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Human rights situations that require the Council's attention

Written statement* submitted by Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2022]

* Issued as received, in the language of submission only.



Israel's Health Apartheid against Palestinian Patients in the Gaza Strip

Since 1948, the Palestinian people have been living an ongoing Nakba, during which they have endured a systematic, unabated denial of their individual and collective rights, including the right to health, due to Israel's system of racial domination and oppression. A plurality of Palestinian, Israeli, and international human rights organizations, as well as the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, have concluded that this system constitutes a regime of apartheid. (1)

Israel's 55-year occupation of the West Bank, including East Jerusalem, and the Gaza Strip—collectively referred to as the Occupied Palestinian Territory—has resulted in systematic violations of international law by Israel, including the illegal annexation of Palestinian land, transfer of Israeli settlers, and the ethnic cleansing, forcible displacement, and eviction of thousands of Palestinians. In Gaza, for the past 15 years, its population of two million people has been subjected to a brutal, illegal blockade and closure policy by Israel, characterized by suffocating restrictions on the movement of people and goods, repeated military attacks on civilians and civilian infrastructure, and other discriminatory and fragmentary policies and practices. Israel's draconian, stifling closure of Gaza serves to deny inhabitants their fundamental right to health, and other inalienable rights, as part of an entrenched system of oppression, domination, and discrimination against the Palestinian people.

This system presents a fundamental challenge to Palestinians' rights to health and dignity in Gaza and inhibits the delivery and development of the healthcare system of sufficient availability, accessibility, acceptability, and quality to meet the population's needs. In its 2021 report concluding that Israel is imposing an apartheid regime against Palestinians, Al Mezan described the impact on the right to health of Palestinians in Gaza as one of the manifestations of this regime and one of the inhumane acts that constitute the crimes against humanity of apartheid. (2)

Disparities in access to healthcare

One of the manifestations of Israel's policies towards Palestinians is seen in health, where disparities are perhaps the most tangible. Striking gaps in health between Palestinians and Israelis, including between Jewish settlers residing illegally in the West Bank, and Palestinian residents. There are significant gaps in the allocation of budgets for health care, medical personnel, funding for public medicine, and so forth. Gaps between Palestinians and Israelis are also seen in almost all health indicators: life expectancy, infant mortality rate, maternal mortality rate, morbidity rate and more. For example. There are 1.3 hospital beds per 1,000 people in the West Bank, compared to 2.2 in Israel, with 1.45 doctors per 1,000 people in the West Bank, as opposed to 3.1 doctors per 1,000 people—more than double in Israel. Disparities can also be observed in child mortality under the age of five, where the figures in the Occupied Palestinian Territory are 19.4 per 1,000 live births, compared to Israel where it is 3.1 per 1,000. (3)

Under international humanitarian law, as the occupying power, Israel is responsible for the health and welfare of the Palestinian population. As nearly every single aspect of health care provision is completely dependent on Israel's discriminatory permit regime, including access to education and training outside Gaza by medical staff; entry of medical equipment and medicines; and access by patients to treatment not available locally, including for cancer and heart disease, Gaza's health care system is unable to function properly or plan its activities and development. As a result, patients are often referred for medical treatment in hospitals outside the Strip.

Yet, Israeli authorities intentionally impose restrictions on patients' freedom of movement through a discriminatory permit system that arbitrarily limits exit permits and therefore deprives dozens of Palestinian patients of a lifesaving treatment that otherwise is unavailable in Gaza due to the ongoing blockade. For instance, in 2021, 36% of the more than 15,000 patients' requests to the Israeli authorities for permits to exit Gaza were either rejected, delayed, or received no response, preventing them from accessing the care they need.

From January 2018 to January 2022, Physicians for Human Rights–Israel (PHRI) provided assistance to more than 180 children aged two months to 18 years, including breastfed babies, whose parents were denied permits and would not have been able to accompany their children as they underwent medical procedures outside Gaza. Following PHRI's intervention, 65% of permit requests (117) were approved, and 35% were refused or delayed (63). Twenty-six percent of the children whose families contacted PHRI for assistance over the course of the project suffered from pediatric cancer/tumor, 18% had heart diseases, 10% were referred to neurology clinics, and the rest suffered from genetic disorders and eye, kidneys, digestive system diseases.

According to information obtained by PHRI, between January and September 2021-68% of minors' applications were either denied or delayed, resulting in a dramatic increase in the refusal of minors' applications themselves to seek medical treatment. Data obtained by PHRI does not show improvement in Israel's policy toward children accessing medical care but rather the opposite. The aforementioned data was supported by the WHO data on children accessing medical care where it was reported that from 2018 to 2021, 43% of children approved permits to travel did not have the approval of one of their parents as a companion, jeopardizing children's chances of receiving adequate and in a timely manner medical care. (7)

In the most extreme cases, Palestinian patients have died after the Israeli authorities denied them access to hospitals and medical care by the time of the prescheduled medical appointment. Al Mezan's documentation shows that between 2017 and 2021, 63 patients—including eight children and 22 women—died as they could not access needed life-saving treatment outside Gaza. Jihad al-Qedra, a 55-years-old cancer patient from Gaza, was one of the latest victims of Israel's arbitrary and draconian permit system. Al-Qedra, who suffered from nasopharyngeal cancer, was denied an exit permit to travel to the West Bank for nine different appointments. This delay led to a serious relapse of his health condition and eventually to his death on 4 July 2022.

Recommendations

We call on this Council to:

- i. Pressure Israel to end its closure, blockade and collective punishment of Gaza which drives the deterioration of healthcare services and underlying determinants of health;
- ii. Urge Israel to uphold its moral and legal obligations concerning the right to the highest attainable standard of physical and mental health of Palestinians;
- iii. Promptly and effectively intervene to end Israeli barriers to Palestinians' access to healthcare services and ensure Israel's respect of its obligations under international humanitarian and human rights law.

Physicians for Human Rights–Israel, NGO(s) without consultative status, also share the views expressed in this statement.

(1) See, for example: Al Mezan Center for Human Rights (Al Mezan), *The Gaza Bantustan: Israeli Apartheid in the Gaza Strip*, available at: <https://www.mezan.org/en/post/24083>; Al Haq, BADIL, PCHR, Al Mezan, Addameer, CCPRJ, CIHRS, Habitat International Coalition, *Joint Parallel Report to CERD on Israel's Seventeenth to Nineteenth Periodic Reports*, available at: https://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th19th-periodic-reports-10-november-2019-final-1573563352.pdf; B'Tselem, *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid*, available at: https://www.btselem.org/publications/fulltext/202101_this_is_apartheid; Human Rights Watch, *A Threshold Crossed*, available at: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Amnesty International, *Israel's Apartheid against Palestinians: A Cruel System of Domination and Crime Against Humanity*, available at:

<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>; UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, 25 March 2022:

<https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights>

(2) See Al Mezan, The Gaza Bantustan: Israeli Apartheid in the Gaza Strip, November 2021, available at: <https://www.mezan.org/en/post/24083>;

(3) Physicians for Human Rights Israel, Israel and the Right to Health in the Occupied West Bank During COVID-19, August 2021, available at: <https://www.phr.org.il/wp>

(7) See World Health Organization at:

https://healthclusteropt.org/admin/file_manager/uploads/files/shares/Documents/62c40b9c04cf5.pdf