
UN Human Rights Council
35th Session, Item 3 – June 6, 2017

Interactive dialogue with the Independent Expert on protection against violence and discrimination based on sexual orientation and the Special Rapporteur on extrajudicial, summary or arbitrary executions

A shorter version was orally delivered by Mr. Yoel Mester,
Deputy Permanent Representative of Israel to the UN in Geneva

Thank you, Mr. President.

We welcome both the Independent Expert and the Special Rapporteur and thank them for their first reports presented before us today.

We would like to commend Mr. Muntarhorn for his clear and illustrative report, which presents a proper analysis of the protection provided by Human Rights both at the International and Regional levels, and highlights the intersectionality between sexual orientation and gender identity and other forms of discrimination. The IE emphasizes that the existence of this mandate does not seek to create new rights to LGBTI people, but rather to ensure their equality and respect of their already existing rights, without discrimination or violence. Israel agrees with the IE on this topic, and has therefore supported the mandate both here and in New York.

In his report, the IE presents 6 underpinnings that will guide his work during his tenure. Israel agrees with the areas identify by him, and gives equal importance to all of them. Israel is committed to work both at the national level, as well as through international cooperation to address them.

Mr. President,

We would also like to commend Ms. Callamard for her timely report that focuses on a gender-sensitive approach to arbitrary killings. We find extremely useful that she starts her mandate presenting this topic .

In this sense, the SR has pointed out that arbitrariness may have both a procedural and a substantive component. Moreover, she considers that a gender-sensitive approach should encompass both the killings committed on the basis of SOGI, as well as the consideration of the imposition of death penalty when it ignores essential facts to the defendant's case, such as a long history of domestic violence, including larger social patterns of gender inequality .

Interestingly, she acknowledges that the safeguards against arbitrary deprivation of life apply to killings by non-state actors.

We would like to call her attention to the actions of Hamas in Gaza. Two recent examples are the sentencing to death penalty of Nahia A., who has been sentenced for killing her husband and whose execution was planned ignoring the lack of authorization by the President of the PLO, as required by the law. Additionally, the execution of Mahmoud Ishtiwi, a member of Hamas who used to be in charge of building tunnels to attack Israel, was killed after being accused of “moral turpitude”, a term that the terrorist organization uses to refer to homosexuality.

These two cases show how easily Hamas ignores International standards, since the procedural violations in the first case, and the underlying discrimination in the second one, evince once again its reluctance to respect even national law, much less, international law.

We call both mandate-holders to focus their work also in the actions carried out by non-states actors, since the consequences of their actions impact directly on the lives of the people they are call to help to protect.

Thank you.