



Joint Urgent Appeal to the United Nations Special Procedures

Date: 14 April 2020

Submitted by:

Al-Haq, Law in the Service of Man
Addameer Prisoner Support and Human Rights Association
Jerusalem Legal Aid and Human Rights Center (JLAC)
Union of Agricultural Work Committees (UAWC)
Palestinian Non-Governmental Organizations Network (PNGO)
The Palestine Institute for Public Diplomacy (PIPD)
Cairo Institute for Human Rights Studies (CIHRS)
Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN)

Re: Urgent Intervention Needed to Uphold the Rights and Dignity of Palestinian Workers Employed in Israel during the COVID-19 Pandemic

For the attention of:

- The UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967;
- The UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- The UN Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living; and
- The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

1. Introduction

Our organisations address this joint urgent appeal to the United Nations (UN) Special Procedures in relation to the dire conditions of Palestinian workers in Israel during the ongoing novel coronavirus (COVID-19) pandemic. This urgent appeal comes in light of the continued denial of the rights and inherent dignity of Palestinian workers, who are systematically subjected to Israel's discriminatory policies and practices of racial discrimination and apartheid,¹ deprived of their fundamental rights to health, work, and to an adequate standard of living, including adequate

¹ CIHRS, "Israeli Apartheid Undermines Palestinian Right to Health Amidst COVID-19 Pandemic," 8 April 2020, available at: <https://cihrs.org/israeli-apartheid-undermines-palestinian-right-to-health-amidst-covid-19-pandemic/?lang=en>.

housing. To date, Israel, the occupying power in the West Bank, including East Jerusalem, and the Gaza Strip, has failed to test and ensure the treatment of Palestinians labourers working in Israel prior to their return to the occupied Palestinian territory. Israel has also obstructed measures taken by the Palestinian Authority to contain and mitigate the devastating effects of COVID-19, and failed to take measures to curb the spread of the pandemic in the occupied Palestinian territory.

2. Overview

On 5 March 2020, after the first cases of COVID-19 were confirmed in the occupied Palestinian territory, Palestinian President Mahmoud Abbas declared a state of emergency and adopted emergency measures aimed at containing the spread of COVID-19.² Gradually, the Palestinian government put in place restrictions and protective measures, including the prohibition on public gatherings and the adoption of online educational activities, to help contain the spread of COVID-19.³ On 18 March 2020, the Palestinian Prime Minister ordered restrictions on movement between Palestinian governorates in an attempt to limit movement within the occupied West Bank. Notably, the Prime Minister called on Palestinian workers in illegal Israeli settlements to no longer travel to their place of work and announced a period of three days for Palestinian workers in Israel to arrange their affairs, in particular to coordinate accommodation at their place of work with their employers, as decided by the Israeli occupying authorities.⁴

On 21 March 2020, the Israeli government announced restrictions on the movement of people between the occupied Palestinian territory and Israel, effective as of the end of the same day.⁵ At the same time, the Israeli occupying authorities allowed approximately 60,000 Palestinian workers employed in Israel to temporarily reside in Israel for a maximum period of two months during the public health emergency, with their employers mandated to arrange their accommodation and ensure proper sanitation and food.⁶ These include Palestinians working in what Israel considers to be ‘essential’ sectors, including construction, healthcare, industry, agriculture, and caregiving.⁷ Even though Israel has used ‘security’ as a pretext for years to deny Palestinians work permits,⁸

² Wafa, “Breaking: President Abbas declares state of emergency for one month,” 5 March 2020, available at:

<http://english.wafa.ps/page.aspx?id=ddRJDxa115308682962addRJDx>.

³ Wafa, “Palestinian premier, with emergency powers, shuts down country for one month over corona,” 5 March 2020, available at: <http://english.wafa.ps/page.aspx?id=X4eMqra115309634715aX4eMqr>

⁴ Wafa, “Premier restricts movement between governorates, calls for not working in Israeli settlements,” 18 March 2020, available at: <http://english.wafa.ps/page.aspx?id=SHdE2Ma115435266111aSHdE2M>.

⁵ Wafa, “Israel closes border crossings with West Bank, Gaza,” 22 March 2020, available at: <http://english.wafa.ps/page.aspx?id=k1SS99a115470480972ak1SS99>.

⁶ See, for example, Lee Yaron and Hagar Shezaf, “For Palestinian Construction Workers in Israel, the Coronavirus Is Just One More Danger,” Haaretz, 20 March 2020, available at: <https://www.haaretz.com/israel-news/.premium-for-palestinian-construction-workers-in-israel-the-coronavirus-is-just-one-more-dan-1.8694613>.

⁷ See Adam Ragson, “PA says movement between Israel and West Bank to be cut off in three days,” The Times of Israel, 17 March 2020, available at: <https://www.timesofisrael.com/pa-says-movement-between-israel-and-west-bank-to-be-cut-off-in-three-days/>.

⁸ See, for example, Edo Konrad, “‘Israel’s permit regime isn’t about security, it’s about segregation,’” +972 Magazine, 9 January 2019, available at: <https://www.972mag.com/israel-permit-regime-palestinians-segregation/>.

their labour is now being prioritised over their health and safety during the pandemic.⁹ In fact, Israel's prioritisation of Palestinian labour over Palestinian workers' rights, as seen in its current response to COVID-19, constitutes a long-standing policy articulated in Israel's systematic failure to enforce safety standards, in particular in the construction sector, which is dominated by Palestinian workers from both sides the Green Line. As a result, the Israeli construction sector has become one of the most dangerous sectors for work-related accidents, with construction sites lacking supervision by the Israeli government, highlighting a clear indifference to human life.¹⁰ On 22 March 2020, the Palestinian Authority further declared a comprehensive curfew for 14 days as a measure to curb the spread of COVID-19.¹¹

3. Israel's violation of Palestinian workers' rights and dignity during COVID-19

On 23 March 2020, the Israeli police left Malek Samih Ghanem, a 29-year-old Palestinian worker at Beit Sira checkpoint, west of Ramallah, after he showed flu-like symptoms that were suspected to be COVID-19. Without any regard for Malek's health, he was simply thrown and left at the checkpoint until a Palestinian ambulance came to take him without any prior coordination with the Palestinian Authority to ensure he received treatment.¹² Similarly, two Palestinians working in Israel were dropped off by their employers at the nearest checkpoint into the West Bank after they displayed symptoms thought to be COVID-19. According to the Governor of Salfit, Abdallah Kamil, these workers included 'Alaa Ali Salah, a 30-year-old resident of Sarta village, who was dropped off by his employer close to the junction by Hares village, and Jaber 'Aref Abu Omar, a 30-year-old resident of Jamma'in village, who was left at a junction by his village.

In doing so, Israel, as occupying power, has evaded its responsibility to uphold the right to health of Palestinian workers. In particular, Israel has failed to test Palestinian workers for COVID-19, even when showing symptoms, and thereby exacerbated their susceptibility to the pandemic and the vulnerability of their families and communities upon their return. In addition to incidents of sick workers being left at checkpoints, there have also been reports of dire housing conditions they face while working in Israel, including sleeping at construction sites or in greenhouses where

⁹ See *supra* note 6.

¹⁰ See Kav LaOved, "Work Accidents in the Construction Sector," available at: <https://www.kavlaoved.org.il/en/areasofactivity/work-accidents-in-the-construction-sector/>; see also *supra* note 6.

¹¹ Wafa, "Premier announces strict measures to contain coronavirus," 22 March 2020, available at: <https://english.wafa.ps/page.aspx?id=40nyHta115474287984a40nyHt>.

¹² See Akram Al-Waara, "'They dumped him like trash': Palestinian with suspected coronavirus symptoms thrown out of Israel," Middle East Eye, 23 March 2020, available at: <https://www.middleeasteye.net/news/coronavirus-palestine-labourer-found-near-west-bank-checkpoint-covid19>; see also Adam Ragson, "PA accuses Israel of abandoning sick Palestinian worker at West Bank checkpoint," The Times of Israel, 24 March 2020, available at: <https://www.timesofisrael.com/pa-accuses-israel-of-abandoning-sick-palestinian-worker-at-west-bank-checkpoint/>; Akram Al-Waara, "Coronavirus: Palestinian workers left in the lurch as Israel reneges on containment plan," Middle East Eye, 25 March 2020, available at: <https://www.middleeasteye.net/news/coronavirus-palestinian-workers-israel-renege-deal-contain-pandemic>; Wafa, "Israel's treatment of Palestinian workers is inhumane, says government spokesman," 24 March 2020, available at: <http://english.wafa.ps/page.aspx?id=PNU4Tka115493323044aPNU4Tk>.

employers fail to provide workers with adequate accommodation.¹³ As a result, on 25 March 2020, the Palestinian Prime Minister issued another call for all Palestinian workers in Israel to return to the occupied Palestinian territory and to self-quarantine for 14 days in light of COVID-19.¹⁴

Following the new instructions issued by the Palestinian Authority, and with the impending Jewish holidays starting 8 April 2020, more Palestinian workers returned to the occupied Palestinian territory. Staff members of Palestinian emergency units deployed at different checkpoints began to receive the returning workers, conducting preliminary examinations and follow up. Yet, circumventing Palestinian preparedness efforts for returning workers at Israeli checkpoints, Israel instead began opening new access points, such as agricultural gates located south of Qalqiliya governorate, allowing Palestinian workers to enter the occupied West Bank without informing the Palestinian Authority.¹⁵ While Rafi' Rawajbeh, the Governor of Qalqiliya, submitted an official complaint against this practice to the Israeli Military Liaison Office, Al-Haq monitored yet a similar incident on 1 April 2020, when the Israeli occupying forces clipped a passage through the barbed fence by the Annexation Wall in Al-Razaza area, east of Qalqiliya. Such acts of deliberate sabotage of emergency measures put in place by the Palestinian Authority to contain the spread of COVID-19 may be regarded as a wilful act by the occupying power to endanger the health of the occupied population under its effective control.

As of 14 April 2020, a total of 271 Palestinians tested positive for the coronavirus in the occupied West Bank in addition to 13 Palestinians who tested positive in the Gaza Strip. Six cases were diagnosed in patients returning to the Gaza Strip from abroad and the remaining seven contracted the coronavirus as they came into contact with these cases. In the West Bank, the majority of confirmed cases are of Palestinian workers employed in Israel or in illegal Israeli settlements, in addition to those who came into contact with them. On 25 March 2020, a Palestinian woman in her 60s become the first to die from COVID-19 in the West Bank.¹⁶ She contracted the coronavirus from her son who works in Israel. On 10 April 2020, a 55-year-old Palestinian worker became the second COVID-19 death in the occupied Palestinian territory.¹⁷ The Palestinian Health Ministry has found that 96 Palestinians, or roughly a third of those who contracted COVID-19 in the West Bank, were Palestinian workers, whereas 107 Palestinians, or about 40 per cent of West Bank cases, contracted COVID-19 after they came into contact with Palestinian workers.¹⁸ Besides

¹³ 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/>.

¹⁴ Wafa, “In light of their mistreatment, premier calls on all Palestinians working in Israel to return home,” 25 March 2020, available at: <http://english.wafa.ps/page.aspx?id=RJhUeja115509502845aRJhUej>.

¹⁵ Wafa, “Israeli forces open gates for Palestinian workers to return home,” 30 March 2020, available at: <http://english.wafa.ps/page.aspx?id=q9bcvua115591353603aq9bcvu>.

¹⁶ See Ali Abunimah, “West Bank woman is first Palestinian to die from COVID-19,” 25 March 2020, available at: <https://electronicintifada.net/blogs/ali-abunimah/west-bank-woman-first-palestinian-die-covid-19>.

¹⁷ Wafa, “Second Palestinian to die from COVID-19 buried amid tight security,” 10 April 2020, available at: <http://english.wafa.ps/page.aspx?id=FOCLCsa115733164800aFOCLCs>.

¹⁸ See Wafa, “With no new corona cases reported so far, health ministry gives a breakdown of cases,” 9 April 2020, available at: <http://english.wafa.ps/page.aspx?id=S3v68Qa115721743764aS3v68Q>. More recent cases have been added to the breakdown of cases presented by the Palestinian Health Ministry on 9 April 2020.

highlighting Israel's failure to uphold its obligations as occupying power, in particular to test Palestinian workers for COVID-19, the increase in coronavirus figures amongst Palestinian workers has also resulted in stigma within West Bank communities, with Palestinian workers in Israel increasingly portrayed as the source of the coronavirus.

4. Israel's responsibility for the rights of Palestinian workers

Israel, as occupying power, is obliged to respect, protect, and fulfil the rights of the Palestinian people under its prolonged military occupation in line with international human rights law and international humanitarian law. Yet, Israel has systematically violated the rights of Palestinians and instead continued to deepen its settler-colonial endeavour, including unlawful annexation of occupied territory and the ongoing displacement and dispossession of Palestinians. In crippling the Palestinian economy and rendering it a captive market, Israel has actively sought the de-development of the occupied Palestinian territory,¹⁹ including its healthcare system, and increased the dependency of Palestinian workers on the Israeli labour market. At the same time, Israel has systematically exploited Palestinian labour and abused Palestinian workers, denying them the enjoyment, on an equal basis, of just and favourable conditions of work, including fair wages, occupational safety, and healthcare, amongst other basic rights.²⁰

Within the context of COVID-19, there has been much praise²¹ for the engagement between Israel and the Palestinian Authority to control the spread of the pandemic. However, such a framing disregards the fundamental power imbalance that exists between the two given Israel's exercise of effective control, as occupying power, over the occupied Palestinian territory, including over movement of people and goods, and over land, water, and other natural resources, over which the Palestinian people retain the right to self-determination, including permanent sovereignty.²² Through the semblance of cooperation with the Palestinian Authority, Israel has sought to absolve itself of responsibility, as occupying power, for the right to health, safety, and well-being of Palestinians under its effective control. At the same time, Israel has failed to uphold its obligation to fulfil the right of Palestinian workers to the enjoyment of the highest attainable standard of physical and mental health,²³ including the underlying determinants of health,²⁴ comprising the

¹⁹ See, for example, Zena Tahhan, "UN slams Israel for 'de-development' of Palestine," 12 September 2017, available at: <https://www.aljazeera.com/indepth/features/2017/09/slams-israel-de-development-palestine-170912065839916.html>.

²⁰ See, e.g., WhoProfits, "Palestinian Workers in Settlements," Position Paper, January 2013, available at: <https://whoprofits.org/position-papers/palestinian-workers-in-settlements/>.

²¹ See Raphael Ahren, "UN praises 'excellent' Israeli-Palestinian cooperation in fight against pandemic," The Times of Israel, 30 March 2020, available at: <https://www.timesofisrael.com/un-praises-excellent-israeli-palestinian-cooperation-in-fight-against-pandemic/>.

²² *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entry into force 3 January 1976) 993 UNTS 3 (ICESCR), Article 1(2).

²³ ICESCR, Article 12(1).

²⁴ 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.

right to work,²⁵ and the right to an adequate standard of living for oneself and one's family, including adequate housing, water, and sanitation.²⁶

Instead, during the COVID-19 pandemic, Israel has continued its human rights violations against Palestinians,²⁷ and deepened the impacts of the public health emergency on Palestinians by undermining containment and prevention efforts.²⁸ When it comes to Palestinian workers, Israel has continued to exploit Palestinians for cheap labour, while failing to take measures to ensure the protection of workers, their families, and their communities from the detrimental impacts of the pandemic. Instead, the vulnerabilities of workers²⁹ have been further exacerbated by Israel's failure to test and treat Palestinians working in Israel and to uphold their right to health when crossing from and to the occupied Palestinian territory, thereby contributing to the stigmatisation and dehumanisation of Palestinian workers and their families during COVID-19.

Within the context of Israel's prolonged military occupation and denial of the Palestinian people's right to self-determination, it is crucial to shed light on the specific challenges that the Palestinian Authority faces while taking steps to contain the spread of COVID-19, in particular with regard to safeguarding the rights of Palestinian workers employed in Israel and Israeli settlements. While the current number of confirmed COVID-19 cases in the occupied Palestinian territory remains relatively low in comparison to cases recorded in Israel, the capacity of the Palestinian healthcare system has been significantly weakened as a result of decades of Israeli de-development policies, particularly affecting the Gaza Strip, where 12 years of illegal closure have driven the Palestinian healthcare system to the brink of collapse.³⁰ Within the occupied Palestinian territory, the situation of Palestinian workers in East Jerusalem has been particularly dire, with those working in delivery service, the industrial sector, and in construction particularly susceptible to the effects of the pandemic. This is compounded by racial discrimination in the amount and rate of testing conducted in Palestinian communities, including in East Jerusalem, and fears over a collapse of East

²⁵ Article 6(1), ICESCR.

²⁶ Article 11(1), ICESCR.

²⁷ See Al-Haq, "Israel's Gross Violations of Human Rights in the Face of COVID-19 (Reporting Period 8 - 29 March 2020)," 3 April 2020, available at: <http://www.alhaq.org/advocacy/16676.html>. See also 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/>.

²⁸ See *supra* note 1. See also 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.

²⁹ See, for example, ILO, "COVID-19 cruelly highlights inequalities and threatens to deepen them," 30 March 2020, available at: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_740101/lang--en/index.htm.

³⁰ See, for example, 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>; see also 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>; OCHA, "COVID-19 Emergency Situation Report 1 (as of 1200 hrs, 24 March 2020)," 24 March 2020, available at: <https://www.ochaopt.org/content/covid-19-emergency-situation-report-1>.

Jerusalem's hospitals, which have suffered years of systematic neglect, should cases continue to rise.³¹

5. Conclusion and recommendations

UN human rights experts have highlighted the need to fulfil the right to health of everyone without discrimination, particularly during the COVID-19 pandemic.³² Moreover, under Article 56 of the Fourth Geneva Convention, Israel, as occupying power, “has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.”³³ Yet, Palestinian workers employed in Israel have been forced to choose between sustaining their source of income and their families' livelihoods and taking preventive measures to protect their health during the COVID-19 pandemic.³⁴ As such, our organisations request the immediate intervention of the UN Special Procedures to uphold the rights of Palestinian workers during COVID-19 and, in particular, to:

- i. Publicly call on Israel, the occupying power, to uphold the rights and dignity of Palestinian workers by ensuring just and favourable conditions of work, including minimum wage, occupational health and safety, and eliminating discrimination in respect of employment, including during the COVID-19 pandemic, in accordance with the standards set by the International Labour Organization (ILO);³⁵
- ii. Issue a statement calling on the Israeli occupying authorities to ensure the protection of all Palestinian workers from the effects of COVID-19, to fulfil their right to health without discrimination, to test and treat workers who are ill, and to take all necessary measures to

³¹ See *supra* note 1; 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>. See also Adalah, “Following Adalah’s Supreme Court petition, Israel to open coronavirus testing centers in East Jerusalem neighborhoods beyond the separation wall,” 14 April 2020, available at: <https://www.adalah.org/en/content/view/9979>.

³² See OHCHR, “No exceptions with COVID-19: “Everyone has the right to life-saving interventions” – UN experts say,” 26 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25746&LangID=E>.

³³ *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 (Fourth Geneva Convention), Article 56. See also Diakonia, “Health-Related Duties and Obligations of an Occupying Power During a Pandemic: The Occupied Palestinian Territory and the COVID-19 Outbreak,” 3 April 2020, available at: <https://www.diakonia.se/globalassets/blocks-ihl-site/ihl-file-list/fact-sheets/the-occupied-palestinian-territory-and-the-covid-19-outbreak.pdf>.

³⁴ See *supra* note 6; see also Alex Lederman, “Palestinian labourers fear loss of income as well as coronavirus,” 28 March 2020, Al Jazeera, available at: <https://www.aljazeera.com/indepth/features/palestinian-labourers-fear-loss-income-coronavirus-200328123228881.html>.

³⁵ See, notably, ILO, *ILO Standards and COVID-19 (coronavirus)*, 23 March 2020, Version 1.2, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_739937.pdf.

prevent the spread of the pandemic amongst Palestinian workers, their families, and communities;

- iii. Further demand that Israel, the occupying power, cease impeding Palestinian prevention and mitigation efforts and test all Palestinian workers returning to the occupied Palestinian territory to prevent an uncontrolled spread of the pandemic;
- iv. Urge Israel, the occupying power, to uphold the right of Palestinian workers to the underlying determinants of health and well-being, including adequate housing, water, and sanitation, as essential to mitigating the effects of COVID-19 amongst workers;
- v. Call on Israel, the occupying power, to uphold its obligation to adequately coordinate and cooperate with the Palestinian Authority in upholding the health, safety, dignity, and well-being of Palestinian workers, particularly during the COVID-19 pandemic.