

June 18, 2020

Institute for NGO Research Submission: Impact of COVID-19 on Human Rights

Response to questions:

1. *“Please explain the impact of the pandemic on the enjoyment of human rights and what actions have been taken by the State to respect, protect and fulfill human rights?”*
2. *Are there any measures put in place in your country following the pandemic which have had a limiting effect on human rights? If so, please list them, provide an explanation for their adoption and indicate the time-frame by which they will be lifted?*
 - a) *Were these measures determined by law? If yes, please indicate the relevant legislation.*
 - b) *Why were these measures necessary to respond to the COVID-19 situation?*
 - c) *Were these measures proportional in view of their expected results to counter the pandemic?*
 - d) *Did these measures have any discriminatory effects on various groups of the population? If so, please indicate which ones and why.*

Introduction

The Institute for NGO Research¹ brings this submission in response to the joint questionnaire prepared by Special Procedure mandate holders regarding protecting human rights during and after COVID-19. We hope that this submission will aid the mandate holders in their analysis of responses to the pandemic.

This submission focuses on the significant shortcomings in international humanitarian responses to COVID-19 and its affects, or lack thereof, on human rights, utilizing as a case study the UN Office for the Coordination of Humanitarian Affairs (OCHA) coordinated response to the West Bank and Gaza.

In particular, the Institute notes that a lack of oversight over government funds to OCHA for use in the emergency COVID-19 response in the West Bank and Gaza has allowed for

¹ Members of the Institute’s Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein.

organizations that violate human rights to receive funds, resulting in an apparent lack of prioritization of the right to health.

Regarding the West Bank and Gaza, on March 27, 2020, OCHA, in cooperation with the World Health Organization (WHO), announced the “oPt Inter-Agency Response Plan for COVID-19.”² OCHA requested \$34 million on behalf of numerous UN agencies as well as local and international non-governmental organizations (NGOs) for use in the West Bank and Gaza. This number was raised to \$42 million³ in late-April.⁴

OCHA’s NGO partners include a number of groups with ties to the internationally designated terrorist organization, the Popular Front for the Liberation of Palestine (PFLP) – as well as advocacy groups that lack the requisite skills and/or mandate to promote emergency health aid in the name of the right to health.

In its fundraising efforts, OCHA stated that resources were needed to “respond to the public health needs and **immediate humanitarian consequences of the pandemic** in the West Bank, including East Jerusalem, and the Gaza Strip” (emphasis added).

However, many of the activities being attributed to the Plan – as detailed in periodic “Situation Report”⁵ updates from OCHA – do not appear to involve vital, lifesaving resources and supplies “to implement the most urgent and critical activities.”⁶ In some instances, it is clear that existing NGO advocacy ventures were relabeled “COVID-19,” without a substantive contribution to emergency humanitarian aid. Furthermore, some of the descriptions of NGO activity indicate low- or no-cost efforts, and/or tasks that had already been performed.

This suggests that key factors for OCHA are the goals of procuring funds for their NGO allies and “padding the stats” – not providing critical humanitarian materials in the most efficient and professional manner possible. Similarly, the listing of independent donations from “outside the Response Plan” and NGO activities that were not part of the original strategic document reflect OCHA’s attempt to take credit for others’ work and inflate its importance and centrality.

² https://www.ochaopt.org/sites/default/files/2020_03_26_hct_covid-19_response.pdf

³ https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep-7_4_may_2020.pdf

⁴ According to OCHA, “a revised version of the COVID-19 Inter-Agency Response Plan for the oPt, originally launched on March 26, was release on April 25... the updated requirement is \$42.4 million, up from \$34 million in the original version.” OCHA explains that “The additional \$7 million is to provide support to quarantine centers in Gaza and the West Bank; multi-sectoral efforts in East Jerusalem; and safety net support for most vulnerable communities.” https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep-7_4_may_2020.pdf; <https://reliefweb.int/sites/reliefweb.int/files/resources/Occupied%20Palestinian%20Territory%20%28oPt%29%20-%20COVID-19%20Emergency%20Situation%20Report%206%20%2821%20%E2%80%93%2028%20April%202020%29.pdf>

⁵ https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_4_13_april_2020.pdf

⁶ https://www.ochaopt.org/sites/default/files/2020_03_26_hct_covid-19_response.pdf

Moreover, the call for “emergency” funds comes after OCHA, other UN and development agencies, and their NGO partners have spent millions on anti-Israel advocacy agendas. For years, detailed analysis shows that these groups have prioritized targeting Israel over humanitarian aid, including through official UN partnerships with the Palestinian Authority (i.e. UNDAF).⁷ The COVID-19 crisis is exposing how wasteful and counterproductive this approach has been.

Donor Governments

In its Situation Reports, OCHA provides varying details about donations for humanitarian aid, reflecting a manipulation of data to create the illusion of robust fundraising and implementation of the Response Plan. In reality, OCHA was taking credit for funding and projects not under its aegis.

It is also unclear whether donors can exercise adequate supervision over the spending, in particular since a number of PFLP-linked NGOs are involved and the UN does not recognize the lists of prohibited terror organizations adopted by donor governments. Officials from UNICEF, one of the Response Plan’s implementing partners, thanked donors for their provision of “flexible funds” (see tweets from UNICEF’s Special Representative⁸ in Israel, the West Bank, and Gaza and UNICEF’s Executive Director).⁹ OCHA also refers to “the reprogramming of funds previously allocated or pledged for other interventions.”¹⁰ Both terms suggest willingness by at least some of the donor governments to forgo necessary safeguards, due diligence, accountability, and oversight, including the terror links of NGO partners, during a crisis.

According to OCHA, as of June 2, \$24.7 million had been raised for activities within the response plan, and a total of \$42.6 million for all “COVID-related response activities in the oPt.” Overall, the largest donors to the COVID-19 response in the West Bank and Gaza are Kuwait, EU (ECHO), Canada, the UK (DFID), Japan, Sweden, Ireland, Norway, and Spain (AECID).

NGO Partners

In implementing its COVID-19 emergency response plan, OCHA is working with numerous local partners – international, Israeli, and Palestinian NGOs that are supposedly tasked with carrying out projects related to combating the spread of the virus. Many of the activities appear to be tangentially related to the COVID-19 emergency, and others are not humanitarian at all. The following highlights such NGO activities; the OCHA website includes countless more examples.

Terror-Tied NGO Partners

⁷ <https://www.ngo-monitor.org/submissions/written-submission-of-ngo-monitor-to-the-70th-session-of-the-cedaw-committee-for-its-review-of-state-of-palestine/>

⁸ <https://twitter.com/BoutinGboutin/status/1240500996767440896>

⁹ <https://webcache.googleusercontent.com/search?q=cache:IMx-4V5r9jUJ:https://twitter.com/unicefcanada+&cd=1&hl=en&ct=clnk&gl=il>

¹⁰ https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_4_13_april_2020.pdf

In clear contrast to the humanitarian principles of humanity, neutrality, impartiality, and independence, OCHA partners with a number of organizations that have ties to internationally designated terrorist organizations, some of which have staff members that have been involved in deadly attacks. Financial support to these groups results in increased risk¹¹ for aid diversion.¹²

Funding for Advocacy Activities

As is often the case with OCHA funding requests, counter-productive political projects are part of the “Protection Cluster” component of the appeal. OCHA explains that, in the context of combatting COVID-19, protection is supposed to be primarily focused on training to ensure accurate detection and referral of patients who suffer from Gender Based Violence (GBV) and psychosocial assistance due to GBV. However, the projects being implemented depart from this mandate, with many involving anti-Israel advocacy.¹³

Within the Health Cluster, a number of the projects are being implemented with highly inappropriate NGO partners, and many of the projects themselves are mundane and unrelated to vital aid. For example, under “Ensure right to health is available to all without discrimination,” OCHA lists a “Joint Statement on Israel’s Obligation vis-a-vis West Bank and Gaza in Face of Coronavirus Pandemic” by 18 NGOs involved in delegitimization campaigns against Israel.¹⁴ It is difficult to identify how this advocacy statement contributes to ensuring the right to health, particularly one that misstates Israel’s legal obligations and removes any mention of Hamas (or the Palestinian Authority). The NGOs demand “Israel to lift the 13-year closure on Gaza so that *inter alia* Gaza can equip itself with the necessary medical supplies,” even though, as noted by OCHA in the very same Situation Report, medical supplies are allowed into Gaza. Moreover, at a time when the entire world is implementing closure measures, these NGOs do not explain how lifting such measures on Gaza is good policy during the pandemic.

In another example, as part of “Scale up efforts to mitigate human right violations,” two NGOs published a position paper on “quarantine in Gaza” and “submitted letters on prisoners’ health and access of families.”¹⁵ OCHA links to a very short “news brief”¹⁶ titled “Al Mezan raises key remarks on quarantine measures to the Ministry of Health in Gaza” that praises Hamas efforts to combat COVID-19 as “remarkable.”¹⁷ The NGO also “released

¹¹ <https://www.ngo-monitor.org/reports/world-visions-operations-in-israel-the-west-bank-and-gaza/>

¹² NGO Monitor, “Does the “Humanitarian Imperative” Override Financial Anti-Terror Regulations? A Response to Chatham House”, 8 May 2017, <https://www.ngo-monitor.org/aid-diversion-chatham-house-terror/>

¹³ https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_4_13_april_2020.pdf

¹⁴ <https://www.hrw.org/news/2020/04/07/joint-statement-israels-obligation-vis-vis-west-bank-and-gaza-face-coronavirus>

¹⁵ https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_4_13_april_2020.pdf

¹⁶ <http://www.mezan.org/en/post/23698/A1%2520Mezan%2520raises%2520key%2520remarks%2520on%2520quarantine%2520measures%2520to%2520the%2520Ministry%2520of%2520Health%2520in%2520Gaza&sa=D&source=hangouts&ust=1589798994513000&usg=AFQjCNEd4lbVJK9Cs7jFVmq26gaPP3Ab5A>

¹⁷ <http://www.mezan.org/en/post/23698/A1%20Mezan%20raises%20key%20remarks%20on%20quarantine%20measures%20to%20the%20Ministry%20of%20Health%20in%20Gaza>

statement (sic) calling on DFA [De Facto Authorities] to ensure detention under C19 is legally carried out.”¹⁸

Similarly, Situation Report No. 3 (1-6 April) explains that “partners working on prisoners’ issues” “filed a petition demanding the release of Palestinian prisoners at risk in Israeli prisons”; that “Six Israeli and Palestinian human rights organizations” “issued a joint statement expressing concern for the health and life of prisoners in Israel”; and that “Legal aid partners” filed “a petition to the Israeli High Court of Justice” so “Palestinian minors in detention [could make] pre-approved first degree relative phone calls, once a fortnight for ten minutes.”¹⁹ Reflecting a lack of transparency, NGO partners are not named. More generally, the focus on prisoners is a common theme in standard anti-Israel advocacy efforts of Palestinian NGOs, which claim that all Palestinian prisoners, including violent terrorists, are “political prisoners.” This lack of transparency is of particular concern given that a number of NGOs involved in these campaigns have ties to the PFLP terror group.

Non-Emergency Measures Receiving Scarce Resources

Some of the OCHA funding is for mundane activities, such as printing materials and sending messages. In principle, these activities are not inherently objectionable and may make a contribution on some level to outbreak prevention.

However, the involvement of international humanitarian NGOs in such efforts raises a number of questions: Why, if there is an acute medical crisis, are international groups with real expertise relegated to negligible tasks? If there are scarce resources requiring the raising of emergency funds, why are these activities even included? Why are massive, wealthy NGOs apparently receiving funds for them? And how are international groups necessary in this context, when there are local authorities and a plethora of local NGOs?

These activities suggest that, for OCHA, it is more important to maintain the relevance of NGOs and keep them in business than to use available resources efficiently.

Recommendations

UN Agencies must

- Cease all cooperation with NGOs with personnel who have ties to terrorist organizations (as defined by donor states), including those with links to the Palestinian PFLP terror group.
- Ensure partners selected for implementing emergency response plans adhere to codes of conduct for humanitarian organizations – including “do no harm.”
- Provide greater transparency as to how funds are allocated.
- End funding to partisan advocacy projects, particularly during emergencies, in order to prioritize vital life-saving measures.

¹⁸ <http://mezan.org/en/post/23703/COVID-19+Measures+in+Gaza%E2%80%99s+Prison+and+Detention+Facilitates+Mean+Suspended+Contact+Between+AI+Mezan+and+Clients+>

¹⁹ https://reliefweb.int/sites/reliefweb.int/files/resources/2020-04-06_sitrep_3_covid-19_response.pdf

- Reallocate all funding used for political advocacy to building essential humanitarian infrastructure.

Donor Governments should:

- Develop and implement robust funding guidelines for all government spending to ensure that funds are not provided to groups with ties to terrorism or that promote violent rhetoric or antisemitism.
- Review all funding to projects ostensibly selected to combat COVID-19, in order to guarantee that funds are not being distributed to NGOs with ties to terrorist organizations.
- Ensure that UN bodies respect and adhere to domestic terrorism legislation and terror entity lists of donor countries.
- Ensure that funding is used solely for humanitarian purposes.
- Institute continuous and transparent monitoring mechanisms to ensure ongoing compliance with these best practices.