

Talking about

Palestinian rights



A UNISON guide for activists

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Introduction

Since 1948, the Israeli state has established a body of laws, policies, and practices that have systematically oppressed Palestinians. This political and legal system impacts Palestinians in different ways, depending on their political and geographical status.

For over half a century the West Bank, including East Jerusalem, and the Gaza Strip has been under occupation by the Israeli government. Today, the occupation continues to control every aspect of the lives of Palestinians; denying their human rights, limiting their rights to public services including health and education, restricting their access to land, water and other natural resources and curtailing their freedom of movement¹.

This briefing aims to provide UNISON activists with a better understanding of the current situation in the occupied Palestinian territory (oPt), with a particular emphasis on workers' rights and public services. It is intended to strengthen the union's solidarity and campaigning work on Palestine by ensuring that activists have the key information they need to discuss the situation from a public service trade union perspective.

Why Palestine?

UNISON works with trade unions and other organisations around the world to defend workers' and human rights. The rights of the Palestinian people have consistently been an international priority for the union, resulting in extensive campaigning and solidarity work in the UK and beyond. UNISON has also supported projects and other work with trade unions, labour organisations and human rights groups in Palestine and Israel. Delegates at UNISON's national delegate conference have regularly debated the situation in Palestine, along with many other global issues, establishing the union's extensive policy in support of justice and self-determination for the Palestinian people, and for the creation of a viable, contiguous Palestinian state alongside Israel.

UNISON's position on Palestine

Successive UNISON national delegate conferences have passed policy in support of justice and rights for the Palestinian people. It is a key international priority for the union and this is reflected in our work.

We respect the Palestinian peoples' right to national self-determination and to establish a state in the West Bank, including East Jerusalem, and Gaza. UNISON believes that only when a sovereign, independent, contiguous, democratic and viable Palestinian state is created alongside Israel, will there be any chance of peace in the Middle East.

UNISON recognises that Israel has continued expanding illegal settlements and built a separation wall in violation of several UN resolutions and in breach of international law. It has set unrealistic preconditions for negotiations.

The union supports calls for the Israeli government to:

- Withdraw to the 1967 borders, including the withdrawal of troops, the removal of settlements and the demolition of the separation wall;
- End the land, sea and air blockade of Gaza;
- Give Palestinian refugees the right of return;

1 <https://www.ochaopt.org/content/humanitarian-needs-overview-2020>

- Release all Palestinian political prisoners in Israeli jails, including children and those held on administrative detention, without charges or trial.

UNISON recognises that it is an unequal conflict, but supports calls for a lasting ceasefire between the Israeli government and Palestinian organisations, recognising this will not happen or be sufficient until the blockade and occupation are ended.

We oppose and condemn the use of continuing indiscriminate military and economic violence by the Israeli state against the Palestinian people and the rocket attacks and violence against innocent Israeli citizens, whilst recognising the violence overwhelmingly emanates from Israeli government forces.

The union vehemently opposes all forms of discrimination including antisemitism, racism and Islamophobia, and totally condemns any attempt to use the conflict to promote them.

Demands to the UK government and the international community

- That the UK government and the EU ends all arms trade and military collaboration with Israel. We support a mandatory UN arms embargo on Israel and believe that companies supporting Israel's military industry should end their complicity;
- The suspension of the UK-Israel trade and partnership agreement and the European Union/Israel association agreement until Israel is in full compliance of its human rights clauses and international law;
- Support from the UK Government to Palestinians in referring human rights violations to the International Criminal Court;
- The immediate recognition of an independent Palestinian state by the United Nations and the UK government;
- Legislation to prohibit trade with the illegal settlements including a ban on the import of all goods from the illegal settlements in the oPt and until such a ban is introduced, to support a boycott of these goods;

Boycott, Divestment and Sanctions

UNISON supports Boycott, Divestment and Sanctions (BDS), as a practical way to force the Israeli government to end its repression of the Palestinian people and contribute towards the building of peace. This means taking a targeted approach to BDS in order to maximise our impact. We support the TUC policy of campaigning for a boycott of goods from illegal Israeli settlements and divestment from companies who profit from the illegal Israeli occupation.

UNISON prioritises work on BDS on the following areas:

- Engagement and divestment by pension funds with companies which support the occupation, in particular companies involved in the illegal settlements;
- Campaigning against public service contracts being awarded to companies which are involved in the illegal settlements or the violation of Palestinian rights and international law;
- Campaigning against the arms trade with Israel;
- Promoting BDS.

Working with others

UNISON's key partner in England and Wales is the Palestine Solidarity Campaign (PSC) and branches are encouraged to affiliate to PSC and support their work. In addition, UNISON Northern Ireland works with Trade Union Friends of Palestine and UNISON Scotland is affiliated to the Scottish Palestine Solidarity Campaign. UNISON continues to build support for Palestine within the wider trade union movement and global union federations and is an active member of the European Trade Union Network for Justice in Palestine².

UNISON suspended its relationship with the Histadrut (General Federation of Labour in Israel) and its public service affiliates, given its support for the occupation and military actions by the Israeli government. We work in co-operation with trade unions and NGOs in Israel who oppose the occupation and who seek to organise Palestinian and migrant workers. We also support Palestinian workers employed in the illegal settlements and industrial zones in the oPt.

A complicated issue?

The issue of Palestine is often portrayed as a highly complex dispute over a contested area of land. In reality, the central issue is the military occupation, which has continued to violate the rights of the Palestinian people and international law since the land was taken by the Israeli government during the 1967 war.

For over half a century the Israeli government has continued to commit grave violations of international law and undermine the rights of the Palestinian population, defying numerous UN resolutions condemning the situation, leading the UN Special rapporteur to describe the situation as “the longest belligerent occupation in the modern world”³.

Whilst the Israeli government claim that the territory is disputed⁴ and argue that the Fourth Geneva Convention, the international law relating to the administration of an occupation, does not apply⁵, the International Court of Justice, International Commission of Jurists, International Committee of the Red Cross, UN bodies and successive UN resolutions have confirmed the land is occupied and international law, including the Fourth Geneva Convention, does apply⁶.

What's the solution?

UNISON has consistently supported demands for a viable, contiguous, independent Palestinian state alongside Israel based on pre-1967 borders (the Green Line). This position reflects the international consensus, successive UN resolutions⁷ and international law, and provides the most realistic chance of peace. However, the prospects of a two-state solution are being diminished by the actions of the Israeli government, including the continued expansion of the illegal settlements and de facto annexation of the West Bank.

² <http://www.etun-palestine.org/site/>

³ https://www.ohchr.org/EN/newyork/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/newyork/Documents/A_74_48057_AUV.docx&action=default&DefaultItemOpen=1

⁴ <https://mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-s-remarks-at-the-farewell-for-US-Ambassador-Friedman-17-January-2021.aspx>

⁵ <https://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-%20the%20conflict%20and%20peace-%20answers%20to%20frequent%20questions#territories>

⁶ <https://unispal.un.org/DPA/DPR/unispal.nsf/0/CEEE0A514875A47085256D65007B36C9>

⁷ <https://www.un.org/unispal/permanent-status-issues/>

Is it apartheid?

Palestinian human rights organisations have for many years accused the Israeli government of committing the crime of apartheid against the Palestinian population of the oPt. It is a position that has more recently been supported by numerous human rights organisations, including Human Rights Watch⁸ and the Israeli NGO B'Tselem⁹, whilst the term has also been used by UN special rapporteurs¹⁰, former UN secretary general Ban Ki-moon¹¹, UNISON¹², the TUC¹³ and others to describe the situation.

Apartheid is recognised as a crime in international law by UN resolution 3063¹⁴ (1973) and as a crime against humanity by the Rome Statute of the International Criminal Court (1998)¹⁵.

Human Rights Watch's detailed legal analysis of the situation in Palestine and Israel highlights how the Israeli government has demonstrated an intent to maintain domination, and committed systematic oppression, institutional discrimination and inhumane acts, which together amount to the crime of apartheid¹⁶.

The Israeli government argue that there are significant differences between the oPt and apartheid South Africa¹⁷. However, the Rome Statute describes the crime of apartheid as "inhumane acts...committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime", so does not require the situation to be identical to that in South Africa.

Challenging antisemitism

Antisemitism has increased throughout Europe in recent years, including in the UK. The 2021 escalation in the oPt and Israel in particular saw a rise in incidents of antisemitism in the UK and many other countries, as racists sought to exploit the situation. Not only is it completely wrong, highly dangerous and morally offensive to blame Jewish people for the actions of the Israeli government, it undermines the struggle of the Palestinian people for justice and rights.

UNISON has always stood against antisemitism, racism and discrimination and works to challenge such hatred throughout society. We all have a responsibility to challenge antisemitism and encourage activists to learn more about antisemitism to help address the disinformation and stereotypes that fuel it. A good place to start is the TUC's online course 'Talking about antisemitism'¹⁸. An extract from the course on 'talking about Israel/Palestine' is included below.

8 <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

9 https://www.btselem.org/publications/fulltext/202101_this_is_apartheid

10 https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-67_en.doc&action=default&DefaultItemOpen=1

11 <https://theelders.org/news/ban-ki-moon-world-should-back-new-approach-israeli-palestinian-conflict>

12 <https://www.unison.org.uk/news/article/2021/05/unison-statement-on-gaza-ceasefire/>

13 <https://www.tuc.org.uk/Justiceforpalestinereport>

14 [https://undocs.org/en/A/RES/3068\(XXVIII\)&Lang=E&Area=RESOLUTION](https://undocs.org/en/A/RES/3068(XXVIII)&Lang=E&Area=RESOLUTION)

15 <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

16 <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

17 https://mfa.gov.il/mfa/foreignpolicy/faq/pages/faq_attack_israeli_values.aspx

18 <https://learning.elucidat.com/course/5daed7c9acd4e-5f29224dd8003>

UNISON's work on Palestine, like all our international work, concentrates on human rights, workers' rights and respect for international law. We encourage activists to use this framework in all their campaigning on the situation. There is never an excuse for resorting to antisemitic conspiracies or tropes about Jewish or Israeli power, drawing comparisons with Nazi Germany or seeking to blame Jewish people collectively for the actions of the Israeli government.

Israel/Palestine is a topic people can find difficult to discuss. It's not antisemitic to support Palestinian rights and self-determination. Nor is it antisemitic to criticise actions of the Israeli government and call it to account for human rights abuses and violations of international law. But holding all Jewish people in the UK responsible for the actions of Israel, or demanding they denounce Israel can be antisemitic. When talking about this issue it is important to think carefully. Make sure you're saying what you actually mean and encourage others to do the same.

Don't conflate

Don't ask Jewish people to justify or comment on Israel or the actions of its government. And don't jump from discussing the Holocaust or antisemitism to discussing Israel. Israel and Jews are not the same thing.

Be clear

There is much discussion around Zionism — the political ideology developed at the end of the 19th century which advocates for the creation of a Jewish homeland — but this term means different things for different people. Some people who identify as Zionists do not support the actions of the current Israeli government, others do. For this reason, this is a complex concept to discuss with lots of potential for misunderstanding and offence. Clarify your position by being clear about what you mean. If you want to talk about policies of the Israeli government then say 'the Israeli government'. The term 'Zionist' is frequently incorrectly substituted for Jewish, or used against Jewish people as an antisemitic insult. Calling someone a modification of the word Zionist, such as a 'Zio', will likely be viewed as an antisemitic insult.

Frame your arguments

Basing discussions around fundamental rights, international law and workers' and human rights is a useful way to discuss this issue and avoid antisemitic tropes.

Avoid using antisemitic tropes

Implying that Jewish people have a dual loyalty (to Israel and the country they live in) is a long-standing antisemitic trope used to create suspicion of Jews.

Similarly, overstating the power and influence of Israel can draw on antisemitic stereotypes of Jews and global control.

Extract from 'Talking about antisemitism' A TUC guide for unions representatives.

Rights explained

The following section provides a detailed look at important rights including freedom of movement, decent work and the right to quality public services including health, education and water and sanitation. Each right includes a short summary followed by a detailed explanation if you want to explore the issues in more depth.

Freedom of movement

Summary

- The right to freedom of movement is protected by international law;
- Freedom of movement throughout the Palestinian territory is heavily restricted by the occupation;
- A tight land, sea and air blockade imposed on the people of Gaza restricts the passage of people and goods in and out of the strip;
- A system of permanent and temporary checkpoints, restricted roads, settlements, the 712KM long separation barrier and other restrictions limit the movement of Palestinians within the West Bank to the rest of the oPt and beyond;
- East Jerusalem is annexed and separated from the rest of the West Bank by the separation barrier and illegal settlements.

Freedom of movement is a fundamental human right and is recognised in the universal declaration of human rights¹⁹ and the international covenant on civil and political rights²⁰. The right to freedom of movement is considered essential to access other fundamental human rights.

“Without derogating from Israel’s security powers and responsibilities”, the movement of people and vehicles in the West Bank “will be free and normal, and shall not need to be effected through checkpoints or roadblocks”. The West Bank and Gaza should be maintained as a “single territorial unit ... respecting and preserving without obstacles, normal and smooth movement of people”. Oslo Accords²¹

For Palestinians in the West Bank and Gaza the right of freedom of movement is heavily restricted by the occupation, including the tight land, sea and air blockade of Gaza²², the checkpoints, the separation wall, settlements and associated infrastructure and the permit system²³. These restrictions create constant uncertainty for Palestinians in their everyday lives, from going to work or school, accessing their land, selling their produce, to accessing health care.

The Israeli government requires Palestinians to carry permits, issued by the military, to move within the occupied Palestinian territory (oPt) or to travel to Israel or other countries. Palestinians living in the West Bank require a special permit to enter East Jerusalem, the seam zone between the 1967

19 Article 13: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

20 Article 12: https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf

21 <https://www.un.org/unispal/document/auto-insert-185434/>

22 <https://undocs.org/A/HRC/40/CRP.2>

23 https://www.ohchr.org/Documents/Countries/PS/A_75_532_AUV.pdf

Green Line and the separation wall, the illegal Israeli settlements and other areas of the West Bank controlled by the Israeli military. Special permits are also required for travel between the West Bank and Gaza, but are only provided to Palestinians in Gaza in exceptional cases. Permits are extremely difficult to obtain as they are issued on an arbitrary basis and are often denied or not renewed²⁴.

Following the Israeli government decision to withdraw up to 8,000 illegal settlers from Gaza in 2005, a tight land, sea and air blockade was imposed on the area, turning it into a virtual prison for two million Palestinians. The Israeli government argues that this marked the end of the occupation of Gaza. However, according to the UN, the blockade is a continuation of the occupation²⁵. Passage in and out of Gaza is highly restricted with the vast majority of permits being provided to Palestinians who require vital medical attention in Palestinian hospitals in East Jerusalem, due to the lack of basic healthcare facilities in Gaza. However, even permit applications for medical care are regularly refused. For example, in 2019 just 65 percent of patient applications to leave Gaza for treatment were approved²⁶ (see Right to Health section).

Entry into some areas of Gaza is either restricted or highly dangerous for Palestinians, including the 300m 'no go zone' along the length of the barrier with Israel, the 'risk zone' beyond this and areas beyond the narrow fishing zone off the coast of Gaza. Restrictions are enforced with the use of live ammunition, arrest or confiscation of property²⁷.

24 <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

25 https://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.21_en.pdf

26 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

27 https://www.ohchr.org/Documents/Countries/PS/SG_Report_FoM_Feb2016.pdf

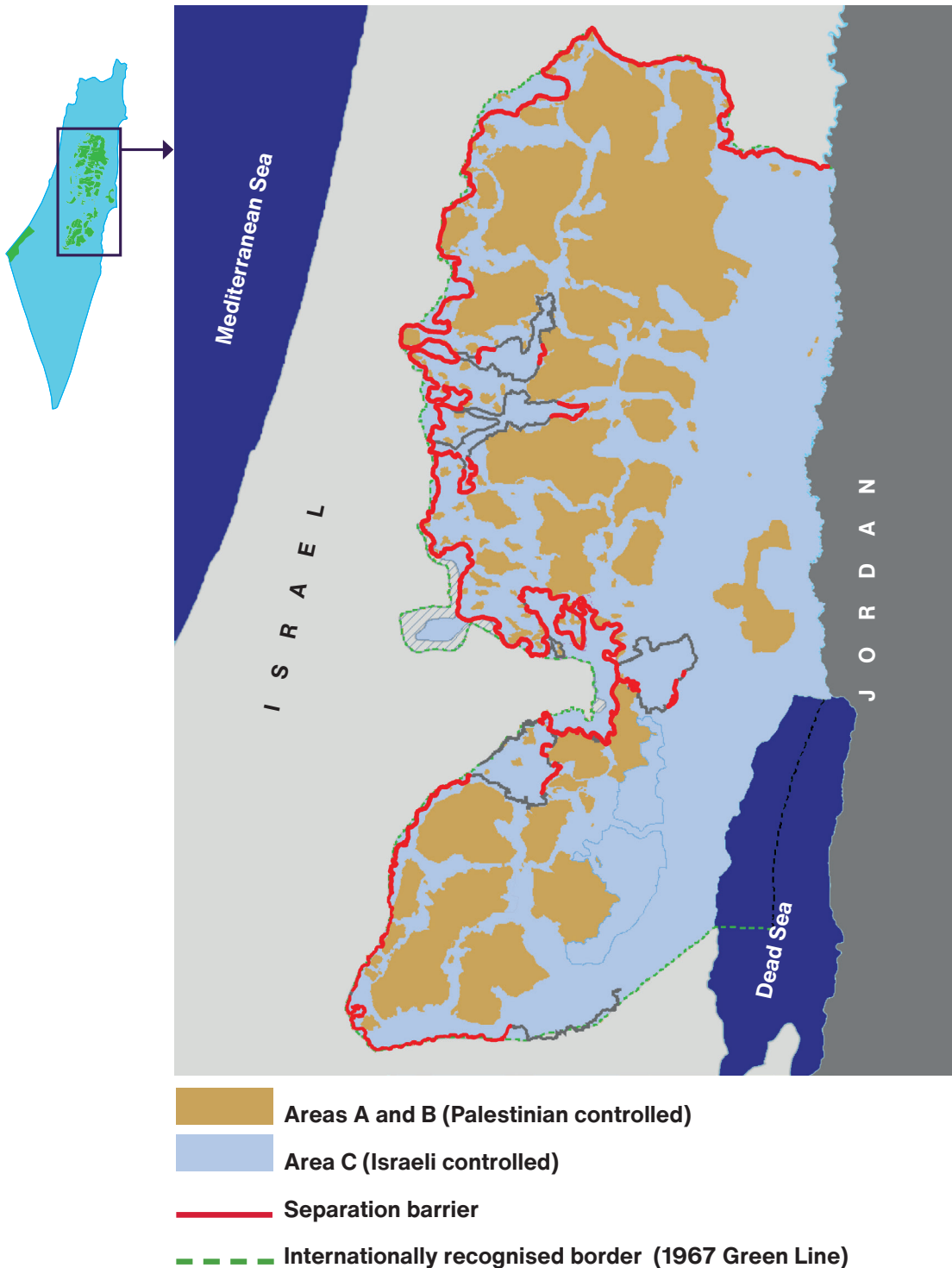
The West Bank, excluding East Jerusalem, has been divided into three administrative areas since the Oslo Accords were implemented in 1993:

Area A, comprising 17 percent of the land, which is under full Palestinian control.

Area B, comprising 22 percent of the land, which is under Palestinian administrative control and Israeli military control.

Area C, comprising 61 percent of the land, which is under full control of the Israeli military²⁸.

Image: Map of West Bank, showing Areas, A,B, C and barrier



28 <https://www.ochaopt.org/content/west-bank-access-restrictions-june-2020>

The Israeli controlled Area C of the West Bank is continuous, whereas Palestinian controlled areas are fragmented and isolated from each other. Movement between and within these areas is controlled through fixed and temporary checkpoints and other physical obstructions²⁹. In June 2020 the UN recorded 596 barriers to movement in the West Bank, including 71 permanent checkpoints and 108 temporary checkpoints³⁰. Although Israelis are technically prohibited from travelling in Area A of the West Bank, these restrictions are not enforced.



Movement within the occupied Palestinian territory is controlled by checkpoints, the separation barrier and other physical obstructions.

Many of the illegal settlements in the West Bank are connected to Israel and each other with a system of segregated roads. Palestinian registered vehicles are prohibited from using approximately 105 kilometres of these roads, whereas Palestinians with special permits or traveling by ambulance are permitted to use the remaining 180 kilometres of segregated roads. In places where Palestinian vehicles are blocked from crossing a segregated road, travelers are often required to cross the road by foot and seek alternative transport on the other side³¹.

In 2002, the government of Israel began construction of a 712-kilometre-long separation barrier in and around the West Bank. Most of the barrier consists of an electronic and barbed wire fence with a ditch and is about 60 metres wide. In urban areas the barrier consists of an 8- to 9-metre-high concrete wall. Approximately 85 percent of the barrier runs inside the West Bank, annexing to Israel approximately 9.4 percent of the land intended for a Palestinian state, including many of the illegal settlements³². A large section of the separation barrier (202 kilometres) runs through East Jerusalem, separating the city and the surrounding area from the rest of the West Bank³³.

29 <https://undocs.org/A/HRC/44/60>

30 <https://www.ochaopt.org/content/west-bank-access-restrictions-june-2020>

31 <https://www.ochaopt.org/content/west-bank-movement-and-access-west-bank>

32 https://www.btselem.org/separation_barrier

33 *ibid*

Most of the separation barrier is illegal under international law. This was confirmed by the International Court of Justice (ICJ) in 2004 when it ruled that 85 percent of the barrier which runs inside the West Bank, together with the associated gate and permit regime, violates Israel's obligations under international law and should be dismantled³⁴.

The Israeli government argue that these restrictions on freedom of movement, which only apply to Palestinians, are necessary to protect Israeli security. The Ministry of Foreign Affairs describes the separation barrier as an “anti-terrorist fence”, which is “a legitimate means of passive self-defense...designed to create maximum security with minimal interference to Palestinian daily life³⁵.”

The area of Palestinian land between the separation barrier and the Green Line is known as the seam zone. Palestinians who live or farm land in the seam zone require a special permit to access their homes or land. Bureaucratic requirements are so restrictive that 84 percent of the applications from farmers to access their land are rejected by the Israeli authorities³⁶. If granted approval, farmers have to cross designated gates or checkpoints to reach their land, most of which is only accessible during limited periods of the year, for example harvest time or within restricted hours.

Approximately 11,000 Palestinians live in the Seam Zone. Health facilities, education and shops are extremely limited, requiring residents to use a checkpoint to access essential services on the West Bank side of the separation barrier. Residents are also forbidden from entering Israel, despite there being no further barrier between the Seam Zone and the Green Line³⁷.

Hebron, the second largest Palestinian city in the West Bank has a population of over 200,000. Approximately 80 percent of the city, designated ‘H1’ is under the control of the Palestinian Authority, whilst the remaining 20 percent, known as ‘H2’, remains under the control of the Israeli military. Approximately 33,000 Palestinians live in H2, in addition to over 700 illegal settlers. H2 includes two sub-areas, known as the prohibited and restricted areas, in which over 7,000 Palestinians live. In almost all cases they can only access their homes on foot, via a checkpoint, where they are often subjected to long waits and searches. The prohibited area is a closed military zone and only accessible to Palestinians who are registered as residents of the area. During religious celebrations by illegal settlers the area is closed to Palestinians, forcing residents to either remain in their homes, or stay away³⁸. Palestinian residents of H2 are regularly subjected to violence from illegal settlers, with half reporting a physical assault and a third reporting stoning. Violence has increased since the Israeli government ended the observer mandate of the Temporary International Presence in Hebron in January 2019³⁹.

34 <https://www.icj-cij.org/en/case/131>

35 <https://embassies.gov.il/nicosia/AboutIsrael/Pages/On-the-fence.aspx>

36 https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf

37 <https://www.ochaopt.org/content/16-years-after-international-court-justice-advisory-opinion-some-11000-palestinians-are#ftn2>

38 https://reliefweb.int/sites/reliefweb.int/files/resources/h2_spotlight_april_2019.pdf

39 <https://www.ochaopt.org/page/vacancies>



The wall, checkpoints and other barriers restrict access to and from Palestinian neighbourhoods in East Jerusalem

East Jerusalem, also part of the West Bank, has been occupied since 1967 and was annexed by the Israeli government in 1980, in breach of international law⁴⁰. It remains under full control of the Israeli authorities and has been cut off from the rest of the West Bank by the separation barrier. Palestinians living in East Jerusalem are required to obtain an identification card from the Israeli authorities, entitling them to the status of 'permanent resident'. Residency rights are often withdrawn in cases where East Jerusalem is no longer considered to be the 'centre of life' for a Palestinian resident, for example if they have worked abroad for an extended period. Checkpoints and other barriers restrict access to and from many mainly Palestinian neighborhoods, limiting access to work, education and healthcare for approximately 140,000 Palestinians.

⁴⁰ <https://www.un.org/unispal/wp-content/uploads/2016/07/The-Status-of-Jerusalem-English-199708.pdf>

Decent work

Summary

- The occupied Palestinian territory (oPt) has the highest rate of unemployment for women in the world and the second highest rate of unemployment overall, due to the occupation;
- The occupation and Israeli government control of the borders, the movement of goods and people and import and export taxes has prevented the development of a viable Palestinian economy;
- The tight land, sea and air blockade, in particular, has devastated the economy of Gaza;
- Many Palestinians in the West Bank are forced to seek precarious work in the illegal settlements or in Israel. Permits are difficult to obtain and Palestinians entering Israel and East Jerusalem are required to queue for hours at overcrowded checkpoints to reach their place of work.

The right to work and just and favourable working conditions are protected by articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights⁴¹. Israel has also ratified all eight International Labour Organisation core conventions, covering the minimum enabling rights that workers need⁴². However, these rights are not fully applied to the majority of Palestinians in the occupied Palestinian territory (oPt), or to Palestinians working in Israel.

The oPt has the highest rate of unemployment in the world for women, at 41.2 percent. In Gaza it is significantly higher at 63.7 percent. Overall, the oPt has the second highest rate of unemployment in the world at 25.3 percent⁴³. This is almost three times higher than the average unemployment rate for the region and five times the global average. Youth rates of unemployment are also extremely high at 25.2 percent in the West Bank and 67.4 percent in Gaza⁴⁴.

These extraordinary levels of unemployment are primarily a result of the occupation, which has devastated the Palestinian labour market and created an artificial economic dependency on Israel⁴⁵.

Palestine has no control over its own borders and suffers major restrictions on the import, export⁴⁶ and transportation of goods and resources in addition to the movement of people, all of which are controlled by the Israeli authorities. As a result, trade between the West Bank and Gaza with other countries is extremely limited⁴⁷, and the oPt has become a captive market for Israeli goods. In 2019 Israel accounted for 63 percent of total Palestinian trade⁴⁸.

Under the conditions of the interim 1994 Paris protocol on economic relations between the Israeli government and the Palestinian Authority (PA), the Israeli government controls the collection of import taxes, VAT and some other taxes, which make up approximately three quarters of the PA's

41 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

42 https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:7989296221610:::P11200_INSTRUMENT_SORT:4

43 https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_630876/lang--en/index.htm.

44 *ibid*

45 https://unctad.org/system/files/official-document/gdsapp2019d2_en.pdf

46 https://eeas.europa.eu/sites/eeas/files/common_country_analysis.pdf

47 https://unctad.org/system/files/official-document/gdsapp2019d2_en.pdf

48 https://unctad.org/system/files/official-document/tdb67_d5_en.pdf

net revenue⁴⁹. This control has allowed the Israeli government to charge excessive handling fees and withhold or threaten to withhold revenue from the PA on a number of occasions, making it difficult to plan and deliver public services and pay workers' salaries⁵⁰.

In 2016 the United Nations Conference on Trade and Development (UNCTAD) estimated that “without occupation, the economy of the oPt could produce twice the GDP it currently generates; chronic trade and budget deficits, as well as poverty and unemployment, could recede; and economic dependence on Israel could end⁵¹.”

Settlements and industrial zones

The lack of employment opportunities in the Palestinian economy has forced many thousands of workers to seek precarious jobs in the illegal Israeli settlements in the occupied West Bank. There are approximately 250 illegal settlements and settlement outposts in the occupied West Bank, including East Jerusalem⁵². Outposts are smaller settlements not yet recognised by the Israeli government, although they are provided with security and access to services including roads, water and electricity⁵³. In addition to rapid settlement expansion, since February 2017, the Israeli government has announced plans to build thousands of new homes for settlers in Area C and to lift restrictions on settlements in East Jerusalem.

In addition to the residential settlements, the Israeli government has built around 20 industrial zones in the West Bank⁵⁴. Whilst these vary in size with the largest, Mishor Adim, outside Jerusalem, hosting approximately 340 factories and other businesses⁵⁵. Many Palestinians, including children⁵⁶, are also employed on the vast agricultural settlements, which dominate the fertile Jordan Valley.



Palestinian workers on an agricultural settlement in the West Bank

49 https://unctad.org/system/files/official-document/tdb62d3_en.pdf

50 *ibid*

51 <https://www.un.org/unispal/document/auto-insert-176862/>

52 <https://www.ochaopt.org/theme/humanitarian-impact-of-settlements>

53 <https://www.ochaopt.org/content/overview-january-2019>

54 <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-1-background/>

55 <https://www.parkedom.co.il/>

56 <https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank>

According to the PA about 23,000 Palestinians work in the settlements⁵⁷. These workers face exploitation, abuse and vastly inferior terms and conditions of employment when compared with Israeli workers in similar jobs. Although Israeli labour law and the minimum wage should apply to Palestinian workers in the settlements, they generally receive significantly less, are often recruited through unscrupulous labour brokers and are often denied contracts of employment, payslips and social protection. However, pay remains higher than equivalent jobs in the West Bank. Furthermore, injuries are commonplace as occupational safety and health requirements are not enforced, and workers regularly face violence and harassment from security forces and employers, as well as social stigma from their communities^{58/59}.

Despite the Giv'at Ze'ev high court decision in 2007⁶⁰, which confirms that Israeli labour law applies to the settlements, many employers choose to employ Palestinian workers under outdated 1967 Jordanian labour laws⁶¹. Access to justice is further limited by the 'Jordan Valley Regulations', introduced in 2018, which require non-Israelis to pay a substantial deposit to file a case at the Israeli labour court⁶².

Palestinian trade unions do not have the legal status to represent workers in the settlements, whilst the main Israeli trade union centre, the Histadrut, does not provide them with the same support as Israeli workers, despite receiving fees from Palestinian workers⁶³. However, a number of progressive Israeli organisations such as the MAAN Workers' Association⁶⁴ and Kav LaOved⁶⁵ have been established to monitor, campaign for and organise Palestinian workers rights, including in the settlements.

Palestinian workers require a permit from the Israeli authorities in order to work in Israel or the settlements. The permit ties a worker to an employer, making them vulnerable to exploitation and abuse⁶⁶. Approximately 71 percent of the 133,000 Palestinians from the oPt, employed in Israel and the illegal settlements have a permit, whilst 20 percent work without a permit and are highly exploited as a result⁶⁷. Approximately half of those employed under the permit system obtain their permit through a broker in exchange for a fee. In 2018 the UN's International Labour Organisation (ILO) estimated that these fees amounted to 9-15 percent of the salaries of Palestinians employed in Israel and the settlements⁶⁸. The Israeli government committed to make some reforms to the permit system in 2016, however, these changes are yet to be confirmed⁶⁹. The vast majority (64 percent) of Palestinians employed in Israel and the settlements work in construction⁷⁰. The sector is notorious for high fatality and accident rates due to poor observance and enforcement of health and safety regulations⁷¹.

57 <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3666>

58 https://unctad.org/system/files/official-document/tdbex68d4_en.pdf

59 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

60 HCJ 5666/03 Kav LaOved et al. V. The National Labor Court et al

61 <http://eng.wac-maan.org.il/wp-content/uploads/2019/06/MAANENG-maan-final-version.pdf>

62 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---0-relconf/documents/meetingdocument/wcms_705016.pdf

63 <https://www.kavlaoved.org.il/en/wp-content/uploads/sites/3/2018/12/final-reduced-report.pdf>

64 <http://eng.wac-maan.org.il>

65 <https://www.kavlaoved.org.il/en/>

66 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

67 <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3666>

68 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_629263.pdf

69 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

70 <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3666>

71 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

Palestinian workers in Israel

Approximately 110,000 Palestinians from the oPt work in Israel. Although rates of pay are higher than in the oPt, Palestinian workers face significant challenges including unsafe working conditions, a lack of social protection, long queues at checkpoints and the costly and exploitative permit system⁷². In order to reach their workplaces Palestinians from the oPt must pass twice daily through one of 13 overcrowded checkpoints where they are subjected to security checks, harassment and long delays⁷³. Workers queue from as early as 3am, before passing through caged corridors and metal detectors and having their fingerprints and permit checked. Injuries are common in the crush, as workers attempt to reach buses on the other side, or risk losing a day's pay. At peak times it can take at least two hours to pass through a checkpoint, although the return journey is faster as permits are not checked. The daily ordeal of negotiating the checkpoints can extend the length of the working day to 16 hours for Palestinians from the oPt who work in Israel⁷⁴.



Palestinian workers from the oPt queue for hours to pass through checkpoints to reach their workplaces in Israel.

Israel's construction sector, the main employer of Palestinians in Israel, is notorious for work related accidents and poor health and safety conditions, with a mortality rate more than double the OECD average. In 2019 there were 244 accidents on construction sites, including 47 fatalities. 80 percent of those killed in accidents were Palestinians and migrant workers⁷⁵. Measures have recently been taken to improve construction site safety but the impact is not yet known⁷⁶.

Employment in the Palestinian economy in the West Bank

The Palestinian agricultural sector in the West Bank has declined significantly as a result of the occupation. Prior to 1967 the West Bank was known as the 'breadbasket of Jordan', employing approximately 40 percent of the workforce⁷⁷. By 2018 only 6.1 percent of workers were employed in the Palestinian agriculture sector⁷⁸.

⁷² *ibid*

⁷³ <http://www.etun-palestine.org/site/wp-content/uploads/2019/12/Report-Web.pdf>

⁷⁴ *ibid*

⁷⁵ <https://www.kavlaoved.org.il/en/kav-laoveds-annual-report-2019/>

⁷⁶ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meeting-document/wcms_745966.pdf

⁷⁷ <https://www.un.org/unispal/document/auto-insert-209652/>

⁷⁸ https://reliefweb.int/sites/reliefweb.int/files/resources/Press_En_13-2-2019-LF-e.pdf

Other sectors including mining, quarrying and manufacturing have also experienced a significant decline as Palestinian access to land and natural resources has reduced⁷⁹. These sectors are also affected by the dual-use list that restricts the importation of technology, critical production inputs and machinery, which the Israeli government consider could be used for military purposes⁸⁰.

The Palestinian agriculture sector is particularly affected by the demolition of Palestinian property by the Israeli military, settler violence, the destruction of olive trees and the confiscation of agricultural equipment⁸¹. Access to agricultural land, particularly in the seam zone behind the separation barrier, is highly restricted. Many Palestinian farmers require a permit to access their land, which is restricted to limited hours and days. For example, regulations updated in 2019 allow Palestinian olive farmers access to their land in the seam zone for just 40 days a year. As a result, some have stopped maintaining their land because of the risk of being unable to harvest their crops⁸².

Checkpoints and other barriers within the West Bank restrict access to work, particularly for women. For example, checkpoints to some Palestinian residential areas in East Jerusalem are only open for limited hours, limiting access to early morning or late evening work. Restrictions in the H2 area of Hebron, which is controlled by the Israeli military, limit the access of people and goods in and out of the area. As a result, commercial activity in the area has reduced to several grocery stores and workshops⁸³.

Employment in areas under the partial control of the PA is mainly concentrated in the services sector, followed by commerce and hospitality⁸⁴. Pay in the private sector is low, with approximately 17.4 percent of workers receiving less than the minimum monthly wage of 1,450 ILS (£317)⁸⁵. This is significantly below the poverty line for Palestine, which was 2,470 ILS (£540) in 2017 for a family of two adults and three children⁸⁶.

Employment in Gaza

The tight land, sea and air blockade of Gaza remains the most significant barrier to decent work for two million Palestinians who live there, resulting in the highest level of unemployment in the world. Agriculture and fishing were once the mainstay of the economy but both sectors have been devastated by the blockade and repeated airstrikes.

Much of the land suitable for farming lies within the 'access restricted area' on the Gaza side of the perimeter fence. Although this area has not been officially demarcated by the Israeli authorities, agricultural activity is prohibited in the 'no go area' between 100-500m from the fence and is limited in the 'high risk area' up to a distance of 1,500m from the fence. The Israeli military argues these measures are required due to security needs. In addition to concerns for their own personal safety, Palestinian farmers are often reluctant to invest in higher value crops, livestock or irrigation systems in the high-risk area due to the danger of losing their crops⁸⁷.

79 https://unctad.org/system/files/official-document/tdb64d4_embargoed_en.pdf

80 https://unctad.org/system/files/official-document/tdbex68d4_en.pdf

81 <https://www.ochaopt.org/reports/west-bank-demolitions-and-displacement>

82 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

83 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

84 https://reliefweb.int/sites/reliefweb.int/files/resources/Press_En_13-2-2019-LF-e.pdf

85 *ibid*

86 http://www.pcbs.gov.ps/Document/pdf/txt_e_poverty2017.pdf?date=16_4_2018_2

87 <https://www.ochaopt.org/content/humanitarian-impact-restrictions-access-land-near-perimeter-fence-gaza-strip>

The fishing zone off the coast of Gaza is controlled by Israeli forces and subject to regular changes, including full naval closures during hostilities. In February 2021 an area up to 6 nautical miles from the coast of Gaza was accessible to Palestinian fishers, whilst an area up to 15 nautical miles from the southern coast was occasionally accessible⁸⁸. Fishers remain at risk of being shot by Israeli forces or having their boats or fishing equipment confiscated⁸⁹.

Manufacturing is also severely undermined by the limited availability of raw materials, machinery, electricity, water, frequent airstrikes and restrictions on exports.

Opportunities to seek work outside Gaza are extremely limited as the movement of people is highly constrained by the blockade⁹⁰ and the labour market in Israel remains closed to Gazans. However, a limited number of Palestinians are able to use commercial permits to seek work in Israel, via the Erez terminal⁹¹.

The dire economic situation in Gaza has driven down wages. Approximately 75 percent of workers in the private sector in Gaza receive less than the minimum wage of 1,450 ILS (£317)⁹². 53 percent of the population of Gaza lives below the poverty line, whilst 34 percent are unable to earn the minimum needed for food, clothing and housing⁹³.

Right to health

Summary

- The right to physical and mental health are undermined by the occupation and the violation of Palestinian human rights. High levels of violence and harassment, detention, destruction of property, restrictions on freedom of movement, unemployment and poverty have a particular impact on the health of the Palestinians in the occupied territory;
- Healthcare provision is particularly limited in Gaza, due to the blockade and the destruction of and damage to healthcare facilities. Permits to access Palestinian hospitals in East Jerusalem are extremely difficult to obtain;
- Access to healthcare in Israeli government-controlled Area C and the seam zone of the West Bank is limited by restrictive planning laws, which have not allowed the building of permanent Palestinian healthcare facilities;
- The lack of a viable Palestinian economy undermines the ability of the Palestinian Authority to provide public health services, whilst restrictions on freedom of movement affect access to the limited healthcare facilities that exist.

The right to physical and mental health is well established in international human rights law. It is protected by the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights

88 <https://www.ochaopt.org/content/gaza-strip-snapshot-december-2020>

89 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

90 <https://www.ochaopt.org/content/gaza-blockade-restrictions-eased-most-people-still-locked>

91 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf

92 https://reliefweb.int/sites/reliefweb.int/files/resources/Press_En_13-2-2019-LF-e.pdf

93 http://www.pcbs.gov.ps/Document/pdf/txt_e_poverty2017.pdf?date=16_4_2018_2

(ICESCR) and multiple other human rights standards⁹⁴. According to article 56 of the Fourth Geneva Convention, an occupying power must ensure and maintain medical and hospital establishments and services and public health and hygiene⁹⁵.

The occupation and violation of human rights has a significant impact on the physical and mental health of Palestinians in the occupied Palestinian territory (oPt). Exposure to high levels of violence and harassment, detention, destruction of property, restrictions on freedom of movement, unemployment and poverty have a particular impact on mental health, contributing to the highest level of mental illness in the eastern Mediterranean area⁹⁶.

In 2018 life expectancy at birth for Palestinians in the oPt was 73.9 years (UK 81.26 years). The infant mortality rate was 17.3 per 1000 live births (UK 3.7⁹⁷) and the under-5 mortality was 20.3 per 1000 (UK 4)⁹⁸.

The responsibility for healthcare provision in the West Bank and Gaza is divided between the Israeli government as the occupying power under international law and the Palestinian Authority under the Oslo Accords⁹⁹. Palestinians in occupied East Jerusalem, who meet the strict criteria to be classified as residents, have access to Israeli health insurance.

The division of the oPt into three regions, the West Bank, East Jerusalem and Gaza, and subdivision of the West Bank into Areas A, B, C, H1, H2 and the seam zone poses significant challenges for the delivery of healthcare¹⁰⁰. In the West Bank, excluding East Jerusalem, primary healthcare for Palestinians is provided in most cases by the Palestinian Ministry of Health, which is responsible for over 71 percent of the 585 clinics in Areas A and B¹⁰¹. In Israeli military-controlled Area C, which covers 61 percent of the West Bank, the building of permanent healthcare facilities for Palestinians is not allowed. At the end of 2019, 11 mobile clinics provided by NGOs operated in Area C¹⁰².



The division and fragmentation of the oPt poses significant challenges for the delivery of healthcare

94 <https://www.ohchr.org/en/issues/health/pages/internationalstandards.aspx>

95 <https://www.icrc.org/en/doc/assets/files/2012/health-care-law-factsheet-icrc-eng.pdf>

96 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

97 <https://data.worldbank.org/indicator/SH.DYN.MORT>

98 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

99 *ibid*

100 <https://www.map.org.uk/downloads/health-under-occupation---map-report-2017.pdf>

101 <http://documents.worldbank.org/curated/en/320891473688227759/pdf/ACS18454-REVISED-FINAL-PER-SEPTEMBER-2016-FOR-PUBLIC-DISCLOSURE-PDF.pdf>

102 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

Due to limited resources specialised healthcare provision, including cardiac surgery, specialist cancer care, children's dialysis, specialist rehabilitation services and complex eye surgery, is only available in Palestinian hospitals in East Jerusalem. Patients from Gaza and the West Bank are regularly referred to these hospitals, with most requiring a permit from the Israeli authorities in order to travel.

Patients from Gaza are required to apply for a permit 10 days prior to their appointment. They are informed if their application has been successful on the evening before they are due to travel. Applications are often delayed in cases where patients or their companions are required to attend an interview with Israeli security officials, leading to missed appointments and delayed treatment¹⁰³. In 2019 just 65 percent of patient applications to leave Gaza for treatment were approved. In the same year 50 percent of applications for a companion to accompany the patient were refused, including 38 percent of applications for an adult to travel with a child requiring treatment¹⁰⁴.

The majority of patients from the West Bank also require permits to travel for medical treatment in East Jerusalem, with exceptions at certain times of day for most women over 50, men over 55 and children under 14 with an approved adult. In 2019, 81 percent of permits for patients and companions were approved¹⁰⁵.

Emergency patients travelling by ambulance from the West Bank to specialist hospitals are in the vast majority of cases required to undergo a 'back-to-back procedure' at checkpoints, in order to enter the city. This involves transferring the patient from a Palestinian registered ambulance to an Israeli registered ambulance, under the supervision of the Israeli military. According to a 2015 study, 41 percent of back-to-back patient transfers were delayed for more than 15 minutes, with an average delay lasting 24 minutes. This can have a significant impact on patient health, particularly for critical and emergency patients¹⁰⁶. In 2019, 90 percent of ambulance journeys into East Jerusalem underwent the back-to back procedure¹⁰⁷.

Although the 335,000 Palestinian residents of East Jerusalem have access to Israeli health insurance, they face numerous health challenges including high rates of poverty, with 76 percent of residents and 83 percent of children below the poverty line. Approximately 140,000 Palestinian residents of East Jerusalem live on the West Bank side of the separation barrier and, despite living within the Israeli controlled Jerusalem Municipality, can only access the city via a small number of checkpoints. These communities, including Anata, Kufr Aqab and Shuafat refugee camp, suffer from high levels of overcrowding and are underserved by public services, such as waste disposal and water and sanitation¹⁰⁸.

Successive military attacks in Gaza have had a significant impact on healthcare facilities. During the 2014 offensive 73 hospitals and clinics and 45 ambulances were damaged or destroyed, whilst 78 health workers were injured and 23 killed while on duty¹⁰⁹. The latest escalation in May 2021

103 <https://www.map.org.uk/downloads/health-under-occupation---map-report-2017.pdf>

104 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

105 *ibid*

106 <https://www.map.org.uk/downloads/health-under-occupation---map-report-2017.pdf>

107 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

108 *ibid*

109 https://apps.who.int/gb/Statements/Report_Palestinian_territory/Report_Palestinian_territo-ry-en.pdf

resulted in the destruction of one primary healthcare facility and partial damage to one hospital and 22 primary healthcare facilities¹¹⁰.

The 'dual use' list has impeded reconstruction efforts, as it restricts the import of essential building materials, medical equipment, communication equipment and generators¹¹¹. Essential medicines in Gaza are also in short supply. In 2019, 42 percent of categories of essential medicines in the Gaza Strip were completely depleted, and there was less than a month's supply of 26 percent of essential medical disposables.

The 'Great March of Return' demonstrations in 2018-19 in Gaza placed enormous additional pressure on a health system that was already on the verge of collapse. A total of 214 Palestinians, including 46 children, were killed by Israeli forces, and 36,100 injured during the demonstrations, including nearly 8,800 children¹¹². Over 8,000 of those injured were hit by live ammunition, with many requiring complex surgery, which is not available in Gaza. A total of 604 exit permits were requested for people injured during the Great March of Return to receive medical treatment outside Gaza. Of these 17 percent were approved, 28 percent rejected, and 55 percent did not receive a response before their medical appointment.

A United Nations Human Rights Council commissioned independent inquiry into the demonstrations found reasonable grounds to believe that the use of live ammunition by Israeli forces against demonstrators was illegal in 487 cases of the 489 deaths and injuries they investigated¹¹³. In its response the Israeli Ministry of Foreign Affairs said "the report gives rise to serious concerns about the factual and legal analysis conducted by the Commission, its methodologies and the clear evidence of political bias against Israel."¹¹⁴

Violence against health workers is commonplace in Gaza, but the number of attacks increased dramatically during the Great March of Return. Three health workers were killed, 845 injured and 119 ambulances and seven health facilities damaged in Gaza between March 2018 and the end of 2019¹¹⁵. In the West Bank there were 68 recorded attacks on health care in 2019, 33 of which involved physical attacks against health workers or facilities¹¹⁶, including a clearly identifiable first responder for the Palestinian Medical Relief Society, who was shot and killed by Israeli forces whilst providing assistance during a raid on the Dheisheh refugee camp in Bethlehem¹¹⁷.

COVID-19

In March 2020 the COVID-19 pandemic reached the oPt. By mid-August 2021 there had been almost 352,000 confirmed cases, including 3,900 deaths¹¹⁸. The oPt's fragile health system, which was already stretched to

110 <https://www.ochaopt.org/content/response-escalation-opt-situation-report-no-8-8-28-july-2021>

111 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

112 <https://www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/>

113 https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIOPT/A_HRC_40_74.pdf

114 <https://mfa.gov.il/MFA/InternatlOrgs/Issues/Pages/Israel-s-response-to-UNHRC-Commission-of-Inquiry-report-21-March-2019.aspx>

115 http://www.emro.who.int/images/stories/palestine/documents/HC-Bulletin-OPT-NOV-DEC-2019_FINAL.pdf?ua=1

116 https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

117 <https://reliefweb.int/report/occupied-palestinian-territory/who-strongly-condemns-killing-health-worker-west-bank>

118 <https://app.powerbi.com/view?r=eyJrJoiODJlYWM1YTEtNDIxZS00OTFhZjktNDAtODY2OGQ3NGJkIiwidCI6ImY2MTBjMGJlLWJkMjQlNGIzOS00MTBiLTNkYzI4MGFmYjU5M-CIsmMiQjh9>

capacity, has struggled to respond to the pandemic. A state of emergency was implemented in March 2019 and remained in place at the end of August 2021.

The Israeli government has been extremely successful in providing COVID-19 vaccinations to the population of Israel, occupied East Jerusalem and the Israeli settler population in the West Bank. The Israeli government has committed to providing 5,000 vaccines for Palestinian health workers¹¹⁹ and in March 2021 began providing vaccines for 120,000 Palestinian workers from the West Bank who work in Israel and the illegal settlements¹²⁰. The Israeli government has rejected calls to provide a wider vaccination programme, arguing that the Palestinian Authority has responsibility for healthcare for the Palestinian population of the West Bank and Gaza according to the Oslo Accords¹²¹. UN experts have emphasised that international law takes priority over the Accords and highlighted Israel's responsibility under international law to provide the "highest attainable standard of physical and mental health"¹²². The fourth Geneva Convention states 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."¹²³ Palestine began its vaccination programme on 21 March, 2021 and had vaccinated approximately 250,000 people by the end of April 2021¹²⁴.

Right to education

Summary

- Restrictions on freedom of movement including checkpoints, the separation wall and other barriers make it particularly difficult for children to access education;
- Planning rules in East Jerusalem and Area C of the West Bank have contributed to a significant shortage of classrooms for Palestinian students. Children in Area C in particular have to travel long distances to access education in schools with poor facilities;
- Access to education is also affected by violence and harassment towards Palestinian children by Israeli soldiers and settlers, particularly on the journey to and from school;
- The blockade and successive airstrikes on Gaza have affected the provision of education in Gaza, where facilities are limited and massively underfunded.

The right to education is guaranteed by article 26 of the Universal Declaration on Human Rights¹²⁵, the International Covenant on Economic, Social and Cultural Rights¹²⁶, article 28 of the Convention on the Rights of

119 <https://m.knesset.gov.il/EN/News/PressReleases/Pages/press16221c.aspx>

120 <https://mfa.gov.il/MFA/PressRoom/2021/Pages/Israel-begins-vaccination-campaign-for-Palestinian-workers-8-March-2021.aspx>

121 <https://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20III.aspx#app-17>

122 <https://news.un.org/en/story/2021/01/1082152>

123 <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600063?OpenDocument>

124 <https://www.ochaopt.org/content/covid-19-emergency-situation-report-30-april-2021>

125 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

126 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

the Child¹²⁷, article 10 of the Convention on the Elimination of All Forms of Discrimination against Women¹²⁸ and numerous other treaties. The responsibility of an occupying power to guarantee the right to education is emphasised in the fourth Geneva Convention¹²⁹ and United Nations General Assembly resolution 64/290 on the right to education in emergency situations¹³⁰.

Basic education in Gaza and the West Bank, excluding East Jerusalem, is provided by public schools run by the Ministry of Education and Higher Education (MoEHE), schools for refugees run by the United Nations Relief and Works Agency (UNRWA) and private schools, registered with the MoEHE. Secondary education is provided by a combination of public and private schools. The provision of education in East Jerusalem is more complicated, with a combination of schools funded and overseen by the Jerusalem Education Administration (JEA), schools managed by UNRWA and private schools which are independently funded or subsidised by the JEA¹³¹.

Restrictive planning regulations in East Jerusalem have contributed to a shortage of at least 2,557 classrooms for Palestinian students and inadequate cramped conditions in many schools. The Israeli government's five-year plan for education in East Jerusalem, approved in May 2017, provides financial incentives for schools to switch to teaching Palestinian students the Israeli curriculum from the Palestinian Authority curriculum. According to UN the Israeli government has also threatened to withhold funding, recognition and permits to schools using the Palestinian curriculum¹³². There is a high drop out rate for Palestinian students in East Jerusalem with at least a third not completing 12 years of schooling¹³³ and 17,000 unregistered for education¹³⁴.

Many Palestinian schools, particularly in Area C and East Jerusalem are at risk of demolition by the Israeli military. In 2018 five schools were demolished or seized by Israeli forces¹³⁵, whilst in 2020 a total of 51 schools were under threat of demolition in the West Bank, including 43 schools in Area C and eight schools in East Jerusalem¹³⁶.

Restrictions on freedom of movement make it particularly challenging for children to attend school. Physical barriers including checkpoints, temporary checkpoints, the separation barrier and settlements and associated infrastructure regularly add long delays to the school journey problems, exacerbated by the absence of safe transport¹³⁷.

Access to education is particularly challenging in Area C, where more than a third of Palestinian communities lack access to a primary school. Many children therefore have to walk long distances to school, crossing military checkpoints. Where schools do exist, many are poor environments for learning as they lack facilities, safe play areas or water and sanitation, affecting rates of drop out and educational attainment¹³⁸.

127 https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

128 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

129 <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument>

130 <https://digitalibrary.un.org/record/685964?ln=en>

131 <https://www.unicef.org/mena/media/2566/file/SoP-OOSCIReport-July2018.pdf.pdf>

132 https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf

133 https://main.knesset.gov.il/en/News/PressReleases/Pages/Pr13630_pg.aspx

134 <https://law.acri.org.il/he/wp-content/uploads/2017/05/EJ-education-290317.pdf>

135 <https://www.ochaopt.org/content/right-education-deeply-impacted-ongoing-interference-schools>

136 https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf

137 https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNICEFRPT_260718.pdf

138 https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf



Palestinian schools in Area C of the West Bank, including those funded by international donors, are at risk of demolition

Palestinian students can be subjected to violence from Israeli soldiers or illegal settlers, particularly on the journey to and from school. In 2019 there were 328 education related incidents affecting 19,913 students, a third of which involved the firing of teargas either on school property or at students on their journey to and from school¹³⁹. 4,200 schoolchildren living in the H2 area of Hebron are at particular risk, and are regularly subjected to harassment, intimidation and delays as they pass through checkpoints on their way to school¹⁴⁰. The withdrawal of international human rights monitors in 2019 has increased the risks for schoolchildren living in H2¹⁴¹. Violence and harassment, together with regular armed conflict, the restrictions of the occupation and high levels of poverty all contribute to a high drop-out rate of Palestinian students from schools¹⁴².

The arrest and detention of children by the Israeli military is another significant barrier to education. In September 2020 there were 173 child prisoners in detention in Israeli Prison Service (IPS) and Israeli Defense Force facilities. Since October 2020 the IPS no longer responds to freedom of information requests on child prisoner numbers¹⁴³.

The tight land, sea and air blockade of Gaza, severe shortages of electricity, water and sanitation and adequate housing, high levels of poverty and unemployment and the trauma of multiple conflicts have all had a devastating impact on Gaza's underfunded and overcrowded education system. Approximately two-thirds of schools run on a double or triple shift system in order to accommodate the number of students¹⁴⁴, resulting in reduced teaching hours. UNRWA, which provides approximately 60 percent of basic education in Gaza has often faced funding crises¹⁴⁵, whilst teachers in non UNRWA schools sometimes receive partial salaries or wait several months between payments, leaving schools reliant on voluntary contributions from parents¹⁴⁶.

¹³⁹ ibid

¹⁴⁰ ibid

¹⁴¹ <https://www.ochaopt.org/content/israel-terminates-tiph-operations-h2-further-shrinking-humanitarian-space-leaves-residents>

¹⁴² <https://www.unicef.org/sop/what-we-do/education-and-adolescents>

¹⁴³ https://www.btselem.org/statistics/minors_in_custody

¹⁴⁴ https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf

¹⁴⁵ <https://www.un.org/unispal/document/unrwas-financial-problems-9-november-2020-daily-press-briefing-excerpts/>

¹⁴⁶ https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf

Successive Israeli military attacks on Gaza have seriously undermined the right to education. During the 2014 airstrikes 258 education facilities were damaged, including 26 beyond repair¹⁴⁷. A further 27 schools were damaged in 2019¹⁴⁸. The blockade has affected reconstruction of damaged schools by restricting access to essential building materials. In the most recent bombing of Gaza in May 2021, 141 education facilities were damaged and schools were forced to end the academic year early. Many UNRWA schools were used as shelters for internally displaced people¹⁴⁹.

Right to water and sanitation

Summary

- The right to water and sanitation is fundamental to all other rights and protected by numerous international treaties;
- Palestinians in the occupied territory use significantly less than the World Health Organisation recommended 100 litres a day, and are water insecure, despite the availability of ample fresh water resources;
- 97 percent of the water from the Gaza aquifer is unfit for consumption, resulting in a high level of water related diseases;
- The mountain aquifer, which is mainly located in the West Bank, is the largest source of fresh water in the region. 80 percent of the water is allocated to Israel, whilst Palestinians in the West Bank receive significantly less than the 20 percent allocated to them;
- Almost all planning applications by Palestinians for water and sanitation infrastructure in Area C of the West Bank are refused and water tanks and other infrastructure are regularly destroyed by the Israeli military;

The human rights to safe water and sanitation are recognised by the UN General Assembly¹⁵⁰. These rights are also guaranteed by the International Covenant on Economic, Social and Cultural Rights and numerous other human rights treaties, signed by the Israeli government¹⁵¹. The right to water and sanitation (WASH) is essential to the realisation of all other rights, including the above rights to decent work, health and education.

Access to water is seriously undermined by the occupation, despite the responsibilities of the Israeli government to ensure and maintain public health and hygiene¹⁵². Palestinians in the occupied Palestinian territory (oPt) have the lowest access to fresh water in the region, making them water insecure, despite having ample fresh water resources. The population of Israel and the settlements on the other hand enjoy a plentiful supply of clean water¹⁵³.

147 <https://news.un.org/en/story/2014/09/477442-nearly-300000-children-head-back-school-conflict-torn-syria-gaza-un-agency>

148 https://reliefweb.int/sites/reliefweb.int/files/resources/education_cluster_strategy_9.4.2020_final.pdf

149 <https://www.ochaopt.org/content/response-escalation-opt-situation-report-no-3-4-10-june-2021>

150 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/479/35/PDF/N0947935.pdf?OpenElement>

151 <https://indicators.ohchr.org>

152 https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

153 <https://www.un.org/unispal/document/auto-insert-208768/>

There are three main sources of fresh water in the oPt: The coastal aquifer, the River Jordan and the mountain aquifer

Over 97 percent of the water from Gaza's coastal aquifer is unfit for human consumption, due to overuse and contamination, forcing the population to rely on desalinated water from unregulated private vendors which can cost 10 to 30 times more than piped water¹⁵⁴. As a result, water related diseases account for over 25 percent of illnesses in Gaza and are the main cause of child mortality¹⁵⁵.

Palestinians have been unable to access water from the River Jordan since the beginning of the occupation in 1967¹⁵⁶.

The mountain aquifer, which is mainly located in the West Bank, is the largest source of fresh water in the region. The 1995 Oslo Accord allocated 80 percent of the water from the aquifer to Israel and 20 percent to Palestinians, although the Palestinian population receive considerably less than this¹⁵⁷. This results in a huge variation in water consumption, with the population of Israel and the illegal settlements consuming approximately 300 litres a day, whilst Palestinians in the West Bank use approximately 84 litres a day¹⁵⁸, significantly below the World Health Organisation recommendation of 100 litres a day to ensure most basic health needs are met.¹⁵⁹

Most water infrastructure in the West Bank is owned by the Israeli national water company, Mekorot¹⁶⁰, which is 50 percent owned by the Israeli government. The Palestinian Authority is required to purchase water from Mekorot to supply Palestinian communities on the water network¹⁶¹.

Palestinians living in the Israeli military controlled Area C, which makes up over 60 percent of the West Bank, must apply for a permit for any construction, including water and sanitation infrastructure. Almost all applications are denied, and any structure built without authorisation is at risk of demolition. In some cases where settlers, with the support of the military, have claimed water springs for their own use, Palestinian communities have lost access to their main or only source of fresh water¹⁶².

154 <https://www.ochaopt.org/content/study-warns-water-sanitation-crisis-gaza-may-cause-disease-outbreak-and-possible-epidemic>

155 <https://www.ochaopt.org/content/seawater-pollution-raises-concerns-waterborne-diseases-and-environmental-hazards-gaza-strip#ftn2>

156 <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/>

157 <https://www.btselem.org/water>

158 https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573916/EPRS_BRI%282016%29573916_EN.pdf

159 <https://www.ohchr.org/documents/publications/factsheet35en.pdf>

160 https://www.gov.il/en/departments/general/mekorot_water

161 <https://www.btselem.org/water>

162 <https://undocs.org/A/HRC/40/73>



The illegal settlements in the occupied West Bank enjoy a plentiful supply of water, whilst many Palestinian villages have no running water.

Between 1 March and mid-November 2020, during the COVID-19 pandemic, the Israeli military demolished 68 water and sanitation structures in the West Bank, despite the extraordinary risks to the health of communities¹⁶³. The demolished structures ranged from water tanks or wells serving a household to a water network, funded by donors, which supplied at least 1,000 Palestinians in eight communities in Hebron¹⁶⁴.

Communities that have their water supply destroyed or seized are forced to rely on tankered water tanker deliveries, costing approximately seven times more than piped water¹⁶⁵. The population of Gaza, due to severe shortages of clean water, also relies upon unregulated tankered water, which is 10-30 times more expensive than piped water¹⁶⁶. This equates to a third of the average monthly wage¹⁶⁷.

As recently as 2000 the aquifer beneath Gaza provided up to 98 percent of the population with clean water. Over-extraction of water from the aquifer, due to population growth, as well as water contamination from seawater and sewage has led to a situation where 97 percent of the water is undrinkable. This has been exacerbated by the blockade, repeated bombing campaigns which have destroyed water and sanitation infrastructure, the dual-use list which restricts the import of pipes, pumps and purification chemicals, fuel and electricity shortages, reduced support from international donors and the political dispute between Hamas and the Palestinian Authority.

Gaza's waste treatment plant is also dysfunctional. Untreated sewage leaches into the soil and 110,000 cubic metres of untreated and partially treated waste are discharged into the Mediterranean Sea on a daily basis. As a result, waterborne diseases account for over a quarter of illnesses and are the main cause of child morbidity in Gaza, according to the World Health Organisation¹⁶⁸

¹⁶³ <https://www.ochaopt.org/data/demolition>

¹⁶⁴ https://www.ochaopt.org/sites/default/files/demolition_monthly_report-october-2020.pdf

¹⁶⁵ *ibid*

¹⁶⁶ <https://www.ochaopt.org/content/study-warns-water-sanitation-crisis-gaza-may-cause-disease-outbreak-and-possible-epidemic>

¹⁶⁷ <https://undocs.org/A/HRC/40/73>

¹⁶⁸ <https://www.ochaopt.org/content/seawater-pollution-raises-concerns-waterborne-diseases-and-environmental-hazards-gaza-strip>

United Nations Resolutions and International law



The Israeli settlements in the West Bank of the oPt are illegal according to international law.

There is a significant body of international law relating to the occupation in addition to successive UN resolutions. Some of the key issues are listed below:

- Israel's settlements in the West Bank are built on land taken from the Palestinians. The theft of this land contravenes article 46 of the Hague Convention (1907) which states: "Private property cannot be confiscated¹⁶⁹;
- The arrival of Israelis to live in the settlements is a violation of Article 49 of the 4th Geneva Conventions (1949), which state: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies¹⁷⁰";
- Palestinian homes and property, including thousands of acres of farmland, are destroyed to clear the way for settlement building. One of the definitions of a war crime, according to the Rome Statute of the International Criminal Court, is the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly." (Article 8¹⁷¹). Article 53 of the Fourth Geneva Convention (1949) states: "Any destruction by the occupying Power of real or personal property belonging individually or collectively to private persons ... is prohibited, except where such destruction is rendered absolutely necessary by military operations¹⁷²";
- The destruction of Palestinian towns and villages, and the building of settlements on that land, has changed the physical geography of the West Bank. The arrival of Israelis and immigrants from other countries to live in the settlements has altered the population of the West Bank. UN Resolution 465 (1980) states: "All measures taken by Israel to change the physical character, the demographics, the status and institutional structure of the West Bank, Gaza, Jerusalem and the Golan Heights have no legal validity¹⁷³";

169 <https://ihl-databases.icrc.org/ihl/WebART/195-200056>

170 *ibid*

171 http://legal.un.org/icc/statute/99_corr/cstatute.htm

172 <https://ihl-databases.icrc.org/ihl/WebART/380-600060?OpenDocument>

173 http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/465 (1980)

Israel's settlement building policy, as well as the actual building of the settlements, is a breach of international law. UN Resolution 2334, passed in December 2016, "reaffirms that the establishment by Israel of settlements in the Palestinian Territories occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace." It demands "the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;". In addition, it "calls upon all States... to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967"¹⁷⁴

174 <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

Talking about Palestine and taking action

- Talk to UNISON members about the occupation from a trade union perspective. Explain how the occupation denies Palestinian human rights, including how it undermines workers' rights and quality public services;
- Promote online actions on Palestinian rights to UNISON members, from the Palestine Solidarity Campaign, the European Trade Union Network for Justice for Palestine and Amnesty International;
- Write to your MP and ask them to support UNISON's demands to the UK government, listed above (see model letter);
- Make sure your branch is affiliated to the Palestine Solidarity Campaign and invite a speaker to a future branch meeting (see model motion);
- Buy Fairtrade Palestinian products from Zaytoun and other organisations working to support Palestinian producers;
- Don't buy from companies involved in the illegal Israeli settlements or which profit from the occupation and the denial of Palestinian human rights;
- Make sure your pension fund is not investing in companies that are involved in the illegal settlements. See the UNISON guide 'Palestine: Is your pension invested in the occupation?';
- Support Boycott, Divestment and Sanctions as a practical way to force the Israeli government to end its repression of the Palestinian people and contribute towards the building of peace;
- Support the No to Pinkwashing Campaign, challenging the Israeli government's use of LGBT tourism to divert attention from human rights crimes against Palestinians.

Model letter to your MP

Dear [insert name of MP]

On behalf of UNISON members in [name of branch] I am writing to highlight our continued concern about the situation in the occupied Palestinian territory (oPt) and the impact of the occupation on human and workers' rights and access to public services.

Since the devastating escalation in May 2021 the new Israeli government has continued to expand the settlements and destroy Palestinian homes in the occupied West Bank. These policies which represent a grave violation of international law, breach numerous successive UN resolutions on the situation, contribute to the defacto annexation of the West Bank and undermine the prospects of a viable Palestinian state alongside Israel.

The tight land, sea and air blockade has turned Gaza into a virtual prison for two million Palestinians, contributing to the highest level of unemployment in the world. Access to healthcare, water and sanitation, education and other critical public services are also significantly undermined by the occupation.

Whilst we welcome the continued ceasefire between the Israeli government and Hamas, we recognise that there will only be lasting peace if the root cause of the latest escalation, over half a century of occupation, is dealt with.

We request that you urge the UK government to take decisive action to force the Israeli government to end the occupation and the repression of the Palestinian people, including:

Respect the independence of the International Criminal Court and support the investigation into alleged war crimes in the occupied Palestinian territory;

Suspend the UK's arms trade with the government of Israel and support calls for a UN arms embargo;

Prohibit trade with illegal settlements and suspend the UK Israel Trade and Partnership Agreement until the Israeli government complies with its human rights clauses and international law; and

Demand an immediate halt to the destruction of Palestinian homes and other property, the eviction of Palestinian families from their homes and the building of illegal settlements, which violate fundamental human rights, are illegal under international law and undermine the prospects of a viable Palestinian state alongside Israel.

We would welcome the opportunity to discuss these important issues with you.

Yours sincerely,

Model branch motion

This branch is deeply concerned by the devastating impact of the continued occupation of Palestine on human and workers' rights, including the right to public services.

The tight land, sea and air blockade of Gaza has led to the highest rate of unemployment in the world and denied two million Palestinians their right to decent work, healthcare, education, electricity and water and sanitation. In the West Bank the Israeli government continues to implement its policy of defacto annexation, expanding the illegal settlements and destroying Palestinian homes and property, undermining the prospects of a viable, contiguous Palestinian state alongside Israel.

This branch notes that Palestinian trade unions and civil society, United Nations special rapporteurs, the TUC, UNISON and human rights organisations including Human Rights Watch and B'Tselem recognise that the systematic discrimination faced by the Palestinian people constitutes the crime of apartheid under international law.

This branch urges the UK government to take concrete action to end its complicity in the occupation and colonisation of Palestine, and supports Boycott, Divestment and Sanctions as a practical way to force the Israeli government to end its repression of the Palestinian people and contribute towards the building of peace.

This branch calls on the branch executive to:

- Affiliate the branch to the Palestine Solidarity Campaign and support its work;
- Support UNISON's campaigning work on Palestine;
- Lobby our local MP to urge the UK government to take action to end the occupation.