31</sup>

In a statement, two Human Rights Council Special Rapporteurs stated that Israel's decision to expel Salah Hamouri, a French-Palestinian lawyer to France against his will, can be seen as a war crime, according to the Geneva Convention. Israeli authorities have said that he will be deported to France on the claim of "violation of loyalty to Israel" and according to confidential evidence. According to this statement, this type of coercive and arbitrary action in revenge against humanitarian activities, is a violation of all international laws and principles and expelling protected individuals from occupied territories is prohibited in accordance with article 49 of the Fourth Geneva Convention. While expressing concern over Israel's actions against Salah Hamouri in 2020, 2021 and 2022, these Rapporteurs called on Israel to suspend this decision and release him immediately. Also, they reiterated that France and the international community must take further steps to prevent his forced expulsion.

*4 – Condemnation of Israel's attacks against Issa Amro, Palestinian human rights activist, 17 November 2022*<sup>32</sup>

In a statement, a number of Human Rights Council Special Rapporteurs stated that Israel must immediately end the military siege of Issa Amro's home, the renowned Palestinian human rights defender. According to this statement, on 31 October, just one day after Amro filed a complaint against Israeli settlers' violence to the police, the Israeli occupying forces created a militarized zone around his house. According to this statement, during 2022, settlers' violence across Palestinian occupied territories has increased for the sixth year in a row. This human rights activist who is respected in international circles and is a civil society leader in youth education programs, receives death threats by settlers and the IDF. The UN experts have previously intervened on the matter and have called for his protection. Once again they asked Israel to stop attacking Palestinian human rights NGOs and human rights defenders. In January 2021, Amro faced 18 charges in an Israeli military court in Ufer in relation to his human rights campaigns.

*5 – Ending Israel's illegal occupation, is necessary for the realization of Palestinians' rights to self-determination, 27 October 2022*<sup>33</sup>

In a report presented to the UN General Assembly, the Special Rapporteur on the Situation of Human Rights in the Occupied Territories stated: Israel's occupation is unlawful, undistinguishable from colonial settlements and must end so that Palestinians have the right to self-determination. According to the report: Israel's over 55-years military occupation has been an obstacle in the

way of Palestinian people's rights to self-determination and has violated each component of these rights and has been a deliberate "de-Palestinification" of the occupied lands. This report shows that the occupation by Israel through confiscation, annexation, shredding, and moving of civilians to occupied lands, violates the lands sovereignty of Palestine, the Special Rapporteur added: meaningful discussions regarding a political solution for Palestinians can begin when illegal occupation is put to an end once and for all.

*6 – A look at the Report of the Commission of Inquiry on the Occupied Territories to the 77th UN General Assembly, 20 October 2022* <sup>34</sup>

In its first report, submitted to the 77th Session of the UN General Assembly, the Independent International Commission of Inquiry on The Occupied Palestinian Territories stated that there are logical reasons that according to them it can be concluded that the subject of the occupation of Palestinian lands by Israel due to their lasting and Israel's annexation policies, is illegal according to international laws. According to the report, on the basis of international humanitarian law, the Commission stressed that the occupation of territory during conflict is a temporary situation and does not terminate the rights of the occupied state with regards to governing its own jurisdiction. Thus, the Commission asked the General Assembly to follow-up on the ICJ's advisory opinion on the legal repercussions of Israel's continued refusal to end the occupation of Palestinian territories.

*7 – Condemnation of Israel's "sadistic" punishment of a human rights defender, 19 October 2022* <sup>35</sup>

A number of Human Rights Council Special Rapporteurs, in a statement called on Israel to immediately release Salah Hamouri, the human rights defender and French-Palestinian lawyer who was arbitrarily detained, and recently ended his 19-day hunger strike, in protest against the systematic administrative detention policy. Experts have expressed concern over Israel's extensive abuse of administrative and criminal trials and the use of confidential information against Palestinians, that include human rights defenders like Mr. Hamouri. This is a deliberate action designed to silence human rights defenders and has a deep impact on all players in the Palestinian and Israeli civil society. Israel's actions in forced deportation of protected individuals from Occupied Territories and forcing them to be loyal to the occupying power, is a blatant violation of international humanitarian law and can amount to a war crime. The time has now come for the ICJ to investigate such actions.



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*8 –Some of the points highlighted by States and NGOs in the meeting on Item 7, HRC51, 30 September 2022<sup>36</sup>*

Member states and countries attending the Human Rights Council Session were asked to put pressure on the occupying power to end its aggression. Also, according to Articles 146 and 148 of the Fourth Geneva Convention, a Fact Finding team and Special Rapporteur were mandated to monitor the human rights situation in the OPT. The Palestinian government expressed regret over Israel's absence in the debate and the fact that, from the last century to-date, the Israeli government has continued to

undermine the international law and committed the most horrific crimes and massacres since the Second World War. The siege of Gaza has continued for 15 years and has left thousands injured or martyred, with children among them. In this session, some speakers mentioned that Israel's settlements construction is only possible through crimes against humanity, war crimes and crimes of Apartheid. Nevertheless, some of the speakers added that the Council must prevent the aggressive stance of Israel.

*9 – Israel's refusal to grant visas to UN human rights staff, 30 August 2022<sup>37</sup>*

The UN High Commissioner for Human Rights expressed regret over Israel's refusal to issue or renew visas for UN staff in the Occupied Palestinian Territories and said: this action shall not prevent the continuation of monitoring and reporting on the human rights situation. He believes that Israel's treatment of UN staff is an extensive and worrying trend for cutting human rights access to the OPT. The High Commissioner has stressed that we shall continue to report Israel and Palestine violations and support the Palestinian authority to be committed to universal human rights. He called for UN staff to have access to The Occupied Palestinian Territories, as part of Israel's commitments as a UN Member State.

*10 – Escalation of Israel attacks on Palestinian NGOs, 24 August 2022<sup>38</sup>*

UN Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, the Special Rapporteur on the situation of human rights defenders, Special Rapporteur on promotion and protection of human rights while combatting terrorism, Special Rapporteur on the protection and promotion of the right to freedom of expression and belief, Working Group on discrimination against women and girls, Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on the right to freedom of association and peaceful assembly, Special Rapporteur on all forms of contemporary racism, racial discrimination and xenophobia, Special

Rapporteur on water and sanitation, Special Rapporteur on the right of all to have the highest standards of physical and mental health, Special Rapporteur on human trafficking, specially of women and children, Independent Expert on the promotion of a democratic international order, Working Group on the use of mercenaries, Special Rapporteur on cultural rights, Special Rapporteur on extreme poverty and human rights, Special Rapporteur on the right to adequate housing, and Special Rapporteur on the right to food, issued a statement and condemned the escalation of Israel's attacks against Palestinian civil society in the West Bank. These attacks escalated following an IDF raid on the offices of seven Palestinian human rights and humanitarian rights organizations in Ramallah and their closure.

The Special Rapporteurs have said that these actions are harsh crackdowns of human rights defenders, and are unlawful and unacceptable. They have asked the EU, permanent members of the Security Council and all UN Member States to take specific actions for protection of these Palestinian organizations and their staff who have been attacked. And the necessity for this protection is to remove the names of these organizations as "terror" or "illegal" groups by Israel.

*11 – High number of children killed, a reason for Israel's accountability, 11 August 2022*<sup>39</sup>

In a statement, the UN High Commissioner for Human Rights pointed out the high number of children killed and injured in the recent conflicts between Israel and the Islamic Jihad forces in Gaza and expressed concern and called for the accountability of those who committed these crimes. The High Commissioner called for a speedy, independent, neutral, comprehensive and transparent investigation of all instances where people were killed or injured. According to him practically there is complete lack of accountability in The Occupied Palestinian Territories – both violation of international humanitarian laws by all sides in all conflicts in Gaza, and repeated violation of international human rights principles and occupation rules by Israel. According to him the culture of impunity from punishment, alongside long time crimes, cause the repetition and continuation of these violations and acts of violence.

*12 – Criminalization and abuse of human rights defenders in Mosafer Yata, 2 August 2022*<sup>40</sup>

UN Special Rapporteur on the situation of human rights in the OPT, Special Rapporteur on the right to adequate housing, Special Rapporteur on the human rights of the internally displaced, and Special Rapporteur on the situation of human rights defenders in a statement condemned Israel's abuse against human rights activists and humanitarian aid workers in the Mosafer Yata region in the West Bank. The experts believe that these people are in danger of forced collective expulsion and arbitrary displacement, and called for a stop in the criminalization and abuse of human rights defenders in Mosafer Yata. The experts regret this direct attack against the nucleus of human rights



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and international humanitarian law and serious violation of human rights defenders' rights. They believe when the Jewish settlers in the West Bank are protected by law and citizenship rights, the systematic application of military authority on Palestinians is blatantly discriminatory.

*13 – Call for immediate release of Ahmad Manasra, 14 July 2022<sup>41</sup>*

The Special Rapporteur on the human rights situation in The Occupied Palestinian Territories, Special Rapporteur on the protection and promotion of human rights and

fundamental freedoms in the fight against terrorism, Special Rapporteur on the contemporary forms of racism, racial discrimination, and xenophobia, and the Special Rapporteur on the right to health called on Israel to immediately release Palestinian youth Ahmad Manasra who since the age of 14 has been in Israeli prisons for the last six years, and suffers from serious mental health problems. They called on Israel to release him and allow him to return to his family and seek mental health counselling. They believe the time has come that the extensive arrest and detention system carried out by Israel in the Occupied Palestinian Territories is brought to the attention of the international community.

*14 – The killing of Al Jazira journalist by IDF bullets, 24 June 2022<sup>42</sup>*

In a statement, UN High Commissioner spokesperson expressed concern over Israeli authority's failure to conduct an investigation into the killing of Palestinian-American Al Jazira journalist, while reporting an arrest in Jenin and said that Israel has still not conducted a criminal investigation into the case. However, the Office of the UN High Commissioner for Human Rights finished independent investigations on the case and all the collected data including the official IDF data and Palestinian prosecutor general data, confirm the finding that the bullets that killed Abu Aqele were fired by the IDF, and not by armed Palestinians, which had first been claimed by Israel. The High Commissioner for Human Rights also asked Israeli authorities to conduct criminal investigations into the killing of Abu Aqele and other killings and serious injuries caused by the IDF in the West Bank, and within the framework of law in Gaza.

*15 – Condemnation of the arbitrary detention of a Palestinian humanitarian aid worker by Israel, 16 June 2022<sup>43</sup>*

Following an Israeli court finding Mohammad Al-Halbi, Gaza aid worker guilty of providing financial aid to terrorism, the Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, Special Rapporteur on the protection of human rights and fundamental freedoms

and the Special Rapporteur on the independence of judges and lawyers, in a statement condemned Israel for abusing the anti-terror laws to target and silence human rights defenders. According to these experts, the conviction of Mohammad Al-Halbi is a blatant violation of Israel's commitments and respect for the right to fair trial and shows serious disregard of fair trial guarantees that include the extensive use of confidential evidence against him, restriction of communication with his attorney, not enough time given for a case for his defense to be built. They called for Mr. Al-Halbi's conviction to speedily and fully be reviewed in appeals court through observation of the access principle and respect to fair trial.

*16 – Call for ceasing the eviction and demolition of Bedouin Ras Jrahah village, 3 June 2022<sup>44</sup>*

UN Special Rapporteur on minority issues, and Special Rapporteur on the right to adequate housing issued a statement calling on Israeli authorities to cease the eviction and demolition of Bedouin village which will forcefully displace hundreds of its residents. Israel's objective from this demolition is the expansion of Jewish settlements, while the members of this community have lived there for generations, Israel has labeled them as invaders. The UN Experts have called on Israeli authorities to immediately cease the evictions and demolition of homes which can cause irreversible damages to the traditional lifestyle of the Bedouins, their livelihood, cultural traditions and their connection to their lands.

*17 – Israeli supreme court rule on the threat of forced removal of Palestinians, 19 May 2022<sup>45</sup>*

The Special Rapporteur on the human rights situation of The Occupied Palestinian Territories, Special Rapporteur on the human rights of the internally displaced, the Special Rapporteur on the right to adequate housing, in a statement expressed their concern on the Israeli supreme court's ruling on the Mosafer Yata region and the threat of imminent forced removal of Palestinians and called on Israel and the international community to immediately cease evictions, forced removal and arbitrary displacement of Palestinians in the West Bank. as part of the right to enjoy adequate living standards and right to nondiscrimination. Expressing their concern on this matter, the UN Experts said that reviewing the latest information shows that the IDF have demolished buildings in the Mosafer Yata. These demolitions have placed the residents under immediate threat of forced removal. They called on the international community to take measures and believe the international community must not remain silent towards the serious violations of international law and humanitarian law. It is necessary for diplomatic, political and economic measures that exist in the UN Charter be taken to end the human rights violations by Israel.

*18 – Condemnation of the developments in the West Bank and killing of Palestinian Al Jazeera journalist, 13 May 2022<sup>46</sup>*

The Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, the Special Rapporteur on extrajudicial and arbitrary executions, the



**the UN High Commissioner for Human Rights pointed out the high number of children killed and injured in the recent conflicts between Israel and the Islamic Jihad forces in Gaza**

Special Rapporteur on violence against women, causes and repercussions, and the Special Rapporteur on the promotion and protection of the right to freedom of expression and belief, condemned the killing of Al Jazeera journalist Shireen Abu Aqeel, in the occupied West Bank and called for immediate, transparent and independent investigation of her death. According to the Rapporteurs, her murder was another serious attack against freedom of the media and freedom of expression during the escalation of violence in the West Bank. They called for swift, independent, neutral, effective, full and transparent investigation into her

killing with full observation of UN's reviewed guidelines regarding prevention and effective investigation regarding extrajudicial and arbitrary executions.

*19 – Policies related to housing in Israel and racial apartheid in the Occupied Territories, 27 April 2022*<sup>47</sup>

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance, the Special Rapporteur on the right to peaceful assemblies and association, the Special Rapporteur on adequate housing as part of the right to suitable living standards, the Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, the Special Rapporteur on clean drinking water and sanitation, in a joint statement, declared that Israel's housing policies in East Jerusalem is tantamount to racism and discrimination against Palestinians and violation of their human rights. The experts believe that according to received reports, Palestinians are under put in districtization rules and discriminatory program in their own territory, which restricts them from accessing clean drinking water and sanitation and other necessary services such as health care and education. These UN experts called on the international community to conduct independent investigation on military operations so that the extensive impunity of the occupying power in the excessive use of force against Palestinians when protesting, search and arrest operations in checkpoints is put to an end.

*20 – Call for restarting financial aid to listed organizations, 25 April 2022*<sup>48</sup>

The Special Rapporteur on the human rights situation in the The Occupied Palestinian Territories, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the protection and promotion of human rights when fighting terrorism, the Special Rapporteur on the protection and promotion of the right to freedom of expression and belief, the Special Rapporteur on violence against women, causes and repercussions, the Special Rapporteur on freedom of association and peaceful assemblies, the Special

Rapporteur on human trafficking, especially women and children, and the Working Group on discrimination against women and girls, in a statement called on the international community to take immediate and effective steps for the protection of six Palestinian civil society organizations which, in 2021, had been labelled as “terror groups” by Israel. The Experts stated that they are deeply concerned over Israel’s blatant exploitation of anti-terror laws to attack a number of top Palestinian civil society organizations and these types of exploitations must be dismissed and confronted. They called on the international community to reach a conclusion because of Israel’s failure to produce evidence and the urgency to restart and even increase the financial and political support for these six organizations.

*21 – Rise in crackdowns and violence and insistence on the importance of Israel’s accountability, 22 April 2022*<sup>49</sup>

The Special Rapporteur on the situation of human rights in OPT has called on the international community to take immediate short-term and long-term steps to investigate the escalation of violence in the Occupied Palestinian Territories. He believes that the international community’s indifference in facing this volume of violence, has encouraged them to continue. He called on the international community to take action for an end to Gaza’s blockade, immediate cessation of settlements construction, allow free movement of Palestinians, holding of free and fair elections, start of the peace process on the basis of rights between Israel and Palestine in accordance with international law and UN resolutions.

*22 – A look at rise in the recent violence in Occupied Territories, 22 April 2022*<sup>50</sup>

The UN High Commissioner for Human Rights spokesperson has described the recent incidents in the Occupied Territories in a report. Also, the use of force by Israel has been highlighted which must be swiftly, neutrally, independently and transparently investigated. According to this spokesperson those who are responsible for any crimes must be held to account and the use of force policies and procedures and the use of force must be reviewed with the aim of preventing any types of crimes from taking place.

*23 – Fifty-five years of occupation of the Occupied Territories as a form of Apartheid, 25 March 2022*<sup>51</sup>

In his final report as a Rapporteur to the 49th Session of the Human Rights Council, the Special Rapporteur on the situation of human rights in the Occupied Territories called on the international community to recognize his report findings and the findings of Palestinian, Israeli and international human rights organizations on the basis of Apartheid which is being applied by Israel in The Occupied Palestinian Territories. The important point of this report is that the Rapporteur clearly stresses that Israel’s occupation of Palestinian Territories is Apartheid. The Special Rapporteur recommends that Israel fully fulfills its commitments to international law and to immediately and unconditionally put an end to the occupation of Palestinian Territories.



**UN Special Rapporteur  
in a statement condemned  
Israel's abuse against  
human rights activists and  
humanitarian aid workers  
in the Mosafer Yata region  
in the West Bank.**

*24 – UN High Commissioner for Human Rights' report on the necessity for Israel to be held to account for human rights violations, 4 March 2022*<sup>52</sup>

In his report to the 49th Session of the Human Rights Council, the UN High Commissioner for Human Rights reviewed the implementation of the resolutions and developments regarding the situation of human rights in the Occupied Palestinian Territories and the deals on the subject of the necessity for Israel's accountability regarding violation of human rights and international humanitarian law. He believes that in spite of the escalation

of violence and repeated violation of international humanitarian law and international human rights principles in the Occupied Palestinian Territories, impunity from punishment largely and extensively continues. The High Commissioner expressed concern over not enough action being taken by Israeli and Palestinian authorities to investigate violation of international humanitarian law in the escalation of violence, in May 2021.

### **Part two: Statements released in 2021**

*1 – Necessity to pay attention to Security Council resolution 2334 regarding ending the Occupation, 23 December 2021*<sup>53</sup>

UN Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, published a report regarding the necessity to pay attention to the contents of Security Council resolution 2334. In this report, he stresses on the need to end all Israeli settlements construction activities and international accountability after five years and says: the international community must condemn Israel for the long occupation of Palestine and take its words and laws seriously. The Special Rapporteur has called on the international community to expand an approach based on rights for Middle East peace and to use necessary mechanisms and measures to hold Israel accountable. According to him, only adoption of an approach based on accountability, equality and full rights, can create a prosperous future for both Palestinians and Israelis.

*2 – Israel's settlements expansion, down-trodding of international laws, 30 November 2021*<sup>54</sup>

The Special Rapporteur on the human rights situation in the Occupied Palestinian Territories and the Special Rapporteur on adequate housing, in a statement, strongly condemned Israel's declaration regarding the continuation of the construction of thousands of new housing units in the settlements in the West Bank and East Jerusalem. While reminding UN's repeated statements regarding the illegality of Israeli settlements, the UN Experts said that

settlements constructions were war crimes according to the ICC Statute and the international community must confront it.

*3 – Escalation of settlers’ violence against Palestinians, 10 November 2021* <sup>55</sup>

The Special Rapporteur on the human rights situation in Occupied Territories and the Working Group on the use of mercenaries released a statement expressing concern over the escalation of Israeli settlers’ violence against Palestinians in the Occupied Territories. Settlers’ violence has always been one of the extremely concerning features of the Israeli occupiers. These experts expressed deep dissatisfaction on failure to apply fundamental commitments of the occupying power as mandated by the Fourth Geneva Convention that include article 27, for the protection of the civilian population under occupation. They believe that, in an environment where the rights of the protected population is ignored, where the settlers’ violence, supported with the political message of the occupying power, express that the territory belongs to one race, the international community is responsible to impose accountability mechanisms and take actions to end impunity from punishment and insist on respecting the rule of law.

*4 – High Commissioner’s criticism of Israel labelling a number of Palestinian NGOs as terror groups, 26 October 2021* <sup>56</sup>

In a statement, the UN High Commissioner for Human Rights called Israel’s decision to call six Palestinian civil society organizations as terror groups, an attack against human rights defenders, freedom of association and assembly, freedom of expression and belief, and said that this label must immediately be removed. He also said that Israel must ensure that human rights defenders are not detained, charged or sentenced for their legitimate campaigns for the protection and promotion of human rights. He called on Israeli authorities to suspend naming them terror and illegal groups in their statements.

*5 – Labelling a number of Palestinian human rights organizations as terror groups, 25 October 2021* <sup>57</sup>

The Special Rapporteur on the human rights situation in the Occupied Palestinian Territories, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on the promotion and protection of the right to freedom of expression and belief, the Working Group on discrimination against women and girls, the Special Rapporteur on discrimination against women, causes and consequences, the Special Rapporteur on the right to association and peaceful assembly, the Working Group on business and human rights, the Special Rapporteur on human trafficking, women and girls in particular issued a joint statement on OPT. The UN Experts strongly condemned Israel defense minister’s decision to name six Palestinian human rights organizations as terror groups. They called on the international community to defend human rights defenders and to utilize a vast spectrum of political and diplomatic mechanisms to call on Israel to reconsider and suspend



**The High Commissioner for Human Rights also asked Israeli authorities to conduct criminal investigations into the killing of Abu Aqeel**

the decision. They believe that these civil society organizations are invaluable for human rights, they raise alarms on the violations patterns and remind the international community's commitments for ensuring accountability.

6 – Need for a brave new approach to end the Occupation of Palestine, 25 October 2021<sup>58</sup>

The UN Special Rapporteur on the situation of human rights in the Occupied Territories, in a report to the General Assembly, said that to achieve the world's objective for an end to the years long occupation by Israel and provision

of autonomy of Palestine, there is a need for “creative and brave” guidelines. Ending a long term occupation, and the chance for Palestinians' destiny and provision of peace, security and a mutual prosperous future for Israelis and Palestinians requires the international community to observe a number of principles to achieve objectives in peace, security and justice, which include: active international intervention, the use of a framework and approach based on international law and human rights, Palestinian autonomy as an ultimate objective and speedy end to deliberate occupation. The Special Rapporteur called on the international community and main actors to implement their laws and resolutions regarding Israel's occupation.

*7 – Call for the release of 5 Palestinians on hunger strike*<sup>59</sup>

The Special Rapporteur on the situation of human rights in The Occupied Palestinian Territories, the Special Rapporteur on torture and other cruel, inhuman and degrading punishments and treatments and the Working Group on arbitrary detentions, in a statement expressed concern over the hunger strike of five Palestinians in Israeli prisons. The UN Experts called on Israel to either release the detainees or charge them, and fully put an end to unlawful administrative detentions. They, once again, called on Israel to put an end to the hard conditions of Palestinians detainees.

*8 – Condemnation of raids on NGOs and call for investigation of the death of Palestinian children, 13 August 2021*<sup>60</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on the promotion and protection of the right to freedom of expression, the Special Rapporteur on the right to freedom of association and peaceful assemblies, and the Special Rapporteur on the situation of human rights defenders, in a joint statement, condemned the raid on an NGO, in the West Bank and called on Israel to seriously investigate

the death of children. The Experts called on the Israeli government to return the confidential documents and office equipment which its military confiscated from Defense for Children-International, Palestine office. They expressed deep concern over IDF's intervention in the human rights campaigns of a well-known nongovernmental organization. The Experts believe that an occupying power, with real commitments to human rights, should encourage and protect human rights defenders, not deprive them and force them into silence.

*9 – The need to protect human rights defenders in the Occupied Territories, 11 August 2021*<sup>61</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Working Group on discrimination against women and girls, the Special Rapporteur on minorities' issues, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right of all persons to enjoy the highest physical and mental health, the Special Rapporteur on freedom of association and peaceful assemblies, in a statement, expressed concern over the arrest, harassment and abuse, criminalization and threats against human rights defenders in occupied Palestine and called on Israel to ensure the protection of all human rights defenders. They asked the authorities to stop targeting human rights defenders and allow them to continue their legitimate and amicable activities with no restrictions.

*10 – Call for holding free and fair elections in East Jerusalem, 26 July 2021*<sup>62</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on the protection and promotion of right to freedom of expression, the Special Rapporteur on the right to freedom of association and peaceful assemblies, in a statement, called on the Palestinian Authority and Israel to take all necessary measures within the framework of their authority to re-program Palestinian presidential, the legislative body and mayors' elections in a specific time period, and ensure free, fair, democratic, peaceful and legitimate elections. The experts expressed deep concern on the postponement of the planned elections in Palestine. They also asked Israel to allow full and free participation of Palestinians in East Jerusalem and as occupying power to not interfere in the rights and daily lives of Palestinians as much as possible.

*11 – Repeated demolition of Palestinian Bedouin properties by the occupying power, 12 July 2021*<sup>63</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories condemned the demolition of homes and properties of the Palestinian Bedouin community in Humsa al-Basqai'a, in the north of the Jordan Valley, in the West Bank by Israel. According to him, the IDF demolished residential homes, shelters, farm animal barns and water tanks, and confiscated the Bedouin's properties. He called on the international community to make the perpetrators of these crimes accountable and by imposing heavy costs on the illegal occupation by Israel, put pressure on the government.



**the UN Experts said that reviewing the latest information shows that the IDF have demolished buildings in the Mosafer Yata.**

*12 – Israel’s settlements construction, war crimes, 9 July 2021 <sup>64</sup>*

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories called on the international community to name the construction of Israeli settlements as war crime, in accordance with the ICC Statute. He believed that Israeli settlements violate the prohibition of the moving of a part of a civilian population by the occupying power to occupied territories. He asked for a comprehensive list of these actions, for the accountability for Israel’s conformity with international laws, in the event that Israel continues to

disregard the international community, and to ensure full accountability of the political, military and administrative leaders of Israel who are responsible for the grave violation of international laws in the Occupied Palestinian Territories.

*13 – Stop attacks against critics in the Occupied Palestinian Territories and arrest the perpetrators, 6 July 2021 <sup>65</sup>*

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on extrajudicial, forced and arbitrary executions and the Special Rapporteur on the promotion and protection of freedom of expression and belief, in a statement, expressed concern on a number of IDF attacks against critics inside the Palestinian Authority. According to them, the critics ability to publish violations and the accountability of government officials is a vital tool for assessment of general freedoms in society and the perpetrators of these attacks must be held to account.

*14 – End to violence, hate speech and discrimination against the Palestinian minority, 1 June 2021 <sup>66</sup>*

The Special Rapporteur on the right to association and peaceful assemblies and the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, in a statement, condemned attacks against the Palestinian minority, by extremist rightwing groups such as settlers and in some instances the IDF and called on Israel to protect all its citizens fully and equally without any discrimination. They also asked Israeli authorities to stop their citizens from attacking the Palestinians and to protect everyone equally and without discrimination. He also said that the police which is accused of breaking the equal protection of Israeli citizens must be investigated and made to answer.

*15 – Special Rapporteurs welcome the ceasefire and call for ICC probe, 20 May 2021 <sup>67</sup>*

The Special Rapporteur on adequate housing , as part of the right to enjoyment

of suitable living standard, the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on the right to clean drinking water and sanitation, the Special Rapporteur on the right to education, the Special Rapporteur on the right to food, the Special Rapporteur on the human rights of the internally displaced, the Special Rapporteur on the protection and promotion of right to freedom of expression and belief, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, in a joint statement, welcomed the ceasefire in the 11-day Gaza conflict and called on all sides in Gaza and Israel to respect the ceasefire and for the ICC to launch a probe into attacks on civilians and other cases of human rights violation. They also asked Israel, Palestine and other countries to investigate these crimes according to their national laws or on the international competence principles and prosecute so that the ending of impunity from punishment process can begin.

*16 – Call for the setting up of an independent investigation commission on the Occupied Territories, 20 May 2021*<sup>68</sup>

Following the clashes in Gaza and Israel in May, in its 30th Special Session, the Human Rights Council put in its working agenda, the formation of an Independent Investigation Commission to review the causes and rooted and repeated violations in the Occupied Territories. This took place at the request of the Organization of Islamic Cooperation and the Palestinian government, and was approved by 63 countries.

*17 – End to violence and efforts to end the Occupation in Gaza, 18 May 2021*<sup>69</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on the right to freedom of association and peaceful assemblies, the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur on the right to education, following the outbreak of clashes between Gaza and Israel on 10 May, in a statement, called on the international community to stop the violence in Gaza immediately, to take steps in adopting of a resolution to investigate the main source of the conflict and in other words the denial of collective and individual rights of the people of Palestine. They expressed concern over the dire human conditions in Gaza and the worsening of these conditions due to the COVID-19 outbreak. The experts believe that an approach based on rights must guide the international community's diplomacy to reach a just and lasting solution.

*18 – De-escalation amid increasing bloodshed amid incitement, volatility in the Occupied Palestine, 15 May 2021*<sup>70</sup>

In a statement, the UN High Commissioner for Human Rights called for serious respect of international law and called on all parties to take action to reduce tensions and investigate the concerning situation in Israel and the Occupied Palestinian Territories, and respect their commitments to international law.



**These UN experts called on the international community to conduct independent investigation on military operations so that the extensive impunity of the occupying power is put to an end.**

According to this statement, as an occupying power, Israel is obligated to guarantee unhindered access of humanitarian aid to the Gaza Strip and those who are recognized as violators should be held accountable. In this statement, he called for an independent, transparent and full investigation of all accusations regarding violations of international human rights principles and humanitarian law.

*19 – Brutal police response to protests and call for the removal of deportation threats, 11 May 2021 <sup>71</sup>*

The UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories and Special Rapporteur on the right to adequate housing as part of the right to enjoyment of suitable living standards and right to non-discrimination released a statement expressing concern in response to Israel's aggression towards East Jerusalem and called on Israel, as the occupying power, to immediately suspend its threat to evict hundreds of Palestinian families from their homes. They said that, until the national and individual rights of the people of Palestine is routinely suspended, short-term calm or lasting peace will not be realized. The Rapporteurs believe that the source of the current tensions is the Israeli settlements organizations' actions with the aim of turning Palestinian neighborhoods into Jewish neighborhoods and limiting the city's Palestinian population to just 30 percent. While reminding the Security Council deeming the settlements illegal and the repeated requests of UN experts to fully stop settlement constructions, he said that Israel shows no inclination to observe the international community's demands.

*20 – Rising levels of Israeli settlers violence in an impunity climate <sup>72</sup>*

The UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, the Special Rapporteur on the right to adequate housing as part of the right to enjoyment of suitable living standards, the Independent expert on the enjoyment of senior citizens to all human rights, and the Working Group on the use of mercenaries, in a statement, said that the violence of Israeli settlers against Palestinian civilians has notably escalated. They called on the IDF and the Israeli police to vigorously conduct legal investigations into acts of violence. The UN Experts expressed deep concern over the atmosphere of impunity from punishment for the continuation of attacks. The experts called on the international community to impose effective and meaningful costs for the continuation of occupation and call on the occupying power to stop settlements constructions. Palestinians must be protected from the settlers' violence and the perpetrators must be held to account for their actions.

*21 – Grave violation of human rights in the Occupied Palestinian Territories by opposing parties, 24 February 2021<sup>73</sup>*

In his report to the 46th Session of the Human Rights Council, the UN High Commissioner for Human Rights highlighted serious violations during the preparation of his report. Sixty-seven Palestinians that include 16 children were killed by the IDF and 3678 people were injured. During this time one IDF soldier was killed by Palestinians and 90 others were injured. The High Commissioner also expressed concern over the continuation of attacks and launching of rocket and incendiary balloons by armed Palestinian groups towards Israel, and called for both parties to put an end to human rights violations in the territories.

*22 – ICC ruling jurisdiction on Occupied Territories, a step towards justice, 9 February 2021<sup>74</sup>*

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment, deemed ICC's decision in having jurisdiction for the investigation of serious crimes committed in the Occupied Palestinian Territories, such as possible war crimes, a big step towards ending impunity from punishment and guaranteeing justice for the several decades occupation. The UN Experts cautioned that the Rome Statute preamble calls for international cooperation for guaranteeing lasting respect and application of international justice. They believe that putting an end to impunity and pursuit of justice can result in peace in the Middle East. Thus, they called on the international community to support the ICC procedures.

*23 – Israel must end impunity, torture and ill treatment, 8 February 2021<sup>75</sup>*

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories and working group on arbitrary detentions in a statement called on Israel to be accountable towards its cruel, inhuman or degrading treatment or punishment which are prohibited by international law. The Experts expressed concern over techniques used to get forced confessions. They believe that governments are legally responsible for torture or mistreatment which are committed by their own authorities and have the duty to prevent such punishments. Also, the victims must receive compensation and rehabilitation treatment.

*24 – Israel's conviction of human rights defenders shows disdain to international law, 26 January 2021(76)*

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories and the Special Rapporteur on the situation of human rights defenders in a statement called the conviction of Issa Amro, human rights defender and founder of the Youth against Settlements Construction Group by a military tribunal, Israel's disdain towards international commitments and called on Israel to immediately stop security-military tools to prevent the legitimate and vital activities of human rights defenders. The experts believe that the

Israeli military tribunal laws in the West Bank are grave violations and have ambiguous definitions for crimes and are repeatedly used to silence human rights defenders.

*25 – Israel must ensure equal access to COVID-19 vaccines for Palestinians, 14 January 2021* <sup>77</sup>

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories and Special Rapporteur on the right of everyone to the enjoyment of highest attainable standard of physical and mental health in a statement called on Israel to guarantee all Palestinians' access to COVID-19 vaccine during the pandemic. According to the Experts, the expansion of COVID-19 vaccination program for all Israeli citizens has been notable and compared to other countries Israel has provided the vaccine to the highest percentage of its citizens. The UN Experts expressed concern over not vaccinating security prisoners, on the orders of the Israeli Public Safety Ministry, while Israeli health officials had previously given guidelines, which in view of the high risk of contraction among prisoners, all prisoners must have priority in receiving the vaccinations.

*26 – Call for the reversal of the eviction orders of 16 Palestinian families, 11 January 2021* <sup>78</sup>

Following the Israeli courts' orders for the eviction of 16 Palestinian families from their homes in Sheikh Jara and Silvan, in a statement the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories called on Israel to reverse the eviction orders and called it a part of an alarming pattern for changing the demographics of the City and creation of a Jewish majority and illegal annexation. He added that this order, if carried out, will be equal to the violation of the prohibition on forced movement of a protected population according to article 49 of the Fourth Geneva Convention, and reminded the international community to ensure Israel remains committed to its obligations to international law.

### **Conclusion**

In view of the large number of resolutions and reports on human rights violations committed by Israel in the Occupied Territories, perhaps we can reach a two-aspects assumption regarding the reason why these condemnations are ineffective. On this basis, benefiting from United States support in international organizations on one hand, and the use of the Zionist-Jewish economic tools for increasing the lobbying ability and discussions with various institutions on the other hand can be noted as the roots of Israel's policies to ignore the UN repeated calls and adopted resolutions.

### **America's political backing in international circles**

It must be said that in spite of the release of more than 500 resolutions by UN mechanisms against Israel, according to UN data until May 2021, the United States has vetoed at least 53 resolutions against Israel from 1972 in the Security

Council, which shows America's strong support for Israel's foreign policies in the region and disregard for countless instances of human rights violations.

### **Extensive lobbying with the use of pressure tools**

Lobbying and efforts to influence the votes and views of legislators and politicians of countries is an accepted thing and is something legal. In this regard, Jews have a long history. Supporters of Israel in the United States such as AIPAC are in a good position for lobbying. In Europe, too, the rightwing supporters of Israel groups, have created a strong presence in the EU in support of Israel for the

protection of the national interests of the Israel in Brussels and diversion of any form of criticism of Israel's behavior towards Palestinians. The periodic sittings of the Council of Europe with Israel in September last year, has held its twelve session in which Israeli officials attended at the highest level of representation. Lobbying activities for Israel, goes on in Britain on a smaller scale than the United States. Also, Israel's lobby in Canada (CIJA) is also active to influence the government's decisions and shaping public opinion on Israel.

In Asia, also SWC-CHINA plays a key role in the fight against any form of criticism of Israel's behavior in Chinese media and Islamic anti-Israel campaigns in universities.

Thus, we can conclude that, in spite of strong condemnations of the international community for its actions in the Occupied Territories, for preservation of its abilities Israel continues to conduct dialogue and interaction at the highest levels, tries to dampen down the huge wave of criticisms towards itself and to raise its international accountability impunity levels to the highest.



**While reminding UN's repeated statements regarding the illegality of Israeli settlements, the UN Experts said that settlements constructions were war crimes according to the ICC Statute and the international community must confront it.**

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