The Culture of Impunity:
Israel's Ongoing Violations against Palestinian Women during COVID-19

A submission prepared by the:
Women's Centre for Legal Aid and Counselling



For submission to:
Mr. Michael Lynk, the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967

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1. Legal Background and Testimonies

After the Israeli occupation of the West Bank and the Gaza Strip in 1967, Article (35) of the first Military Order, issued by the Israeli Military commander, confirmed that the Fourth Geneva Convention relative to the protection of civilian persons in the time of war was applicable to the West Bank and the Gaza Strip. However, Israel started to deny the applicability of the convention and evade its responsibilities as an occupying power since November of 1967.

The year 2020 marks 53 years of Israel's evasion of its responsibility as an occupying power toward the Palestinian civilians whilst challenging the fact that the convention is considered to be part of international customary law that is universally applicable and ignoring the United Nations Security Council's resolutions No. (242) and (338) that have called on Israel to immediately withdraw from the occupied Palestinian territories. Besides this, Israel continues to ignore the Security Council's Resolution No. (1322) that condemns Israel's excessive use of force against Palestinian civilians which is contrary to it obligations in line with the Fourth Geneva Convention. Furthermore, Israel also violates the resolution that the UN Human Rights Committee issued on the 19th of October of 2000 which confirmed Israel's obligations as an occupying power toward Palestinian civilians.

Israel's policy of avoiding its obligations toward Palestinian civilians continues to go on in all circumstances and in spite of the COVID-19 global pandemic, disregarding the ongoing call by the UN Security General for a global ceasefire to focus efforts on combatting the virus which has threatened humankind as a whole. Not only had Israel evaded its obligations according to Article (56) of the Fourth Geneva convention to take all of the preventive measures necessary to combat contagious diseases and pandemics, but it also undermines measures taken by Palestinians themselves to deal with the virus through its ongoing policy of using excessive force against Palestinians.

Throughout March and April 2020, during which both Israel and Palestine lived under national lockdowns in response to the COVID-19 pandemic, systematic human rights violations by Israel against Palestinians continued to occur. Not only is this an infringement of the mental and physical wellbeing of Palestinians living under occupation, negatively impacting their daily lives, but it also hampers the ability for Palestinians to adequately protect themselves against the threat of COVID-19. This puts already vulnerable individuals at risk of contracting the virus and increases the potential of transmission to large parts of the population. In addition to this, the occupying authority has not taken into account the special needs of women under national lockdown, particularly of Palestinian women from the West Bank married to Jerusalemites. Access to medical care was restricted to Jerusalemites and commuting to the West Bank was not permitted, leaving women without the necessary medical care.

The inexhaustive list of violations below, monitored and documented by WCLAC through women's testimonies, are lived realities revealing the direct contravention of various international humanitarian and human rights law obligations by Israel. WCLAC believes that this culture of impunity and lack of accountability leads to more fundamental Israeli violations against Palestinian civilians. These violations jeopardize the wellbeing of Palestinian women and add more responsibility and pressure on to them.

Types of violations:
1.1 Night Raids and Arrests
1.2 Child Detention
1.3 Settler Violence
1.4 Aerial Chemical Spraying and Environmental Negligence
1.6 Access to Healthcare
1.7 Housing demolitions

1.1 Night Raids and Arrests

a) Night raids are a practice which does not consider the best interests of the child as a primary consideration in accordance with Article 3 of the UN Convention on the Rights of the Child[1]. This is a routine act of intimidation and aggression which terrifies children with no regard to their wellbeing nor the psychological impact of these raids.

b) Articles 71, 72 and 147 of the Forth Geneva Convention[2] ensure the right of all civilians from the occupied side to a regular trial as soon as possible after detainment, and be allowed to present evidence, call witnesses and be represented in court. During the pandemic, Israeli authorities have postponed all trial proceedings in military courts and have stopped bringing Palestinians who are in pre-trial detention or interrogation to court, further deepening Israel's violations of Palestinians' right to liberty and security of person, as well as their right to a fair and speedy trial.

c) Article 14 of the International Covenant on Civil and Political Rights[3] provides: "Everyone shall be entitled to a … hearing by a competent, independent and impartial tribunal." The UN Working Group on Arbitrary Detention views Israel's military court system as operating in fundamental incompatibility with basic due process rights.

1 UN Commission on Human Rights, *Convention on the Rights of the Child.*, 7 March 1990, E/CN.4/RES/1990/74, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.204119824.1871891178.1590490634-1094102825.1589384410

2 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, available at: https://ihl-databases.icrc.org/ihl/INTRO/380

3 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, available at: https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf

d) L. A from Silwan, whose house was targeted in a night raid, stated that, "Throughout the period when they prevented us from moving, there was a group of Israeli soldiers searching the house and destroying everything. There was not a place in our house that was left untouched, even the rooftop of the house, where there was a chicken coop, was also searched". Article 46 of the Hague Convention[4] requires that the Occupying Power respect and protect family honour and private property. Testimonies from night raids shows that during night raids, women are not only subjected to many humiliating body searches, but they have to bear seeing the Israeli occupation forces turning their houses into chaos. Property is often destroyed and families are made to watch as their privacy is violated while under the guard of an armed soldier.

e) Night raids on Palestinian homes by Israeli forces is indended to intimidate Palestinian families. These raids are intentionally conducted after mid-night. F. S, a mother of 3 children who had her house raided at dawn stated, "I was very strong during the raid and even after the arrest of my husband. I was strong and coherent in front of my children, but deep inside I felt great anxiety and fear, because these raids negatively affect the psyche of my children. Moreover, the repeated incursions are intended to be in the early morning hours just before the children go to school and we leave to work, which results in spreading terror for the well-being family members."

f) In almost every night raid testimony collected by WCLAC, women expressed their fear of them or their families contracting coronavirus during a night raid or arrest. An additional burden placed on women is the cleaning and sterilization of their house after night raids during COVID-19. It is women's responsibility to sterilize their houses and to make sure that safety measures are properly followed, thus any outside interference during the pandemic will result in extra work and further prolong the process of sterilization. To make things worse, dogs are intentionally bought by Israeli occupation forces during night raids. One testimony summarised the experience of many women: "I cleaned and sterilized the house and washed the carpets that [the soldiers] had stepped on with their shoes. The situation is difficult for me as I am a former cancer patient and my immunity is weak. None of my family or neighbours have visited me at home to console and support me since the arrest of my son, for fear of my health and to prevent the spread of COVID-19." E. O also stated, "One of the things that I thought about immediately after they left was the need to contact a lawyer to follow up on the issue of my husband's arrest. At the same time, I was thinking about cleaning, arranging and sterilizing the house after the Israeli occupation forces had entered the house without any consideration for the measures taken to prevent the spread of coronavirus, this time it was the first time they brought dogs inside the house. More importantly, I

4 International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907, available at: https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=4D47F92DF3966A7EC12563CD002D6788

was caring for my children and comforting them and assuaging their fears of what they have witnessed, the terror and violence of the occupation soldiers."

g) Throughout the testimonies, it was noted that during cases of arrests, detention and night raids, some women reported that soldiers were not following safety measures put in place to prevent the spread of coronavirus. K. A, a mother from Silwan, whose son was arrested during a night raid stated, "They entered directly into my son's room, woke him up from sleep and searched the room. They did not care to put masks on their faces or gloves on their hands, and they arrested my son and they also did not care about making him wear a mask or gloves, despite the fact that the Silwan area is considered a high risk area for the virus."

1.2 Child Detention

a) This is supported by Article 40 of the Convention on the Rights of the Child[5] which states: "Every child alleged as or accused of having infringed the penal law has at least the following guarantees: … (iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body".

b) W. S, a mother of seven children, from Al Aroub refugee camp, whose son was detained and brutally beaten by Israeli soldiers stated, "During the quarantine, I was affected by the Israeli occupation soldiers' assault on my son. Nevertheless, despite all of that, I try as much as possible to improve the mental health of my children, and do very my best to provide them with all their needs. They feel comfortable now, and I do not allow myself to transmit the impact of these negative circumstances to my children. Their psychological well-being is very important to me. I believe that the biggest impact the occupation has is on women, because they are the pillar of the family, in the case that I am in a state of tension or joy, in both circumstances this energy will spread throughout the household. But, sometimes I cannot control myself, because a person can only bear such pressure to a certain extent." The CEDAW Committee notes the detrimental impact on family life and psychological state that night raids and arrests can place on women. In most cases, it leaves Palestinian women to bear the burden of supporting and raising children after their fathers or brothers have been arrested. That is not to mention the psychological suffering that comes with the arrest of a family member."[6]

c) As the occupying state, Israel has a general responsibility under international human rights conventions for the safety, welfare and human rights protection of Palestinian children living in the occupied Palestinian territory. A 2012 report funded by the UK

5 Ibid *Convention on the Rights of the Child*

6 Report of State of Palestine, *U.N.Doc. CEDAW/C/PSE/1*, 24 May 2017, para 143, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPSE%2f1&Lang=en

Foreign & Commonwealth Office, found that Israel was in breach of eight of its international legal obligations under the UN Convention on the Rights of the Child and the Fourth Geneva Convention arising out of its treatment of Palestinian children held in military detention.[7] The report found violations relating to the following legal obligations: discrimination, best interests of the child, premature resort to detention, non-separation from adults, prompt access to lawyers, use of shackles, unlawful transfer and detention outside occupied territory, and failure to translate applicable laws.

d) Testimonies show that care is not being taken in the arrest and detention of children to protect them against COVID-19. N. J, a mother whose child was detained for hours by Israeli soldiers without informing her of the reason, said: "I spent three hours full of anxiety and fearing for my son. I was afraid that COVID-19 would be transmitted to my son. I saw the soldiers very close to him without wearing any masks or gloves. I am concerned about his health and safety and I am afraid that he might be infected."

e) R. S, a mother of four children, whose son aged 17 was arrested during a night raid on their house, stated that "Some of the soldiers were with my son, in his room with his hands tied, they were searching his room, the room was turned upside down, they were also interrogating him. Subsequently they took him with them, and when I asked a member of the intelligence services, "Where are you taking my son?" he said to me in a threatening tone, "You will not see him anywhere in Jerusalem after today. Later, we learned from the lawyer that they transferred Saaed to Ashkelon Prison (in the South)." In 2013, UNICEF published a recommendation in a report on Israel's treatment of Palestinian child prisoners that they stop the practise of transferring child prisoners to jails inside Israel.[8] Israel rejected this recommendation in deliberate contravention of the Forth Geneva Convention which prohibits the transfer of prisoners from occupied territory into the territory of an occupying power.

1.3 Settler Violence

a) According to Article 8(2)(b)(viii) of the Rome Statute "The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory," is referred as a war crime and considered pillage.[9] This continues to occur within the West Bank and East Jerusalem,

[7] UK Foreign and Commonwealth Office, *Children in Military Custody*, June 2012, available at: http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf

8 UNICEF- SOP, *Children in Israel Military Detention- Observations and Recommendations*, February 2015, available at*:* https://www.unicef.org/sop/reports/children-israeli-military-detention

[9] UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf

does not constitute military or security necessity and is merely pursued in the interest of establishing an Israeli population on Palestinian land and for the destruction of Palestinian property.

b) Settlements and settlers have been responsible for numerous violations of basic human rights, including the right to life, where Palestinians are violently attacked, threatened or killed by a minority of Settlers. In line with IHRL, settlements provide a violation to a number of fundamental rights and freedoms for the Palestinian population.

c) Most notably is the violation of rights to liberty, security of the person and equal treatment before the law and right to access an effective remedy for acts violating fundamental rights, occurring where there is a lack of justice for Palestinian victims of Settler violence. There are also violations in the right to equality and non-discrimination where Palestinians who perpetrate offences in the occupied territories and are subject to harsher punishments than Israeli Settlers while resources, roads, farmland and infrastructure disproportionately prioritise settlement needs over Palestinian ones.[10] The CEDAW Committee reported that this system of inequality "deprives Palestinian victims of their right to justice and compensation, insulates the crimes and violations of the occupation from accountability, provides impunity to the Israeli perpetrators, and gives them licence to continue committing all manner of acts of violence and terrorism against the property and persons of Palestinian men and women."[11]

d) R. I., a woman from Tel Rumeida (H2) in Hebron, explained "We live in fear, anxiety, and constant psychological stress given the increase of attacks in light of COVID-19, especially when moving through checkpoints and in the presence of settlers. The settlement of Biet Hadassah is 7 meters away from my home." Since the start of national lockdowns for COVID-19 in Palestine and Israel, a stark increase in attacks by settlers have been recorded by rights organisations. The impact of such attacks on women and children are relentless fear, anxiety and lack of safety, especially in Hebron H2 where Palestinians can access little justice and the settlers are protected by Israeli soldiers. Settlers are taking advantage of the fear surrounding the pandemic to terrorise and intimidate Palestinians.

e) Additionally, WCLAC have documented violations against Palestinians right to health by settlers, causing particular violations in the context of current vulnerabilities in health, access to water and sanitation because of COVID-19. F.A.S, a woman living in H2 Hebron, said that settlers added unknown substances to their domestic water tank,

[10] UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly*, 21 March 2006, A/RES/60/147, available at: https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx

[11] Ibid. *U.N.Doc. CEDAW/C/PSE/1 para.322*

forcing them to go without water during a pandemic for almost 48 hours before the Palestinian ministry could replace it.

f) In many testimonies, women have repeatedly reported settlers spraying water or unknown substances in the streets near Palestinian houses. In addition to spitting on Palestinian homes, as reported by F. A. S.: "The settlers' movements have decreased during the day, they go out more often at night, but when they go out they do harmful activities, for example they spray liquid substances on the doors and cars of Palestinians and we do not know what the nature of these substances are. The residents asked the Palestinian Authority to examine the liquid materials that are sprayed, but there was no response and we do not know why. Only once did the municipality respond, after coordinating with the occupation authorities, they sterilized the street only, but without examining the material". Moreover, another woman explained that "We are more afraid of the electronic gates at the checkpoints, where the settlers spray liquids substances on them and we do not know what these substances are. Although, during this period, the occupation soldiers have stopped checking the identities of passers-by via the electronic gates, however, we do not know if it has any material with harmful consequences for us, because they have refused to sterilize these gates."

g) Violence perpetrated by settlers against Palestinians has a devastating impact on the family. Women and children are the most affected by such actions. Constant fear, anxiety and lack of safety are all obvious impacts of repeated settler harassment and intimidation campaigns, especially in areas such as H2 in Hebron, where Palestinians are vulnerable and settlers are always under the protection of Israeli occupation forces. F. M, a mother of six and 52 year old resident of tell Rumeida , whose house was attacked by settlers on 28\03\2020, explained "I live next to Ramat Yishai settlement, we are the only Palestinian family left living in that area, our house is surrounded by the settlers' houses from every side. We are always subject attacks and harassment by settlers and soldiers. This is not the first occasion on which settlers have destroyed or stolen our surveillance cameras (which are meant to document settlers and soldiers violations against us). We live in great fear for our lives, and today my fear has greatly increased due to the spread of COVID-19, especially after the Israeli media announced a number of settlers were infected by COVID-19. Following the settlers' attack on my house, I was obliged to leave my house in tell Rumeida, and I moved to my son's house in the H1 area, and I have not returned to my house, out of my fear of settler assaults specifically during the COVID-19 pandemic."

1.4 Aerial Chemical Spraying and Environmental Negligence

a) According to the Fourth Geneva Convention and additional protocols, parties to a conflict must protect civilians and humanitarian interests during wartime and occupation and must refrain from causing harm or damage to civilian targets, such as agricultural lands while respecting the right of protected civilians to access food

(Article 69). The Israeli military's spraying of herbicides/pesticides on agricultural crops, which serve as a basic food source, in the context of the ongoing blockade of Gaza by Israel, constitutes a violation of Article 55 of the Fourth Geneva Convention.[12]

b) The Israeli military's aerial spraying of herbicides/pesticides constitutes a violation of both Israeli constitutional and administrative laws, as well as international humanitarian law (IHL) and international human rights law (IHRL) by destroying private property and vital natural resources while hindering sustainable development and denying whole communities their right to livelihood.

c) Article 43 of The Hague Convention provides that an occupying power, "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety" in regard to respecting the right to food and livelihoods of civilians.[13] However, testimonies show there has been discriminate chemical spraying and environmental negligence primarily in Gaza of farmland and civilian areas.

d) During the month of April, the Israeli occupation conducted aerial spraying of chemical pesticides on farmlands. On 5th of April 2020, early in the morning (6:00am – 11:00am), the eastern border area of the Gaza strip was sprayed with chemical substances which had a very strong and unpleasant smell, the likes of which never been seen by the local farmers before. The spraying was repeated on the 7th of April, from 7:30am to 9:00am in the morning. In light of these difficult conditions, these activities have caused an economic crisis, especially for families who depend on agriculture and crops to earn a living.

e) For many women in Gaza, agriculture is their livelihood and only source of income. WCLAC spoke to a farmer, F. S. A.,who had her land and crops destroyed by aerial chemical spraying. "These are intentional practices by the occupation, occurring with no warning, whether it is chemical spraying of our farmlands or wastewater full of scorpions and snakes sent to flood our lands during harvest. Now, in light of COVID-19, work costs for farmers have become much higher compared to prices before. Nevertheless, the occupation continues to harass us, destroy crops, and the fruits of our work and our efforts."

f) The economic consequences of such violations has a devastating impact on women and their families. This can been seen in the experience of J. T, a 22 year old mother of seven-month-old twins, who works as a farmer with her husband on their land on the eastern border of Gaza. All she has in life is her land, from which she, her husband and children find their sustenance. However, her and her family have been exposed to several violations at the hands of the occupation army, including the flooding of her

[12] Ibid. *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*
[13] Ibid. *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*

land with wastewater and spraying crops with various unknown chemical substances. She explained: "This is not the first time that we have incurred losses, before this occasion, in April 2019, the entire chickpea crop was sprayed with chemicals. This led to the burning and destruction of 17 donums worth of cropland, of which I lost 10,000 shekels worth of seeds and 7000 shekels in land rent, tools and machines for cultivation. All this was in addition to sterilization treatments for the land. This farm is my life as we do not know a profession other than agriculture and it is our only source of livelihood. This profession is something we have inherited from our ancestors, we are born and we live to cultivate the land."

g) Article 12 of the International Covenant on Economic, Social and Cultural Rights[14] recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This is particularly vital in the current context of a global pandemic to ensure civilians can access sanitation facilities and live in safety and security to mitigate the spread of disease.

h) Violations of the rights to water and sanitation in the Gaza Strip, as enshrined in the covenant, are obstructed on account of the unlawful blockade. Testimonies to WCLAC give evidence of Israel releasing pollution and waste on Palestinian communities. A.A., a grandmother living in a village on the northern border of the Strip, said "the Israeli occupation army opens and empties the wastewater basins on the village whenever they want. Additionally, the wastewater leaks into the underground wells of clean water. The water here is very polluted and stinks, leaving a nasty smell in the air."

i) M.A.Sh, 63, a Palestinian woman who lives in the Bedouin village on the northern border of the Gaza Strip, 350 meters from the border. She is a mother of seven boys and four girls who live in one house and are constantly exposed to many violations by the occupation soldiers on the northern border. Such as gunfire, gas bombs, and aerial chemical spraying. She explained "Life here in the village of Umm Al-Nasr or as the called it " the Bedouin village" is very difficult, because it is full of pollution and surrounded by insecurity, for many reasons, one of the most important of which is that we are on a border area. In addition to the general water problems that we suffer from, the water which we use in the kitchen and bathroom, it is very polluted, due to the proximity of the underground wells to the wastewater pools controlled by the occupation. The Bedouin village is a low area, and therefore it is an area where water collects. Many times, and because there is no money, I walk with a small barrel on my head to get water for a distance of 300 meters, in order to fill it with fresh water and return back to my house. Life here is not safe; whenever there are any clashes, we are always at the forefront. The smell of sewage and waste incinerators makes life here toxic. When we complain to the government in Gaza, the answer is that the occupation

[14] UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf

rejects any work the municipality does in this area. All of this, in addition to the power outage/electricity cuts crisis that we suffer from. All of the North's electricity comes from Israel; they control its flow. As for an example of the severity of the poverty we face here, I cook and bake on a fire. My sons collect the cardboard to light the fire, because wood is expensive and is not readily available, we live a primitive life here with no cleanliness, security or safety. The world talks about a deadly virus, but the real virus is what we suffer here, we have the virus of poverty and occupation; every day we die here a thousand times."

1.5 Access to Healthcare

Article 55 of the Forth Geneva Convention ensures that necessary care or treatment for civilians can never be withheld in the case of occupation, and that "depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, can constitute a violation of international humanitarian law".[15] The denial of treatment to patients is classed as a form of Cruel, Inhumane or Degrading Treatment as underlined by the United Nations Convention who have expressed concern about Israel's restrictions on the travel of Gazans for medical reasons and the avoidance of its responsibilities as the occupying power. Restrictions on the free movement of patients has resulted in numerous, avoidable deaths of those who needed urgent health care. Gazans routinely have to navigate a complex and slow permit system in order to leave the strip for treatment. In March 2020, 44 patient applications (33 male; 11 female), or 3% of the total, were denied permits to cross Erez to reach healthcare[16].

a) R. N. a woman who provided a testimony said since returning from treatment in Israel she was placed in quarantine in Gaza meaning that "now I have missed my treatment day and I do not know when I will have treatment again. The Ministry of Health in Gaza told me that they will provide us with treatment in the Gaza Strip and we will not be able to travel due to [Israel's] measures to combat COVID-19…Israel refuses to issue entry permits and will not guarantee that we can take our treatment safely."

b) Article 56 of the Geneva Convention[17] says that the 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."

[15] Ibid. *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*
[16] World health organization, monthly report march 2020, available at: https://www.un.org/unispal/wp-content/uploads/2020/04/WHOMARPTMARCH20_260420.pdf

[17] Ibid.

c) Women interviewed expressed their concern and constant state of fear due to movement between the Gaza Strip and occupied Jerusalem to take treatment doses. As for preventing the spread of the coronavirus, the only procedure that is taken is to measure the body temperature upon entry or exit to medical facilities. Women are not tested for coronavirus after they are discharged from hospital, are transferred in crowded buses, and are not provided with personal protective equipment. E. B, stated "On 03/15/2020 in the early morning, I headed to the city of Jerusalem, to receive my treatment and my father accompanied me. On the following day 16/03/2020 I returned to the Gaza Strip after receiving the treatment, I did not notice any clear protection procedures being taken against the spread of the Corona virus, except for measuring body temperatures only when entering and leaving the hospital. I then took the bus (public transportation buses) designated to transport Gaza patients."

d) M. T., a patient returning from Israel for cancer treatment was put into quarantine upon her arrival in Gaza without prior warning. During her time in Israel, few measures were taken to ensure she did not contract the virus: "The quarantine days were very difficult as I was afraid of potentially becoming infected with Coronavirus, especially as you need body immunity to fight it, and I do not have this now because of my illness." E. B. also expressed her constant worry about her health situation, she explained "Here in the Gaza Strip, no one reassures us, and Israel refuses to issue entry permits, and there is a ban on movement to anywhere outside Gaza, in addition to this Israel will not provide us with first aid or guarantees of safe passage to take our treatment outside Gaza and return to our homes. There is also no possibility to do coronavirus tests after receiving treatment at the hospital, although this would at least guarantee that we are not quarantined in places other than our houses, and until now, no one knows what will happen."

e) Gaza already faces a lack of ventilators in its hospital before the COVID-19 pandemic. The CEDAW Committee has highlighted Gaza's crippled health sector as a result of the blockade by Israel and Egypt "undermining the functioning of the health-care system, thereby affecting the health and endangering the lives of 1.8 million Palestinian women and men in Gaza. The capacity of the health system in Gaza had been severely curtailed due to the impossibility of modernizing, reconstructing or renovating infrastructure damaged by ongoing Israeli military aggression."[18] Additionally, an extremely dense population living in cramped housing makes it hard for social distancing measures to be adhered to.

1.6 Housing Demolitions

a) Between March 6th to May 6th there were 67 demolished Palestinian structures, 20 were residential, displacing 26 people, 17 minors. A majority of these were agricultural, while some were sanitation or livelihood based. This detrimentally affects both access

[18] Ibid. *U.N.Doc. CEDAW/C/PSE/1 para.261*

to hygiene and sanitation during the pandemic, and a means of income where finances are already under strain. Families cannot be expected to observe stay at home orders when they face ongoing eradication of their residencies, leaving them out in the open, with no sanitation facilities and increased susceptibility to contracting COVID-19.

b) Article 12 of the International Covenant on Economic, Social and Cultural Rights,[19] which Israel has ratified, requires State Parties to recognise the right of everyone to the enjoyment of an attainable standard of physical and mental health. Specifically listed as one of the steps to be taken by States Parties are those necessary for 'the prevention, treatment and control of epidemic, endemic, occupational and other diseases.'

c) The CEDAW Committee has noted with concern that Israeli occupation authorities continue the punitive practice of house demolitions in Jerusalem "…which punishes families and disproportionately affects women and girls, particularly female-headed households" and "…has a harmful impact on the physical and psychological well-being of Israeli Arab women and girls…" The CEDAW Committee recognizes punitive demolitions as collective punishment.[20]

d) The UN Committee on the Rights of the Child has expressed grave concern about the psychological violence inflicted on Palestinian girls and boys "...who witness their parents being beaten or humiliated and the demolition of their homes, and about the long-term consequences of this violence on these children" in violation of the right of children to be free of all forms of violence. Housing demolitions are psychologically distressing and are often carried out with little warning, very late at night or early in the morning, with families unable to make alternative arrangements or even gather all their belongings. Women and girls are almost always present during these raids, traumatizing them from the aggressive and alarming manner in which the raids are carried out.

e) The Committee against Torture has recognised the Israeli state's practise of housing demolitions is in direct contravention of Article 16 in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[21] While Article 147 of the Fourth Geneva Convention[22] establishes grave breaches of IHL which includes unlawful deportation or transfer, extensive destruction, and appropriation of property not justified by military necessity and carried out unlawfully and dissolutely. Neither punitive demolitions nor demolitions designed to alter the demographic balance of Jerusalem are justified by military necessity.

[19] Ibid. *International Covenant on Economic, Social and Cultural Rights*

[20] Ibid. *U.N.Doc. CEDAW/C/PSE/1 para.32*

[21] UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, available at: https://www.ohchr.org/en/professionalinterest/pages/cat.aspx

[22] Ibid. *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*

2. WCLAC requests the Special Rapporteur on Occupied Palestinian Territories

1. Draw attention to the specific impact on Palestinian women in the Occupied Palestinian Territories of Israeli violations of IHRL and IHL and to specifically highlight this report.
2. Exert pressure on Israel to comply with its legal obligations as an occupying power under the Fourth Geneva Convention, that by being in effective control of the Occupied Palestinian Territories it must provide adequate medical care and take preventive measures in order to minimise the spread of COVID-19.
3. In line with CEDAW, which mandates the fair treatment of women both inside Israel and in the territories under their control, to exert pressure on Israel to take specialised measures to renew the residency permits of women from the West Bank who are married to Jerusalemites. This would facilitate their movement by lifting the movement restrictions imposed on them..
4. Take preventative measures and necessary further steps to protect women victims of gender based violence in the Occupied Palestinian Territories.
5. Call on Israel as an occupying power to immediately stop its systematic violations of Palestinian rights and to decrease the daily sufferings of Palestinians living in the Occupied Palestinian Territories, especially the sufferings of women and girls who endure multi-layered oppression from the occupation and Palestinian patriarchal society.

Attachments: Women's Centre for Legal Aid and Counselling's infographic on Israeli Violations of International Humanitarian Law during COVID-19