

Date: 1 November 2012
Ref. No.;

**Joint Open Letter to the EU:
Palestinian human rights organisations will not attend the civil society consultations ahead of the
EU-Israel Informal Working Group on Human Rights and International Organisations**

Dear EU High Representative, Commissioner Füle, EU Special Representative for Human Rights and Representatives of the MAMA council working group,

As is the custom, this year's EU-Israel Informal Working Group on Human Rights and International Organisations (Informal WG) will be preceded by a civil society consultation in Brussels with the EU External Action Service, and in Tel Aviv with the EU representative office. This year, the Palestinian Human Rights Organisations Council (PHROC) has decided not to participate in such consultations in light of the following:

- 1) the Informal WG is an insufficient mechanism and must be transformed into a full-fledged subcommittee on human rights, addressing the full range of Israel's human rights obligations, including those owed to the occupied Palestinian people;
- 2) the Informal WG does not address Israel's human rights obligations towards the occupied Palestinian people, nor does the EU and Israel intend for these rights to be discussed in this forum; and
- 3) the EU has excluded Palestinian civil society in the OPT from its consultations ahead of the Informal WG.

While we welcome the EU's repeated calls on Israel to establish a sub-committee on human rights and democratic governance within the framework of the EU-Israel Association Agreement, the lack of clarity on whether this mechanism will address the full range of Israel's human rights obligations, including those owed towards the occupied Palestinian people, is of great concern. This view is bolstered by the fact that the EU supported the establishment of the current Informal WG, which only addresses human rights violations related to Israel proper. Such an arrangement is legally untenable and is devised solely to accommodate Israel's claim that, as an Occupying Power, it does not have any human rights obligations towards the occupied Palestinian people – an assertion that has been unequivocally rejected by the International Court of Justice, the United Nations, as well as by the EU itself.

The EU's acquiescence to Israel's claim runs contrary to the EU's obligation to coherently and consistently address human rights concerns with its neighbouring countries, to reinforce its human rights dialogues in accordance with the new European Neighbourhood Policy, and to ensure that human rights take centre stage in EU's external relations.

Whilst acknowledging that the EU addresses Israel's human rights obligations towards the occupied Palestinian people in the EU-Israel Subcommittee on Political Dialogue and Cooperation, it must be stressed that raising human rights issues in this political forum allows for such concerns to be tainted by political considerations and to become a side note to other aspects of EU-Israel relations. In the interest of a strengthened human rights dialogue with all its neighbouring countries, the EU must ensure that human rights concerns are raised within an appropriate forum, without becoming a bargaining chip in political negotiations.

Finally, we are concerned about the EU's failure to consult with Palestinian civil society organisations in the Occupied Palestinian Territory (OPT) ahead of its Informal WG. The EU once again did not invite Palestinian civil society organisations to the consultation arranged in Tel Aviv,. Furthermore, by arranging a consultation in Tel Aviv, the EU failed to take into consideration Israel's violation of the Palestinians' right to freedom of movement, as most Palestinians are prevented from entering Israel and therefore cannot attend such a meeting. Palestinian civil society organisations are directly concerned parties that should be consulted ahead of the EU-Israeli dialogue on Israel's human rights obligations. By setting up a civil society consultation in Tel Aviv, the EU is effectively excluding Palestinian civil society representatives and human rights defenders from the West Bank and the Gaza Strip, from presenting their concerns to the EU.

As the Palestinian Human Rights Organisations Council, we can no longer participate in a human rights dialogue which serves Israel's interests whilst overlooking Israel's violations of Palestinians' human rights. In light of the above, we cannot participate in the civil society consultations with the EU ahead of the Informal WG, as this would tacitly legitimise Israel's manipulation of international law and undermine our genuine commitment to the promotion and protection of human rights in the OPT.

Sincerely,

	<p>Addameer Prisoners' Support and Human Rights Association Sahar Francis General Director</p>		<p>Aldameer Association for Human Rights Khalil Abu Shammala General Director</p>
	<p>Al-Haq Shawan Jabarin General Director</p>		<p>Al Mezan Center for Human Rights Issam Younis General Director</p>
	<p>Badil Resource Center for Palestinian Residency and Refugee Rights Najwa Darwish General Director</p>		<p>Defence for Children International Palestine Section Rifat Kassis General Director</p>
	<p>Ensan Center for Human Rights and Democracy Shawqi Issa General Director</p>		<p>Hurryyat - Centre for Defense of Liberties and Civil Rights Helmi Al-araj General Director</p>
	<p>Jerusalem Center for Legal Aid and Human Rights Issam Aruri General Director</p>		<p>Ramallah Center for Human Rights Studies Iyad Barghouti General Director</p>



**Women's Centre for Legal Aid
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Maha Abu Dayyeh
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