



# DEFENDERS

Summer 2017



- Reducing Violence Hinges on Safeguarding Citizenship Rights
- The Relationship between Peace and Tourism
- UNSECO'S Position on the Issue of the 'Occupied Palestine'
- Refugee Crisis and the EU
- Conventional Arms Transfers and Violation of Human Rights
- Systematic Violation of Human Rights by Saudi Arabia

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# Editor's Note

Today's world is faced with a huge volume of human rights violations in different corners, more than ever; and this has not only caused concern and insecurity for human rights activists, but also for all the people of the world.

Grave violations of human rights, wars and conflicts, killing of children, women and civilians, terror attacks are all some of these events. The spread of such violence has the world faced with various crises including the current migrant crisis, unprecedented since the end of the Second World War. Dealing with the crisis and human rights violations as a result of the confrontation of different countries with the crisis is reviewed in an article in this edition of Defenders.

One of the main objectives of international organizations, alongside peace, is promotion of human rights. International courts and tribunals are human rights organizations other than the UN Human Rights Council who have a lot of capacities and enforcing guarantees to investigate human rights violation cases while they are lesser known among NGOs and human rights activists. . With this in mind one article in this edition is allocated to the capacities of international courts in investigating human rights violations.

Also peace and human rights in today's world, while have continuously been under attack and violation, have had effects on several other areas including tourism and cultural heritage.. In this edition the effects of tourism and peace are discussed in another article alongside some references to the Iranian cultural and natural heritage.

Furthermore, the use of conventional and unconventional weapons in wars and conflicts is another of the endless concerns of human rights defenders, which is raised in the form of an article on the use of weapons and violation of human rights in this edition of Defenders.

While many countries, organizations and individuals are trying to reduce human rights violations and the spread of violence, unfortunately some states help the spread of violence. This edition has two articles on the practice of the Saudi Arabian government in this regard in the form of presentation of human rights data and references to international law.

Describing human rights violations in regions with a high concentration of violence provide a picture of war and conflict, therefore, in this edition there is a report and review of the human rights violation cases of some countries in the form of UPR mechanism reports.

Developments in Iran have always been one of the focal points of Defenders. The review of the Citizen's Rights Charter of Iran is presented in the form of an interview with one of the renowned law experts. Also a report of ODVV's activities, as an organization that continually aspires to promote human rights are included in this edition.

This edition, is the first Defenders with a new format. We have tried to collect the views of experts with a concentration of human rights developments and violation cases in all corners of the world, in the form of scientific articles, interviews, and news reviews. We hope these measures are steps – however small – towards the promotion of human rights and on this path welcome the assistance of our colleagues.

# Reducing Violence Hinges on Safeguarding Citizenship Rights

*Interview with Ali Akbar Gorji  
Professor of Law; Shahid Beheshti University*

By: L.Kazemi  
Journalist

A glance at the general outlines of Iran's Constitution shows that the law has tried to recognize the rights and freedoms of the country's citizens as a result of which such rights have come under a separate chapter titled "The Rights of the Nation." For this reason, Iran's Constitution can be considered as one of the richest laws in the field of citizenship rights. However, Iran's President Hassan Rouhani unveiled a Charter on Citizens' Rights last year in



order to facilitate implementation of this part of the Constitution and draw more attention to citizenship rights. He also aimed to bring all citizenship rights and freedoms of Iranian citizens in one place, so as to make special follow-up on these rights possible. In the following interview with Modafe'an (Defenders) magazine, Ali Akbar Gorji, who holds a doctoral degree in law and is also a professor at Tehran's Shahid Beheshti University, explains various levels and executive guarantees of these laws. This university professor believes that peace and tranquility are the outcome of realization of citizenship rights. This means that whenever these rights and freedoms are protected, violence gradually decreases. In other words, violence is a consequence of disregard for human and citizenship rights and if citizenship rights are enforced in a suitable manner, the world would see peace, tranquility and development. The text of the interview follows.

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**Q: When laws are categorized in Iran, in what category of laws or binding documents does Iran's "Charter on Citizens' Rights" belong? What relationship this charter has with the basic rights and other approved laws? Please explain about legal status and executive guarantees for this charter.**

A: Citizenship rights are among natural rights and freedoms of human beings and various political systems, that is, governments, have recognized them and tried to guarantee their realization within their borders and under their governance.

Therefore, we can claim that citizenship rights are those human rights, which various political systems have endowed upon their nationals in view of their own geographical, language, ethnic, racial, religious and other considerations. The difference between human rights and citizenship rights is that human rights and freedoms are universal in nature, but citizenship rights are specific to a country, are government-centered and belong to a special geographical expanse. Therefore, human rights, in fact, include those rights and freedoms, which are recognized for all human beings regardless of their various characteristics. However, citizenship rights cover only those individuals, who live under a specific system of governance. When it comes to division of rights, citizenship rights are usually recognized as part of basic laws of countries. Of course, other ordinary documents and laws may also recognize these rights and freedoms and this differs from one country to another. For example, in the legal system of the Islamic Republic of Iran, the most powerful document on citizenship rights is our own Constitution the third chapter of which has been dedicated to the nation's rights. In comparison, we can refer to the French Constitution, which is very poor in terms of recognition of citizenship rights and freedoms. That is, the text of France's 1958 Constitution is poor in content when it comes to citizenship rights and freedoms.

Therefore, the preface of this law includes references to the preface of the previous version of the Constitution, namely the 1946 Constitution, as well as the Declaration of the Rights of Man and of the Citizen, passed by France's National Constituent Assembly in August 1789. Of course, France's National Constituent Assembly gradually bestowed legal status to this preface as well as to the Declaration of the Rights of Man and of the Citizen. Therefore, we can claim that Iran's Constitution has been way ahead of constitutions of many other countries in terms of recognizing citizenship rights.

**From my viewpoint, the Judiciary must be the main guarantor of citizenship rights in Iran, because citizenship is basically based on awareness of members of a society**

The main problem in the country, however, is the shortcoming related to the implementation of citizenship rights by the country's officials and managers. I mean, although we have the best Constitution, when it comes to citizenship rights, our managers, administrative units and institutions do not take suitable measures in this regard. As for the executive guarantee for the enforcement of citizenship rights, I must say that according to the Constitution, the Guardian Council is the main guarantor of the enforcement of this law. The Guardian Council, by definition, is protector of the Constitution and the rights of citizens must be highlighted and guaranteed in each and every opinion that the council issues.

From my viewpoint, the Judiciary must be the main guarantor of citizenship rights in Iran, because citizenship is basically based on awareness of members of a society. This is true because Article 156 of the Iranian Constitution has clearly introduced the

Judiciary as an independent branch of government, which should support individual rights and freedoms. Therefore, the law specifies that the Judiciary must protect the rights of citizens. Citizenship rights must also be guaranteed by informed and aware people and citizens as well, because citizenship is basically founded on the awareness of every member of the society. Therefore, when citizens are adequately aware in this regard, and in other words, when the level of their awareness about citizenship rights is elevated, then they force governments to guarantee enforcement of those rights. It is for this reason that in addition to state guarantees, citizens themselves must show initiative in this regard.

**Q: What is your opinion about the Charter on Citizens' Rights, which was unveiled by Iran's President Hassan Rouhani last year? In your opinion, what goals does the president pursue through formulation of the Charter on Citizens' Rights?**

A: In my opinion, a number of issues underlie the philosophy of the Charter on Citizens' Rights. One issue is that the Charter on Citizens' Rights has gathered in one place those various rights and freedoms, which had been recognized in different and separate documents and were sometimes, neglected and did not receive necessary attention. Therefore, the first function of this charter is to bring these rights under the same roof. The second function is to modernize the system of social rights and freedoms. We approved the Constitution in 1979 and at that time many of these citizenship rights and freedoms had not been recognized. Therefore, the Charter on Citizens' Rights, in one way, tries to renovate the existing legal documents when it comes to rights and freedoms and this is no small step. This issue will not only bring coherence and coordination to various rights of citizens, but also pave the way for certain innovations. In fact, new rights and freedoms have been recognized in this charter, including Article 33 of the charter, which has recognized citizens' right to having free access to cyberspace. That article has stipulated that it is a natural right of citizens to have access to and take advantage of communications through cyberspace and also to acquire information and knowledge from it freely and without any discrimination. The third function of this charter is its social and cultural function. The Charter on Citizens' Rights has brought the issue of rights-centeredness and "rights thinking" into the public sphere of the society. I mean, it has turned this issue into the main concern of the society. The fourth function of the charter is that immediately following its unveiling, Iran's Supreme Administrative Council passed a decision, which made observance of the Charter on Citizens' Rights obligatory and binding for all administrative institutions.



**The first function of this charter is to bring these rights under the same roof. The second function is to modernize the system of social rights and freedoms**

That is, a serious and important outcome of this charter is that all administrative institutions must gradually see themselves obligated to enforce freedoms and rights enshrined therein, and in case of lack of commitment to those rights, they would be referred to a special board, which investigates administrative offenses.

**Q: In view of division of powers in Iran, to what extent this charter is binding for various branches of the government?**

A: There is no doubt that during the past two years, Iran's executive branch has taken measures to initiate implementation of this charter. Therefore, the first step in this regard must be also taken by the executive branch itself. I mean, the executive branch must monitor all its subordinate institutions with regard to implementation of citizenship rights. The Supreme Administrative Council passed a decision under No. 178, dated January 28, 2017, according to which all ministries, state-run institutes and companies, nongovernmental public institutions, provincial governors' offices, and other executive bodies that are funded through the public budget have been obligated to comply with the contents of the Supreme Administrative Council's decision. Therefore, at least on paper, all institutions whose budget is allocated as per the annual budget law have been obligated to comply with the decision of the Supreme Administrative Council. However, there is no doubt that due to division of powers, the executive branch, as the founder of the Charter on Citizens' Rights, has no influence on other branches of the government. For this reason, enforcing the Charter on Citizens' Rights within other branches of the government, and guaranteeing their respect for citizenship rights will be very difficult for the executive branch. Subsequently, other branches and governmental institutions must take the lead and understand that implementation of these decisions is in favor of the Islamic Republic of Iran's establishment and the people, and help the executive branch implement the charter.

**Q: Which institution or institutions are responsible for supervising performance of various state institutions with regard to implementation of this charter? In your opinion, what role can nongovernmental organizations play in this regard?**

A: There is no doubt that nongovernmental organizations can play the most important role in this regard. The charter and the aforesaid decision (by the Supreme Administrative Council) have touched on this issue while the Constitution has also recognized this role in such cases for various parties and associations in its Article 26. The point, however, is that from a legal standpoint, the Charter on Citizens' Rights is not binding per se, but the Supreme Administrative Council's decision No. 178 is binding and it seems that it can be even cited in some cases in courts, especially in the Court of Administrative Justice. Therefore, in those cases when citizens come across a civil servant, director general or a public administrative unit that is not attentive to these rights and freedoms, they can refer to special boards set up for seeing into administrative offences, in the first place, and go through stages determined by those boards. If needed, in the next stages, they can refer

to first-instance and appeal branches of the Court of Administrative Justice and file a lawsuit. Therefore, there are guarantees in this regard one way or another. However, it seems that for comprehensive, real and actual guarantee of this charter, what is needed is empathy among all government branches and their coordination in the realization of human dignity in addition to a dignity-centered executive branch.



**It is necessary for the executive branch to set up a high-performance department, which would be able, by using a minimum of facilities, to monitor activities related to the area of citizenship rights**

**Q: Is there any need for new institutions to be established in order to play this supervisory role?**

A: Since the Iranian administration has started to take a relatively new step, I recently noted that it cannot guarantee the implementation of such a major document by appointing a single assistant. Therefore, it is necessary for the executive branch to set up a high-performance department, which would be able, by using a minimum of facilities, to monitor activities related to the area of citizenship rights. Some people say that Mr. Rouhani is expected to introduce this new department, but we recently saw that he only introduced an assistant. Perhaps, this is due to the problem with funding a new department or because of other considerations. At any rate, the experience gained in the past four years shows that an assistant working in the field of citizenship rights is very different from a legal department on citizenship rights and sometimes overlaps occur between their activities and this causes problems. In reality, I, as a person who has been teaching the rights of citizens for many years, believe that it would be difficult for an assistant with limited powers and a ceremonial position to powerfully attend to issues related to this charter.

**Q: How, do you think, unveiling of this charter can affect Iran's position within international human rights bodies? That is, how it can be used to promote Iran's standing in such organizations?**

A: There is no doubt that the Islamic Republic, as a political establishment with a claim to religious democracy, needs to come up with practical examples of safeguarding human rights and freedoms in order to prove its legitimacy to free-thinking people of the world. Therefore, as a religious democracy, the government of the Islamic Republic of Iran cannot suffice to words alone. In order to establish religious democracy as a tenable and efficient theory in the world, the Islamic Republic of Iran has no choice but to recognize and enforce citizenship rights. I mean, we must accept that in the absence of citizens' rights and freedoms no system of government could be called a democracy. Now, when we talk about religion, we must know that religion is the main source of supporter for human rights and freedoms. Human dignity was introduced to all humanity as a gift for the first time by the Prophet of Islam. Therefore, if high-ranking officials have a claim to Islam and religious democracy, and in other words, if they are concerned about the Islamic



Republic establishment, they must never hesitate about realization of citizens' rights and freedoms, because it will be a sign of the democratic nature of the political system and usher the country into a new era of civilization building. At the present time, we are badly in need of building civilization in the modern times. Iranians have distanced from their ancient glory since many years ago and it seems that the sole way, which can get Iran and Iranians back to their ancient grandeur, is all-out recognition of citizenship rights.

**Q: What direct effect can the Charter on Citizens' Rights have on Iranian citizens?**

A: Citizens certainly are the first party to benefit here. If these rights and freedoms are guaranteed, the quality of life of citizens will certainly improve, because both material and spiritual aspects of human life will get better. In that case, people's dignity will be guaranteed and they will live better lives. Peace and tranquility are also related to citizenship rights. Wherever rights and freedoms are safeguarded, violence gradually takes a nosedive, because violence is, in fact, a product of disregard for human and citizenship rights. If these rights and freedoms are respected and realized, peace, tranquility, welfare, and development will gradually show themselves in citizens' lives.

**Q: In conclusion, do you have any last words that may be necessary to be said in this regard?**

A: I, as a teacher, who has spent one decade of his life living and studying in the West, believe that, unfortunately, when it comes to citizenship rights and guaranteeing human rights, the Western world has not been a qualified teacher beyond its borders. I mean, if Americans and Europeans, who have a claim to advocating human rights, were as serious about respecting human rights in other parts of the world as they are about respecting rights and freedoms of their own people, the world would have been in better conditions now. The acme of the Western world's treachery against the rest of the world was emergence of a president like Donald trump [in the United States], whose first step was against human rights when he quit the Paris Agreement on climate change. This is true because the right to development, peace and healthy environment is among the most important of human and citizenship rights. Therefore, the leader of the Western world, in his first step, violated one of the most important rights, which is related to the right of all humans to have a dignified life. As a result, and quite unfortunately, despite exquisite theorization in their writings and books, in practice, the Western world has not been a good role model for the rest of the world. Let's hope that the Islamic Republic and those in power in this country would pay attention to this void that exists in the present world and show high tolerance for ensuring citizenship rights for all Iranian citizens regardless of their religion, denomination, language and race. In this way, the model of religious democracy could be presented as a remarkable model for the entire world by providing full guarantees for realization of citizenship rights of all Iranians.

# The Relationship between Peace and Tourism



By: Benyamin Sadeghi  
Researcher in International Relations

Peace is a calm condition, without concern and cause worry, conflict and confrontation. Peace is deemed a universal ideal. Peace is one of the oldest ideals of Mankind, and the establishment of peace in the world has a direct connection with human rights.

Such an experience in the contemporary times have grown and developed in such way that the world's nations and governments have reached the belief that human rights and peace are necessary for each other, in a way that lasting and genuine peace cannot be accomplished without observing human rights, and without peace it cannot be expected that human rights are fully observed and respected. Furthermore in today's world the right to peace has been deemed as one of the highlighted rights of the Third Generation of Human Rights, and the right to peace is deemed as one of the fundamental rights of Mankind, in a way that the practical realisation of human rights is linked to its existence. In other words, the right to peace forms another fundament of human rights.

Tourism is a universal phenomenon which is made up of several dimensions with deep and amazing effects which different nations around the world, have directly been faced with through welcoming travellers and tourists from all corners of the world, and pursue suitable solutions for its improvement and promotion. Tourism is a suitable tool which can be utilised to bring cultures closer together and benefit from it by teaching peoples on other cultures and environments.

Tourism has a powerful potential on relations between different nations, one of the most important ones of which can be the establishment or expansion of peace across the world. The tourism industry can be seen as a valuable tool in public diplomacy and international development. Also this important phenomenon can be considered as a powerful answer to global challenges, insecurity and terrorism. In fact with a deep and overall look at the tourism industry, interesting and notable conclusions have been reached the most important one of which is the establishment of peace in



**According to the World Tourism Organization, Iran is in fifth place for having natural attractions and tenth for having cultural-historic attractions**

the world; in a way that some legal experts and tourism industry researchers believe that not only peace can be considered as one of the effects of tourism, but this industry is one of the suitable methods to spread peace among different nations of the world.

#### **The Status of Tourism Based on Peace**

In 2017, the UN General Assembly approved naming the year, the International Year of Sustainable Tourism for Development.

With the approval of this Resolution (4 December 2015) the importance and the role of international tourism has been raised and this naming officially recognises the deep understanding of nations of each other, further recognition of the rich heritage of various civilisations, observation of inherent values of different cultures and as a result their participation in the strengthening of global peace.

With the naming of 2017 as the International Year of Sustainable Tourism for Development World Tourism Organization Secretary General deemed, it a unique opportunity to further help tourism to realise the concept of sustainability (from three economic, social and environmental aspects, which raises public awareness of the functions of tourism industry whose real value is often underestimated.

The naming of 2017 as the International Year of Sustainable Tourism for Development is an important moment in history, because recently (September 2015), the international community the 2030 Guidelines and the MDG which have been ratified by the UN General Assembly, the international community has chosen it as its movement guidelines. Also in the Sustainable Development Conference which presented global solutions for the environment and natural resources with the overall aim of achieving sustainable development through protection of vital (living) resources, and was seriously noted by thinkers and philosophers, it was stressed that there can be no hope to realise peace and human rights without sustainable development. On condition of its correct design and management, tourism can realise sustainable development, create jobs and business.

Tourism has been noted in three of the MDG goals:

- The MDG regarding to the promotion of continued economic, universal and sustainable growth, full and profitable employment, and suitable occupation for all,
- The sustainable production and consumption goal and sustainable protection and use of oceans, seas and marine resources for sustainable development.

### **A Brief Look at Iran's Tourist Attractions**

According to the World Tourism Organization, Iran is in fifth place for having natural attractions and tenth for having cultural-historic attractions. The UNESCO world heritage list has 21 Iranian sites that have been registered. This includes 20 cultural heritages, and one natural heritage and according to the indicators of the latest “compatibility of travel and tourism” report, out of 141 countries, in 2015 Iran was in 97th place. Among the pillars of Iran, the best performance belongs to the price compatibility pillar (1st place) and the weakest performance is prioritization of travel and tourism (130th place) and also then the pillar of the business environment and the tourism services infrastructure (both in 119th place). Due to historic background and social and cultural dynamicity, Iran has diverse sightseeing sites, which can satisfy the curiosity of tourists and world travellers and draw their appreciation. Each traveller who travels to Iran with whatever intention can according to their aims, enthusiasm and itinerary see their chosen sightseeing sites.

Historic relics left from various periods of the existence of humans in the Iranian prairies are parallel to the diverse natural coastal, mountainous, and desert views in a coordinated combination with historic structures and religious and cultural heritages, create a collective of various urges to visit Iran. The ancient Iranian culture the examples of which are eternalised in the historic architectural monuments, bring about a lot of sites to be seen.

Iran's culture today is a complete collection of cultures from distance and near past of this land and any person with any of their own taste and culture, fulfil the feeling of curiosity and beauty from visiting this vast and fruitful country. The historic relics in Persepolis, Pasargad, Shoosh, Hamadan, Firouzabad, Kermanshah, Seeraf and many others from the ancient Iranian civilisation centres, present enough attractions for people to visit this ancient country.

The natural environment covers more than 2800 kilometres of coastlines and also tall mountain ranges of Alburz and Zagros, and have potentials for rest and recreation. The Mazandaran Province coast in the north, and the Persian Gulf



**The growth of the Iranophobia industry and presentation of an unstable image are some of the biggest obstacles and challenges in front of Iran for drawing tourists**

and Oman Sea coastlines have many potentials for summer and winter rest and recreation. The Persian Gulf islands such as Kish, Gheshm and Hurmuz with natural and carved coastlines and sunshine are even pleasant in the winter months for rest and recreation destinations.

### **The Challenges Facing Tourism in Iran**

Although the development and growth of tourism and travel is unavoidable for further use of their numerous advantages, but there are numerous difficulties in the way of the development of this industry at two domestic and international levels must not be forgotten. At the international level the existence of unpleasant propaganda environments that hurt the image of Iran and the isolation of Iran at the international level, and efforts for improving the international prestige of Iran are some of the main problems.

The growth of the Iranophobia industry and presentation of an unstable image are some of the biggest obstacles and challenges in front of Iran for drawing tourists. Against this and in the last few years, the determination and seriousness of the Iranian people and the government on the basis of constructive interaction with the world, has resulted in increase in demand and impetus to travel to Iran.

The Iranian nuclear agreement was followed by many achievements in the tourism sector, that include increase in the number of foreign tourists, development of sustainable employment in this sector and reduction in reliance to oil revenues and bringing in foreign investment into the country for participation in various tourism projects.

### **Conclusion**

Due to geographic diversity and their economic, social cultural conditions, different countries have different and diverse attractions in tourism, where the realisation of tourism growth based on peace can play an effective role in the even and sustainable development of countries. Also the boosting of tourism relations between countries can as well as the aforementioned benefits, also play an effective and constructive role in the strengthening of relations and strengthening of social and cultural links between different countries of the international community as one of the main pillars of peace.

Today, with the use of cultural tools, countries try to identify their culture and find common values between countries to reach common discourse.

The tourism industry is one of the cultural tools for introducing a country at the international level which can be used to reach lasting peace and security and promote human rights.

This industry has been seriously noted by Iranians and in the future it is expected to have an increased momentum.

# UNESCO'S Position on the Issue of the 'Occupied Palestine'



By: Zahra Moshref-Javadi  
Researcher in International law

## **Section I: The United Nations Educational, Scientific and Cultural Organization in the international system**

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was established “to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms.”<sup>1</sup> In fact, as a tool and institution, UNESCO serves to help create global agreements on moral grounds. It also helps member countries to expand their human and institutional potentialities in various fields.

To achieve its goals and similar to other specialized organs of the United Nations, this institution interacts with its member states in various fields and takes advantage of different tools to achieve its goals, the most important of which is global peace and security.<sup>2</sup> This is why the Constitution of the UNESCO has mentioned such tools as convention and recommendation in its Article 4. Relations between the Zionist regime of Israel and Palestine have been one of the main issues with regard to which UNESCO has been more active than other UN organs. This body has taken various steps on the issue of Palestine and Israel so far and it is important to discuss them in terms of this organization's relations with the international system and also with respect to the impact that they can have on international and human rights issues.

## **Section II: The Palestinian state in UNESCO**

One of the most important steps taken by UNESCO with regard to Palestine was to recognize it as a state and accepting its membership. In 2011 and in the 36th General Conference of UNESCO, 107 member states of the organization voted positive for Palestine to become a member of the world body.<sup>3</sup> The result was more support from this international institution for further actions taken by the state of Palestine in various fields on international level. As a result, on December 31, 2014, Palestine recognized the jurisdiction of the International



**Various UNESCO documents have that al-Quds was a sacred city for Muslims, Christians and Jews alike, calling on “Israeli occupying authorities” to stop “persistent excavations, tunneling, works and projects in East Jerusalem (al-Quds), particularly in and around the Old City.”**

Criminal Court with regard to Israel’s crimes in the occupied Palestinian territories as of June 13, 2014 and based on Article 12(3) of the Rome Statute.<sup>4</sup>

Recognition of the Palestinian state by UNESCO was the beginning of support for this country in various fields of education, culture and cultural heritage. Measures taken by UNESCO in this regard included reconstruction of religious and historical sites damaged by the occupation forces, as well as establishment of various schools and educational centers to educate Palestinian children and young adults.<sup>5</sup>

Another impact of that recognition was its international impact, because it demonstrated performance of various member states of UNESCO on

international level. When an entity is recognized as a state, one component of that recognition is the ability of that entity to establish relations with other states and international institutions.<sup>6</sup> It must be noted that recognition of a state is actually tantamount to introduction of that state into international scene by other states and, in practice, it can signal the beginning of diplomatic relations and conclusion of international agreements with that state. Therefore, such steps are effective in helping realize the goals of the Palestinian nation and lending support to their rights.

### **Section III: UNESCO’s approach to Israel**

In its various statements and sessions, UNESCO has frequently declared Palestine as an occupied land and Israel as the occupier, and has condemned Israel. For example, during the 201st meeting of the organization’s board, Sudan, Qatar, Oman, Morocco, Lebanon, Egypt and Algeria drew up a document titled “the occupied Palestine” in which Israel was introduced as an “occupying force” and the document passed the vote.

The document noted that al-Quds was a sacred city for Muslims, Christians and Jews alike, calling on “Israeli occupying authorities” to stop “persistent excavations, tunneling, works and projects in East Jerusalem (al-Quds), particularly in and around the Old City.”<sup>7</sup>

UNESCO also described such measures by Israel as “illegal under international law,” reiterating its request to Israel, as the occupying Power, to prohibit all violations, which are not in conformity with the provisions of the relevant UNESCO conventions, resolutions and decisions.

Israel has time and again reacted to such international documents by

condemning them.

The noteworthy point is that UNESCO's documents and resolutions are not the sole international documents, which condemn Israel as an occupying force and consider its actions as being against the rules of human rights and international humanitarian law. In its advisory opinion in 2004, the International Court of Justice (ICJ) focused on the construction of the separation wall by Israel and asked Tel Aviv, as the occupying power, to show respect for the rules of human rights and international humanitarian law. The question is what effects will international documents like

UNESCO's resolutions and statements have within the international system?



**In 2004, the International Court of Justice (ICJ) focused on the construction of the separation wall by Israel and asked Tel Aviv, as the occupying power, to show respect for the rules of human rights and international humanitarian law**

#### **Section IV: Impact of UNESCO's measures on the international system**

As is common with any declaration and recommendation in the international system, they emphasize and affirm the existing rules. UN organs such as UNESCO make decisions on various issues through declarations and recommendations, which are not binding for member countries.<sup>8</sup> Within UNESCO and according to a directive by its board, any member state, along with two other member states, can offer a proposal, resolution and so forth.<sup>9</sup>

It must be noted that the effect of any resolution depends on its type and nature. As is common in the United Nations, a "resolution" is used to announce a decision or recommendation. The important point here is that only those documents are binding that can create and impose obligations on their addressees.<sup>10</sup>

Therefore, any decision, declaration and recommendation can be assessed on the basis of its nature, customary rules that it lays out, its subject matter, words and phrases used in it, its possible impact on the enforcement of the customary international law, the method through which it is approved, as well as the number of voters, who vote for or against it.<sup>11</sup>

Of course, documents adopted against Israel by UNESCO are by no means binding and this is why phrases like "remembering...", "reaffirming...", "expressing regret...", and "demanding..." have been used in these documents to highlight their nonbinding nature. However, the main effect that adoption of such documents, including various decisions made by UNESCO is that, first of all, they shed light on a common procedure and what member states, as the main members of the international system, believe in. In the next stage and with regard to the subject of this paper, which is Israel, such documents address



the Zionist regime at an international institution and by other governments. As a result, the world's public opinion becomes more aware of this issue and adoption of such documents, per se, shows that governments and international institutions are not static. Finally, adoption of these documents is a way to recognize the rights of the Palestinian nation and oppose all forms of violation of those rights.

Last but not least, UNESCO, as the main international body responsible for promotion of cooperation among nations in cultural, scientific and educational fields, can play an effective role in establishing peace and encouraging respect for human rights through its measures and by introducing new procedures in the international system.

Measures that UNESCO takes in line with its duties and the reaction that it shows to current affairs as a specialized organ of the United Nations are of high importance, because when it comes to international law, governments are no more the sole important actors in the field of international relations. It must be noted that international organizations, especially those with human rights approaches, can bring about changes in rules and the way of thinking that makes the international system. Paying attention to positive peace, promoting education of human rights and putting emphasis on the values of human rights and international humanitarian law are good steps, which can set governments and other world bodies on course to promotion of global peace and security. An effective measure, which can be taken by world bodies, is to use those tools, which are available to them, including their reports, not only to highlight a specific issue in the international system and draw the attention of the world's public opinion to it, but also to further boost their own effect through such measures as recognition of the state of Palestine.

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# Refugee Crisis and the EU



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The refugee and migration crisis in the recent years has faced European countries with unprecedented challenges. According to the latest UNHCR figures, until the end of 2016, there were approximately 65.6 million people displaced and refugees, and this figure has already increased by another 300 thousand in the current year.

The main destination of migration is the European Union. According to the International Organization for Migration (IOM) report, in the current year alone nearly 77,004 people have migrated to Europe via the Mediterranean Sea.

The refugee and migration crisis in the EU, has also put human rights under challenge. According to Human Rights Council Resolution 19/26, taking care of the migrants' situation will result in the promotion of human rights. Unfortunately the rise in extremist nationalist and right wing parties and public support of this trend, also fear of a change in the social, cultural and economic fabric of Europe due to contact with the refugee community, have all resulted in the growth of xenophobia among the people.<sup>1</sup>

This matter, which itself is a human rights and human challenge, in the event of permanency might threaten the political life of the EU. Therefore reaching a joint and practical solution towards humanitarian measures, will raise EU with a successful test towards the settling of its critical situation.

## 1 – Statistical Review of the Arrival of Refugees in Europe and Their Main Destinations<sup>2</sup>

Table 1

| TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2016-2017   |                          |                            |                          |                            |
|---|--------------------------|----------------------------|--------------------------|----------------------------|
| Country of Arrival  | 1 JANUARY – 14 JUNE 2017 |                            | 1 JANUARY – 14 JUNE 2016 |                            |
|   | Arrivals                 | Deaths                     | Arrivals                 | Deaths                     |
| Italy   | 65.450                   | 1.737 (Central Med. route) | 55.596                   | 2.447 (Central Med. route) |
| Greece  | 7.967                    | 37 (Eastern Med. route)    | 157.423                  | 376 (Eastern Med. route)   |
| Cyprus  | 273 (as of 11/04)        |                            | 345                      |                            |
| Spain   | 3.314 (as of 30/04)      | 54 (Western Med. route)    | 1.063                    | 86 (Western Med. route)    |
| <b>Estimated Total</b>  | <b>77.004</b>            | <b>1.828</b>               | <b>214.427</b>           | <b>2,909</b>               |
| <small>Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre.<br/>All numbers are minimum estimates.<br/>Arrivals based on data from respective governments and IOM field offices.</small> |                          |                            |                          |                            |

War, conflict and crisis drew over 1 million refugees into Europe in 2015. More than half of the people who went to Europe via the Mediterranean, were Syrians.<sup>3</sup> In the current year alone 1828 people have drowned while crossing the sea.

## **2 – The EU since the Beginning of the Crisis**

A member of the European Parliament, Guy Verhofstadt believes that the EU is not able to manage the refugee crisis.<sup>4</sup>

Over the recent years the EU has not managed to bring a good result for the refugee crisis in Europe due to the extent of the crisis and the lack of coordination between European governments.

### **2-1 EU's Problems and the Refugee and Asylum Seekers Crisis**

Some other MEPs such as NILOLABI believe, “Not only the migration levels must drastically decreased but the trend must be reversed: meaning that repatriation of some legal migrants back to their countries of origin, and even legal migrants who with the end of their legal residence have no reason to stay, must be put on the agenda.”<sup>5</sup>

a) In legal terms, any type of reaction to the subject of asylum seeking and migration to EU member states is affected by the Schengen and the Dublin Agreement. The Schengen region is one of the achievements of the European joint policy which guarantees free movement within its membership's borders. It seems that these frameworks have to a large extent lost their conformity with the outward reality. As well as internal

European mechanisms, these countries must also be committed to the Geneva Convention (1951), but this Convention is not observed in many aspects. The legal aspects restrictions will certainly leave problems in the political practice.

b) Due to the direct effects on the economy and security, the immigration policies of the EU follow the internal laws of member states, more than the EU laws. This is why many European countries try to implement immigration policies within the framework of domestic laws and the viewpoints of policy setters. From the political aspects, asylum seeking in Europe has turned into an out of tune symphony.

### **2-2 Overall European countries have two stances towards refugees:**

a) Deep Divide over Accepting Refugees

Some countries such as Germany, France and Italy stressed on pursuing a common policy and accepting refugees in the EU while states did not agree.



**Over the recent years the EU has not managed to bring a good result for the refugee crisis in Europe due to the extent of the crisis and the lack of coordination between European governments**

Governmental, nongovernmental and private organizations and institutions in the past years, each in their own way have tried to reduce this wide gap through implementing various programmes.

#### b) Prevention of Migration from Country of Origin

Populist and xenophobic movements have come into power in some European countries who resist refugees. Extremist right wing political parties want their countries to leave the EU and legislate national laws to fight the refugee crisis.

### **3 – Some EU Measures in Facing the Crisis**

Identifying the main objectives of refugees, the EU is in search of finding a suitable solution to improve the basic conditions through the followings:

#### **3-1 Sending Humanitarian Aid to Refugees**

Obviously one of the most important steps of the EU is to help the crisis from its point of origin. This solution can change the minds of many from migrating. To this aim considerable humanitarian action has been carried out to help refugee camps in Syria. For example the Conference on Syria in Brussels, and<sup>6</sup> allocation of a cash budget to help the people of Syria is a step forward. This conference aimed at identification of the crisis, its roots and human threats in Syria as well as increasing humanitarian aid to the country. EU's humanitarian entry into the Syrian crisis can be a turning point and if supported by European States, it will be a good model of humanitarian campaign for the crisis stricken Middle Eastern and North African countries.

#### **3-2 Help and protect the lives of refugees in the sea and Europe's borders**

According to statistics released by the UNHCR and reports in some media outlets, EU humanitarian actions has not resulted in the improvement of the situation, the conditions of refugees that either travel via the sea and or land to reach a safe country in the EU will even get worse in 2017.

#### **3-3 Housing or sending back refugees**

According to a European Commission member, most of the EU member states have not stuck to their share of taking in the number of migrants. In total 1356 people were housed in 2016, which is less than ten percent of the agreement the EU made in 2015, according to which 150 thousand refugees were to be housed across the EU.<sup>7</sup> Furthermore, a lot of criticism has been given out to the forced repatriation of refugees back to their countries. Particularly Afghan refugees who will face very unsafe conditions upon their return; this has caused a wave of protests from nongovernmental and human rights organizations.

#### **3-4 Agreement with Turkey**

With the implementation of the EU and Turkey agreement in 2016, there were hopes for the improvement of the situation of migration via the sea towards Europe. To-date approximately 3565 Syrian refugees have been



**According to a European Commission member, most of the EU member states have not stuck to their share of taking in the number of migrants**

housed in Turkey.<sup>8</sup> But most asylum seekers can still reach EU borders via the sea whose number was 4161 in 2017.<sup>9</sup> Certainly the reduction of the Syrian crisis has decreased the volume of Syrian refugees in the past year, but in view of the main weak point of the EU and Turkey agreement - the agreement is limited to Syrian refugees only - the main problem of the refugee crisis won't be affected by this agreement. Because according to latest UNHCR figures, the number of African refugees from Guiana and Nigeria has been more than Syrian refugees in 2017, and the Turkey

agreement in practice cannot help the refugee crisis in the EU. The agreement was an attempt to reduce human trafficking into Europe, but in 2016 human trafficking continued extensively and has increased in 2017 too.<sup>10</sup>

### 3-5 Efforts to halt the unabated migration

Efforts to halt the unabated migration by the EU requires putting an end to human, economic, environmental crises in the crisis stricken regions of the world. This in fact is not possible, in the short term. At the moment the refugees crisis management is the only option before the EU. UNCHR statistics show an increase in the migration crisis from African countries destined for Europe over the next years.<sup>11</sup> Migration exists while the EU has concentrated its efforts in managing the crisis with the cooperation of Turkey.

The lack of a comprehensive plan that can help African countries (particularly Libya which is experiencing instability due to political reasons), the lack of a multilateral protective umbrella for these countries, will continue to refugee and asylum seeking crisis from Africa to Europe

**Table 2: Refugees / Nationality <sup>12</sup>**

With the dampening down of the Syrian crisis, and consideration of the main

| Table 2: Refugees / Nationality <sup>1</sup> |             |       |       |
|--|-------------|-------|-------|
| Nigeria                                      | 31 May 2017 | 10.1% | 5,255 |
| Côte d'Ivoire                                | 31 May 2017 | 9.9%  | 5,151 |
| Bangladesh                                   | 30 Apr 2017 | 8.9%  | 4,645 |
| Syrian Arab Rep.                             | 31 May 2017 | 8.0%  | 4,161 |
| Others                                       | 31 May 2017 | 7.9%  | 4,128 |
| Gambia                                       | 31 May 2017 | 6.9%  | 3,582 |
| Morocco                                      | 31 May 2017 | 5.7%  | 2,967 |
| Senegal                                      | 30 Apr 2017 | 4.9%  | 2,555 |
| Mali   | 31 May 2017 | 3.7%  | 1,91  |

statistics of the nationalities of refugees in 2017 (table 2), it can be said that now is the time for further attention towards the refugee crisis from Africa and other crisis regions of the world.<sup>13</sup>

Key international organisations such as IOM and UNHCR, which co-launched a Mixed Migration Working Group in Libya in December 2016, do not have unfettered access to all detention centres and are limited to providing basic core relief and medical aid to migrants. While Brussels focuses on preventing arrival and facilitating return, the situation in Libya itself is a glaring black hole in the middle of the plan. The phrase ‘seeking to ensure adequate reception capacities and conditions in Libya for migrants’ in the draft Malta Summit conclusions seems a vastly inadequate response to widespread reports of execution, rape, and torture in Libyan detention centres.<sup>14</sup>

#### **4 – New Civil Protection Act in Europe**

On 14 January 2014, the new Civil Protection Act was implemented in Europe, which concentrates of which has been more the prevention of occurrence of disasters, reduction of fatalities and readiness and planning (more organized joint training) for civil protection.

The EU Civil Protection Mechanism helps the participating countries prevent disasters, prepare for emergencies and pool their resources which can then be made available for a coordinated and rapid response in countries hit by disasters. While the EU’s humanitarian aid targets third countries, its Civil Protection Mechanism can be mobilised in case of emergencies both inside and outside the EU. The Mechanism enhances European cooperation, response and coordination and is a manifestation of European solidarity.<sup>15</sup>



**The complex nature of migration in Europe has put into question the practicality of the EU migration laws**

#### **Conclusion**

- The complex nature of migration in Europe has put into question the practicality of the EU migration laws. South European countries alone are not able to deal with this challenge and many Europeans have accept this fact too late.
- Europe’s joint efforts to deal with migration crisis is urgent. The volume of help to solve the refugee crisis have really been considerable, but the political will is not strong enough to house the refugees and organise their situation.
- EU open door policies and job markets, can take the opportunity of refugee crisis to attract the workforce, boost production and help the growth of its economy. This policy was implemented successfully by America also in the 20th Century with the influx of European migrants.

- The growth of xenophobia and extremist ideologies is a direct and primary result of the migrant and refugee crisis. This is not only contrary to human rights standards but also can threaten the existence of the European Union in the shadows of the growth of extremist right wing political parties.
- Finally, it must not be forgotten that the root cause of most of the chaos goes back to refugee and migrant producing countries, particularly conflict regions in the Middle East and North Africa, and to the former colonial policies of European countries, then unplanned entry of refugees without to crises in countries such as Libya, Sudan, Afghanistan and Syria. Unfortunately until this issue is not structurally dealt with, these types of crises will continue.

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# Conventional Arms Transfers and Violation of Human Rights



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## Introduction

Arms trade has been always among the most important concerns of human rights groups. When it comes to weapons of mass destruction, the international law has been able through formulating a nonproliferation regime for weapons of mass destruction and also based on international law arguments to create limitations for production, purchase and sales of these weapons. As for other forms of weapons, which are not considered as weapons of mass destruction (WMD), this degree of strength has not been seen within the international law community. However, a growing literature is taking shape in the scientific works whose goal is to introduce special norms of international law in order to restrict trade in small arms and non-WMD weapons. One of the most fundamental questions, which occur to one's mind in this regard taking into account the existing state of international relations, is what kind of theoretical literature worthy of discussion exists in the area of light arms and non-WMD weapons? The second question is: "To what extent this theoretical literature will be able to promote international humanitarian law beyond the political will of governments given the existing conditions in international relations?" In response to these questions and in view of the existing state of the international law literature regarding light arms and non-WMD weapons, and also in view of widespread violation of human rights, one can seriously assume that, to prevent or reduce extensive violation of human rights in the area of light arms and non-WMD weapons, governments need to show political will to counter this phenomenon. On the other hand, violation of human rights must be given higher priority by governments over mere profit making. Therefore, this paper has been divided in the following two parts:

1. The first part is about small arms and light weapons, which discusses how transfer of small arms and light weapons can amount to violation of international humanitarian law and human rights.
2. The second part also focuses on conventional arms transfers, which usually take place between governments. The goal of this



section is to introduce norms to restrict those arms transfers, which lead to violation of international law and human rights. It tries to do so by bringing objective examples of human rights situations and through highlighting the literature, which considers responsibilities for governments, firstly within their own territories, and secondly, at global level. These issues along with relevant arguments and examples will be discussed here.

### **Small arms and light weapons**

Authors writing about small arms and light weapons believe that the political atmosphere, which came about following the end of World War II, was greatly influential in creating conditions under which small arms were widely used to violate human rights in various countries. Historically speaking, this group of analysts believe that the collapse of the former Soviet Union and globalization led to facilitation of arms trade and spillover of this problem to those regions where governments were not able to enforce effective control over their territories. According to figures and statistics provided by analysts, the use of light weapons in armed conflicts across the world between 1990 and 1998 has left four million people dead and 20 million others homeless. However, the highly profitable trade in these weapons increased from 300 million dollar in the middle of the 1980s to three billion dollars in the middle of the 1990s, which indicated a remarkable increase in demand for these weapons despite high casualties they left behind. Mentioning these figures, Jeffrey Boutwell argues that light weapons can turn into a major cause of human fatalities due to such advantages as being inexpensive, high usability, their lethal nature, simplicity and sustainability, being easily transferable, as well as widespread applications that they have at the hands of the military, police and ordinary citizens alike. He finally recommends that all possible means must be taken advantage of, to force governments to accept their responsibility in the face of these casualties and international legal norms must be also forged to prevent such a high level of casualties.

A similar argument has been offered by other academic figures, which considers light weapons transfers as a major factor behind breakout and prolongation of civil wars in various countries. Michael I. Ogu has conducted a case study on African countries in this regard and has reached the conclusion that in addition to weakness of governments in African countries, widespread smuggling of light weapons on a large scale across the continent has been a major factor leading to violent behavior. He then argued that if transfer of such weapons was brought under control and made more limited, bloody rivalries and conflicts in African countries would be largely prevented.

Noronha and Rosa have also touched upon this problem that transfer or

smuggling of light weapons into conflict zones have been among the most important reasons behind violation of human rights in those areas. These researchers have conducted a comparative study of light weapons transfers and the most important regions in which human rights are violated and have reached the conclusion that the support of big powers for insurgent groups and injecting light weapons into domestic conflicts are among the most important reasons behind human rights violations. From their viewpoint, inadequacy of legal and international measures taken so far is the most important reason why these human rights violations continue mostly as a result of political interests of involved parties.

Out of all analyses offered so far, the report prepared by Barbara Frey for the United Nations in 2004 on the issue of light weapons and violation of human rights is perhaps more precise than other written materials in explaining the effects of light weapons transfers on human rights violations. In more accurate words, her research not only discusses human rights aspects of this issue, but also compares the reality on the ground with principles of human rights and international humanitarian law. In conclusion, the report has mentioned the following instances as legal bases for restricting light weapons transfers:

1. The “right to life” as per the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and international humanitarian law;
2. Limitations imposed on intentional killing of people by the Geneva Conventions;
3. Customary international law and the state responsibility for preventing massacre of people who are not involved in an armed conflict ; and
4. Responsibility of governments that are members of international human rights treaties for preventing violation of human rights anywhere in the world.

In addition to the aforementioned instances, there is a body of research, which has touched upon the role of transfer or smuggling of light weapons in human rights violations across the globe. Studies carried out by such researchers as Chetty , as well as Hennop, Jefferson, and Mclean , and Minnaar clearly lay out the relationship between transfer of light weapons and increasing violation of human rights in Africa.

### **Conventional arms**

When it comes to transfer of conventional arms, the international law not only contains references to arms control laws, but there are also thought-provoking views on conventional arms transfers from the standpoint of human rights and international humanitarian law. The common denominator among all these views is the necessity to impose restrictions on transfer of conventional arms on



**Many thinkers and academics, have offered theories on the idea that nonproliferation of conventional arms must be put on the agenda of all governments as part of the international law**

the basis of international humanitarian law, which can be justified according to Article 1 of 1949 Geneva Conventions. The limitation on arms transfers can be also discussed and projected on the basis of the responsibility of governments, which have joined human rights treaties, within the territory that is under effective control of those governments. This responsibility also applies to those governments that act as intermediate links in arms transfers.

Efforts made to enforce nonproliferation of conventional arms perhaps date back to ancient times. However, the period following World War II can be considered as the most effective juncture of history in this regard in which nonproliferation received serious attention. The most important part of the nonproliferation regime for conventional arms was related to agreements reached between the United States and the former Soviet Union in 1970s to reduce tensions in their respective spheres of influence, which failed in the following decades.

Subsequent to those efforts, European countries took another step toward preventing proliferation of conventional arms in 1998 by passing a law for the management of arms transfers. This was the first serious treaty in its kind for preventing proliferation of conventional arms. The United States and Europe also made further efforts in 2000 to prevent proliferation of conventional arms in Africa.

Under the present conditions, there are many thinkers and academics, who have offered their theories on the idea that nonproliferation of conventional arms must be put on the agenda of all governments as part of the international law. For example, Den Dekker argues that this should be a natural branch of the international law while Carter believes that such a legal order is among the most important prerequisites for reduction of armed conflicts and subsequent human casualties and must be put on the agenda of all governments through repeated interpretations of the international law.

There are also people like Gillard, who have been theorizing about the relationship between human rights and nonproliferation of conventional arms and believe that human rights can be used as a means of imposing restrictions on free transfer of arms.

In general, legal fundamentals for nonproliferation of conventional arms are not only diverse, but also enjoy variety and take advantage of different legal logics, which will be explained below:

1. International trade law includes elements in its various articles, which can only lay out prerequisites of a nonproliferation regime for

conventional arms in their most unequivocal reading. However, such terms as “security exception,” which have been used in international trade law are very equivocal and their interpretation has been left to all member states of the World Trade Organization. This is also true about “emergency in international relations,” which covers present and even future conditions of involved countries.

2. Arms Control Law and international humanitarian law;

3. The 1995 Protocol on Blinding Laser Weapons and its later amendments have also imposed considerable limitations on transfer of such weapons.

4. Human rights in the light of new interpretations of security, especially the concept of human security: Security is among those concepts, which have undergone many changes in the past decades. As a result, the concept of security has shifted from its sovereign state and security of governments to personal security, especially in the world after 1990s.

## **Conclusion**

If we look beyond theoretical discussions about light weapons and conventional arms and their impact on human rights violations across the world, it will seem that existence of those groups that violate human rights in practice proves that the political will of governments plays a role in this regard. This political will means that mechanisms envisaged by the international law to counter transfer or smuggling of light weapons or conventional arms, must be more influenced by humanitarian considerations rather than making economic profits or political agendas.

It also seems that a new model similar to the nonproliferation regime for weapons of mass destruction must be formulated. This new model must take into account both the provisions of this regime and the pivotal role that human rights play in international political equations and also put emphasis on the common demand of all nations on governments to provide grounds for the enforcement of human rights norms. This model must be designed and implemented in a way to reduce or prevent transfer or smuggling of light weapons and conventional arms, which lead to violation of the norms of international human rights. The United Nations, for its part, must play a pivotal role in this regard. This would be a path toward making governments accept more responsibility with regard to human rights, and will also help make international politics more ethical. It goes without saying that designing and enforcing a system of reporting for the introduction of violator countries can further enhance transparency of this model and facilitate its implementation.

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  - 15- Gillard, E., *What is legal? What is illegal?*, A Background Paper on the ATT Convention, Groupe de recherche et d’information sur la paix et la sécurité, Brussels, 10 September 2003, 8
  - 16- “... to prevent any contracting party from taking action, which it considers necessary for the protection of its essential security interests, (ii) relating to the traffic in arms, ammunition or implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; (iii) taken in time of war or other emergency in international relations....”
  - 17- *The Protocol on Blinding Laser Weapons (1995 Protocol IV to the CCW)*
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# Systematic Violation of Human Rights by Saudi Arabia



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## Introduction

Under present conditions in the world, when international community is oriented toward giving real credit to identity of nations and compliance with international rules, certain governments with ideologically dictatorial rules are trying to block the path to more humanization of international values and regulations.

At the present time, various factors from unprecedented crimes committed by Daesh in the Middle East to the climate change, are making an effect on the fate of humanity, the right to life, and actually all kinds of basic human rights. Under these conditions, the rise of terrorism in all its aspects and against human integrity in the world, is a very dangerous development and a historical regression. However, an even worst aspect of terrorism has been an amazing change of course in which certain governments have been sponsoring terrorism.

At the present juncture when all international bodies have put their entire energy in the service of developing and promoting human rights and are endeavoring to realize universal values, creating, developing and sponsoring terrorism by governments has dealt a drastic blow to the international system and has cast serious doubts on its nature, function and final goals.

While lending its full support to opposition groups trying to topple the Syrian President Bashar Assad's government since the beginning of the crisis in the country up to the present time, Saudi Arabia has never ceased to arm the aforesaid groups in this conflict, whose side effects have now spread to the entire world. On the other hand, establishment of schools, which have been promoting extremist and Wahhabi ideas in Pakistan and Afghanistan for long years, clearly prove that this country has turned into a state sponsor of terrorism. The teachings of these schools, among other things, have led to such incidents as September 11, 2001 attacks in New York, and have also caused insecurity to spread to eastern regional borders of Iran. Almost all terrorists, who have played a role in terrorist attacks across the world during past years,

especially from the 9/11 attacks onward, have been either nationals of Saudi Arabia or trained at schools, which were funded and ideologically fed by this government. This issue had been covered in a recent report by US Congress on the role of Saudi Arabia in the terrorist attacks on September 11, 2001.<sup>1</sup>

### **Human rights violations by the Saudi government**

Not only in foreign relations, but also on domestic level, the government of Saudi Arabia has been facing crisis and has been involved in serious violations of basic human rights. One of the most important rights, of which governments have consistently tried to deny their citizens, is the right to determination, which reflects the natural dignity of humans as creatures with willpower. Freedoms of conviction and expression have been among other major human rights denied by governments.

When it comes to observing the democratic process and showing respect for human rights, the government of Saudi Arabia has been always challenged by and been a source of concern for international bodies, because there have been many times that Riyadh has moved in the opposite direction of these values, including by torturing and execution of opposition figures. In its latest annual report for the period of 2016-2017, the prominent rights group, Amnesty International, had covered a wide range of Saudi government's measures that violated the norms of human rights from imposing restrictions on the country's Shia minority, which were at odds with human rights norms, to extrajudicial detentions, administration of unjust punishments, torture, depriving people of the right to life, and denying women's rights.

In terms of foreign relations, the records of the Saudi government teem with many cases of denying most values cherished by the global human rights system. In its latest annual report for the period of 2016-2017, Amnesty International has mentioned various cases of human rights violations by Saudi Arabia outside the country's borders with special emphasis on Saudi invasion of Yemen and committing war crimes there by conducting extensive and bloody air raids on the country's schools, hospitals and civilian buildings. The government of Saudi Arabia, which has obviously turned a blind eye to all international and human rights standards and is now a member of the group of so-called friends of Syria, has been known for supporting Takfiri and terrorist groups in Afghanistan, Pakistan and Iraq. In addition, it has been a major purchaser of both conventional and unconventional arms in the region.<sup>3</sup>



**In terms of foreign relations, the records of the Saudi government teem with many cases of denying most values cherished by the global human rights system**

The Saudi government's insistence on creating, guiding and funding terrorism has reached a stage that even before embarking on any terrorist attacks on an independent and democratic country in the Middle East, high-ranking Saudi officials openly threatened that they would take the war to that country as a form of punishment.<sup>4</sup>

### **Violating the norms of international law and human rights**

On the whole, and according to principles of international law and human rights, the government of Saudi Arabia stands accused of following violations:

1. Violating basic human rights and committing war crimes against regional countries and the world by resorting to force and funding terrorist groups;
2. Violating sovereignty and independence of other countries through intervention in their internal affairs as well as abetting and guiding terrorist groups on the soil of various countries;
3. Supporting, strengthening and guiding terrorist groups while ignoring relevant conventions on supporting and funding terrorism as well as many binding resolutions adopted by the United Nations Security Council on fighting terrorism such as SRES/2253 (2015), A/62/L.48, S/RES/2255 (2015) and so forth.<sup>5</sup>

All the aforesaid cases are not only blatant examples of violation of basic human rights, but are also violation of preemptory norms of the international law.

The international responsibility of the Saudi government for committing terrorist acts as well as creating, supporting and guiding terrorism is evident. In the meantime, according to Article 2 of the UN document on the "Responsibility of States for Internationally Wrongful Acts," which is considered an international customary law, measures taken by Saudi Arabia are clear examples of international violation, which have led to a series of international crimes as well.<sup>6</sup>

Terrorist acts supported by the Saudi government are covered by important articles of the "Responsibility of States for Internationally Wrongful Acts," some of which are considered as preemptory norms of international law. As a result, they necessitate, at least, direct intervention by the UN Security Council and UN Human Rights Council, and must also receive due attention from prosecutor of the International Criminal Court. In addition, this is among those cases in which, any country that has suffered as a result of Saudi-backed terrorism and the international community can resort to the aforesaid norms. However, inattention by international authorities has added to the calamity in this case and can potentially take globalization of human rights off the right track. At the present time, the natural and primary duty of all the above-mentioned international institutions is to pay serious attention to this issue, because their inattention would be considered as a historical, security and legal regression for the entire human community.

The UN Security Council has condemned terrorist actions time and again in



accordance with Chapter VII of the Charter of the United Nations. It has also frequently called on everybody to suppress terrorists and cooperate with the Security Council Counter-Terrorism Committee (CTC) in order to punish terrorists. At the present time, the council is faced with a huge number of cases in which basic human rights have been violated across the world and there are also cases in which a country's government has been harboring terrorism.

### **Conclusion**

There is no doubt about the necessity of imposing effective and general controls on Saudi Arabia's actions in a way that would cover all criminal aspects of terrorism, including Riyadh's support for ideological terrorist groups in the region and the world. In doing so, attention to salient historical examples, including the case of the Republic of Nicaragua v. The United States of America (1986) with regard to effective control, as well as the verdict handed down by

former Yugoslavia tribunal (1993) with regard to general control can be very useful. Of course, these two cases would appear as unimportant examples of violence when they are compared with the vast expanse of terrorist attacks that have been supported by Saudi Arabia.

At the same time, the role that Saudi-backed terrorism plays in facilitating various kinds of international crimes and violations should not be ignored at all. These issues do not relieve Saudi officials of their international responsibility and do not exonerate them from blame due to the role they play in

facilitating international violations and crimes. Therefore, there is no doubt that they must be held accountable before the international community both on the basis of international treaties that apply to arms deals and the general rules set by the United Nations, and also in accordance with human rights norms embedded in the spirit of the UN documents.

Although there is no doubt about responsibility of the Saudi government with regard to promoting terrorism and systematic violation of human rights, Western states, specially the UK and the U.S., still continue generous sales of both conventional and unconventional weapons to the government of Saudi Arabia. On the opposite, when it comes to other countries, especially Iran, which enjoys one of the most advanced democracies in the region and the world, they appear very stingy and even show high sensitivity about selling to Iran of those articles that have dual use.<sup>7</sup>

In the meantime, major international bodies responsible in this regard have shown no concern about violation of basic human rights either from a security



**Western states, specially the UK and the U.S., still continue generous sales of both conventional and unconventional weapons to the government of Saudi Arabia, despite its systematic violation of human rights**

and law enforcement viewpoint (like the UN Security Council), or from legal (international courts) and human rights (Human Rights Council) viewpoints. As a result, they still appear passive in the face of blatant examples of human rights violations both inside and outside Saudi Arabia.

Perhaps the best reaction to be shown at this sensitive international juncture is to draw attention of these authorities to their natural duties and to safeguard the ulterior goal of the United Nations system, which is to venerate humanity at any time and place. It seems that setting up a fact-finding committee by the UN Human Rights Council can be a first and strong step toward putting an end to this bewildering disregard and silence in the face of human rights violations. Such a committee should be duty-bound to see into claims about blatant violation of human rights of Yemeni citizens as a result of attacks by the Saudi-led military coalition.

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1- <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-threatens-to-sell-off-us-assets-if-congress-passes-911-bill-a6987281.html>

Congress passes a bill that would allow the Saudi government to be held responsible for any role in the September 11 assaults.

<https://www.nytimes.com/interactive/2016/07/15/us/document-september-11-28-pages.html>, 28 Pages of the 2002 Congressional Inquiry into the Sept. 11 Attacks.

Congress released the so-called “28 pages” on Friday that discuss the possible involvement of Saudi Arabia in the terrorist attacks of Sept. 11, 2001. The pages have been withheld since the conclusion in 2002 of a congressional inquiry into the attacks. JULY 15, 2016

<https://www.theguardian.com/us-news/2016/jul/15/911-report-saudi-arabia-28-pages-released>

2- Coalition forces led by Saudi Arabia committed serious violations of international law, including war crimes, in Yemen.

Throughout the year the Saudi Arabia-led military coalition supporting the internationally recognized government in Yemen continued to bomb areas controlled or contested by Huthi forces and their allies in Yemen, killing and injuring thousands of civilians. Some attacks were indiscriminate, disproportionate or directed against civilians and civilian objects including schools, hospitals.

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

3- Saudi Arabia to increase the stock of its military hardware, accounting for 7% of the world’s arms imports.

<http://www.worldatlas.com/articles/world-s-largest-importers-of-military-arms.html>

4- <http://www.reuters.com/article/us-asia-storm-hongkong-idUSKCN1B22JL>

<https://www.nytimes.com/2017/05/02/world/middleeast/saudi-arabia-iran-defense-minister.html>

5- For more information: Counter-Terrorism Committee: <https://www.un.org/en/sc/ctc/resources/res-sc.html>

6- Article 2: Elements of an internationally wrongful act of a State

There is an internationally wrongful act of a State when conduct consisting of an action or omission:

(a) Is attributable to the State under international law; and

(b) Constitutes a breach of an international obligation of the State

7- See: S/RES/2231 (2015), procurement Working Group-JCPOA

# Regional Overview of Human Rights in 2016



By: Paria Danaee  
Researcher in International Law

**F**or millions, 2016 was a year of unrelenting misery and fear, as governments and armed groups abused human rights in a multitude of ways.

From the worsening plight of the Rohingya people in Myanmar to mass unlawful killings in South Sudan, from the vicious crackdowns on dissenting voices in Turkey and Bahrain to the rise of hate speech across large parts of Europe and the USA, the world in 2016 became a darker and more unstable place.

In this report we take a look at the human right's conditions in 3 different regions of the world with a background in human rights violations. In each region some of the gravest case of violations has been chosen to be further explained.

## **Africa**

Mass protests, movements, and mobilization – often articulated and organized through social media – swept the continent in 2016. Given the scale and long history of repression, some of the protests – as in Ethiopia and Gambia – would have been unthinkable only a year previously. Demands for change, inclusion and freedom were often spontaneous, viral and driven by ordinary citizens, in particular young people who bear the triple burden of unemployment, poverty and inequality.

Dissent was brutally repressed, as evidenced in widespread patterns of attacks on peaceful protests and the right to freedom of expression. Human rights defenders, journalists and political opponents continued to face persecution and assault. Civilians continued to bear the brunt of armed conflicts, which were marked by persistent and large-scale violations of international law. Impunity for crimes under international law and serious human rights violations remained largely unaddressed.

### **• Crackdown on Peaceful Protests**

The year saw widespread patterns of violent and arbitrary crackdowns on gatherings and protests – hallmarked by protest bans, arbitrary arrests, detentions and beatings as well as killings – in a long list of countries including

Angola, Benin, Burundi, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of the Congo (DRC), Equatorial Guinea, Ethiopia, Gambia, Guinea, Mali, Nigeria, Sierra Leone, South Africa, Sudan, Togo and Zimbabwe.

In many of these protests and more, including in Chad, Republic of the Congo (Congo), DRC, Ethiopia, Gabon, Gambia, Lesotho and Uganda, there was an increasing crackdown on social media and patterns of arbitrary restriction or shutting down of access to the internet.

#### • **Attacks on Human Rights Defenders and Journalists**

Human rights defenders and journalists were frequently in the front line of human rights violations, with the right to freedom of expression suffering both steady erosions and new waves of threats. Attempts to crush dissent and tighten the noose around freedom of expression manifested themselves across the continent, including in Botswana, Burundi, Cameroon, Chad, Côte d'Ivoire, Gambia, Kenya, Mauritania, Nigeria, Somalia, South Sudan, Sudan, Tanzania, Togo and Zambia.

Beyond imprisonment, human rights defenders and journalists also faced physical assaults, intimidation and harassment in many countries including in Chad, Gambia, Kenya, Somalia and South Sudan.

#### • **Armed Conflict**

Civilians in Africa's armed conflicts – including in Cameroon, Central African Republic (CAR), Chad, DRC, Mali, Niger, Nigeria, Somalia, South Sudan and Sudan – faced serious abuses and violations. Gender based and sexual violence was widespread, and children were recruited as child soldiers.

In west, central and eastern Africa, armed groups such as al-Shabaab and Boko Haram continued to perpetrate relentless violence and abuses, with hundreds of civilians killed and abducted and millions forced to live in fear and insecurity, both within and outside their countries.

Despite the signing of the peace deal in South Sudan between government and rival forces, fighting continued in different parts of the country throughout the year. During the fighting, armed forces, particularly government soldiers, committed human rights violations including targeted killings and attacks including against humanitarian personnel. The UN mission in South Sudan (UNMISS) was criticized for its failure to protect civilians during the fighting. A UN Security Council resolution to establish a regional protection force was not implemented. The UN Special Advisor on the prevention of Genocide and

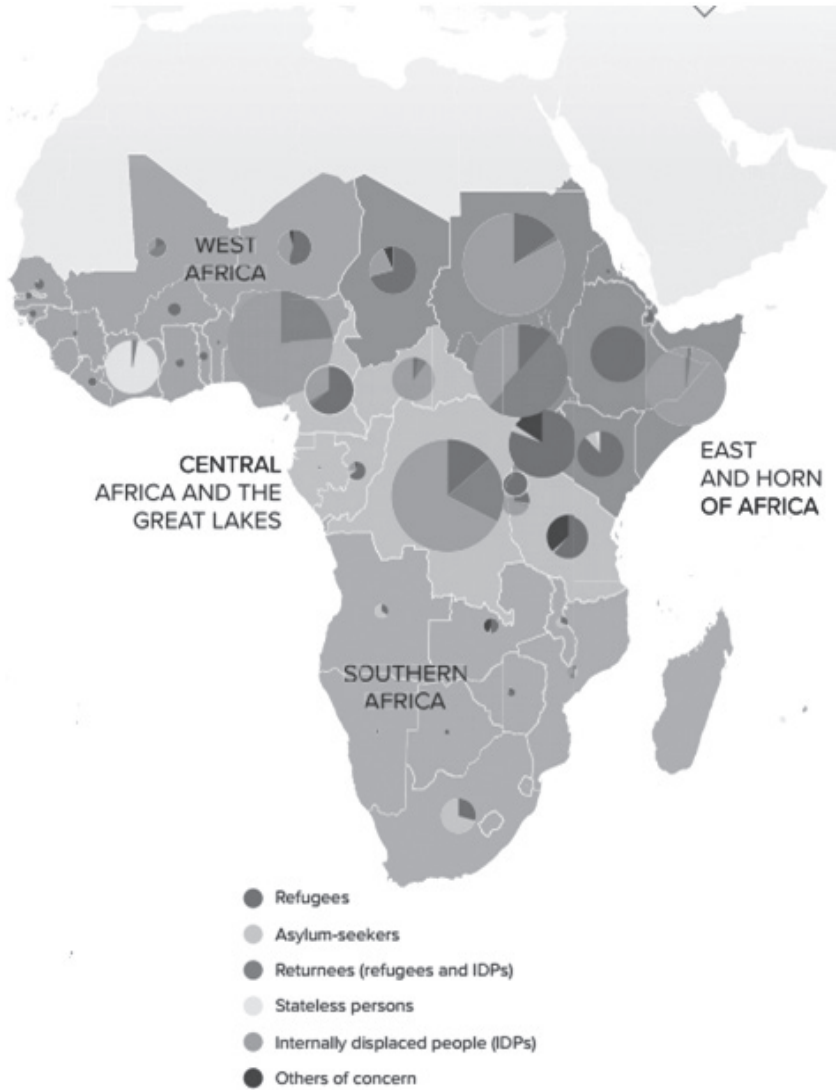


**Human rights defenders and journalists were frequently in the front line of human rights violations, with the right to freedom of expression suffering both steady erosions and new waves of threats**

the UN Commission on Human Rights in South Sudan raised the alarm that the stage was being set for a genocide.

• **People on the Move**

Africa’s conflicts – including in Cameroon, CAR, Chad, Mali, Niger, Nigeria, Somalia, South Sudan and Sudan – remained major drivers of the global refugee crisis, and the internal displacement of people within borders. Millions of women, children and men were still unable to return home, or were forced by new threats to flee into unknown dangers and uncertain futures.



### • **Impunity and Failures to Ensure Justice**

Impunity remained a common denominator in all of Africa's major conflicts, with those suspected of crimes under international law and gross human rights violations rarely held to account. There were, however, some heartening and historic moments for international justice and accountability.

Many African member states of the ICC affirmed their support for and intention to remain within the Rome Statute's system during the 15th Session of the Assembly of State parties in November.

### **America**

Despite public discourse about democracy and economic progress as well as hopes of an end at last to its remaining armed conflict in Colombia, the Americas remained one of the world's most violent and unequal regions.

Discrimination, insecurity, poverty and environmental damage were rampant throughout the region. Failure to uphold international human rights standards was also laid bare by a wide gulf of inequality – in wealth, social wellbeing and access to justice – which was underpinned by corruption and lack of accountability.

### • **Threats to the Inter-American Human Rights System**

Despite the extent of the region's human rights challenges, the Inter-American Commission on Human Rights (IACHR) – critical to defend and promote human rights as well as ensure access to justice for victims who were unable to do so in their own countries – was affected by a financial crisis for most of the year. This was caused by an insufficient allocation of resources by member states of the Organization of American States (OAS) – a striking demonstration of states' lack

of political will to promote and protect human rights both within and beyond their territories.

### • **Refugees, Migrants and Stateless People**

Central America was the source of a rapidly worsening refugee crisis. Relentless violence in this often forgotten part of the world continued to cause a surge in asylum applications from Central American citizens in Mexico, the USA and other countries, reaching levels not seen since most of the region's armed conflicts ended decades ago. Hundreds of thousands of people travelled through Mexico either to seek asylum there, or to continue to the USA. Many were detained in harsh conditions, killed, abducted or faced extortion by criminal gangs who often operated in collusion with the authorities. Large



**Despite public discourse about democracy and economic progress as well as hopes of an end at last to its remaining armed conflict in Colombia, the Americas remained one of the world's most violent and unequal regions**

numbers of unaccompanied children and adolescents were particularly affected by human rights abuses; women and girls were at serious risk of sexual violence and human trafficking.



### • **Public Security and Human Rights**

Non-state actors – including corporations and criminal networks – wielded growing influence and were responsible for increasing levels of violence and human rights abuses.

Overall, however, states mostly failed to respond to the situation in a way that complied with international standards, with significant human rights violations resulting from a tendency to militarize public security.

### • **Access to justice and the Fight to and Impunity**

Rampant impunity allowed human rights abusers to operate without fear of the consequences, weakened the rule of law, and denied truth and redress to millions.

Impunity was sustained by justice and security systems that remained under resourced, weak and often corrupt, compounded by a lack of political will to ensure their impartiality and independence. The resulting failure to bring the perpetrators of human rights violations to justice allowed organized crime and abusive law enforcement practices to take root and prosper.

### • **Indigenous Peoples' Rights**

In June, the American Declaration on the Rights of Indigenous Peoples was adopted by the OAS, after 17 years of negotiations.

In spite of this, Indigenous Peoples across the Americas continued to be victims of violence as well as killings and excessive use of force by the police, with their rights over their land, territory, natural resources and culture often abused. The daily reality for thousands was a life overshadowed by exclusion, poverty, inequality and systemic discrimination – including in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Paraguay

### **Middle East And North Africa**

During 2016, millions of people across the Middle East and North Africa saw their lives thrown into turmoil, torment and tragedy, and their homes and livelihoods destroyed, by unrelenting state repression and continuing armed conflicts that were marked on all sides by appalling crimes and abuses. So intense was the political and human rights crisis that tens of thousands risked their lives in perilous attempts to cross the Mediterranean Sea rather than remain in the region. In Syria, more than five years of fighting had resulted in the biggest human-made humanitarian crisis of our time, and the armed conflicts in Iraq, Libya and Yemen also took a heavy toll on civilians. Armed conflict and repression exploited and exacerbated long-standing fault lines and increased political and religious polarization, further undermining respect for human rights.

### • **Armed Conflict**

The human consequences of more than five years of conflict in Syria were,



frankly, incalculable. There was no clear or evident formula sufficient to assess the true scale and dimensions of the suffering caused to Syria's population – the deaths and injuries, the devastation and dislocation of families and livelihoods, or the destruction of homes, property, historical sites and religious and cultural icons.

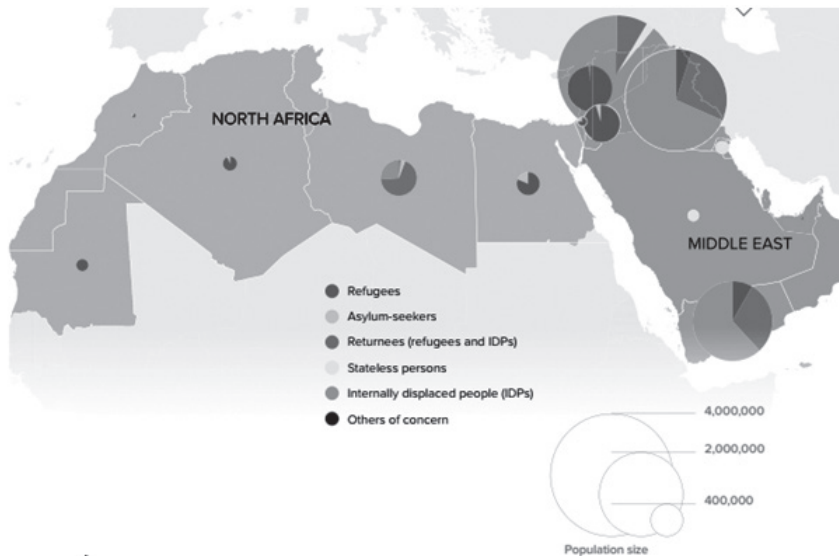
Yemen, the poorest country in the Middle East, remained mired in armed conflict between an array of Yemeni and foreign military forces which continued to exhibit a wanton disregard for the lives of civilians, carrying out indiscriminate attacks using bombs, artillery shells and other imprecise weapons, and directly attacking civilians and civilian structures.

• **JUSTICE SYSTEM**

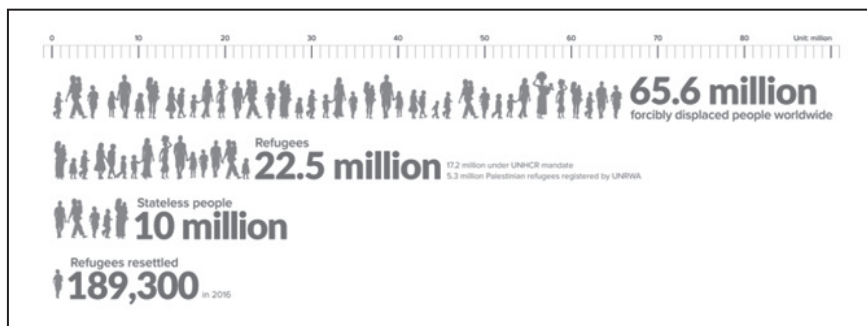
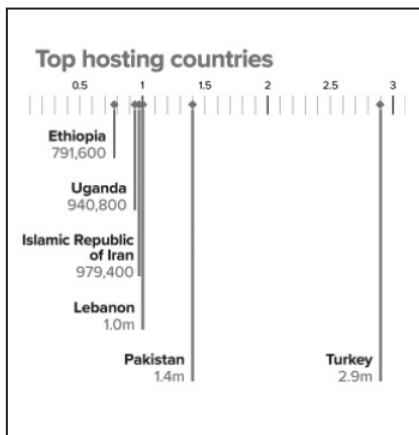
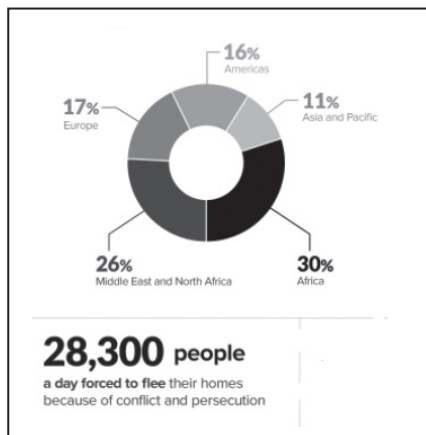
Security forces throughout the region arbitrarily arrested and detained actual and suspected government critics and opponents, often using vague and broadly drawn laws. In Egypt and the United Arab Emirates (UAE), detainees were frequently subjected to enforced disappearance: cut off from the outside world, deprived of legal protection and tortured to force “confessions” that courts used to convict them at trial.

• **Refugees, Internally Displaced People And Migrants**

Across the region, millions of people were on the move seeking to escape armed conflicts or other violence, political repression or economic degradation. They included refugees and asylum-seekers, people displaced within their own country, and migrants from the region and beyond. Many were children; some were unaccompanied and especially vulnerable to human trafficking and sexual and other exploitation and abuse.



**55%** of refugees worldwide came from three countries



**• Impunity**

A heavy shroud of impunity prevailed, under which parties to armed conflicts perpetrated war crimes, other grave violations of international law and gross human rights abuses. Elsewhere, state authorities committed unlawful killings, torture and other human rights violations without accountability.

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- <http://www.ohchr.org/en/>

# ODVV Written Submissions to UPR Third Cycle

The Universal Periodic Review (UPR) is one of the objective, impartial and universal monitoring mechanisms of the United Nations' Human Rights Council. The process involves a review of the human rights situation of all UN members every four years. The review is conducted based on 3 types of documents including the reports of: (a) the State under Review (SuR); (b) the UN bodies and (c) the Non-Governmental Organizations (NGOs) concerned with the situation in the country.

Part of ODVV's active participation in the Human Rights Council involves monitoring the situation of human rights in the countries and making written contributions to UPR Working Group sessions, recommending the SuRs on how to promote human rights inside their territory. Since the First and Second rounds of UPR are already over, the present report summarizes ODVV's submissions to UPR third cycle. The third round of UPR started in May 2017 (27th session of UPR held so far) and ends in November 2021 with 40th session of UPR. The present report outlines ODVV written contributions for Bahrain and the United Kingdom in UPR 27th session (May 2017); Pakistan in 28th session (Nov 2017); Botswana, France, Israel and the United Arab Emirates in UPR 29th session (January 2018).

## **ODVV Submission to Bahrain UPR,** *27th session of UPR Working Group (May 2017)*

ODVV distinguishes the main sources of human rights violations in Bahrain as follows: torture, violent treatment of protesters who exercise their right to freedom of expression, revoking Citizenship and leaving people stateless as a form of punishment, life sentence, forced exile and execution of political activists which is contrary to human rights law, violation of freedom of peaceful assembly and freedom of expression, fundamental human rights including children's rights in Bahrain prisons and freedom of religion.

ODVV believes that Bahrain's joining to a number of international conventions can promote the situation of human rights in the country.

Studying the breaches of human rights in Bahrain, ODVV calls on the country to:

- Join the Convention Relating to the Status of Refugees. The country is urged to ratify the convention and take practical steps to alleviate the ongoing sufferings of the vulnerable group.

- Refrain from violations of human rights and international law and prevent torture, mistreatment of prisoners, revoking citizenship and violation of the right to freedom of belief.
- Release political prisoners and human rights activists being imprisoned for peaceful exercise of their human right to freedom of expression and criticising the discrimination against the Shia in Bahrain.
- Respect freedom of expression and freedom of peaceful assembly and association.
- Respect freedom of religion and take practical steps to stop any form of discrimination against Shia Muslims.

### **ODVV Submission to the United Kingdom UPR,**

*27th session of UPR Working Group (May 2017)*

The main issues raised by ODVV in the submission included the role of UK in foreign conflicts, migrant rights and the country's domestic laws. ODVV is concerned about the billions of Pounds UK arms sold to Saudi Arabia while the country is involved in war crimes and crimes against humanity in Yemen. The war is taking huge toll on civilians including women and children.

In addition to playing a role in the Yemen conflict, UK is suffering from violation of migrant rights including a surge in anti-immigrant hate crimes in 2016. According to the National Police Chiefs' Council (NPCC), the crimes go even further than the average 57 per cent nationwide . In September 2015, Britain announced that the country would take 20,000 Syrian refugees over the course of 5 years, considering the increase in the anti-immigrant hate crimes it seems that the country would need to put more effective strategies in place in order to be able to protect the growing number of migrants against the increasing rate of hate crimes. Regarding the domestic laws of the country, Britain has announced decisions to repeal the Human Rights Act and replace it with a British Bill of Rights.

The UN High Commissioner for Human Rights and the UN Human Rights Committee, and the civil society, raised serious concerns that the decision could weaken the protection of human rights in the country and could lead to the UK's withdrawal from the European Convention on Human Rights - as one of the first signatories of the convention - undermines the country's position as a defender of human rights in the international arena.

To improve the human rights situation, both inside and outside the UK situation, ODVV called on the British government to:

- Suspend all arms sales to Saudi Arabia, conducting serious investigations into alleged war crimes committed by the Saudi led coalition. The present foreign policy may make the British government complicit in war crimes, pave the way for further violations of international law and intensify the intolerable sufferings of the Yemeni people, in complete contradiction with the UK's commitment for protection of human rights.

- Protect the children and families of migrants and refugees, and accede to the ICRMW and consider the possibility of ratifying the ICRMW and ILO Convention No. 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrants. Take necessary measures to avoid any use of detention for asylum seekers during the process of determining their refugee status.

- Review the country's hate crime laws and strategies to control the dramatic rise in the crimes. In addition, the Kingdom is recommended to study and address the factors that drive the perpetrators to committing crimes and develop new preventive measures.

- Pay due attention to the concerns expressed by human right groups while making amendments to domestic laws.

### **ODVV Submission to Pakistan UPR;**

*28th session of UPR Working Group (Nov 2017)*

The main issues raised by ODVV in its submission for Pakistan UPR include: ratification of international instruments, violence against religious minorities, drone strikes against civilians, and violence against women and girls.

ODVV report focuses on breaches against religious minorities including attacks to a Shia mosque in Peshawar, killing 20 and injuring 60 worshippers, another attack to two churches killing at least 22 people, as well as harassment of the Hazara' people by armed groups.

In addition, ODVV report raises concerns over drone strikes that kill civilians in villages and the alarmingly widespread violence against women. According to the reports, "there has been a 20 per cent increase in cases of violence against women reported every year from 2012 to 2015". "In 2013, more than 5,800 cases of violence against women were reported in Punjab". In 2015, there were reports of 6, 505 cases of violence against women. ODVV encouraged Pakistan to join a number of international instruments including: the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), the Rome Statute of the International Criminal Court and the Optional Protocol to CRC on the involvement of

children in armed conflict.

Also, ODVV recommended Pakistan to:

- Take action, along with universities in Quetta and the Balochistan, to ensure access for Hazara students to education.
- Announce the practical measures designed to bring perpetrators of deadly attacks against religious minorities to justice, as an effective method to prevent violence, considering the fact that such attacks fuel the flame of sectarian tensions.
- Amend the existing laws effectively to ensure the protection of the civil rights of political minorities.
- Announce the steps taken to end all forms of violence against women in line with the accepted recommendations of previous UPR cycles and considering the current rising trend of such crimes, while the existing laws are amended.
- Start a national action plan to end child marriage, harmonizing the efforts of government institutions, civil society members and the public to achieve the common goal, in line with 6 accepted recommendations to promote children's rights in the country.
- Start a national action plan to address the roots of the activities labeled as "honor killing", changing the existing cultural mindsets that fan the flames of such crimes.
- Recalling the fact that killing civilians out of war zones can be considered as war crimes, we call on the Human Rights Council and the international community to condemn and emphasize on both the illegitimacy and illegality of drone strikes, since it appears to be beyond the capacities of Pakistan government.

### **ODVV Submission to Botswana UPR,**

*29th session of UPR Working group (January 2018)*

Considering the recommendations given to Botswana in the first two UPR cycles, the main points raised to Botswana by ODVV included ratification of International Human Rights instruments, respecting the rights of tribal groups, women's rights, freedom of expression and assembly and the right to health including the HIV challenge.

In the submission ODVV called on the country to:

- Ratify the core human rights instruments to which it is not

a party, especially the International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and send its periodic reports to the treaty bodies.

- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 1 of the Convention on the Rights of the Child.

- Ratify the ILO Convention No. 169 on Indigenous and Tribal Peoples, in order to improve the situation of tribal groups in Botswana.

- Recognize all unrecognized tribal groups and take practical steps to eliminate all forms of discrimination against them, providing them with equal opportunities to participate in social, political, cultural lives.

- Recognize all the minority languages and provide all the primary school children, including the minority children, with the opportunity of access to education, especially education in their own mother tongue.

- Continue its leading efforts to treat HIV/AIDS across its territory, noting the country's commitment to apply long term solutions to the problem, and make sure that mineworkers of BCL and Tati will have access to HIV/AIDS treatment and counselling.

### **ODVV Submission to France UPR,**

*29th session of UPR Working group (January 2018)*

France previous reviews and current incidents show that the main human rights concerns in France include, breach of human rights obligations while countering terrorism, the situation of refugees and migrants, discrimination against the Roma people, restriction to freedom of dress, Islamophobia in the mass media and political discourse and arms trade with countries that violate human rights including Israel and Saudi Arabia. Based on the incidents of human rights violations, ODVV has offered the following recommendations to France UPR Working Group:

- In pursuing terror crimes, the French government must make further efforts to protect the fundamental rights and freedoms of its citizens. In the recent sessions of the Human Rights

Council a lot of stress has been made on the observation and protection of human rights and jus-cognes such as equality and nondiscrimination while fighting terrorism.

- France should be committed to its international obligations towards refugees and migrants and not escalate crises. The country should continue its efforts to protect the rights of all migrants regardless of their situation and status.

- France should consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights.

- Towards practicing the value of democracy and freedom, the French government must seriously refrain from discriminating against minorities and Muslims. In the event of revoking the right to freedom of dress for women, which is a part of their freedom of expression, this country will deprive a section of the citizens and residents from their fundamental rights and freedoms. It should lift the ban on hijab and respect the right of Muslim women to express their beliefs.

- In a context of growing Islamophobia, the French government should urgently reach out to Muslims and give them assurances that they are not under suspicion because of their religion or ethnicity and adopt a law banning incitement indicating religious and racial hatred.

- France must use its legal right in the arms trade in a way that it guarantees that human rights and humanitarian laws are not violated.

### **ODVV Submission to Israel UPR,**

*29th session of UPR Working group (January 2018)*

In the report submitted for Israel's third cycle UPR, ODVV raised concerns over the discrimination against non-Israeli natives living in the occupied territories who are subject to various human rights violations including, the right to life, the right to health, the right to freedom of movement, freedom of religion and belief, freedom of expression and the right to free and non-discriminatory access to education. The region is suffering from serious breaches of human rights including, Palestinians being subject to widespread violence by both Israeli settlers and officials, torture both inside and outside prisons, abduction and forced disappearance, arbitrary arrests, detention without trial, solitary confinement, difficult prison conditions leading to



hunger strikes of prisoners, the situation of Gaza confiscation of land, forced displacement and even human rights challenges such as child labor.

In the occupied territories people are deprived of their fundamental rights such as the right to have access to safe drinking water and electricity. The situation is even further complicated by continuous killings of Palestinians, widespread arbitrary arrests and frequent attacks to people and properties. To improve the long standing challenges and being concerned about the widespread long term breaches of various kinds in Israel, the Organization for Defending Victims of Violence (ODVV) report called on Israel to:

- Take practical measures and amend the existing laws to effectively address the serious existing discrimination against Palestinians.
- Meet its commitments under the Geneva Conventions, as the occupying power, to maintain public order and civil life, including public welfare and find durable solutions for the continuing challenges of Arab people in the occupied territories.
- Prevent the construction of all illegal settlements, confiscation of Palestinian lands and demolition of their properties.
- Start impartial and independent investigations on all cases of extrajudicial killings and torture, ending the impunity of all perpetrators.
- End torture, solitary confinement, administrative detention and put measures in place to safeguard the human rights of all prisoners.
- Stop arrests of users of social networks based the information screened by “Big Data”.
- Respect Palestinians freedom of movement and all the other rights dependent on it such as the right to a family, education and the right to have access to one’s properties.
- Respect the Palestinians freedom of religion, belief and expression, protect their places of worship and release all prisoners of conscious.
- Maximize efforts to protect the rights of Bedouin population and eliminate racial discrimination against them.
- Gather data on cases of child labor, aiming at protection of children’s rights and elimination of the labor.

## **ODVV Submission to the United Arab Emirates UPR,**

*29th session of UPR Working group (January 2018)*

The main human rights concerns in the UAE include ratification of international instruments, reprisals against human rights defenders including heavy prison terms, breaches to freedom of expression including arbitrary arrests of activists, revoking citizenship, forced disappearances and arbitrary detentions, torture and mistreatment of detainees, women's rights, situation of migrant workers, children's rights and environmental Rights.

ODVV recommended the UAE government to:

- Ratify 1951 Convention relating to the Status of Refugees and the 1967 Protocol.
- Implement recommendations by UN human rights experts to protect the right to freedom of opinion and expression, and freedom of association and peaceful assembly.
- Respect its international human rights obligations and act on recommendations from United Nations human rights experts to release activists sentenced to the unfair trial.
- End its continuing use of harassment, arbitrary detention, enforced disappearance, torture and other ill-treatment, and unfair trials against activists, human rights defenders and those critical of the authorities, and its use of national security as a pretext to crackdown on peaceful activism and to stifle calls for reform.
- Stop revoking nationality as a punishment
- Release all human rights defenders who are detained as a result of their human rights work.
- Guarantee the safety and security of all family members of human rights defenders.
- Guarantee that all human rights defenders in the UAE are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.
- Extend the labor law reforms to cover migrant domestic workers. The state must implement an appropriate system through which these workers can speak over the nature of their employment.

- Stop building artificial islands which negatively affect the Persian Gulf environment.
- Take steps to join the following conventions and protocols:
  - International Covenant on Civil and Political Rights: 1976
  - Optional Protocol to the International Covenant on Civil and Political Rights: 1976
  - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: 1991
  - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: 2000
  - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 2006
  - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: 2002
  - Optional Protocol to the Convention on the Rights of the Child on a communications procedure: 2014
  - International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: 2003
  - International Convention for the Protection of all Persons from Enforced Disappearance: 2010

# ODVV Activities

## Prevention of Domestic Violence and Life Skills Education Project

According to the tripartite agreement between the ODVV, UNHCR and ABAFIA the Prevention of Domestic Violence and Life Skills Education Project began in May 2017 and is due to finish in September.

This project has been designed for 80 Afghan refugees (40 men and 40 women) in 12 to 59 age group and with the aim of reducing social and mental abuse,

increasing self-belief, and prevention of domestic violence among Afghans residing in Varamin district.

Also in view of: 1 – the need for this community to learn domestic violence prevention and reduction methods, 2 – extensive positive response of refugees from previous

conducted projects, and 3 – the need to further expand these trainings to more vulnerable regions (such as Varamin; this project was designed. Based on the field visits and interviews that took place with the refugees and key Afghan community figures in Varamin, it was concluded that the social and mental abuse levels – particularly domestic violence – are very high, which brings about irreversible consequences that include rise in addiction, suicides and various social damages. The conclusion made the ODVV to pursue the holding of necessary training for the third consecutive year, for the refugee community in the Varamin and suburbs. Also, 80 direct beneficiaries of the project who will be trained as P2P in life skills and violence prevention methods, will each transfer what they have learned to 5 of their peers, which ultimately will see 400 Afghan refugees that are trained in the prevention and reduction of domestic violence.



## Technical Sitting on Terrorism, Extremism and Violence

The technical sitting on Terrorism, Extremism and Violence was held with the presence of Dr. Seyed Mohammad Kazem Sajadpour, the director of the International Training and Research Centre of the Ministry of Foreign Affairs and

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Jean-Luc Vannier, psychoanalyst and Nice University Lecturer, in the conference hall of the ODVV.

The sitting began with the opening remarks of ODVV director Dr. Siavash Rahpeik with a welcoming speech, in which he gave a brief history of the Organization. Next speaker was Dr. Mohammad Kazem Sajadpour, from the International Training and Research Centre of the Ministry of Foreign Affairs who spoke about terrorism and extremism in the region: "Terrorists and those associated with extremism have a very poor interpretation of Islam, and in many instances they do not have any understanding of the religion. The nurturing of terrorists includes various levels that include, individuals, social, regional and international. Sadly the Middle East is deemed the most violent region in the world, and this is as a result of the disproportionate relationship of countries with the region's people. The Middle East is shedding skin from within and outside that regional revolutions, foreign incidents and violence in the region are all pulling the Middle East towards decline. These developments, have caused an increase in numerous acts, and from its core,



terror groups such as ISIS with a decadent ideology emerge." The next speaker was Jean-Luc Vannier, psychoanalyst and Nice University Lecturer considered the explanation of the psychological dimensions of terrorism, the trend to terror and extremist groups as the result of various reasons. He assured that: "Most people who suffer mental issues such as depression and distress, join terror groups to release from these disorders." This Nice University lecturer added: "The feeling of need to destroy because of the feeling of guilt by these people, in the event of failure to manage these feelings, will force these suffering individuals to destroy themselves and in the long run force them to destroy others by joining terror groups."

Dr Jean-Luc Vannier explained: "Extremist ideologies promise mental peace and achieving advanced personalities, as well as reaching higher human status, attracts humiliated individuals towards itself. Also the luring of the thoughts of individuals who have the suitable base to accept these types of beliefs, is another instance that draws individuals towards extremist groups. The promise to control the whole world and also promises of matters which cause the uprising of individuals who have the right mentality to join extremist groups to reach their ideals, is another motivation which causes some individuals join these groups." At the end of this sitting, a Q&A session was held between the panel's experts and the audience.

## Education Workshop on Freudian Psychotherapy: from Theory to Practice in Therapy

The one-day Education Workshop on Freudian Psychotherapy: from Theory to Practice in Therapy Session was held on 9 May, 2017 in the conference hall of the ODVV.

This one-day workshop that was entitled the “Freudian Psychotherapy: from Theory to Practice in the therapy session”, was held between 10am and 18pm with the presence of John Luck, psychotherapist and Nice University professor and 30 psychiatrists, psychotherapists and psychologists.

The following topics were taught comprehensively and in detail to the audience: 1 – To explain the consequences of the discovery by Sigmund Freud of the primacy of the radical otherness in the creation of the unconscious and that of the human sexuality; 2 – studying through the historical background of psychoanalysis, the major concepts, always referring to the clinical basis; 3 – A thorough understanding of psychoanalysis and psychology in order to better assess the functioning of the human psyche, its desire, its identity and its place in the social group; and 4 – To give clinicians many efficient means in their daily work.

Also the participants of this workshop were introduced to discussions such as: a method of treatment of the neurotic disorders, presentation and exegesis of the psychoanalysis, from early childhood to adolescence, the cataclysm of puberty and the various adolescent addictions, a process of investigation of the psychic processes, the basic rules of the analytic session, conditions for the commencing of therapy session, The Freudian “setting”: from the face to face to the sofa. How? Why?, The differences between psychiatry, psychology and psychoanalysis, the fundamental situation of anthropology according to professor John Le Planch theory, trauma, sudden puberty developments, and various addictions among youths, the way they dress etc.

The workshop ended with a Q&A session and presentation of credible certificates of participation to the attendees.



## ODVV Activities

### Participation in the 35th Session of the Human Rights Council

The 35th Session of the Human Rights Council was held from 6 to 23 June 2017 at the Swiss headquarters of the UN in Geneva. The ODVV Representative Office in Geneva had an active and effective presence in this Session.

Some of the ODVV activities included the preparation and submission of written and oral statements, publication and distribution of books, magazines, annual reports and multimedia CDs with the aim of expansion of ODVV's international links.

The ODVV submitted 4 written statements and 7 oral statements. Some of the subjects of these statements which were under Items 4, 5, 6, 7 and 9 included: human rights situations that requires the Council's attention, refugee policies in the EU, UPR mechanism and civil society space, Israeli settlements in the Palestinian Occupied Territories, and US policies and Islamophobia and Human rights crisis in Yemen.



### Human Rights Activists Demonstration outside the United Nations in Geneva in Condemnation of the Tehran and London Terror Attacks

On the initiative of the ODVV Geneva Representative Office, and in condemnation of the terror groups' attacks in Tehran and London and also the

continuation of Saudi Arabia's aggression against the innocent people of Yemen, a protest was held on 15 June in front of the UN Headquarters in Geneva. The demonstration took place at the same time as the 35th Session of the Human Rights Council. Holding placards and shouting slogans, the participants condemned the recent terror attacks. In this demonstration,



human rights activists gave short separate speeches and called upon the international community and human rights bodies to make efforts to put an end to these inhuman actions. In their speeches these activists condemned the Tehran and London terror attacks and also the Saudi aggression in Yemen, and declared their support for the people of Yemen.

## **Participation in the “IR Iran’s Services in the Empowerment of Refugees for their Permanent Repatriation to Afghanistan and Reconstruction” Exhibit**

**O**n 19 June 2017, the ODVV took part in the “IR Iran’s Services in the Empowerment of Refugees for their Permanent Repatriation to Afghanistan and Reconstruction” Exhibit, with the presence of the BAFIA and the UNHCR, and governmental and nongovernmental organizations active in the field.

Some of the introduced achievements of the ODVV in this Exhibit included the presentation of films of the following projects: Reduction of Domestic Violence and Life Skills Education, Varamin 2016; Prevention of Domestic Violence and Life Skills Education, Varamin 2014; Prevention of Domestic Violence and Life Skills Education, Kan 2013; Promotion of the Mental Social Health of Refugees, Shahr-e-Rey 2012; Strengthening of the Family Institution and Prevention of Violence, Semnan Refugee Camp 2011; Community-based Awareness Raising for the Prevention of GBV, Shahr-e-Rey 2010; and booklets on refugees related activities of the ODVV, annual report, and Defenders Newsletter.



## **Sitting in Support of Victims of Torture**

**T**he technical sitting in support of victims of torture was held on the occasion of the International Day in Support of Victims of Torture on 26 June at the conference hall of the ODVV with the presence of psychologists and psychotherapists.

In this technical sitting in which psychologists, psychiatrists, doctors, counsellors and social workers were present, Dr. Mir Saeed Jaafari, lectured on interview and rehabilitation techniques of torture victims.

The training of therapists for helping victims of torture to return to normal lives and offer counselling support were some of the important education headings of this technical sitting.

This university lecturer, Dr. Jaafari described the treatment of torture victims in



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three stages: special attention to the critical emotional situation of torture victims, interviews and support and rehabilitation techniques for their return to normal daily life, were some of the important actions that should be taken in helping torture victims.

He said: “the re-enacting of the past, and stress on the present as a reality, can help in accepting the past’s pain and return to present life of the victim.” The torture victims must learn to live in the present and distance themselves from the painful past.

Dr. Jaafari talked about logical interpretation of past experiences and accepting the present as the two principles in the treatment of torture victims and continued:



“For the treatment of torture victims cognitive therapy, cognitive behaviour therapy, and psychoanalysis are used. Of course the best therapy is team therapy, meaning a therapy in which a social worker and psychiatrist are present as well as the psychotherapist.”

Next, the experiences of some therapists related to PTSD patients, whose ailment was caused by chronic fear of ISIS were discussed and analysed by the workshop lecturer.

At the end of the sitting, plans were set to hold regular technical sittings and workshops with the presence of torture victims. It is noted that some of the therapists declared their readiness to treat patients free of charge.