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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action**

Joint written statement* submitted by Cairo Institute for Human Rights Studies, Al-Haq, Law in the Service of Man, Habitat International Coalition, Palestinian Centre for Human Rights, Women's Centre for Legal Aid and Counseling, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2021]

* Issued as received, in the language(s) of submission only.



Racism and Institutionalized Discrimination in Israel's COVID-19 Response

Israel's approach to the COVID-19 pandemic and vaccination roll-out is yet another manifestation of its institutionalized racial domination and oppression targeting the Palestinian people as a whole. Since the onset of the pandemic, Israel's response has been fraught with racism and systematic discrimination targeting Palestinians.

Although Israel has inoculated a higher percentage of its citizens against the COVID-19 virus than any other country, including Israeli-Jewish settlers illegally colonizing the occupied West Bank and East Jerusalem, Israel has denied equal access to vaccines for Palestinians living in the occupied West Bank and Gaza Strip, in violation of its obligations as occupying power under international law¹, as underscored by United Nations (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."²

Seven decades of institutionalized racism targeting Palestinians has caused wide disparities between Israeli and Palestinian access to healthcare and their broader enjoyment of the right to health that predate the spread of COVID-19. This is an acutely dire reality for Palestinians in the Gaza Strip, with their health sector left on the verge of collapse by Israel's illegal 13-year closure and blockade. In December 2019, the UN Committee on the Elimination of Racial Discrimination (CERD) deplored the "disproportionately poor health status of the Palestinian and Bedouin populations, including shorter life expectancy and higher rates of infant mortality compared to the Jewish population."³ These deliberate health inequities have left Palestinians especially vulnerable to the spread of the pandemic, a stark example of Israeli policies of apartheid. This statement examines Israel's discriminatory response to COVID-19 as part of its commission of the crime of apartheid⁴ targeting the Palestinian people as a whole.

Since the onset of the pandemic in March 2020, Israel has failed to respect, protect, and fulfill the right to health of Palestinians on both sides of the Green Line, a perpetuation of longstanding disparity resulting from Israel's discriminatory policies and practices in the provision of, and access to healthcare. As the World Health Organization declared a global pandemic, Israel failed to provide real-time updates and public health information in Arabic for Palestinian citizens of Israel and residents in Jerusalem⁵, to release accurate real-time data on the spread of COVID-19 among Palestinian communities within the Green Line⁶,

¹ Office of the UN High Commissioner for Human Rights (OHCHR), Israel/OPT: UN Experts Call on Israel to Ensure Equal Access to COVID-19 Vaccines for Palestinians, 14 January 2021: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26655&LangID=E>.

² Ibid.

³ CERD, Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019, UN Document CERD/C/ISR/CO/17-19, para. 38(c).

⁴ Rome Statute of the International Criminal Court ('Rome Statute'), Article 7(2)(h) defines the crime of apartheid "inhumane acts... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other... and committed with the intention of maintaining that regime."

⁵ Adalah, "Israel fails to provide real-time coronavirus updates in Arabic for Palestinian citizens," 10 March 2020: <https://www.adalah.org/en/content/view/9916>. See also OHCHR, "COVID-19: Israel has 'legal duty' to ensure that Palestinians in OPT receive essential health services – UN expert," 19 March 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25728&LangID=E>.

⁶ Osama Tanous wrote at the time, for example, "The following maps taken from the website of the Israeli Ministry of Health show confirmed cases of COVID-19. Palestinian towns are almost completely absent from these maps with zero confirmed cases." See Osama Tanous, "A New Episode of Erasure in the Settler Colony" (Critical Times, 9 April 2020): <https://ctjournal.org/2020/04/09/a-new-episode-of-erasure-in-the-settler-colony/>.

and to disaggregate data for infections in occupied East Jerusalem.⁷ It also showed significant delays in testing in Palestinian communities within the Green Line and in occupied East Jerusalem.⁸

Moreover, the Israeli occupying authorities undermined the health of Palestinian workers from the Occupied Palestinian Territory and their families by continuing to exploit Palestinian labor in unsafe conditions, while also refusing to test and treat Palestinian workers prior to their return to the West Bank.⁹ As a result, Palestinian workers and their families have been at greater risk of contracting COVID-19 and related stigmatization and made up the majority of COVID-19 infections in the occupied West Bank by May 2020.¹⁰ The pandemic further exacerbated the vulnerabilities of Palestinian prisoners and detainees in Israeli prisons. Despite global calls by UN human rights experts for the release of all those arbitrarily detained, especially in the context of COVID-19¹¹, including political prisoners and human rights defenders, the Israeli occupying authorities have failed to release Palestinian prisoners and detainees while taking steps to release hundreds of Israeli-Jewish prisoners.¹²

For decades, Israel has deepened its institutionalized oppression of the Palestinian people and the colonization of Palestinian territories, facilitated by the systematic transfer of the indigenous Palestinian people from their lands, the prolonged occupation of Palestinian territory, the de facto annexation of the West Bank, and the de jure annexation of Jerusalem and the occupied Syrian Golan, in violation of international law. Israel has aggressively pursued an illegal policy of population transfer and demographic manipulation targeting the Palestinian people on both sides of the Green Line and refugees and exiles abroad.

In 2017, the UN Economic and Social Commission for Western Asia (ESCWA) recognized, in its report on Israeli Practices towards the Palestinian People and the Question of Apartheid¹³, that Israel uses strategic fragmentation as a tool to establish institutionalized racial oppression and domination over the indigenous Palestinian people as a whole. Israel divides Palestinians mainly into four distinct legal, political, and geographic domains, comprising Palestinian citizens of Israel, Palestinian residents of Jerusalem, Palestinians subject to military law in the West Bank and Gaza, and Palestinian refugees and exiles abroad who are denied the right to return to their homes, lands, and property.¹⁴

As defined by the Apartheid Convention and Rome Statute¹⁵, intention to maintain apartheid is a core element of the crime. To create a climate of fear and intimidation, Israel systematically resorts to arbitrary detention and arrests, torture and other ill-treatment sanctioned by Israeli courts, and unlawful collective punishment. Further, the silencing of opposition to Israeli oppression is key to maintaining apartheid over the Palestinian people,

⁷ Al-Haq, JLAC, and MAP United Kingdom of Great Britain and Northern Ireland, “COVID-19 and the Systematic Neglect of Palestinians in East Jerusalem,” 14 July 2020, pp. 7-8: <https://www.alhaq.org/publications/17118.html>.

⁸ Nihaya Daoud, “The Reluctance to Test Israeli Arabs for COVID-19 Is a Ticking Time-bomb,” 31 March 2020: <https://www.haaretz.com/opinion/.premium-israel-pays-a-price-for-ignoring-the-arab-community-in-its-coronavirus-response-1.8729117>. Al-Haq, JLAC, and MAP UK, “COVID-19 and the Systematic Neglect of Palestinians in East Jerusalem,” 14 July 2020: <https://www.alhaq.org/publications/17118.html>.

⁹ Al-Haq et al., “Joint Open Letter – Protection of Palestinian Workers During and After COVID-19,” 5 May 2020, p. 2: <https://www.alhaq.org/advocacy/16831.html>.

¹⁰ Ibid.

¹¹ OHCHR, “Urgent action needed to prevent COVID-19 ‘rampaging through places of detention’ – Bachelet,” 25 March 2020: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>.

¹² The Jerusalem Post, “Israel to Release Hundreds of Prisoners to Curb Coronavirus Spread,” 28 March 2020: <https://www.jpost.com/israel-news/israel-to-release-hundreds-of-prisoners-to-curb-spread-of-coronavirus-622611>.

¹³ E/ESCWA/ECRI/2017/1, p. 37.

¹⁴ Ibid., p. 4.

¹⁵ International Convention on the Suppression and Punishment of the Crime of Apartheid (‘Apartheid Convention’), Article II; Rome Statute, Article 7(2)(h).

notably carried out through government-led smear and delegitimization campaigns targeting human rights defenders and organizations seeking to challenge Israeli policies of settler colonialism, occupation, and apartheid.¹⁶

The impacts of the global pandemic have brought into sharper focus Israel's denial of the right to health of the Palestinian people as part of its commission of the crime of apartheid. This comes amid increasing international recognition of the apartheid system established and proactively maintained by Israel.^{17 18}

Our organizations welcome the growing international recognition that Israel has been committing the crime of apartheid against the Palestinian people as a whole and urge Member States of the Human Rights Council to take the following actions:

1. Call on Israel to ensure swift and equitable access to COVID-19 vaccines and health care provision for all Palestinians, including in the occupied West Bank and Gaza Strip;
2. Recognize that, through its laws, policies, and practices, Israel has established an institutionalized regime of systematic oppression and domination over the Palestinian people as a whole, amounting to the crime of apartheid;
3. Condemn apartheid and call for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid to ensure the implementation of the Apartheid Convention with the aim of bringing the illegal situation to an end; and
4. Pursue international justice and accountability for widespread and systematic human rights violations perpetrated against the Palestinian people, including the crime of apartheid, by activating universal jurisdiction mechanisms and supporting a full, thorough, and comprehensive investigation by the International Criminal Court into the situation in Palestinian territories without any further delay.

The Civic Coalition for Palestinian Rights in Jerusalem, the Palestinian Counselling Centre, the Palestinian Non-Governmental Organizations Network, Addameer Prisoner Support and Human Rights Association, the Community Action Center, the Jerusalem Center for Legal Aid and Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

¹⁶ Al-Haq, "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports," 10 November 2019, p. 43: http://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19th-periodic-reports-10-november-2019-final-1573563352.pdf.

¹⁷ Cairo Institute for Human Rights Studies, "Palestine: Civil Society Welcomes Mounting Recognition of Israeli Apartheid at UN HRC," 5 November 2020: <https://cihrs.org/palestine-civil-society-welcomes-mounting-recognition-of-israeli-apartheid-at-un-hrc/?lang=en>.

¹⁸ "Al-Haq Welcomes B'Tselem's Recognition of Israeli Apartheid," 21 January 2021: <https://www.alhaq.org/advocacy/17806.html>.