

46th Regular Session of the United Nations Human Rights Council

**Annual high-level panel discussion on human rights mainstreaming**

Joint Oral Intervention

Date: 22 February 2021

Madam President,

We welcome the holding of this timely discussion. The principles and recommendations of the Durban Declaration remain as relevant today as they were 20 years ago, including in the context of the COVID-19 pandemic. Twenty years ago, the Durban Declaration recognized the inalienable right of the Palestinian people to self-determination. However, to date, Israel continues to violate the fundamental rights of the Palestinian people with impunity.

Israel has imposed and proactively maintains an apartheid regime over the Palestinian people. The strategic fragmentation of the Palestinian people, into at least four legal, political, and geographic domains is the main tool Israel uses to impose its apartheid regime over the Palestinian people. For decades, Israel has institutionalized racial domination and oppression over the Palestinian people through its laws, policies and practices. This has also resulted in longstanding disparities between Israeli and Palestinian access to healthcare, which has been exacerbated during the COVID-19 pandemic. Moreover, Palestinian refugees, denied the right to return to their homes and properties are disproportionately affected by the pandemic in neighboring countries.

In line with its fragmentation of the Palestinian people, Israel has only provided access to vaccines for Palestinians in Israel and illegally annexed East Jerusalem. Denying access to health care for Palestinians is in violation of Israel's obligations as occupying power under international law, as underscored by UN human rights experts, "The denial of an equal access to health care, such as on the basis of ethnicity or race, is discriminatory and unlawful."

The CERD reaffirmed that "states have an obligation to ensure equal access to healthcare services, including testing, medicine and medical procedures, and to eliminate discriminatory practices against groups [...] protected under the Convention, including migrants and undocumented persons that might obstruct them from accessing healthcare".

Member states of the United Nations should ensure that Israel and countries hosting Palestinian refugees comply with the recommendations of the committee and provide equal access to healthcare and vaccines to all individuals under their jurisdiction.

While it is urgent to respond to Israel's infringement on the right to Palestinians' health in the context of the COVID-19 pandemic, member states must address the root causes of the apartheid regime and not only its manifestations.

Third States have systematically failed to put an end to Israeli impunity and to uphold the inalienable rights of the Palestinian people. It is time to join the mounting recognition that Israel is committing the crime of apartheid targeting the Palestinian people.

We urge UN member states to abide by legal and moral obligations to:

- Urgently act to uphold the inalienable rights of the Palestinian people, including self-determination and return, by adopting effective measures to overcome the system of apartheid imposed by Israel over the Palestinian people, end the occupation, and ensure accountability and reparation for all grave violations and international crimes within this context.

We further call on states to:

- Welcome the decision of the Pre-Trial Chamber I of the International Criminal Court (ICC) and call on the ICC to open an investigation into the situation in Palestine, including the crime of apartheid;
- Call for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid which played a pivotal role in bringing an end to South African apartheid.

Thank you.

**Joining organisations:**

1. Al Mezan Center for Human Rights
2. Al-Haq, Law in the Service of Mankind
3. Cairo Institute for Human Rights Studies
4. Habitat International Coalition
5. MIFTAH
6. Palestinian Centre for Human Rights (PCHR)
7. Women's Center for Legal Aid and Counselling (WCLAC)