

Joint Statement

Israeli Apartheid Undermines Palestinian Right to Health Amidst COVID-19 Pandemic

Date: 7 April 2020

This year we mark World Health Day as the novel coronavirus disease (COVID-19) continues to sweep across the globe, disproportionately impacting those subjected to situations of institutionalised oppression, discrimination, and injustice. For the Palestinian people, COVID-19 has brought to the forefront Israel's [apartheid regime](#) of systematic racial domination and oppression over all Palestinians,ⁱ which for decades has led to the fragmentation and de-development of the healthcare system of the occupied Palestinian territory, particularly in the occupied Gaza Strip,ⁱⁱ and denied Palestinians the right to the enjoyment of the highest attainable standard of physical and mental health.ⁱⁱⁱ

As COVID-19 continues to spread, Israel's apartheid regime has become more apparent than ever. In the Gaza Strip, two million Palestinians have suffered 12 years of illegal Israeli closure, which has undermined all aspects of life in the Strip and pushed Gaza's healthcare system to the brink of collapse.^{iv} The closure has led to profound levels of aid-dependency, food insecurity, poverty, and unemployment, thereby undermining the right of Palestinians to enjoy the underlying determinants of health and well-being.^v Even before the pandemic, the healthcare system in Gaza already faced severe shortages of medicines, medical supplies, and equipment,^{vi} pushing thousands of patients with life-threatening conditions to seek treatment outside of Gaza through an onerous, complex, and opaque permit process by the Israeli occupying authorities, which severely deprives Palestinians of their right to health, and in the most serious cases of their right to life. These conditions are compounded by a chronic electricity crisis, and the contamination of most of Gaza's water supply,^{vii} which has prevented Palestinians from effectively mitigating the spread of COVID-19. Currently, the Gaza Strip has 12 confirmed cases of COVID-19, yet only 87 ventilators for two million Palestinians, 80 to 90 per cent of which are already in use.^{viii} Similarly, the West Bank only has 256 adult ventilators for some three million Palestinians.^{ix} The situation is compounded in Palestinian refugee camps, in the occupied Palestinian territory and across the region, where overcrowding, physical and mental stress, and years of protracted conflict have made over 5.6 million Palestinian refugees, who suffer food and job insecurity, more susceptible to the threats of the pandemic.^x

At a time when governments are telling people to stay at home to limit the spread of the coronavirus, Palestinians' efforts to prevent and mitigate the effects of COVID-19 are being undermined. Human rights violations have continued, including Israel's demolition of Palestinian homes on both sides of the Green Line.^{xi} On 26 March 2020, the Israeli occupying forces confiscated poles, sheeting, and other materials that were to be used for two field clinics, four emergency housing units, and two mosques in the town of Khirbet Ibziq in the northern Jordan Valley in the occupied West Bank.^{xii} In Jerusalem, Palestinian volunteers involved in local initiatives to disinfect schools and institutions or distribute foodstuffs in underserved areas of the city, in particular the Old City, have faced arrest by the Israeli occupying forces, with aid materials confiscated. Even before the pandemic, Palestinian health services in occupied East Jerusalem suffered years of deliberate neglect and chronic underfunding, which have weakened the infrastructure and capacity of Palestinian hospitals to respond to COVID-19. Besides the shortage of testing centres for Palestinians in the city, Palestinian hospitals only have 22 ventilators for some 350,000 Palestinian residents of Jerusalem, of whom a third reside in neighbourhoods behind the Annexation Wall.^{xiii}

Elsewhere, arbitrary arrests and detention also continue at a time when governments around the world are being called to release detainees and those held without sufficient legal basis to reduce overcrowding in prisons.^{xiv} Instead, Israel has taken no adequate measures to improve provision of healthcare and hygiene for Palestinian prisoners and detainees in line with the World Health Organization (WHO) guidance for preventing COVID-19 outbreak in prisons.^{xv} There have also been reports of at least two Palestinian workers, suspected of having COVID-19, being left by Israeli police at a checkpoint in the West Bank without providing medical care or coordinating with the Palestinian Authority to ensure their treatment.^{xvi} As the public health emergency continues to deepen, Israel has already used COVID-19 as a pretext to escalate its repressive measures against Palestinians,^{xvii} including through the resort to police brutality under the state of emergency, racial profiling while enforcing restrictions and fines,^{xviii} and unlawful surveillance by the Israeli intelligence,^{xix} as mass tools of subjugation and control Israel has used against Palestinians for decades.

In all areas, Israeli apartheid over Palestinians is apparent. In the Naqab, within the Green Line, 80,000 Palestinian citizens have no access to emergency medical services, while 56,000 residents of villages unrecognised by Israel have no adequate access to safe, clean running water. At the same time, Israel has failed to allocate resources for coronavirus testing and emergency medical services in the unrecognized villages, following decades of institutionalised oppression and neglect.^{xx} Israel has also shown reluctance to test Palestinian citizens for COVID-19 or to establish drive-through testing stations in Palestinian communities within the Green Line that already suffer poor infrastructure, whereas ambulance drivers have not been trained to evacuate coronavirus patients to often distant hospitals.^{xxi} In fact, it was only last week that testing centres opened in Palestinian cities within the Green Line and in occupied East Jerusalem.^{xxii} The apparent disparity in health services and amount of testing being provided to Palestinians, rooted in Israel's institutionalised discrimination, compounds how Palestinians experience the pandemic. To date, Israel has also failed to test Palestinian workers for COVID-19,^{xxiii} some tens of thousands of whom may soon be expected to return to the West Bank for the holiday period, with fears that this may fuel an outbreak should workers fail to isolate themselves.^{xxiv} At the start of the outbreak, Israel even failed to provide real-time COVID-19 updates in Arabic, further compounding Palestinians' susceptibility to the pandemic.^{xxv}

COVID-19 has shed a glaring light on the detrimental impacts of Israel's apartheid regime on the right to health of all Palestinians. International humanitarian law requires Israel, the occupying power, to ensure the food and medical supplies of Palestinians to the fullest extent possible,^{xxvi} and to maintain medical services, public health, and hygiene in the occupied Palestinian territory, with particular reference to the adoption of preventive measures necessary to combat the spread of infectious diseases.^{xxvii} At the same time, Israel is bound under international human rights law to uphold the right of Palestinians to the highest attainable standard of physical and mental health,^{xxviii} including the underlying determinants of health and well-being,^{xxix} which include the right to adequate food, water and sanitation, housing, and work, and ultimately require the realisation of the right of the Palestinian people to self-determination.^{xxx}

On World Health Day, as States continue to respond to the COVID-19 pandemic, Israeli apartheid remains a major impediment to the enjoyment by all Palestinians of their right to the highest attainable standard of health. As we take steps to prevent and mitigate the effects of the pandemic, our organisations underline the root causes of Israel's structural and institutionalised oppression over the Palestinian people in their efforts to develop an adequate response to COVID-19. If Palestinians' inalienable rights are to be realised, these root causes must be addressed. Israel must end its closure of the Gaza Strip and prolonged military

occupation at large, release Palestinian political prisoners detained in violation of international law, and ultimately dismantle its apartheid regime over the Palestinian people as a whole. While Israeli impunity prevails, however, it is the responsibility of all States to adopt effective measures, uphold international justice and accountability for Palestinian victims, and bring an end to Israel's apartheid regime.

Background:

For decades, Israel has established and maintained an apartheid regime over the Palestinian people through a plethora of laws, policies, and practices designed to systematically fragment, isolate, and oppress Palestinians. A myriad of movement restrictions, including checkpoints, the Annexation Wall, and closures have resulted in denial of access to essential services, including healthcare, and created a coercive environment, which has deprived the Palestinian people of their means of subsistence and prevented them from exercising any collective rights. At the root of Israel's apartheid regime is the strategic fragmentation of the Palestinian people into four distinct legal, political, and geographic domains, comprising Palestinians on both sides of the Green Line, Palestinians in Jerusalem, and Palestinian refugees and exiles abroad, whose right of return to their homes, lands, and property Israel has denied since 1948.^{xxxi}

Signatory organisations:

- The Palestinian Non-Governmental Organizations Network (PNGO), including:
 - Al-Haq, Law in the Service of Mankind
 - Addameer Prisoner Support and Human Rights Association
 - Jerusalem Legal Aid and Human Rights Center (JLAC)
 - Al Mezan Center for Human Rights
 - Defence for Children International – Palestine (DCI-P)
 - Ramallah Center for Human Rights Studies (RCHRS)
 - Alrowwad Cultural and Arts Society – Aida Refugee Camp–Bethlehem
 - Early Childhood Resource Center (ECRC)
 - Human Rights & Democracy Media Center “SHAMS”
 - MA’AN Development Center
 - Palestinian Hydrology Group (PHG)
 - Palestinian Counseling Center (PCC)
 - Treatment and Rehabilitation Center for Victims of Torture (TRC)
 - Women’s Center for Legal Aid and Counselling (WCLAC)
- Cairo Institute for Human Rights Studies (CIHRS)
- Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)
- Community Action Center (Al-Quds University)
- The Palestine Institute for Public Diplomacy (PIPD)

ⁱ See Al-Haq, “Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination,” 12 November 2019, available at: <http://www.alhaq.org/advocacy/16183.html>. See also Rania Muhareb and Nada Awad, “COVID-19 and apartheid,” This Week in Palestine, April 2020, available at: <https://www.thisweekinpalestine.com/covid-19-and-apartheid/>;

Osama Tanous, “Coronavirus outbreak in the time of apartheid,” 24 March 2020, Al Jazeera, available at: <https://www.aljazeera.com/indepth/opinion/coronavirus-outbreak-time-apartheid-200324151937879.html>.

ⁱⁱ Al-Haq, “Joint Statement: On Land Day Civil Society Urge Accountability and End to Israel’s Illegal Closure of Gaza,” 30 March 2020, available at: <http://www.alhaq.org/advocacy/16657.html>.

ⁱⁱⁱ *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entry into force 3 January 1976) 993 UNTS 3 (ICESCR), Article 12(1).

^{iv} *See*, notably, Al-Haq, “Joint Statement: On Land Day Civil Society Urge Accountability and End to Israel’s Illegal Closure of Gaza,” 30 March 2020, available at: <http://www.alhaq.org/advocacy/16657.html>.

^v *See*, notably, WHO, Right to Health in the occupied Palestinian territory, 2018, available at: http://www.emro.who.int/images/stories/palestine/documents/who_right_to_health_2018_web-final.pdf?ua=1.

^{vi} OHCHR, “COVID-19: Israel has ‘legal duty’ to ensure that Palestinians in OPT receive essential health services – UN expert,” 19 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25728&LangID=E>.

^{vii} Al-Haq, “On World Water Day, Al-Haq Recalls Israeli Water-Apartheid Amidst a Global Pandemic,” 23 March 2020, available at: <http://www.alhaq.org/advocacy/16625.html>.

^{viii} *See*, e.g., ADAM RASGON, “80-90% of ventilators in West Bank and Gaza already in use, WHO official says,” *The Times of Israel*, 2 April 2020, available at: <https://www.timesofisrael.com/80-90-of-ventilators-in-west-bank-and-gaza-already-in-use-who-official-says/>.

^{ix} *Ibid.*

^x UNRWA, “UNRWA Launches COVID -19 US\$ 14 Million Flash Appeal For Palestine Refugees,” 17 March 2020, available at: <https://www.unrwa.org/newsroom/press-releases/unrwa-launches-covid-19-us-14-million-flash-appeal-palestine-refugees>; UNRWA, “World Health Day 2020: UNRWA Battling to Contain the Coronavirus Pandemic,” 5 April 2020, available at: <https://www.unrwa.org/newsroom/photos/world-health-day-2020-unrwa-battling-contain-coronavirus-pandemic>.

^{xi} *See*, e.g., Judith Sudilovsky, “Israel’s coronavirus lockdown is blocking human rights work, but not abuses,” +972 Magazine, 31 March 2020, available at: <https://www.972mag.com/coronavirus-israel-human-rights-work/>.

^{xii} *See* B’Tselem, “During the Coronavirus crisis, Israel confiscates tents designated for clinic in the Northern West Bank,” 26 March 2020, available at: https://www.btselem.org/press_release/20200326_israel_confiscates_clinic_tents_during_coronavirus_crisis.

^{xiii} Al-Haq interview with Walid Nammour, Secretary-General of the Jerusalem Hospital Network and Chief Executive Officer at Augusta Victoria Hospital in East Jerusalem, on 6 April 2020.

^{xiv} *See*, in particular, OHCHR, “Urgent action needed to prevent COVID-19 ‘rampaging through places of detention’ – Bachelet,” 25 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>.

^{xv} WHO, “Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities,” 23 March 2020, available at: <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/news/news/2020/3/preventing-covid-19-outbreak-in-prisons-a-challenging-but-essential-task-for-authorities>. *See also* Al-Haq, “Addameer and Al-Haq Send Appeal to UN Special Procedures on the Situation of Palestinian Prisoners in Israeli Prisons amidst Concerns over COVID-19 Exposure,” 2 April 2020, available at: <http://www.alhaq.org/advocacy/16674.html>.

^{xvi} *See*, e.g., Suha Arraf, “‘The moment a worker is sick, they throw him to the checkpoint like a dog,’” +972 Magazine, 24 March 2020, available at: <https://www.972mag.com/checkpoint-palestinian-laborers-coronavirus/>.

^{xvii} *See*, for example, Fareed Taamallah, “Israel is using coronavirus to implement the deal of the century,” *Middle East Eye*, 27 March 2020, available at: <https://www.middleeasteye.net/opinion/coronavirus-palestinians-trapped-between-pandemic-and-israeli-occupation>.

^{xviii} *See*, for example, Jack Dodson, “Palestinians protest against heavy-handed Israeli response to coronavirus lockdown,” *Middle East Eye*, 1 April 2020, available at: <https://www.middleeasteye.net/news/coronavirus-protest-jaffa-covid-19-restrictions-police-brutality>.

^{xix} *See* Pearce Clancy, “Mass Surveillance in the Age of COVID-19: Israel and the Occupied Palestinian Territory,” *Cambridge Core*, 25 March 2020, available at: <https://www.cambridge.org/core/blog/2020/03/25/mass-surveillance-in-the-age-of-covid-19-israel-and-the-occupied-palestinian-territory/>. *See also* Adalah, “CORONAVIRUS: Following Adalah’s petition, Israeli Supreme Court issues interim injunction limiting security service’s tracking of cellphones,” 19 March 2020, available at: <https://www.adalah.org/en/content/view/9924>.

^{xx} See Adalah, “Before disaster strikes: Adalah submits urgent Israeli Supreme Court petition demanding immediate access to coronavirus testing, bolstered ambulance services in Bedouin villages,” 1 April 2020, available at: <https://www.adalah.org/en/content/view/9948>.

^{xxi} Nihaya Daoud, “The Reluctance to Test Israeli Arabs for COVID-19 Is a Ticking Time-bomb,” Haaretz, 31 March 2020, available at: <https://www.haaretz.com/opinion/.premium-israel-pays-a-price-for-ignoring-the-arab-community-in-its-coronavirus-response-1.8729117>.

^{xxii} See, for example, Mersiha Gadzo, “East Jerusalem worries of healthcare collapse over coronavirus,” Al Jazeera, 5 April 2020, available at: <https://www.aljazeera.com/news/2020/04/east-jerusalem-worries-healthcare-collapse-coronavirus-200405125941446.html>.

^{xxiii} See, recently, IDAN ZONSHINE, “Israel won't test people with COVID-19 symptoms unless they've traveled,” The Jerusalem Post, 4 April 2020, available at: <https://www.jpost.com/israel-news/health-ministry-narrow-criteria-for-covid-19-tests-needs-more-reagents-623535>. See also Adam Ragson, “PA asks Israel to test thousands of Palestinian workers before they return home,” The Times of Israel, 2 April 2020, available at: <https://www.timesofisrael.com/pa-asks-israel-to-test-some-50000-palestinian-workers-before-they-return-home/>.

^{xxiv} See, for example, Al Jazeera, “Palestinian workers returning home ‘could fuel outbreak,’” 5 April 2020, available at: <https://www.aljazeera.com/news/2020/04/palestinian-workers-returning-home-could-fuel-outbreak-200405113836825.html>.

^{xxv} See Adalah, “Israel fails to provide real-time coronavirus updates in Arabic for Palestinian citizens,” 10 March 2020, available at: <https://www.adalah.org/en/content/view/9916>. See also *supra* note vi.

^{xxvi} *Convention (IV) relative to the Protection of Civilian Persons in Time of War* (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287 (hereinafter ‘Fourth Geneva Convention’), Article 55.

^{xxvii} Article 56, Fourth Geneva Convention.

^{xxviii} Article 12(1), ICESCR.

^{xxix} CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), 11 August 2000, UN Doc. E/C.12/2000/4, para. 4.

^{xxx} Article 1, ICESCR.

^{xxxi} See, notably, Economic and Social Commission for Western Asia (ESCWA), *Israeli Practices towards the Palestinian People and the Question of Apartheid Palestine and the Israeli Occupation*, Issue No. 1, UN Doc. E/ESCWA/ECRI/2017/1, Beirut, 2017, p. 4. See also Al-Haq, “Joint Oral Intervention to the 100th Session of CERD for the Review of Israel,” 2 December 2019, available at: <http://www.alhaq.org/advocacy/16266.html>.