

المؤتمر العلمي الفلسطيني لطلبة الدراسات العليا 2022

27 - 28 سبتمبر 2022

الجامعة الإسلامية بغزة

جلسة محور العلوم الشرعية والإسلامية والقانونية (1)

(قاعة المؤتمرات- مبنى طبية)

مشرف الجلسة: أ.د. زكريا الزميلي رئيس الجلسة: د. بشير حمو

صفحة الملخص	الوقت	عنوان العرض	مقدم العرض
40	11:00 – 11:15	أخ في صحيح مسلم - دراسة موقعية إعرابية	حسان تايه
41	11:15 – 11:30	الجماليات البيانية للآيات المتطابقة في سورة آل عمران	إنشراح عفانة
42	11:30 – 11:45	علم الدلالة الإدراكي اللغوي في القرآن الكريم	إيناس حميدة
43	11:45 – 12:00	التعبئة النفسية ودورها في بناء الفرد "دراسة قرآنية موضوعية"	أسماء دريس
44	12:00 – 12:15	تفسير القرآن بالقرآن عند الإمام مقاتل بن سليمان	ابراهيم درغام
45	12:15 – 12:30	أسباب الاستضعاف وتأهيل الأمة للخلافة والتمكين في العصر النبوي والواقع المعاصر "دراسة قرآنية موضوعية"	أسماء دريس
46	12:30 – 12:45	الإعلام والبيان لما في قوله: "كان الله ولم يكن شيء قبله" من قطع الشك باليقين	إيمان أبو مصطفى
47	12:45 – 13:00	Human rights violations during the COVID-19 pandemic	Mohammed Elshobake
48	13:00 – 13:15	إجراءات رفع دعوى الإلغاء - دراسة تحليلية في ضوء التشريعات الفلسطينية	بسمة هنية
13:15 – 13:30		أسئلة ونقاش	



Human rights violations during the COVID-19 pandemic

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Introduction

- The COVID-19 (also known as Coronavirus) pandemic has caused global imbalance at all levels. It is not only a public health crisis, but an economic, social, and humanitarian crisis that is rapidly becoming a human rights crisis.
- The purpose of the paper is to explore the most prominent human rights violations during the COVID-19 pandemic in accordance with international human rights law.
- Through doctrinal and legal study and content analysis, this paper analyses the important relevant legal provisions under International human rights law and applies these provisions to the reality of managing the COVID-19 crisis in order to identify the most prominent human rights violations during the COVID-19 outbreak.



Restricting human rights during the COVID-19

- International human rights law recognizes in exceptional situations and serious threats to public health and public emergencies, such as wars, natural disasters, and epidemics, to restrict and suspend some rights to protect another higher right, which is the right to life.
- The International Covenant on Civil and Political Rights states that: "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin" (ICCPR: Article 4/1).



Restricting human rights during the COVID-19

- It is worth noting that there are measures that have been taken by countries to confront the Covid-19 pandemic, but some of these measures have constituted violations of human rights and did not comply with the legal conditions to restrict human rights. Amnesty International has commented that: “Human rights violations hinder, rather than facilitate, responses to public health emergencies and undercut their efficiency”.
- The World Health Organization also called on all countries to ensure that the measures are taken to confront the Coronavirus pandemic, must not negatively affect human rights.



Violations of the right to life and health care during Covid-19 pandemic

- The COVID-19 pandemic has revealed failures in healthcare systems, even in developed countries.
- In China, many patients have been turned away from hospitals after hours of waiting due to the high number of patients. Shortages of test and treatment materials have also been reported.
- In France, Italy, and Spain, officials and healthcare professionals said they were shocked by the lack of medical supplies and equipment.



Violations of the right to life and health care during Covid-19 pandemic

- In Italy, doctors and nurses were unable to provide medical services to all those infected with the Covid-19 virus due to the lack of medical facilities. The standards of right to health were not implemented in Italy, as doctors were forced to discriminate between adults and the elderly, and not provide medical services to the elderly.
- The COVID-19 pandemic has shone a light on the flaws of the U.S. healthcare system, including disparate social determinants, limited access to healthcare, a fragile safety net, costly care, complexity of the health system, and dismantled communication.



Violations of the right to freedom of opinion and expression during Covid-19 pandemic

- International human rights law protects freedom of opinion and expression (UDHR, 1948, article 19).
- The International Covenant on Civil and Political Rights permits restricting freedom of expression if it is necessary to protect public security, public order, public health, or public morals, but that should be provided by law (ICCPR, Article 19).
- However, the permissible restrictions on freedom of expression for public health reasons, should not in any way jeopardize this right (HRW, 2020).
- Many countries violated the right to freedom of expression during the Covid-19 pandemic, as they restricted this right in an exaggerated manner, which caused the undermining of the right to freedom of expression.



Violations of the right to access information during Covid-19 pandemic

- The right to access information is related to the right to freedom of expression and is subject to the same provisions. Thus, states may restrict the right to access information by law if it is necessary to protect public health (ICCPR, 1966, article 19/3). However, states cannot in any way endanger this right (UDHR, 1948, article 30).
- Studies have indicated that restricted access to real information about Covid-19 and lack of access to inputs can negatively affect mental health and cause negative feelings that can exacerbate pre-existing mental and psychological problems, such as suicidal ideation, and depression.



Discrimination during Covid-19 pandemic

- International law prohibits the use of violence, discrimination, and the transmission of hate speech on the basis of religion, race, colour, gender, language, opinion, origin, or other reasons (UDHR: Article 2&7, ICCPR: Article 2, ICESCR: Article 2).
- Since January 2020, the media have reported that disturbing incidents including physical assaults, beatings, insults and contempt, violent bullying in schools, angry threats, discrimination in schools or in the workplace, have been committed in Britain, the United States, Spain, Italy, and several countries, targeting Asian people due to Coronavirus spread (HRW, 2020).



Violations against detained persons

- Covid-19 is an infectious disease that poses a greater risk to people who live close to each other. This risk is particularly acute in detention centers, such as prisons and immigration detention centers, where the virus can spread rapidly, especially if access to health care is already weak. International law obligates states to treat detainees humanely, including ensuring health care for them (ICCPR: Article 2).
- It is clear that many countries have not taken appropriate measures to prevent the spread of the Covid- 19 virus in prisons, such as providing adequate quantities of soap, sterilizers, gloves, and masks, in addition to the failure to provide adequate health care for prisoners, and not practicing social distancing between prisoners, where prisons suffer from overcrowding and miserable sanitary conditions.



Conclusion

Results:

- The COVID-19 pandemic has revealed failures in healthcare systems, even in developed countries.
- Governments of some countries have failed to protect freedom of expression, taking action against journalists, media professionals, and health care workers.
- The trends of countries in providing information about the outbreak of the Covid-19 virus and the mechanisms to confront it, varied between transparent disclosure of the status of infections, and denial or mitigation of the situation, or the gradual disclosure of cases.
- Many cases of stigma and discrimination have been observed in many countries since the outbreak of the Covid-19 Pandemic.
- Many of the detained persons were infected with Covid-19 virus as a result of the authorities' negligence in protecting them, and not providing them with medical needs.



Conclusion

Recommendations:

- This paper recommends that states work to provide health care for all, guarantee the right to freedom of expression, adopting the principle of transparency and clarity in disseminating reliable information, punish perpetrators of stigma and discrimination, and protect all people, including the most vulnerable groups: such as the elderly and detained persons.
- This paper also recommends that governments respect human rights, and not restrict them during the outbreak of the Covid-19 pandemic, except in a way that guarantees the preservation of the right to life, and that any restrictions must be proportionate, legitimate, and necessary.
- Furthermore, governments need to be more prepared to face any health crisis at all levels including health care, which would reduce human rights violations.



شكر وتقدير



تتقدم عمادة البحث العلمي والدراسات العليا بالجامعة الإسلامية بغزة
بوافر الشكر وجزيل الامتنان من:

محمد الشوبكي

للمشاركة بعرض تقديمي في
المؤتمر العلمي الفلسطيني
لطلبة الدراسات العليا 2022

والذي عقد في 27-28 سبتمبر 2022م بالجامعة الإسلامية بغزة
والله ولي التوفيق

رئيس المؤتمر
أ.د. يوسف إبراهيم الجيش



رئيس اللجنة التحضيرية
د. توفيق سليمان برهوم