



HUMAN RIGHTS  
ISRAEL / إِسْرَائِيل

PHYSICIANS FOR  
HUMAN RIGHTS / أطباء  
لحقوق الإنسان

POSITION PAPER

# ISRAEL'S RESPONSIBILITY TO GUARANTEE THE RIGHT TO HEALTH FOR PALESTINIANS IN THE OCCUPIED TERRITORIES

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For 53 years, Israel has ruled over the Occupied Territory and the millions of Palestinians who live there, routinely violating their right to health in general and to appropriate medical care in particular.

Throughout the years of the occupation, and particularly since the Oslo Accords, Israel has kept most of the power, authority and control while leaving all responsibility to the Palestinian Authority. Thus, over the course of several decades, sick people whose lives might have been saved or whose health may have been dramatically improved, have, much like the rest of Palestinian society, fallen victim to Israeli policy. Meanwhile, the economic burden falls on the Palestinian Authority and donor countries. These bodies are left to invest in the health and sanitation infrastructure in the Occupied Territory to mitigate the impact of the occupation on the various determinants of health, such as water quality, livelihood, and more. The blockade and policy of restricting development imposed by the occupation keep a stranglehold on the Palestinian economy and stifle its ability to develop its healthcare system, which has led to a situation in which critical treatments are not available in the Gaza Strip and parts of the West Bank. Despite this situation, since the Oslo Accords, Israel has considered the healthcare it provides to Palestinians in Israeli hospitals as treatment of tourists, (albeit at reduced rates,) while taking no responsibility for the Palestinians' dependence on medical treatments inside Israeli territory.

**After decades of violations of the right to health of millions of Palestinians in the Occupied Territory, Physicians for Human Rights Israel demands, as a necessary but insufficient measure, that Israel guarantee access to medical treatments that do not exist at all or that exist at insufficient standards inside the Occupied Territory and**

**that Israel bear the costs of the referral of patients requiring such treatments to hospitals outside of the Palestinian system. At the same time, full realization of the right to health of Palestinians in the Occupied Territory, cannot exist without full realization of their civil and political rights, both as individuals and as a national collective.**

Harming the right to health constitutes a serious violations of international humanitarian law, including the 1907 Hague Convention<sup>1</sup>, the humanitarian articles of the Geneva Convention that deal with protecting civilians during war (1949), and the Universal Declaration of Human Rights (1948), as well as conventions that the State of Israel has signed that are part of the public international law, including Section 12 of the International Covenant on Economic, Social and Cultural Rights<sup>2</sup>, which establishes the right of every person to the highest attainable standard of physical and mental health, a right that is protected in particular with regard to children<sup>3</sup> and women<sup>4</sup> and with regard to which states are forbidden from applying any kind of discrimination.<sup>5</sup>

Decades of such severe and protracted violations require Israel to end the occupation and require us as citizens and as human beings to fight for its end. Additionally, those states committed to international law must demand that Israel bring about the immediate termination of the occupation as an essential condition to enabling Palestinians to fully exercise their right to health, unhindered and without any dependency on Israel.

Indeed, Israel's obligation to guarantee the right to health of Palestinians cannot continue forever, and it must work towards ending this obligation, which derives from its status as an occupying power. This is especially true in light of the prolonged occupation and all of its accompanying features of colonialism and apartheid, and from

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<sup>1</sup> Hague convention Respecting the Laws and Customs of War on Land (Hague IV) (1907)

<sup>2</sup> Article 12 of the International Covenant on Economic, Social and Cultural Rights (1966) (KA 1037), ratified by Israel on October 3, 1991.

<sup>3</sup> Article 24 of the Convention on the Rights of the Child (1989) (KA 1038), ratified by Israel on August 4, 1991

<sup>4</sup> The Convention on the Elimination of all Forms of Discrimination Against Women (1979) (KA 1035)

<sup>5</sup> The Convention on the Elimination of all Forms of Racial Discrimination (1966) (KA 861)

Israel's control over most of the necessary conditions for protecting and promoting the right to health.

In the immediate short term, as long as the occupation and Israeli control continue to prevent Palestinians from guaranteeing their own right to health, Israel must:

- Allow for free and open passage between the West Bank including East Jerusalem, and the Gaza Strip, and by doing so enable the Palestinian healthcare system to function as a single unit;
- Rescind the permit regime and end the blockade of Gaza;
- Provide and fund treatments that are not available in the Occupied Territory;

**Only ending the occupation and Israeli control can guarantee the necessary conditions for health and for the provision of sufficient health services in the Occupied Territory.**

This statement has been translated from Hebrew. In the case of inconsistencies between the Hebrew and English texts, the Hebrew text should be treated as the definitive version.