



PNGO, PNIN & PHROC Joint Statement:

Racism and Institutionalised Discrimination in the Roll-Out of the COVID-19 Vaccine

Date: 18 January 2021

The Palestinian NGOs Network (PNGO) and the Palestinian Human Rights Organisations Council (PHROC) and the Palestinian National Institute for NGOs (PNIN) are concerned that since commencing the roll out of a vaccine against COVID-19 in December 2020, **the Israeli occupying authorities have implemented its vaccine policy in a discriminatory, unlawful, and racist manner** by completely disregarding its obligations to Palestinian healthcare. Throughout the Occupied Palestinian Territory (OPT), apart from East Jerusalem, Israeli occupying authorities have reserved access to the vaccine to the unlawfully transferred in settler population of Jewish Israelis in illegal settlements, and denied the vaccine to the Palestinian population. According to data collected by the University of Oxford, around 1.99 million Israelis, Palestinian citizens of Israel, and Palestinian from occupied East Jerusalem had been vaccinated by 13 January 2021. According to the State of Palestine's Negotiation Affairs Department, as of 9 January 2021, there were over 165,000 active cases in the occupied State of Palestine, including in East Jerusalem.¹ As of 13 January, 1814 Palestinians in the OPT lost their lives to COVID-19.

In March 2020, the Chairpersons of the ten United Nations (UN) Human Rights Treaty Bodies issued a joint statement calling on States parties “to adopt measures to protect the rights to life and health, and to ensure access to health care to all who need it, without discrimination”.² Representing the Chairpersons', Hilary Gbedemah, Chair of the Committee on the Elimination of Discrimination against Women, warned against States exploiting the COVID-19 pandemic to violate human rights and affirmed that “States must take active steps to ensure a sense of solidarity prevails, including through protection against racism and xenophobia or the growth of unbridled nationalism”.

As affirmed by the Committee on the Elimination for Racial Discrimination (CERD) in August 2020, States have international law obligations to “ensure, in their own actions as well as through international cooperation, that the development of vaccines as well as access to an

¹ PLO NAD, “COVID-19 Vaccines and Israel's Obligations as an Occupying Power,” 11 January 2021, available at: <https://www.nad.ps/en/media-room/media-briefs/covid-19-vaccines-and-israels-obligations-occupying-power>.

² UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19, 24 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25742&LangID=E>

eventual vaccine against COVID-19 occur in a non-discriminatory manner, taking into account the situation and needs of groups which are marginalized and subjected to discrimination”.³

Israel’s Obligations to Distribute Vaccine to all Palestinians under its Control

Israel, as Occupying Power of the Palestinian territory, i.e. the West Bank, including East Jerusalem and the Gaza Strip, has clear obligations to ensure the protection and respect of the right to health of the protected population. In particular, Article 55(1) of the Fourth Geneva Convention establishes Israel’s duty, as Occupying Power, to ensure the provision of medical supplies to the civilian population in the OPT to the fullest extent of the means available to it.

Further, Article 14(1) of Additional Protocol I to the Geneva Conventions, reflective of customary international humanitarian law, provides that the Occupying Power has the duty to ensure that the medical needs of the civilian population continue to be satisfied, while Article 69(1) requires the Occupying Power to ensure, without adverse distinction, the provision of supplies essential to the survival of the civilian population.

These critical provisions are to be read in conjunction with Article 56 of the Fourth Geneva Convention, which provides that: “To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation 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.”

Since the outbreak of COVID-19, Israel has rejected these responsibilities, by failing to protect [Palestinian workers](#) in Israel, [Palestinian prisoners](#) and detainees in Israeli detention centres, denying Palestinians in the [Gaza Strip](#) access to healthcare, and systematically neglecting the healthcare in occupied [East Jerusalem](#). While some commentary has sought to suggest that Israel’s obligations as an occupying power are in some way diluted or excused by the terms of the Oslo Accords, we reiterate that Article 8 of the Fourth Geneva Convention asserts that ‘protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention’, and Article 47 of the aforementioned Convention further asserts that:

“Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

The Palestinian healthcare system in the OPT has suffered decades of deliberate neglect, de-development, and fragmentation, which hamper an effective COVID-19 response. Longstanding [Israeli practices](#) of closures of Palestinian cities, villages, and towns, and continuous movement and access restrictions are a staple of Israel’s prolonged military

³Committee on the Elimination of Racial Discrimination, “Statement 3 (2020): Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedures. Statement on the Coronavirus (COVID-19) Pandemic and its Implications Under the International Convention on the Elimination of All Forms of Racial Discrimination,” 7 August 2020.para. 5.

occupation, undermining the right of Palestinians to access available healthcare and to develop their own healthcare system. In its 2018 report on the right to health in Palestine, the [World Health Organisation](#) (WHO) warned that the health system in the OPT is fragmented and fragile and highlighted the precariousness of the situation in the [Gaza Strip](#), noting that the “ongoing blockade and successive conflicts have had a devastating impact on underlying factors that contribute to health and wellbeing”. Under international human rights law, Palestinians on both sides of the Green Line are entitled to respect, protection, and fulfilment of their right to the highest attainable standard of physical and mental health, as enshrined in Article 12(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee for Economic, Social and Cultural Rights (CESCR) has stressed that: “In all circumstances, in times of peace and during conflict, States have an obligation to maintain a functioning health-care system. They must maintain essential primary health care... **as well as provide essential drugs, while respecting the principles of non-discrimination and equitable access.** States must also design and implement public health strategies.”⁴

CESCR has further affirmed that, in line with their core obligations to fulfil economic, social, and cultural rights, States must “take measures to prevent, treat and control epidemic and endemic diseases”.⁵ In its November 2019 Concluding Observations on Israel, CESCR expressed its deep concern: “about the severe impact of the policies adopted by the State party relating to the Occupied Palestinian Territory, namely the closure policy and the related permit regime regarding the Gaza Strip and the occupation and settlement policy in the West Bank, including East Jerusalem, on the enjoyment of Covenant rights by people living there, including the rights to work, food, water and sanitation, health and education, and to their cultural rights”.⁶

Vaccine Roll-Out Exposes Israel’s Inhumane Acts of Apartheid

That the fragmentation of Palestinians into segregated administrative groupings, separated from each other, to maintain Israel’s settler colonial expansion constituting apartheid, has been vividly evidenced through the racist and structurally violent method by which Israel has restricted access to the vaccine to specific Palestinian groups, other than those Palestinians in occupied East Jerusalem.

In December 2019, the UN Committee on the Elimination of Racial Discrimination (CERD) recalled its General Recommendation No. 19 (1995) concerning the prevention, prohibition and eradication of all policies and practices of racial segregation and apartheid, and [urged](#) Israel “**to eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory**”.⁷

⁴ ICRC, “Factsheet: Respecting and Protecting Health Care in Armed Conflicts and in Situations Not Covered by International Humanitarian Law,” page 3.

⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant), 11 August 2000, E/C.12/2000/4. para. 44.

⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), UN Committee on Economic, Social and Cultural Rights: Concluding Observations on the fourth Periodic Report of Israel, 12 November 2019, E/C.12/ISR/CO/4. para.10.

⁷ CERD Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019, CERD/C/ISR/CO/17-19, para 23.

While the UN High Commissioner for Human Rights has [urged](#) “authorities in countries affected by COVID-19 to take all necessary steps to address incidents of xenophobia or stigmatisation”, the very basis of Israel’s prolonged military occupation continues to be one of structural racism and the denial of Palestinians’ inalienable rights. Amnesty International has [observed](#) that “Israel’s COVID-19 vaccine programme highlights the institutionalised discrimination that defines the Israeli government’s policy towards Palestinians. While Israel celebrates a record-setting vaccination drive, millions of Palestinians living under Israeli control in the West Bank and the Gaza Strip will receive no vaccine or have to wait much longer – there could hardly be a better illustration of how Israeli lives are valued above Palestinian ones”.

States COVID-19 Human Rights Obligations

In its August 2020 Statement on the coronavirus (COVID-19) pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination, CERD observed that groups that are subject to racial discrimination are “disproportionally affected by the overall negative impact of the COVID-19 pandemic on health services in general, with health issues not directly related to the COVID-19 disease being left unattended. The pandemic thereby exposes and further deepens structural inequalities affecting vulnerable groups protected under the Convention, based on entrenched structures and practices of discrimination and exclusion”.⁸

CERD stressed that States “must protect against and mitigate the impact of the pandemic on individuals and groups subject to structural discrimination and disadvantage”⁹ and emphasised 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 and minorities protected under the Convention”.¹⁰

Significantly, CERD emphasised the obligations of States under the Convention to “**ensure, in their own actions as well as through international cooperation, that the development of vaccines as well as access to an eventual vaccine against COVID-19 occur in a non-discriminatory manner**, taking into account the situation and needs of groups which are marginalized and subjected to discrimination”.¹¹

In its on-going roll-out of COVID-19 vaccinations, Israel is directly violating its humanitarian and human rights law obligations by denying lifesaving vaccines to Palestinians as part of its policy of maintaining its apartheid regime of institutionalised domination. This policy has revealed in a direct and clear manner how the system of apartheid operates. Rather than typically spurious claims of security or self-defence being relied upon to seek to explain away or justify the racist treatment and dispossession of Palestinians through colonial violence, Israel is signalling to the world that its rejection of international law is premised on racial, rather than

⁸Committee on the Elimination of Racial Discrimination, “Statement 3 (2020): Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedures. Statement on the Coronavirus (COVID-19) Pandemic and its Implications Under the International Convention on the Elimination of All Forms of Racial Discrimination,” 7 August 2020.

⁹*Ibid.* para. 4.

¹⁰*Ibid.* para. 4.a.

¹¹*Ibid.* para. 5.

security grounds. The Palestinian Human Rights Organisations Council, the Palestinian NGOs Network, and the Palestinian National Institute for NGOs call on:

1. Israel to immediately comply with its IHL and IHRL obligations to the protected occupied population in the Gaza Strip and West Bank, including East Jerusalem and ensure the non-discriminatory provision of vaccines to all persons in the territory under its control;
2. Israel to ensure the provision of life saving COVID-19 vaccinations to Palestinian prisoners and detainees incarcerated in Israeli prisons and detention centres;
3. Third States to respect and ensure respect for the Geneva Conventions, including by ensuring that Israel, the Occupying Power, supplies lifesaving COVID-19 vaccinations to the Palestinian Authority for distribution to the protected occupied Palestinian population;
4. Pfizer, as a leading international pharmaceutical company, to comply with its responsibilities under the UNGPs and to act with due diligence to ensure that its supply of vaccines is not used in the service of illegal settlement activity or to entrench apartheid policies and practices, and to seek assurances that its vaccine is not intended for use in a discriminatory, racist and xenophobic manner;
5. The international community to hold Israel to account for denial of health care amounting to the wilful causing of great suffering and injury to the health of the Palestinian population, where this amounts to grave breaches of the Fourth Geneva Convention; and
6. The Palestinian Authority to enhance its active role in ensuring the protection of Palestinian protected population during a global pandemic, including by continuously reminding Israel of its legal obligations, as Occupying Power, and urging the international community to take effective measures to halt Israel's discriminatory policies and practices.

Joining organisations:

Palestinian Non-Governmental Organizations Network (PNGO), including:

1. Agriculture & Environment Development Society
2. Aisha Association for Woman & Child Protection
3. Al Foukhary Association for Development and Culture
4. Al Sattar Garbee Association for Developing Countryside and Farmer
5. Alahleya Society for Development of Palm and Dates
6. Alanqaa Association for Community Development
7. Al-Ataa Society for Development
8. Al-Atta Charitable Society

9. Al-Awda Center for Childhood and the Youth
10. Almanal Society for Developing the Rural Women
11. Alrowwad Cultural and Arts Society
12. Alsahel Association for Development
13. Altaghreed Association for Culture and Development
14. Al-Tawasol Forum Society
15. Al-Wefaq Association for Relief and Development
16. Applied Research Institute-Jerusalem (ARIJ)
17. Arab Center for Agricultural Development (ACAD)
18. Arab Women Union Society
19. Asala for Credit and Development
20. Atfaluna Society for Deaf Children
21. Bait AL Mostuqbal Association
22. Baitona For Community Development
23. Balsam Association for Community Rehabilitation
24. Beesan Benevolent Association
25. Bisan Center-Research and Development Studies in Palestine
26. Central Blood Bank Society
27. Community Media Center
28. Disability Representative Body Network
29. Dr. Haider Abdel Shafi Center
30. Early Childhood Resource Center (ECRC)
31. El Amal Rehabilitation Society--Rafah
32. El Wafaa Charitable Society
33. ElWedad Society for Community Rehabilitation
34. Fajr Association for Relief and Development

35. Gaza community Mental Health program
36. Gaza Culture & Development Group
37. Hanan for Culture and Social Development Association
38. Health Work Committee
39. Human Rights & Democracy Media Center “Shams”
40. Human Rights & Rehabilitation Center (TRC)
41. Jabalia Rehabilitation Society
42. Khalil Sakakini Cultural Center
43. Khuza’a Permaculture Center Association
44. Land Research Union
45. Local Association for Social Services
46. Ma’an Development Center
47. Middle East Council of Churches
48. Mother’s School Society
49. National Society for Rehabilitation
50. Palestine Amputee Football Association
51. Palestinian Agricultural Development Association
52. Palestinian Al-Nakheel Association for progress and development
53. Palestinian Association for Development and Construction (PADR)
54. Palestinian Center for Development & Media Freedoms
55. Palestinian Charity Society
56. Palestinian Counseling Center
57. Palestinian Family Planning & Protection Association
58. Palestinian Farmers Association
59. Palestinian Hydrology Group
60. Palestinian Medical Relief Society

61. Palestinian Right and Justice Association
62. Palestinian Youth Union
63. Psycho-Social Counseling Center for Women
64. Public Aid Society
65. Ramallah Center for Human Rights Studies
66. Red Crescent Society for Gaza Strip
67. Sareyyet Ramallah
68. Social Development Forum
69. Society of Remedial Education center
70. Stars of Hope Society (SHS)
71. Tamer Institute for Community Education
72. Teacher Creativity Center
73. Thalasemia Patients Friends Society Palestine
74. The Assembly Benevolent of Operation
75. The Civil Commission for the Independence of the Judiciary and the Rule of Law
76. The Culture and Free Thought Association
77. The Democracy and Workers' Rights Center/ Gaza
78. The Eastearn Association for Agriculture
79. The National Centre for Community Rehabilitation (NCCR)
80. The National Society for Democracy and Law
81. The Palestinian Center for Organic Agriculture
82. The Palestinian Hydrology Group/Gaza
83. The Palestinian Institute for Communication and Development
84. The Palestinian Working Women Society for Development
85. The Society of Women Graduates in Gaza Strip
86. Union of Agricultural Work Committees

87. Union of Health Care Committees
88. Union of Palestinian Medical Relief Committees_ Gaza
89. Union of Palestinians Women's Committees
90. Wassel Center for Youth Development
91. Women's Studies Centre
92. Zakher Association for Capacity Development of Palestinian Women

Palestinian Human Rights Organizations Council (PHROC), comprising of:

93. Addameer Prisoner Support and Human Rights Association
94. Al Mezan Center for Human Rights
95. Aldameer Association for Human Rights
96. Al-Haq – Law in the Service of Man
97. Defense for Children International (DCI) – Palestine
98. Hurryyat – Center for Defense of Liberties and Civil Rights
99. Jerusalem Legal Aid and Human Rights Center (JLAC)
100. Muwatin Institute for Democracy and Human Rights – Observer
101. Palestinian Centre for Human Rights (PCHR)
102. Ramallah Center for Human Rights Studies (RCHRS)
103. The Independent Commission for Human Rights (Ombudsman Office) – Observer

The Palestinian National Institute for NGOs (PNIN), including (62 NNGO)