

Mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

28 February 2024

Dear Secretary-General,

I am writing to you in my capacity as United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in relation to the critical situation in the occupied Palestinian territory, in particular in Gaza and the impact it has had and continues to have on the health system and people's right to health.

The current situation in the Gaza Strip is untenable. Healthcare workers are exhausted. They have been facing fatalities while simultaneously fulfilling their responsibilities, amidst the loss of their own families. For months now, they have been working in dire situations, often under risk of bombardments, without adequate supplies or electricity, even performing surgeries and amputations without anaesthesia.

Children, older persons, persons with disabilities, pregnant women and displaced persons continue to be at risk of outbreaks and spread of diseases, in particular due to the lack of medical supplies, drinking water, sanitation, medicines and health equipment and now the low temperatures. Hundreds of people suffering mental health issues from protracted violence, and much of the population is in need of psychosocial first aid and support to deal with trauma related to the conflict. There are grave concerns regarding access to adequate food, and nutrition, particularly of children and breastfeeding women, and we witness looming threats of starvation resulting from lack of access to adequate food.

As you are certainly aware of, since 7 October 2023, there have been attacks on hospitals and healthcare facilities, and with at least 340 healthcare workers killed as of 22 February 2024. The attacks on hospitals, their premises, and on ambulances have continued until now. Active military operations in and around hospitals have created additional challenges, often making rescues impossible. As a result, the healthcare system has been brought to its knees, with fuel having run out, electricity and water cut and rationed, and medicines, medical disposables, equipment and other supplies running out. Hospitals have continuously faced evacuation orders, impossible to comply with in the circumstances, implying an immense risk to the lives of the patients.

The latest escalation and display of aggression in Israel and the occupied Palestinian territory must not be de-contextualized, as it represents a crushing moment of

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ongoing gross structural, systemic and sustained violence experienced by Palestinians every day since the occupation. The Palestinian people have been displaced for more than 75 years. The occupied Palestinian territory has been under military occupation for more than 56 years – an occupation entailing a lack of accountability, ongoing displacement and demolition, movement restrictions, and systematic racial discrimination.

Since 7 October 2023, my mandate has undertaken different actions, including the sending of an Urgent Appeal to the State of Israel ([UA ISR \(11.2023\)](#), sent on 4 December 2023) relating to the attacks on hospitals, the general destruction of the healthcare system and the lack of access to medical care, among others; and a Joint Urgent Appeal ([UA ISR \(9.2023\)](#)), sent on 22 November 2023) focused on reports of widespread detention of Palestinians and the treatment of Palestinians in the West Bank and East Jerusalem.

Furthermore, on 8 November 2023, I published a [video](#),¹ denouncing the irreparable damages on Gaza's infrastructure, the work undertaken by health workers in a dire situation, calling for a swift and unimpeded access to essential humanitarian supplies; on 16 November 2023, in a joint briefing on the situation in the occupied Palestinian territory to EU Member States, I delivered a statement entitled [The Practise of Medicine is Being Used As a Political Tool](#). I have also issued press releases on behalf of my mandate or joined press releases led by other Special Procedures mandate holders.²

In this context, I would like to recall the [Security Council resolution 2720](#), adopted on 22 December 2023, which demands that the parties to the conflict for to allow and facilitate that humanitarian personnel and humanitarian assistance, including fuel, food, and medical supplies reaches the population in need throughout the Gaza Strip, among others.

I also wish to recall the [ICJ Order](#) of 26 January 2024, in which the Court indicated that the State of Israel must:

- in accordance with its obligations under the Genocide Convention, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of the Convention;

¹ To watch the long version of the [video](#), click on the link.

² Please find below a list of the press releases issued as of today:

- o [Gaza: UN experts call for prioritisation of gender-responsive humanitarian interventions](#), issued on 21 February 2024.
- o [Israel's alleged undercover killings in occupied West Bank hospital may amount to extrajudicial killings and war crimes](#), issued on 21 February 2024.
- o [States must reinstate and strengthen support to UNRWA amid unfolding genocide in Gaza: UN experts](#), issued on 2 February 2024.
- o [Gaza: ICJ ruling offers hope for protection of civilians enduring apocalyptic conditions, say UN experts](#), issued on 31 January 2024.
- o [UN human rights experts welcome start of ICJ genocide hearings in The Hague, reiterate call for ceasefire | OHCHR](#), issued on 11 January 2024.
- o [Over one hundred days into the war, Israel destroying Gaza's food system and weaponizing food, say UN human rights experts](#), issued on 16 January 2024.
- o [UN experts urge States to unite for peace and push for ceasefire in Gaza](#), issued on 8 December 2023.
- o [Gaza: UN expert condemns 'unrelenting war' on health system amid airstrikes on hospitals and health workers](#), issued on 7 December 2023.
- o [Gaza is 'running out of time' UN experts warn, demanding a ceasefire to prevent genocide](#), issued on 2 November 2023.
- o [Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for prevention of genocide](#), issued on 19 October 2023.
- o [UN expert urges immediate ceasefire and humanitarian access as Gaza health sector reaches "breaking point"](#), issued on 17 October 2023.

- ensure with immediate effect its military forces do not commit any act described as the commission of genocide;
- take all the measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip;
- take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip;
- take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Articles II and III of the Convention against members of the Palestinian group in the Gaza Strip;
- submit a report to the Court on all measures taken to give effect to its Order.

Furthermore, I echo the [statement](#) made on 21 February 2024 by Principals of the Inter-Agency Standing Committee, in which they stressed that “there is no safe place in Gaza” and issued ten requirements to avoid an even worse catastrophe to be able to provide “at the very least, the bare essentials: medicine, drinking water, food, and shelter”, including an immediate ceasefire, the protection of civilians and the infrastructure they rely on, as well as reliable entry points that would allow UN entities to bring aid in from all possible crossings, including to northern Gaza.

Finally, I would like to recall [resolution 45/130](#) adopted by the Third Committee on 14 December 1990, on the Importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights, in particular its operational paragraph 3, which “[r]eaffirms [...] the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference”; and operational paragraph 6 which “[s]trongly condemns [...] the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitutes an obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region”.

UN Member States had reaffirmed their commitment to upholding the sovereign equality of all States and respect for their territorial integrity and political independence, recognising 2019 to 2028 as the ‘Nelson Mandela Decade of Peace.’ In this regard, [resolution 73/1](#) adopted by the General Assembly on 24 September 2018, entitled “Political declaration adopted at the Nelson Mandela Peace Summit”, in particular its paragraph 19, in which the States “emphasized the importance of a comprehensive approach to sustaining peace, in particular by preventing conflict and addressing its root causes [...], including through inclusive dialogue and mediation, access to justice and transitional justice, accountability [...], and respect for, and protection of, human rights and fundamental freedoms”.

The extent to which sustainable human development, peace and security have been achieved must be measured and understood by the extents to which human rights are protected, promoted and fulfilled by all Member States.

In light of the dire circumstances, I urge you today to persist in using all the authorities vested in you by the United Nations Charter to avert the worsening of the already critical situation in the Palestinian territory under occupation, notably in Gaza. I implore for an immediate ceasefire and urge all Member States of the United Nations to maintain cooperation with UN mechanisms, including Special Procedures and my specific mandate, as I fulfil my duties during this unparalleled and tragic period. Please be also informed that this letter will be made public.

Please accept, Mr. Secretary General, the assurances of my highest consideration.

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the
highest attainable standard of physical and mental health