



## **'The Right to Health in Israel'**

*Right to health in the Middle East Project*

*Law School, University of Aberdeen*

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### 1 Introduction

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- 1.1 Israel is a small Middle Eastern country sharing its borders with Lebanon, the Syrian Arab Republic, Jordan and Egypt and it is also the world's only Jewish state. In 1948 when it gained independence from the British League of Nations, Israel had a population of just 873,000.<sup>1</sup> Today, due to intense immigration, its population stands at more than 6 million people.<sup>2</sup>
- 1.2 Israel became a member of the United Nations on 11 May 1949 and has established a strong legal commitment to the right to health through domestic legislation, its declaration of establishment of 1948 and through being a party to a great number of international human rights instruments. However, as will be discussed below, there is a considerable difference between the strong legal commitment to health which Israel possesses and its actual implementation and enforcement of such legal instruments in reality.
- 1.3 It is fair to say, at least for the time being, that not all people living within Israel have yet obtained the right "*to the enjoyment of the highest attainable standard of physical and mental health*".<sup>3</sup> As will be discussed, the main criticism which can be made of Israel is the lack of access to its health care services for certain sections of its population; this is most clearly demonstrated by the poorer health of those living in the occupied Palestinian territories. Ongoing violence and instability in the region between Israel and other political groups such as Hamas and Hezbollah also continue to have an adverse effect.

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<sup>1</sup> Israel Ministry of Foreign Affairs '*Israel's population to reach 6 million in 50<sup>th</sup> year of independence*'  
<http://www.mfa.gov.il/MFA/History/Modern%20History/Israel%20at%2050/Israel-s%20Population%20to%20Reach%206%20Million%20in%2050th%20Ye> Accessed 27 April 2008.

<sup>2</sup> The European Observatory on Health Care Systems '*Health care systems in transition: Israel*'  
<http://www.euro.who.int/document/E81826.pdf> Accessed 27 April 2008.

<sup>3</sup> See Article 12.1, International Covenant on Economic, Social and Cultural Rights (ICESCR).

## 2 Legal Commitment to a Right to Health

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### Declaration of Establishment

- 2.1 The Declaration of Establishment, which was the official announcement of the Jewish state on 14 May 1948, also states that Israel:

*“(...) will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the holy places of all religions; and it will be faithful to the Charter of the United Nations”.*

It is certainly arguable that by being ‘faithful to the Charter of the United Nations’ Israel should, in turn, uphold and respect human rights law. Of course, the meaning of the term ‘faithful’ and the actual obligations which this term places upon Israel is unclear.

### The Basic Laws

- 2.2 Unlike countries such as the United States of America or India, Israel does not possess a single formal document acting as a written constitution.<sup>4</sup> However, Israel does have 14 Basic Laws<sup>5</sup> which have been progressively passed by the Knesset (Israeli Parliament) since its inception in 14 February 1949.<sup>6</sup> On 13 June 1950, the Knesset adopted the ‘Harari proposal’ which assigned the task of preparing a Constitution for the state of Israel to the Constitution, Law and Justice Committee. The idea was that the Constitution would be made up of individual chapters which, collectively, would create a Constitution. Like the United Kingdom, Israel has developed that constitutional framework through successive Acts of Parliament rather than through judicial interpretation of a rigid Constitution. For that reason, the Basic Laws are often subject to the criticism that such laws can be passed or altered by a simple majority of the Parliament and are not scrutinised through national debate.
- 2.3 Of all the Basic Laws, the most important from the point of view of recognising a right to health is that of ‘*Human Liberty and Dignity*’ which was passed by the Knesset on 17 March 1992. Under this law, everyone is entitled to the protection of their life, body and dignity and guarantees that there shall be no violation of the life, body or dignity of any person. This corresponds directly with the

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<sup>4</sup> Work is, however, underway on such a document and a draft Constitution was presented to the Knesset on 13 February 2006.

<sup>5</sup> See Appendix A.

<sup>6</sup> 3 of these Basic Laws – The Government (1968), The Government (1992) and Freedom of Occupation (1992) are null having been subsequently replaced and updated over time. For more information, see the Israeli Parliament website: - [www.knesset.gov.il](http://www.knesset.gov.il) Accessed 27 April 2008.

provision contained in the UN General Comment which states that “*every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity*”.<sup>7</sup>

### **International Human Rights Instruments**

- 2.4 Israel is also a party to a great number of international instruments safeguarding the right to health. These include the International Covenant of Economic, Social and Cultural Rights (ICESCR),<sup>8</sup> the International Convention on the Elimination of all forms of Discrimination (CERD),<sup>9</sup> the Convention on the Elimination of all forms of discrimination against Women (CEDAW),<sup>10</sup> the Convention on the Rights of the Child (CRC),<sup>11</sup> the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT)<sup>12</sup> and the International Covenant on Civil and Political Rights (ICCPR).<sup>13</sup>

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<sup>7</sup> UN General Comment No. 14 on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, available at <http://www.unhchr.ch> paragraph 8.

<sup>8</sup> Signed on 19 December 1966 and ratified on 3 October 1991.

<sup>9</sup> Signed on 7 March 1966 and ratified on 3 January 1979.

<sup>10</sup> Signed on 17 July 1980 and ratified on 3 October 1991.

<sup>11</sup> Signed on 3 July 1990 and ratified on 3 October 1991.

<sup>12</sup> Signed on 22 October 1986 and ratified on 3 October 1991.

<sup>13</sup> Signed on 19 December 1966 and ratified on 3 October 1991.

### 3 Health Policy and Expenditure

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- 3.1 In 1999, Israel spent 8.3% of its Gross Domestic Product (GDP) on health while the United States spent 13.6% of its GDP on health care, Canada 9.5%, Japan 6.9% and the UK 7.6%. Of the Israeli expenditure, 41% was for hospitals and research, 39% for public clinics and preventive medicine and 9% for dental care.<sup>14</sup>
- 3.2 Today 8.9% of Israel's GDP is spent on health care.<sup>15</sup> This has risen slightly from an estimated 8.7% in 2002<sup>16</sup> and compares with 7.9% of GDP which was spent on military expenditure in 2005.<sup>17</sup> This compares with 15.2% in the United States, 9.9% in Canada and 8% in the United Kingdom of GDP.
- 3.3 According to the World Health Report 2006, 68.2% of general Government expenditure was spent on health in 2003. This is a slight decrease from 69.5% in 1999 but still far more than the neighbouring Syrian Arab Republic, who which spent only 48.2%. In the United Kingdom, this figure was 85.7% and 44.6% in the United States. While these statistics are not necessarily indicative of the provision of good quality health care in Israel, they do reveal that under-funding is not an issue and that Israel's levels of spending on health care sit comfortably alongside other developed western countries.
- 3.4 Private expenditure on health as a percentage of the total expenditure on health in Israel was only 31.8%. This would appear to suggest that the Israeli government has made a considerable effort in bringing public health care services up to a good standard. The same cannot be said of Lebanon with 70.7% of total expenditure on health being constituted by private expenditure and only 29.3% being general Government expenditure. However, this breakdown can be explained, at least to a certain extent, by the conflict with Israel which has destroyed much of its infrastructure.<sup>18</sup>

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<sup>14</sup> Israel Ministry of Foreign Affairs 'Focus on Israel – Progress in Public Health promotes the health of the population' [http://www.mfa.gov.il/MFA/MFAArchive/2000\\_2009/2002/8/Focus%20on%20Israel-%20Progress%20in%20Public%20Health%20Promote](http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/8/Focus%20on%20Israel-%20Progress%20in%20Public%20Health%20Promote) Accessed 27 April 2008.

<sup>15</sup> , World Health Organisation (henceforth 'WHO') 'The World Health Report 2006' [http://www.who.int/whr/2006/annex/06\\_annex2\\_en.pdf](http://www.who.int/whr/2006/annex/06_annex2_en.pdf) Accessed 27 April 2008.

<sup>16</sup> WHO 'Highlights on Health in Israel' 2004 Report at Page 27.

<sup>17</sup> The World Bank, World Development Indicators Database, April 2007. <http://devdata.worldbank.org/external/CPPProfile.asp?PTYPE=CP&CCODE=ISR> Accessed 27 April 2008.

<sup>18</sup> British Medical Journal 'Can Lebanon conjure a public health phoenix from the ashes?' <http://www.bmj.com/cgi/content/full/333/7573/848> , Accessed 27 April 2008.

## 4 General Health of the Population

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- 4.1 According to the WHO, the current population of Israel stands at 6,725,000.<sup>19</sup> The CIA estimates a figure of 6,352,117 which includes 187,000 Israeli settlers in the West Bank, about 20,000 in the Israeli-occupied Golan Heights, and fewer than 177,000 in East Jerusalem.<sup>20</sup> Of the total population, 76.4% are Jewish with the remaining 23.6% mostly Arab.
- 4.2 The average life expectancy of an Israeli male is 78 years old and 82 years old for females. These life expectancy statistics compare well with other countries known for longevity of life such as Japan (79 years old for men and 86 years old for women)<sup>21</sup> and Singapore (77 years old for men and 82 years old for women)<sup>22</sup> and are far better than any of Israel's neighbouring countries such as Syria,<sup>23</sup> Jordan,<sup>24</sup> or Lebanon.<sup>25</sup> When compared with the life expectancy of those living in the West Bank and Gaza strip, (72 years old for men and 75 years for women) there is a significant difference. Those in the occupied territories are living on average 6-7 years less than their Israeli male and female counterparts.<sup>26</sup> This is a strong indicator that although some sections of the Israeli population are being well provided for in terms of health care, there are many others who are not.
- 4.3 In the UN Development Report 2007/08, Israel was ranked 23<sup>rd</sup> out of 177 countries.<sup>27</sup> Factors taken into account in obtaining this ranking include the adult literacy rate (97.1%) and life expectancy at birth (79.7 years old). The World Bank places Israel in the 'High income economy' group<sup>28</sup> and it possesses the most developed telephone system in the Middle East, with 7.75 million mobile phone users and 3.7 million internet users.<sup>29</sup>

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<sup>19</sup> WHO - Israel factsheet <http://www.who.int/countries/isr/en/> Accessed 27 April 2008.

<sup>20</sup> CIA – The World Factbook <https://www.cia.gov/cia/publications/factbook/geos/is.html#People> Accessed 27 April 2008.

<sup>21</sup> WHO - Japan fact sheet <http://www.who.int/countries/jpn/en/> Accessed 27 April 2008.

<sup>22</sup> WHO - Singapore fact sheet <http://www.who.int/countries/sgp/en/> Accessed 27 April 2008.

<sup>23</sup> WHO - Syrian Arab Republic factsheet - 70 Years old for men and 74 years old for women. <http://www.who.int/countries/syr/en/> Accessed 27 April 2008.

<sup>24</sup> WHO -Jordan factsheet - 69 years old for men and 73 years old for women. <http://www.who.int/countries/jor/en/> Accessed 27 April 2008.

<sup>25</sup> WHO - Lebanon factsheet - 68 years old for men and 72 years old for women. <http://www.who.int/countries/lbn/en/> Accessed 27 April 2008.

<sup>26</sup> BBC News 'Country Profile: Israel and Palestinian Territories'

[http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/803257.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/803257.stm) Accessed 27 April 2008.

<sup>27</sup> UN Development Report [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_ISR.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_ISR.html) Accessed 27 April 2008.

<sup>28</sup> The World Bank – Data and Statistics

[http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0\\_contentMDK:20421402~pagePK:64133150~piPK:64133175~theSitePK:239419\\_00.html#High\\_income](http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0_contentMDK:20421402~pagePK:64133150~piPK:64133175~theSitePK:239419_00.html#High_income) Accessed 27 April 2008.

<sup>29</sup> CIA – The World Factbook <https://cia.gov/cia/publications/factbook/geos/is.html#Econ> Accessed 27 April 2008.

## Main Causes of Death

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- 4.4 According to the WHO, non-communicable conditions account for 68% of all deaths in Israel, with one third related to cardiovascular diseases. Ischaemic heart disease (reduced blood supply to the heart) is the single largest cause of death in Israel (like most western countries) causing 15% of all deaths in 1999.<sup>30</sup>
- 4.5 Fewer adults in Israel are overweight compared with their European counterparts but more are obese.<sup>31</sup> The number of Israeli deaths as a result of chronic liver disease and cirrhosis are among the lowest in Europe. The number of men smoking has increased from 32% (between 1994-1998) to 38.6% (between 1999-2001) while the number of women smoking has decreased from 25% to 22.1% during the same two time periods.

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<sup>30</sup> WHO '*Highlights on Health in Israel*' 2004 Report See <http://www.euro.who.int/document/e88549.pdf>  
Accessed 27 April 2008.

<sup>31</sup> WHO '*Highlights on Health in Israel*' 2004 Report, Page 2.

## 5 Access to Health Care Services

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- 5.1 The Ministry of Health has the overall responsibility for the health of the population and the effective functioning of the Israeli health system. The health system is funded through taxation and social insurance. National Health Insurance was introduced in 1995 and has achieved universal coverage.<sup>32</sup> This compares favourably with neighbouring Lebanon where no such scheme is in place and Jordan where it is estimated 32% of the population is uninsured.<sup>33</sup>
- 5.2 There are 4 competing health plans which cover the entire population, namely Clalit, Maccabi, Mehuedet and Leumit.<sup>34</sup> Enrolment in a health plan is mandatory but there is a free choice of plan. Each plan must accept any resident of Israel as an insured member regardless of age or physical or mental condition. In 3 of 4 health plans, National Health Insurance fully covers the cost of primary care visits to health plan physicians and waiting times are said to be minimal.
- 5.3 However, the WHO has estimated that about one quarter of the population in the occupied Palestinian territories do not possess health insurance cover.<sup>35</sup> With a recent census estimating the Palestinian population in the West Bank, Gaza strip and East Jerusalem to have reached 3.76 million people, this equates to roughly 940,000 uninsured Palestinians.<sup>36</sup> In addition, Physicians for Human Rights have reported that Israel has denied access to medical treatment, sometimes of a life-saving nature, to Palestinian patients on the grounds that to allow such people to enter Israel could endanger state security.<sup>37</sup> It has also been reported that the international financial blockade imposed by Israel and other countries such as the US and Canada on the occupied territories in the West Bank and Gaza Strip has led to critical shortages of drugs and has resulted in unpaid salaries for medical staff.<sup>38</sup> This has meant that many of the medical staff have been unable to afford to even get to work.<sup>39</sup>

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<sup>32</sup> World Health Organisation 'Highlights on Health in Israel' 2004 Report, page 27.

<sup>33</sup> The Partnerships for Health Reform Project 'Jordan National Health Accounts' Technical Report 49, published March 2000 <http://www.phrplus.org/Pubs/te49fin.pdf> Accessed 27 April 2008.

<sup>34</sup> The European Observatory on Health Care Systems 'Health Care Systems in Transition: Israel' <http://www.euro.who.int/document/E81826.pdf> at page 16.

<sup>35</sup> 'Health Conditions in the occupied Palestinian authority, including East Jerusalem and in the occupied Syrian Golan: progress report' 18 May 2006 [http://www.who.int/gb/ebwha/pdf\\_files/WHA59/A59\\_24-en.pdf](http://www.who.int/gb/ebwha/pdf_files/WHA59/A59_24-en.pdf) Accessed 27 April 2008.

<sup>36</sup> The Jerusalem Post 'Palestinians grow by a million in decade' 9 February 2008 <http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1202246355071> Accessed 27 April 2008.

<sup>37</sup> Physicians for Human Rights 'Behind Closed Doors: The role of the Israeli General Security Service in preventing medical treatment for Palestinian patients' [http://www.phr.org.il/phr/files/articlefile\\_1162394299415.doc](http://www.phr.org.il/phr/files/articlefile_1162394299415.doc) Accessed 27 April 2008.

<sup>38</sup> The Guardian Newspaper 'Oxfam calls for end to Palestinian Blockade' 13 April 2007 <http://www.guardian.co.uk/israel/Story/0,,2055813,00.html> Accessed 27 April 2008.

<sup>39</sup> See the British Medical Journal 'Israeli human rights group calls on Government to save health services in Gaza and West Bank' [www.bmj.com/cgi/content/full/332/7552/1231-a/DC1](http://www.bmj.com/cgi/content/full/332/7552/1231-a/DC1) and Physicians for Human

- 5.4 A report produced by the WHO this month presents the case studies of 5 patients, all in critical conditions, which died while awaiting a permit from the Israeli authorities allowing them to leave the Gaza strip for medical treatment.<sup>40</sup> There have also been reports indicating the deaths of Palestinians after ambulances were prevented by Israeli soldiers from reaching their intended destinations.<sup>41</sup> Similar reports were made concerning Israel during its conflict with Lebanon in 2006 when it was accused of breaching the so-called 'Geneva Conventions' after the deaths of hundreds of civilians and the cutting off of access to medical services.<sup>42</sup> Such behaviour by Israel clearly appears to contravene their obligation as a member of the UN and state party to respect the right to health in other countries and to refrain from imposing embargoes or similar measures restricting the supply of another state with adequate medicine or medical equipment.<sup>43</sup>
- 5.5 The 'Geneva Conventions' concern the treatment of non-combatants (civilians, medical personnel, the wounded and the sick) during an international armed conflict.<sup>44</sup> There is a clear overlap between the protection offered by international humanitarian law and the human right to health.<sup>45</sup> International humanitarian law "*lays down minimum protection and standards to be applied in situations where persons are most vulnerable during armed conflict: not only in the battlefield during actual fighting but also when combatants are captured, wounded or sick, shipwrecked, or*

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Rights 'Collapse of the Palestinian Health System'

[http://www.phr.org.il/phr/files/articlefile\\_1148394574001.doc](http://www.phr.org.il/phr/files/articlefile_1148394574001.doc) both accessed 27 April 2008.

<sup>40</sup> WHO, West Bank & Gaza 'Access to Health Services for Palestinian people'

[http://www.emro.who.int/palestine/reports/monitoring/WHO\\_special\\_monitoring/access/access%20to%20health%20services%20\(April%202008\).pdf](http://www.emro.who.int/palestine/reports/monitoring/WHO_special_monitoring/access/access%20to%20health%20services%20(April%202008).pdf) Accessed 24 April 2008.

<sup>41</sup> <http://www.palestinemonitor.org/spip/spip.php?article8> Accessed 27 April 2008.

<sup>42</sup> Amnesty International 'Israel/Lebanon: Israel and Hezbollah must spare civilians: Obligations under International Humanitarian Law of the Parties to the Conflict in Israel and Lebanon'

<http://web.amnesty.org/library/Index/ENGMDE150702006?open&of=ENG-2D2> Accessed 27 April 2008.

<sup>43</sup> UN General Comment on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, available at <http://www.unhchr.ch>, Paragraphs 39 and 41.

<sup>44</sup> Geneva Convention I (*for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*), Geneva Convention II (*for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*), Geneva Convention III (*relative to the Treatment of Prisoners of War*) and Geneva Convention IV (*relative to the Protection of Civilian Persons in Times of War*), Protocol I (*additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts*) and Protocol II (*relating to the Protection of Victims of Non-International Armed Conflict*) were adopted on 8 June 1977 and entered into force on 7 December 1978. Protocol III (*relating to the Adoption of an Additional Distinctive Emblem*) entered into force on 8 December 2005.

<sup>45</sup> "As regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others maybe matters of both these branches of international law". Paragraph 106 of the International Court of Justice Advisory Opinion on the legal consequences of the construction of a wall in the occupied Palestinian territories. Available at <http://www.icj-cij.org/docket/files/131/1671.pdf> Accessed 27 April 2008.

*when civilians are interned, detained, displaced or in occupied territory*".<sup>46</sup> For example, Article 11 of Protocol II states that *'medical units and transports shall be respected and protected at all times and shall not be the object of attack'*.<sup>47</sup> In addition, the UN General Comment refers to *'core obligations'* which every state party should (at the very least) meet in order to satisfy the minimum essential requirements of the right to health. These obligations include access to minimum essential food, basic shelter and health facilities, goods and services on a non-discriminatory basis.<sup>48</sup> In the context of this report, the effect of the interrelationship between these two areas of law appears to be the creation of a legal obligation upon Israel to allow the people living in the occupied territories to have (at least) this bare minimum of health protection afforded to them, regardless of whether there is ongoing conflict in the region or not.

- 5.6 Chris McGreal, a journalist for the British newspaper *'The Guardian'*, has drawn parallels between the current situation in Israel and Palestine with the apartheid regime which existed in South Africa until 1994, albeit with some significant differences.<sup>49</sup> McGreal states *"Stepping into modern Israel, anyone who experienced the old South Africa would see few immediately visible comparisons. There are no signs segregating Jews and non-Jews. Yet, as in white South Africa then and now, there is a world of discrimination and oppression that most Israelis choose not to see"*. More recently still, Richard Falk, the soon to be UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, made comparisons between Israel's treatment of the Palestinians and the Nazi regime which controlled Germany between 1933 and 1945.<sup>50</sup>

### **Access to Water and Sanitation Facilities**

- 5.7 According to UNICEF and the World Bank, 100% of the Israeli population have access to an improved water source, namely from places such as a household connection or protected well or spring. Similarly, 100% of the population have access to improved sanitation facilities. *'Improved sanitation facilities'* are effective excreta disposal facilities which prevent human, animal or insect contact with excreta and are properly maintained.<sup>51</sup>

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<sup>46</sup> International Committee of the Red Cross *'International Humanitarian law at the beginning of the 21<sup>st</sup> century'* <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5E2C8V> Accessed 27 April 2008.

<sup>47</sup> Although this is not an absolute prohibition. See section 7 - *'Reproductive Health'* below for situations where this provision could be overridden.

<sup>48</sup> See paragraphs 43 and 44 of the UN General Comment No. 14 on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, available at <http://www.unhcr.ch> Accessed 27 April 2008.

<sup>49</sup> The Guardian newspaper *'Worlds Apart'* <http://www.guardian.co.uk/world/2006/feb/06/southafrica.israel> Accessed 24 April 2008.

<sup>50</sup> BBC News *'UN Expert stands by Nazi comments'* [http://news.bbc.co.uk/2/hi/middle\\_east/7335875.stm](http://news.bbc.co.uk/2/hi/middle_east/7335875.stm) Accessed 24 April 2008.

<sup>51</sup> The World Bank – Israel Data Profile <http://devdata.worldbank.org/external/CPProfile.asp?SelectedCountry=ISR&CCODE=ISR&CNAME=Israel&PTYPE=CP> Accessed 27 April 2008. See also UNICEF *'At a glance: Israel - Statistics'* [http://www.unicef.org/infobycountry/israel\\_statistics.html#25](http://www.unicef.org/infobycountry/israel_statistics.html#25) , accessed 27 April 2008

- 5.8 However, the accuracy of these statistics is questionable. Physicians for Human Rights report that Israel has intentionally denied access to water to the Bedouin Arab villages located in the Negev area of the country.<sup>52</sup> Access to safe drinking water is an underlying determinant of health and a denial such as this by Israel is a serious breach of the human right to health, particularly when one considers that the Negev area is desert making access even more vital.
- 5.9 Moreover, a legal petition has been filed with the Israel High Court by the Association for Civil Rights in Israel (ACRI),<sup>53</sup> the Regional Council for the unrecognised Bedouin Villages (RCUV) and Physicians for Human Rights - Israel (PHRI)<sup>54</sup> seeking that the primary health clinics based in the Negev area be connected to the main power grid in order to improve health services. At present, the clinics only have temporary generators to rely on for electricity and these frequently break down. This has a direct impact upon the availability of health care as certain medicines, which require to be refrigerated, are simply not available as they cannot be stored properly.<sup>55</sup> According to the General Comment, health facilities, goods and services must be within safe physical reach for all sections of the population. This is evidently not the case here.<sup>56</sup>

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<sup>52</sup> Physicians for Human Rights '*People have walked on the moon, I still dream of water*' [http://www.phr.org.il/phr/files/articlefile\\_1175431626175.doc](http://www.phr.org.il/phr/files/articlefile_1175431626175.doc) , accessed 27 April 2008.

<sup>53</sup> <http://www.acri.org.il/> Accessed 27 April 2008.

<sup>54</sup> <http://www.phr.org.il/phr/article.asp?articleid=24&catid=51&pcat=51&lang=ENG> Accessed 27 April 2008.

<sup>55</sup> IRIN (Integrated Regional Information Networks) '*Bedouins demand improved access to health care*' <http://www.irinnews.org/Report.aspx?ReportId=73813> , Accessed 27 April 2008.

<sup>56</sup> UN General Comment on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, available at <http://www.unhchr.ch> , paragraph 12(b).



## 6 Reproductive Health

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- 6.1 According to the UN Development Programme Report 2005, 99% of births in Israel are attended by skilled health personnel.<sup>57</sup> By itself, this is an impressive statistic, matching that of the United Kingdom. However, one has to look behind this figure as it only applies to those women who can actually reach a hospital in the first place. There are reports from several sources, including the UN, that many Palestinian women have been forced to give birth at military checkpoints. Sixty-one women were said to have given birth at checkpoints between September 2000 and December 2004 due to delays in being let through and resulting in the death of 17 children.<sup>58</sup> Israel has argued that such restrictions are necessary with ambulances having been used to transport weaponry and women having taken part in suicide bombings. If true, and provided that the appropriate warning(s) had been given, this would justify Israel ending the protection to which all medical units and transports are entitled under Article 11 of the Additional Protocol to the Geneva Conventions, as the ambulances were clearly being used “*to commit hostile acts, outside their humanitarian function*”.<sup>59</sup>
- 6.2 Regardless of Israel’s reasons in trying to justify this action, this treatment of pregnant Palestinian women is clearly in violation of paragraph 12(2) of CEDAW due to their failure to provide “*appropriate services in connection with pregnancy, confinement and the post-natal period*”. Such findings again reveal the two-tier nature of the health care system existing in Israel and the occupied territories.
- 6.3 In terms of access to health related information, the Palestinian Family Planning and Protection Association (PFPPA) has its executive office in Jerusalem and youth centres throughout the West Bank and Gaza Strip.<sup>60</sup> The PFPPA is committed to improving young peoples’ knowledge of sexual and reproductive health and is supportive of a woman’s right to choose regarding pregnancy.

### Abortion

- 6.4 In comparison with its neighbouring countries, Israel allows a much broader set of circumstances in which women are allowed to have an abortion. To undergo the procedure, the approval of a committee made up of two physicians and a social worker is required. An abortion can be carried out if it is done to save the woman’s life, to preserve her physical or mental health, if the pregnancy is the

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<sup>57</sup> UN Development Programme *Human Development 2005 Report* available at <http://hdr.undp.org/reports/global/2005/> Accessed 27 April 2008.

<sup>58</sup> BBC News ‘*UN fears over checkpoint births*’ [http://news.bbc.co.uk/1/hi/world/middle\\_east/4274400.stm](http://news.bbc.co.uk/1/hi/world/middle_east/4274400.stm) Accessed 27 April 2008.

<sup>59</sup> See Article 11(2) of the Additional Protocol II to the Geneva Conventions of 12 August 1949.

<sup>60</sup> Palestinian Family Planning and Protection Association <http://www.pfppa.org/English/index.shtml> Accessed 27 April 2008.

result of a sexual offence (such as rape or incest) or if the child is likely to be born with physical or mental difficulties.

- 6.5 In contrast, Lebanon and the Syrian Arab Republic will only allow abortion where this is the only means of saving a woman's life which has been placed in great danger. In all other circumstances, abortion is illegal and punishable by imprisonment.<sup>61</sup>

## 7 Children's Health

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### Infant Mortality

- 7.1 According to the United Nations Children's Fund (UNICEF), 134,000 children are born in Israel every year. Of that number, the mortality rate of those under 5 years old (the probability of dying between birth and 5 years of age) expressed per 1000 births has halved from 12 in 1990 to 6 in 2005. Similarly, the Infant Mortality Rate (the probability of dying between birth and 1 year of age) expressed per 1000 births has also halved from 10 in 1990 to 5 in 2005.<sup>62</sup> By contrast, according to the WHO, the Infant Mortality Rate in the occupied territories in 2006 was almost five times as high as Israel, with 24.2 deaths per 1000 births.<sup>63</sup> This is a substantial difference and one which, again, suggests significant inequality in the provision of health care for Palestinians and their Israeli counterparts.

### Immunization

- 7.2 As of 2005, 95% of 1 year old children were immunized against Measles and Hepatitis B and 98% of children were immunized with the DTP vaccine (to prevent diphtheria, tetanus and pertussis).<sup>64</sup> This has risen from 91% of 2 year old children who were immunized with the DTP vaccine in 1992 while immunization against Measles, Mumps and Rubella has remained the same at 95%.<sup>65</sup>

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<sup>61</sup> United Nations 'Abortion Policies: A Global Review'

<http://www.un.org/esa/population/publications/abortion/profiles.htm> Accessed 27 April 2008.

<sup>62</sup> UNICEF 'At a glance: Israel – Statistics' <http://www.unicef.org/infobycountry/israel.html> Accessed 27 April 2008.

<sup>63</sup> WHO 'Health conditions in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan: progress report' 18 May 2006

[http://www.who.int/gb/ebwha/pdf\\_files/WHA59/A59\\_24-en.pdf](http://www.who.int/gb/ebwha/pdf_files/WHA59/A59_24-en.pdf) Accessed 24 April 2008.

<sup>64</sup> UNICEF 'At a glance: Israel – Statistics' [http://www.unicef.org/infobycountry/israel\\_statistics.html#25](http://www.unicef.org/infobycountry/israel_statistics.html#25) Accessed 27 April 2008.

<sup>65</sup> WHO 'Highlights on Health in Israel' 1996 Report, Page 17.

## 8 Conflict – Impact upon Physical and Mental Health

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- 8.1 Like many other aspects of the right to health in Israel, its continued and sporadic conflicts with neighbouring countries have had an impact on the physical and mental health of men, women and children in the region.
- 8.2 Since January 2006, the majority party of the Palestinian National Authority has been Hamas. Hamas refuses to recognise Israel as a legitimate state and advocates jihad as a legitimate tool in achieving its goals. As such, it is recognised by many countries such as Canada, the United States and the European Union as a terrorist organisation.<sup>66</sup> The EU continues to withhold financial support which in turn is seriously damaging the Palestinian economy.<sup>67</sup>
- 8.3 The conflict between Israel and Hamas has resulted in many casualties.<sup>68</sup> Last year UNICEF also reported on the large number of child casualties which occurred during the conflict between Hezbollah, the Lebanese military organisation, and Israel.<sup>69</sup> In July 2006 alone, 37 children were killed in the West Bank and Gaza strip and more than 100 were injured. Israel has argued that the large number of civilian casualties can be directly attributed to the underhand tactics of Hezbollah who, they argue, hid among the civilian population during the conflict.<sup>70</sup> Conversely, in a recent report by Human Rights Watch, they accused Israel of indiscriminately attacking targets across Lebanon.<sup>71</sup> Last year the UN Human Rights Council Special Rapporteur called for an investigation into whether the destruction of an electricity power station in the Gaza strip constituted a war crime under international law<sup>72</sup> and UN High Commissioner Louise Arbour has strongly condemned the violence.<sup>73</sup>

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<sup>66</sup> Fox News ‘*Canada suspends assistance to Hamas*’

<http://www.foxnews.com/story/0,2933,189506,00.html> Accessed 27 April 2008.

<sup>67</sup> The Guardian Newspaper ‘*EU refuses to lift boycott of Palestinian Government*’

<http://www.guardian.co.uk/israel/Story/0,,2067342,00.html> Accessed 27 April 2008.

<sup>68</sup> Reuters ‘*Israel seizes Hamas leaders, violence goes on*’

<http://www.reuters.com/article/topNews/idUSL1731780720070524?feedType=RSS&pageNumber=1>

Accessed 27 April 2008.

<sup>69</sup> UNICEF ‘*Violence takes heavy toll on Israeli and Palestinian Children*’

[http://www.unicef.org/emerg/index\\_35121.html](http://www.unicef.org/emerg/index_35121.html) Accessed 27 April 2008.

<sup>70</sup> National Post ‘*Hezbollah’s human shields*’ <http://www.canada.com/components/print.aspx?id=439dbdcc-167c-423c-9d52-b14a90605440>

Accessed 27 April 2008.

<sup>71</sup> The Guardian Newspaper ‘*Israel accused over Lebanon War claims*’

<http://www.guardian.co.uk/israel/Story/0,,2164150,00.html> Accessed 27 April 2008.

<sup>72</sup> United Nations High Commissioner for Refugees – Press Release ‘*UN Rights Health Expert calls for independent enquiry into alleged war crime in Gaza*’

<http://domino.un.org/UNISPAL.NSF/3822b5e39951876a85256b6e0058a478/0aa372bb062e2b6e852571b00067354c!OpenDocument> Accessed 27 April 2008.

<sup>73</sup> United Nations Office in Geneva ‘*UN High Commissioner for Human Rights condemns violence in Gaza and Sderot and calls for protection of civilians*’ <http://www.unog.ch/80256EDD006B9C2E/>

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/8A9956657BA746FBC12572E40061EF7D?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/8A9956657BA746FBC12572E40061EF7D?OpenDocument) Accessed 27 April 2008.

## Mental health

- 8.4 As well as the obvious physical impact of conflict upon the health of people living in the region, studies have shown that steps such as the creation of Israel's annexation and expansion wall are having a detrimental effect upon the mental health of the Palestinian population too.<sup>74</sup> The breaking up of families, the demolition of housing and the resulting unemployment has created feelings of isolation and abandonment among the people who live in the affected area.<sup>75</sup>
- 8.5 In its advisory opinion of 9 July 2004, the International Court of Justice (ICJ) held that the construction of the wall by Israel in the occupied Palestinian territories was contrary to international law and impeded "*the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights...*".<sup>76</sup> The Israeli response (then and now) is that the barrier is justified by the threat of Palestinian terrorism.<sup>77</sup>

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<sup>74</sup> Health Now 'The Impact of Israel's Separation Wall On Palestinian Mental Health : A Study in the Qalqilya District'

<http://www.health-now.org/site/article.php?menuId=15&articleId=521> Accessed 27 April 2008.

<sup>75</sup> Medecins du Monde 'The Ultimate Barrier: Impact of the Wall on the Palestinian health care system' 14 February 2005 <http://domino.un.org/unispal.nsf/3d14c9e5cdaa296d85256cbf005aa3eb/7eeb44084b3395d28525701c004c3752!OpenDocument> Accessed 27 April 2008.

<sup>76</sup> International Court of Justice – *Legal Consequences of the construction of a wall in the Occupied Palestinian Territory* – Advisory Opinion of 9 July 2004. <http://www.icj-cij.org/docket/files/131/1671.pdf>  
See also UN News Centre 'UN Assembly votes overwhelmingly to demand Israel comply with ICJ ruling' <http://www.un.org/apps/news/story.asp?NewsID=11418&Cr=middle&Cr1=east> Both accessed 27 April 2008.

<sup>77</sup> Israel Ministry of Foreign Affairs 'ICJ Advisory Opinion on Israel's Security Fence – Israeli Settlement' <http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2004/Statement+on+ICJ+Advisory+Opinion+9-July-2004.htm> Accessed 27 April 2008.

## 9 HIV/AIDS

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- 9.1 In 1999 there were approximately 3000 people living with HIV/AIDS in Israel with 100 Israeli deaths from HIV/AIDS in 2001.<sup>78</sup> These figures have risen steadily in the last few years. By late 2004, there were 4309 reported cases of HIV/AIDS. Of those people, 973 had developed AIDS and 606 had died.<sup>79</sup>
- 9.2 As of late 2005, Israeli authorities had reported a total of 4662 HIV cases; 1035 of the infected individuals had developed AIDS, including 628 who had died.<sup>80</sup> Most of those people (60%) were infected heterosexually, 18% through gay sex between men and 16% of those cases involved injecting drug users.
- 9.3 In terms of taking steps to address the problem, Israel has had an HIV/AIDS registry in place since the epidemic began. Testing for the disease is both free and confidential and operates at 9 centres throughout Israel. Testing for HIV/AIDS among minors was legalised in 1996 and does not require parental consent.<sup>81</sup>
- 9.4 In the occupied territories, it is reported that anti-retroviral drugs are not always available for those who need them. As a result, patients have to rely upon donations from other countries abroad.<sup>82</sup> Israel's continued embargo on the Gaza strip is certainly not helping the situation of Palestinians in this regard. For example in April 2008, Israel refused to accept Hamas' offer of a six month ceasefire during which time the embargo would be lifted, accusing Hamas of trying to "re-arm and regroup".<sup>83</sup> Khaled Meshaal, political leader of Hamas, reiterated last week that Hamas would continue to refuse to recognise the state of Israel.<sup>84</sup>

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<sup>78</sup> CIA – The World Factbook <https://www.cia.gov/cia/publications/factbook/geos/is.html> Accessed 27 April 2008.

<sup>79</sup> Joint United Nations Programme on HIV/AIDS <http://www.unaids.org/en/CountryResponses/Countries/Israel.asp> Accessed 27 April 2008.

<sup>80</sup> World Health Organisation Regional Office for Europe [http://www.euro.who.int/aids/ctryinfo/overview/20060118\\_22](http://www.euro.who.int/aids/ctryinfo/overview/20060118_22) Accessed 27 April 2008.

<sup>81</sup> WHO Regional Office for Europe [http://www.euro.who.int/aids/ctryinfo/overview/20060118\\_22](http://www.euro.who.int/aids/ctryinfo/overview/20060118_22) Accessed 27 April 2008.

<sup>82</sup> Integrated Regional Information Networks 'No friends, few drugs and little expertise for AIDS patients' <http://www.plusnews.org/Report.aspx?ReportId=62714> Accessed 27 April 2008.

<sup>83</sup> The Times Online 'Israel rejects Hamas offer of a ceasefire' 27 April 2008. [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article3814347.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article3814347.ece) Accessed 27 April 2008.

<sup>84</sup> BBC News 'Hamas rejects Israeli recognition' 27 April 2008. [http://news.bbc.co.uk/2/hi/middle\\_east/7359661.stm](http://news.bbc.co.uk/2/hi/middle_east/7359661.stm) Accessed 27 April 2008.

## 10 Prisoner Health

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- 10.1 There are reports of Palestinian political prisoners dying of poor health conditions in Israeli jails<sup>85</sup> and the British Medical Journal has published findings that Palestinians who have been charged with terrorist or violent acts have been imprisoned by Israel despite being mentally ill and unfit to stand trial.<sup>86</sup>
- 10.2 Al Haq, an independent Palestinian Non-governmental organisation based in Ramallah, states that although Israel does have prison regulations dealing with the provision of health care and food, the implementation of these regulations falls well short of UN standard minimum rules for the treatment of prisoners.<sup>87</sup>
- 10.3 The UN Committee against Torture has also expressed concerns over the interrogation techniques used by Israeli security forces on Palestinian detainees.<sup>88</sup>

## 11 Elderly Health

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- 11.1 As previously mentioned above, universal coverage of national health insurance has been in place in Israel since 1995 and provides a good 'safety net' for care of the elderly in Israel. According to the Israeli Central Bureau of Statistics, in 1997/98, 44% of men and 30% of women aged 65 and over thought of themselves as in 'good to very good' health.<sup>89</sup> The most common illness among the elderly was hypertension with 43% of men and 51% of women diagnosed.
- 11.2 The European Health Report 2005 reports that walking programmes have been established in Israel for those people aged over 60 with the dual aim of improving health and promoting safety for elderly pedestrians.<sup>90</sup>
- 11.3 However, the British Medical Journal has also reported that the rates of neglect of elderly people in Israel are among the highest in the world with a fifth of elderly Israeli people being subjected to some form of abuse.<sup>91</sup>

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<sup>85</sup> International Middle East Media Centre 'Interview with former Palestinian political prisoner, Arifa Salman' <http://www.imemc.org/article/20800> Accessed 24 April 2008.

<sup>86</sup> British Medical Journal 'Israel accused of ignoring psychiatric problems in Palestinian prisoners' <http://www.bmj.com/cgi/content/full/314/7080/535/i> Accessed 27 April 2008.

<sup>87</sup> Al-Haq 'Ongoing violations of the rights of Palestinian prisoners' <http://www.alhaq.org/etemplate.php?id=310> Accessed on 27 April 2008.

<sup>88</sup> Office of the High Commissioner for Human Rights 'Conclusions and Recommendations of the Committee against Torture: Israel' <http://www.unhchr.ch/tbs/doc.nsf/0/60df85db0169438ac1256b110052aac5> Accessed 27 April 2008.

<sup>89</sup> State of Israel Central Bureau of Statistics 'The Elderly in Israel: Survey Findings' [http://www.cbs.gov.il/statistical/bney65\\_en.pdf](http://www.cbs.gov.il/statistical/bney65_en.pdf) Accessed 27 April 2008.

<sup>90</sup> WHO Regional Office for Europe - *The European Health Report 2005 - 'Walking Programmes for Elderly people in Israel'* [http://www.euro.who.int/ehr2005/parttwo/20050818\\_13](http://www.euro.who.int/ehr2005/parttwo/20050818_13) Accessed 27 April 2008.

<sup>91</sup> British Medical Journal 'A fifth of elderly people in Israel are abused' [http://www.bmj.com/cgi/reprint\\_abr/330/7490/498-c.pdf](http://www.bmj.com/cgi/reprint_abr/330/7490/498-c.pdf) Accessed 27 April 2008.

- 11.4 As with the rest of the population, military skirmishes with other countries have also had an impact upon the health of the elderly in Israel with the violence leading to injuries and death.<sup>92</sup>

## 12 Environmental Health

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- 12.1 One of the main environmental problems which Israel continues to face along with a lack of arable land in which to grow crops is a major shortage of water.<sup>93</sup> However, the Israel Ministry of Environmental Protection (formerly known as the Ministry of the Environment) states that innovative solutions to this problem (and others) such as computerized drip irrigation and wastewater recycling have been, and continue to be, developed. Israel has one of the highest water recycling rates in the world at almost 70%.<sup>94</sup>
- 12.2 Other environmental issues which have been reported in Israel include desertification, air pollution from industrial and vehicle emissions, groundwater pollution from industrial and domestic waste, chemical fertilizers, and pesticide.<sup>95</sup>
- 12.3 Israel has a strong legal commitment towards environmental health. According to the Israel Ministry of Health, it has ratified 15 environmental conventions and 5 protocols to date.<sup>96</sup> It is a signatory to the UN Framework Convention on Climate Change (UNFCCC)<sup>97</sup> and the Kyoto Protocol to the UNFCCC, thereby committing itself to a reduction in carbon dioxide emissions and other greenhouse gases.<sup>98</sup> It is also a party to the Vienna Convention for the protection of the Ozone layer, Convention on Biological diversity, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the International Convention for the Prevention of Pollution from Ships.

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<sup>92</sup> ABC News 'UN Security Council mulls draft resolution on Israel-Lebanon conflict' <http://www.abc.net.au/news/stories/2006/08/06/1707310.htm> Accessed 27 April 2008.

<sup>93</sup> See Israel Ministry of Foreign Affairs 'Israel's chronic water problem' <http://www.mfa.gov.il/mfa/facts%20about%20israel/land/israel-s%20chronic%20water%20problem> See also BBC News 'Water war leaves Palestinians thirsty' [http://news.bbc.co.uk/2/hi/middle\\_east/2982730.stm](http://news.bbc.co.uk/2/hi/middle_east/2982730.stm) Both accessed 27 April 2008.

<sup>94</sup> Israel Ministry of Environmental Protection 'Environmental Economics and Industry' [http://www.sviva.gov.il/bin/en.jsp?enPage=e\\_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=eco\\_indus&enZone=eco\\_indus](http://www.sviva.gov.il/bin/en.jsp?enPage=e_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=eco_indus&enZone=eco_indus) Accessed 27 April 2008.

<sup>95</sup> CIA The World Factbook <https://www.cia.gov/library/publications/the-world-factbook/geos/is.html#Issues> Accessed 27 April 2008.

<sup>96</sup> Israel Ministry of Environmental Protection 'Environmental Conventions' [http://www.sviva.gov.il/bin/en.jsp?enPage=e\\_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=conv\\_int&enZone=conv\\_int](http://www.sviva.gov.il/bin/en.jsp?enPage=e_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=conv_int&enZone=conv_int) Accessed 27 April 2008.

<sup>97</sup> Signed on 4 June 1992 and ratified on 4 June 1996.

<sup>98</sup> Signed on 16 December 1998 and ratified on 15 March 2004.

12.4 Until 1973 responsibility for the environment was divided among several different Ministries in Israel. However, after the United Nations Conference on the Human Environment held in Stockholm in June 1972, the Israeli Government created the Environmental Protection Service. In 1988 a Ministry of the Environment was established. This was a landmark in Israel's environmental development and in the Government's determination to tackle environmental issues. As of 25 June 2006, the Ministry for the Environment became the Ministry of Environmental Protection to better reflect the modern role of the Ministry in Israel.<sup>99</sup>

### **13 Occupational Health**

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13.1 At a domestic level, the Basic Law allowing Freedom of Occupation was passed by the Knesset in 1994. This effectively makes freedom of occupation a constitutional right and states that every Israel national or resident has the right to engage in any occupation, profession or trade that they wish.

13.2 Labour law in Israel has its own specific judicial system. In 1969, the Knesset labour Courts consisting of several Regional Courts and a National Labour Court.

13.3 Israel became a member of the International Labour Organisation in 1949 and as of 22 April 2007, has ratified 46 ILO Conventions.<sup>100</sup> Israel has ratified all 8 core ILO labour standards on trade union rights, discrimination, child labour and forced labour.<sup>101</sup>

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<sup>99</sup> Israel Ministry of Environmental Protection [http://www.sviva.gov.il/bin/en.jsp?enPage=e\\_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=e\\_odotHamisrad&enZone=e\\_odotHamisrad](http://www.sviva.gov.il/bin/en.jsp?enPage=e_BlankPage&enDisplay=view&enDispWhat=Zone&enDispWho=e_odotHamisrad&enZone=e_odotHamisrad) Accessed 27 April 2008.

<sup>100</sup> International Labour Organisation <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?Israel> Accessed 27 April 2008.

<sup>101</sup> International Confederation of Free Trade Unions 'Internationally-recognised core labour standards in Israel' <http://www.icftu.org/www/pdf/clsisrael2006.pdf> Accessed 27 April 2008.

## 14 Conclusion

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- 14.1 The UN General Comment describes how the human right to health contains four *'interrelated and essential elements'*, namely availability, acceptability, quality and accessibility.<sup>102</sup> Availability refers to the effective functioning of health care facilities, goods and services such as hospitals, clinics and trained medical personnel within the state party concerned. Acceptability means that the health facilities, goods and services provided must be respectful of medical ethics, confidentiality and be culturally appropriate. Quality refers to the fact they must also be scientifically appropriate and of good quality. It is evident from indicators such as life expectancy and infant mortality, especially when compared with its neighbouring countries, that Israel has little difficulty in satisfying these criteria.
- 14.2 Accessibility refers to those effectively functioning health care facilities being available to everyone in the state party concerned without discrimination. These facilities should be available regardless of considerations such as sex, race, age, national or social origin, economic resources or geographical location. Therein lies Israel's problem; there are still many people in the occupied territories who struggle to gain access to the health services which Israel possesses. The human right to health is meant to be enjoyed by everyone, yet measures such as the building of the separation barrier between Israel and the West Bank and the embargo on the Gaza strip have made this goal impossible. Instead, these measures have resulted in substantial restrictions being placed on the Palestinian people regarding their freedom of movement, assembly, right to work and ultimately, their health.
- 14.3 The continuing struggle between Israel and the now Hamas governed Palestinian national authority has also taken its toll on people's health in the region. Ongoing violence has unfortunately resulted in the death of many civilians, including women and children. At the present time, the prospect of a quick or peaceful resolution to the conflict looks extremely doubtful with current Israeli Prime Minister Ehud Olmert recently rejecting the offer of a ceasefire, instead vowing that Israel would continue its fight against Hamas.<sup>103</sup>
- 14.4 It is stated in the UN General Comment on the Right to Health that *"the Committee [on Economic, Social and Cultural Rights] is aware that, for millions of people throughout the world, the full enjoyment of the right to health still remains a*

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<sup>102</sup> UN General Comment No. 14 on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, paragraph 12.

<sup>103</sup> BBC News 'Israel Raids follow PM's warning'

[http://news.bbc.co.uk/1/hi/world/middle\\_east/6696447.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6696447.stm) Accessed 27 April 2008. See also Israeli Ministry for Foreign Affairs <http://www.mfa.gov.il/MFA/Government/Communiques/2008/PM%20Olmert%20to%20Cabinet-%20Striking%20at%20Hamas%20increases%20chance%20for%20peace%20-Mar-2008> Accessed 24 April 2008.

*distant goal*". In certain parts of Israel, for the time being at least, this is evidently still the case.<sup>104</sup>

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<sup>104</sup> UN General Comment on the Right to the Highest Attainable Standard of Health, adopted 11 August 2000, UN Doc. 12/2000/4, Paragraph 5.

## **Appendix A - Basic Laws of Israel**

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- The Knesset (1958)
- Israel Lands as Basic Law: The People's Lands (1960)
- The President of the State (1964)
- The Government (1968 - null)
- The State Economy (1975)
- The Army (1976)
- Jerusalem, the Capital of Israel (1980)
- The Judiciary (1984)
- The State Comptroller (1988)
- Human Dignity and Liberty (1992)
- The Government (1992 - null)
- Freedom of Occupation (1992 - null)
- Freedom of Occupation (1994)
- The Government (2001)