



Health Work Committees

Al-Bireh - Sateh Marhaba, P.O.Box: 3966

Tel: 02-2427518 , Fax: 02-2427517

e-mail: info@hwc-pal.org

website: www.hwc-pal.org

جمعية لجان العمل الصحي

البيرة - سطح مرجيا ، ص.ب. ٣٩٦٦

هاتف: ٠٢-٢٤٢٧٥١٨ ، فاكس: ٠٢-٢٤٢٧٥١٧

بريد الكتروني: info@hwc-pal.org

صفحة الكترونية: www.hwc-pal.org

Date: 14/06/2020

Remarks Around the Status of Human Rights Amid the State of Emergency Within the Palestinian Authority.

The Palestinian Authority has confronted the spread of the coronavirus disease (COVID-19) pandemic by declaring the state of emergency as in the case of several other countries around the world. The Palestinian President Mahmoud Abbas has issued a presidential decree dated March 5th 2020 which declared the state of emergency, in the means of facing the imminent danger of the coronavirus and to stop it from spreading, to preserve public health, and to achieve security and stability, based on the powers vested in the Palestinian President via section 7 of the Palestinian Basic Law for the year of 2003, and its amendments (the constitution of the Palestinian Authority)¹.

Simultaneously, the Palestinian Authority has worked on filling the gap of the absence of emergency legislations and its implications by issuing a group of presidential decrees, the most significant being the presidential decree no. (7) for the year of 2020 regarding the state of emergency, and the presidential decree no. (8) for the year of 2020 regarding the fiscal budget during the state of emergency, along with other legislations regarding time limits for litigation, and the confinement within implementation issues.

These legislations that were issued via presidential decrees due to the absence of The Palestinian Legislation Council (The Parliament) were accompanied by governmental and ministerial decisions that impose restrictions to various human rights and essential freedoms, in the absence of the supervisory and accountability role carried out by the Parliament.

¹ To review the Presidential Decree No. (1) for the year of 2020, kindly refer to the Palestinian Factsheet no.165 (https://www.lab.pna.ps/cached_uploads/download/2020/03/22/165-1584887482.pdf.)



Health Work Committees

Al-Bireh - Sateh Marhaba, P.O.Box: 3966

Tel: 02-2427518 , Fax: 02-2427517

e-mail: info@hwc-pal.org

website: www.hwc-pal.org

جمعية جان العمل الصحي

البيرة - سطح مرحبا ، ص.ب. ٣٩٦٦

هاتف: ٠٢-٢٤٢٧٥١٨ ، فاكس: ٠٢-٢٤٢٧٥١٧

بريد الكتروني: info@hwc-pal.org

صفحة الكترونية: www.hwc-pal.org

And even though the international Law for Human Rights has exceptionally allowed the imposing of a group of restraints on some of these human rights during the state of emergency in a democratic system, which are stated clearly in article (4) of the International Covenant on Civil and Political Rights, provided that these exceptions must be concerning the principles of necessity, proportionality and non-discrimination, and are without prejudice to the fundamentals of human rights: such as the right to life, the right to not be subjected to torture, enslavement, and penalty without law. Even though the Palestinian Basic Law has stated clearly in the article number (111) to the inadmissibility of imposing restrictions to the fundamental rights and freedoms only to the extent necessary to achieve the purpose of the state of emergency, and despite what has been pledged by the Prime Minister of The Palestinian Authority Dr. Mohammad Shtayyeh to the inadmissibility of exceeding the objective of this state of emergency in confronting the coronavirus pandemic, yet, numerous legislations, regulations and official practices has led to the violation of citizen's rights.

Most notable of these violations were as follows:-

- 1) The absence of legislations designated to address the state of emergency whether in the case of war, armed conflict or natural disaster.
- 2) clear discrimination built on the basis of gender targeting women, wither in the absence of legislations that offers protection from violence, domestic abuse during curfew, or those regarding female workers, which all emerged during the implementation of the "agreement of all three economic sectors during the state of emergency" dated 16/03/2020.
- 3) Detaining people on the basis of spreading rumors and fake news, or considering it to be so if it hasn't been attributed to an official source, without any transparency in the procedures of detention or places of detention, in addition to detaining citizens on the basis of differing views and political action, particularly those who are socially active in the distribution of handouts and food parcels.
- 4) Failure to provide means of social protection for vulnerable groups and those residing in marginalized area, day laborers, women who are heads of households, and individuals with disabilities.



Health Work Committees

Al-Bireh - Sateh Marhaba, P.O.Box: 3966

Tel: 02-2427518 , Fax: 02-2427517

e-mail: info@hwc-pal.org

website: www.hwc-pal.org

جمعية لجان العمل الصحي

البيرة - سطح مرجيا ، ص.ب. ٣٩٦٦

هاتف: ٠٢-٢٤٢٧٥١٨ ، فاكس: ٠٢-٢٤٢٧٥١٧

بريد الكتروني: info@hwc-pal.org

صفحة الكترونية: www.hwc-pal.org

- 5) Failure by the educational system in providing the minimal services for children and students in continuity and communication, for not having any contingency plans for states of emergency based on the right to education and linking it to the right to health like other integral human rights which are considered interdependent.
- 6) The excessive use of force and violence, and the abuse of law by law enforcement in forcefully disrupting peaceful assemblies and protests, or preventing movement and transportation to specific areas.
- 7) And despite that the security deployment was socially accepted to provide security and protection, yet, the main concern remains a legitimate concern from the implications of the state of emergency after it ends from the security encroachment and the militarization of society, especially amidst clear warnings of the militarization of society and the sliding towards a police state prior to the state of emergency.

These violations were not limited to the reality of the Palestinian Authority amidst the state of emergency, as other Arab countries within the region have witnessed similar violations, and it has surpassed that in several Arab countries in detaining journalist for their criticism of official duty, and the prevention of civil society organizations from working and providing services for targeted groups to protect them from the implications of the emergency state during restriction times, not to mention serious violations that claimed the right to life and physical integrity in the countries facing internal armed conflicts such as Syria and Libya, or wars such as Yemen, and whose conflicting parties have failed to convey any interest in the dangers of the spreading of the coronavirus pandemic on the lives of human beings to stop these hostile acts.

And based on the foregoing, and within the framework of prosecuting the violations that has accompanied the state of emergency to face the emerging global, regional, and local dangers of the coronavirus pandemic, and with due regard that health is considered a service or a commodity in various countries, and without any consideration for the right to health in its inherent connection to human dignity, physical and mental integrity, and conscience of humanity, we thereby recommend:-



Health Work Committees

Al-Bireh - Sateh Marhaba, P.O.Box: 3966

Tel: 02-2427518 , Fax: 02-2427517

e-mail: info@hwc-pal.org

website: www.hwc-pal.org

جمعية لجان العمل الصحي

البيرة - سطح مرجيا ، ص.ب. ٣٩٦٦

هاتف: ٠٢-٢٤٢٧٥١٨ ، فاكس: ٠٢-٢٤٢٧٥١٧

بريد الكتروني: info@hwc-pal.org

صفحة الكترونية: www.hwc-pal.org

- 1) The speedy issuance of inherent non-exceptional and contemporary emergency legislations to face the natural disasters, as emergency and defense legislations have demonstrated in the past century, that the assurance of the scientific and technological advancement is ineffective in the facing of this pandemic, given that the vulnerable groups from women, older persons, individuals with disabilities, and the poor, given that it's based on a human rights-based approach.
- 2) The adherence to the rule of law principles and the division of powers in a democratic system where parliamentary accountability and provision are not disrupted in the state of emergency.
- 3) To place pressure from popular movements, civil society organizations, and human rights institutions in the holding of an international conference similar to The Vienna Conference in 1993, to exchange experiences and expertise, and to build new international mechanisms based on security and social justice.
- 4) Establishing a binding international fund to provide researches and studies and to support the production of vaccines to face illnesses and epidemics, especially those spread in poor countries and communities.
- 5) De-politicize the services of social security, and pave the way for civil society organizations and the role of backing-up and supporting in facing the state of emergency.
- 6) Committing to the principles of necessity and proportionality and non-discrimination in the enactment of legislations and what accompanies it of executive procedures.
- 7) To place pressure in the direction of the addition of objective 18 to the objectives of sustainable development 2030 entitled "The ending of occupation and armed conflicts" considering it the main danger and the main objective in the process of development implementations of rights, especially the right to health.
- 8) Committing to the principles of transparency and the freedom to access information for all citizens to stop the rumors and false information, especially that the massive development in social media platforms is not met with archaic policies from the prehistoric times based on prohibition the preventing of the circulation of information.

End