



Impact of Israeli Unilateral Coercive Measures on the Right to Health of Palestinians in the Gaza Strip

PCHR's Submission to Professor Alena Douhan, Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights

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Introduction:

1. The Palestinian Center for Human Rights (PCHR), established in 1995, is a non-governmental organization (NGO) based in the Gaza Strip dedicated to protecting human rights, promoting the rule of law and upholding democratic principles in the Occupied Palestinian Territory (OPT). The Center enjoys Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).
2. This submission addresses some of the Special Rapporteur's questions contained in her call for input for its thematic reports to the 54th session of UN Human Rights Council and 78th session of the UN General Assembly. The submission mainly addresses and highlights the violations committed by Israel, the occupying power, against the Palestinian people's right to health in the Gaza Strip, including the impact of Israeli restrictions caused by the siege and their inability to have access to medical treatment in West Bank hospitals, including east Jerusalem, Israeli hospitals, and abroad.
3. Since 1967, Israel has been practicing an illegal military occupation on the OPT.¹ In 2007, Israel declared Gaza a "hostile territory", and imposed an ongoing land, air and sea blockade. The siege, which include coercive measures in violation of international law, was described by former UN Secretary-General, Ban Ki-moon, as "collective punishment".² With this blockade, Israel has isolated about 2.2 million Palestinians from the external world.

Impact of Israeli coercive measures on the Gaza Strip population's right to health:

4. Ever since the Israeli restrictions imposed on Gaza in 2007, the healthcare system has suffered from a sharp deterioration, chronic shortage of the list of essential drugs and medical supplies, lack of modern medical devices, and breakdown of many medical equipment as well as the shortage of specialized medical professionals.³ As a result, the health sector has become in an ongoing state of emergency and is always on the edge of collapse. In addition, since the imposition of the closure, Israel has launched

¹See, UN General Assembly, "Situation of human rights in the Palestinian territories occupied since 1967," A/72/556, 23 October 2017, available here: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_556.pdf. The report submitted that Israel, as the occupying power, has reached the status of an illegal occupier because of its violation of the fundamental principles of international law governing a belligerent occupation, including no-annexation; temporariness; good faith; and compliance with international law and the directions of the international community.

² Haaretz, "UN Chief Ban Ki-Moon Calls for Israel to End 'Collective Punishment' Blockade of Gaza, 29 June 2016, available at: <https://www.haaretz.com/middle-east-news/2016-06-29/ty-article/ban-ki-moon-calls-for-israel-to-end-blockade-of-gaza/0000017f-e36f-d9aa-aff-fb7fd58f0000>.

³ See PCHR, "Gaza Strip Health Sector Under Israeli Military Aggression and Closure," 27 June 2021, available at: <https://pchgaza.org/en/gaza-strips-health-sector-under-israeli-military-aggression-and-closure/>.

four deadly and destructive military operations, which resulted in, according to PCHR's documentation the killing of approximately 2,913 Palestinian civilians, including 968 children, and 456 women, and the wounding of 18,743 others, and caused severe damage to the health infrastructure and imposing a high burden on it.

5. The closure of commercial crossings with the Gaza Strip and only relying on Karm Abu Salem crossing as the Strip's only commercial crossing, as well as banning the supply of basic needs have led to the deterioration of the humanitarian situation and de-development of the Gaza Strip as the unemployment rate reached 44%, and poverty rate reached 60%. Also, more than 68.5% of the Gaza population suffers from food insecurity while 80% relies on international aid.⁴
6. Israel's bombing of Gaza's only power plant in 2006 and the periodic ban of the entry fuel into the Strip by the Israeli occupation authorities have resulted in an electricity crisis for all hospitals and medical centers. The sudden power cuts damaged 300 medical machines and equipment at hospitals and health facilities.⁵
7. Despite Israel's allegations to facilitate the imposed closure, it still bans the entry of 61 items classified as "dual-use items".⁶ The list includes medical equipment and machines. The banning of such equipment and machines has undermined the health sector's ability to provide healthcare to many patients; especially heart and blood patients, as well as around 16,000 cancer patients.
8. As a result of the ongoing Israeli restrictions, 97% of Gaza's water is unpotable as children's waterborne diseases constitute 25% of children's diseases.⁷ The pollution levels of the poorly treated wastewater discharged directly into the Mediterranean Sea are still more than double the international standards, and these high levels increase risks of waterborne diseases and environmental hazards.

⁴ PCHR, "State of the Gaza Strip Border Crossings (01-31 December 2022)," 25 January 2023, available at: <https://pchrgaza.org/en/state-of-the-gaza-strip-border-crossings-01-31-december-2022/>.

⁵OCHA, "Chronic Electricity Crisis in Gaza," 28 August 2015, available at: <https://www.ochaopt.org/content/chronic-electricity-crisis-gaza-rolling-power-cuts-increase-12-20-hours-daily>.

⁶The Israeli authorities claim that such items can be used for civilian purposes, but at the same time for military purposes to develop the combat capabilities of the Palestinian armed groups. For more information concerning the list of prohibited items, See Gisha, "Contrary to reports about 'easing' of restrictions, Israel has not removed any items from its list of 'dual-use' material requiring special permission to enter Gaza," 3 November 2019, available at: <https://gisha.org/en/contrary-to-reports-about-easing-of-restrictions-israel-has-not-removed-any-items-from-its-list-of-dual-use-materials-requiring-special-permission-to-enter-gaza/>. Also See Gisha, "Controlled dual-use items-- in English," available at: https://gisha.org/UserFiles/File/LegalDocuments/procedures/merchandise/170_2_EN.pdf.

⁷ OCHA, "Study warns water sanitation crisis in Gaza may cause disease outbreak and possible epidemic," 16 November 2018, available at: <https://www.ochaopt.org/content/study-warns-water-sanitation-crisis-gaza-may-cause-disease-outbreak-and-possible-epidemic#:~:text=The%20main%20causes%20of%20the,inhabitants%20with%20drinkable%20tap%20water>.

9. Gaza Strip has suffered from a chronic shortage of the list of essential drugs and medical supplies due to Israeli closure. The number of zero stock items of drugs in Central Drug Store of the Palestinian MOH reached 219 (41.9%) out of 522 items, while the number of low stock items which are sufficient for less than 3 months reached 62 items.⁸ The number of zero stock items in medical disposables reached 172 (20%) out of 853 items while there are 110 items only sufficient for less than 3 months, negatively affecting all patients.⁹
10. Israel imposes restrictions on the entry of new medical equipment and spare parts necessary for the maintenance of inoperative medical devices and requires the out-of-service medical device to be handed over if the entry of a new medical device is approved. The Israeli occupation authorities obstruct the entry of 24 necessary diagnostic radiology devices, endoscopy devices used in surgeries, pneumatic drills to fix complex fractures as well as MRI and CT devices.¹⁰ The healthcare system in Gaza is unable to function properly or to plan and develop its performance and activities due to such restrictions.
11. Health facilities in the Gaza Strip suffer from a chronic shortage of skilled health personnel specialized in treating patients with serious diseases. In addition to the Israeli-imposed closure and deterioration of economic conditions, which contribute to doctors' immigration from the Gaza Strip, the Israeli occupation authorities deprive the health personnel including doctors from participating in training opportunities outside the Strip. This has impeded them from developing their professional capacities due to the Israeli authorities' rejection of their permits to travel outside the besieged Gaza Strip via Beit Hanoun (Erez) Crossing.¹¹
12. With the outbreak of Covid-19 at the end of August 2020, the health sector suffered a shortage of coronavirus testing kits, intensive care units rooms, ventilators, coronavirus diagnostic equipment, protective gowns, and goggles for the protection of medical personnel, medicines, and medical consumables to combat coronavirus.¹²

⁸ PCHR, "Medical Treatment Requests Under Study," 24 October 2022, p. 8, available at: <https://pchrgaza.org/en/medical-treatment-requests-under-study-report-sheds-light-on-suffering-of-gaza-strip-patients-due-to-israeli-restrictions-on-their-travel-for-treatment-outside-gaza-hospitals/>.

⁹ Ibid 8.

¹⁰ PCHR's report "Health Conditions in the Gaza Strip in 2022", unpublished.

¹¹ Beit Hanoun "Erez" crossing is the only crossing allowed for individuals' movement between the Gaza Strip, and Israel and the West Bank and is under full Israeli control.

¹² PCHR, "PCHR Warns of Health Sector Collapse and Suspension of Health Services in the Gaza Strip," 25 August 2020, available at: <https://pchrgaza.org/en/pchr-warns-of-health-sector-collapse-and-suspension-of-health-services-in-the-gaza-strip/>.

Additionally, Israeli authorities initially denied the entry of Covid-19 vaccines to the Gaza Strip but allowed their entry later.¹³

13. The recurrent Israeli aggressions on the Gaza Strip exposed the fragility of the health system in the Gaza Strip as it had to deal with a large number of casualties. For example, during the 2021 Israeli offensive, the Gaza Strip Central Laboratory was unable to carry out tests such as covid-19 tests. In light of the displacement of over 100,000 persons from their homes due to the intense airstrikes and overcrowding at schools and shelters that lack personal protective equipment and social distancing, Covid-19 unprecedentedly broke out.
14. Owing to the limited capacity of the governmental hospitals in the Gaza Strip to provide adequate medical care and treatment to thousands of patients with serious diseases, reliance on referral of patients for adequate treatment at health facilities outside the Gaza Strip is particularly acute. Hence, Gaza patients' suffering starts due to the Israeli strict permit regime.
15. Patients referred for treatment should firstly obtain a medical report from their physicians proofing that their treatment is not available in the Gaza Strip.¹⁴ After the medical report is signed by the hospital's director, it is sent to the medical committee at the Ministry of Health's (MOH) Service Purchase Unit. The committee ascertains that the treatment is not available at Gaza hospitals and chooses the hospital which the patient will be referred to. After obtaining the medical referral, financial coverage and hospital appointment, the patient submits all documents to the MOH's Coordination and Liaison Department, which sends the documents to the office of the Israeli Coordinator of Government Activities in the Territories (COGAT), a unit at the Israeli Ministry of Defense that engages in coordinating civilian issues in the OPT. After that, COGAT reviews the applications and sends them to the Israeli Security Agency "Shin Bet/Shabak" for undergoing a security check and getting an Israeli approval to travel via Beit Hanoun (Erez) Crossing and access hospitals in Israel or the West Bank, including East Jerusalem. This process may take several months and until that time, some patients may fail to travel and receive healthcare due to missing their appointments and will therefore need to restart the referral procedures, hoping to obtain an approval.¹⁵

¹³PCHR, "Israel Deprives Gaza Population of Covid-19 Vaccine," 16 February 2021, available at: <https://pchr.org/en/israel-deprives-gaza-population-of-covid-19-vaccine/>.

¹⁴See PCHR, "Submission by the Palestinian Center for Human Rights (PCHR) to the Committee on Economic Social and Cultural Rights on Israel. (66th Session, 2019)," 15 September 2019, available at: <https://pchr.org/en/pchr-sends-a-submission-to-un-committee-on-economic-social-and-cultural-rights-ahead-of-israels-fourth-periodic-review-during-its-66th-session-highlighting-israels-restrictions-on-p/>.

¹⁵ For more about the criteria set by Israel to issue permits for Gaza Strip population to receive treatment, See Gisha, "Policy and Directives," available at: <https://gisha.org/en/procedures-and-protocols/>.

Impact of Israeli Restrictions on Gaza Patients' Travel for Treatment Abroad:

16. Throughout the years of the closure imposed on the Gaza Strip since 2007, the Israeli occupation authorities have deprived thousands of patients of traveling for treatment abroad under the pretext that their treatment is available at Gaza Strip hospitals or by falsely claiming that their diseases are not life-threatening and their treatment is only for improving "quality of life".¹⁶
17. According to information obtained by PCHR's fieldworkers from the MOH's Coordination and Liaison Department, from 2008 to 2021, the Israeli authorities obstructed the travel of 73,955 Gaza Strip patients referred for treatment at the hospitals in the West Bank, including occupied Jerusalem, or Israel. This number is out of the 204,086 permit requests for treatment (i.e., 36.2 percent of the total requests).
18. In 2022, the Israeli authorities obstructed the travel of 6796 Gaza patients referred for treatment at the hospitals in the West Bank, including occupied Jerusalem, or Israel. This number is out of the 20364 permit requests for treatment (i.e., 33.3 percent of the total requests.) The Israeli authorities attributed the rejection of 234 patients for security reasons (1.1%) and did not respond to 867 other requests (4.2%). Approximately 5056 (24.8) patients received a response that their file is under examination The Israeli authorities also requested 62 patients to change their companions (0.3%) and delayed the travel of 577 patients (2.8%) under various pretexts such as waiting for response after the security interview, classifying the condition of the patient as improving quality of life and not being lifesaving, responding that the treatment is available locally or asking for the patient to apply again.¹⁷
19. The Israeli obstacles on patients' travel and access to hospitals they are referred to since 2008 until 2021 have led to the death of 839 patients while waiting for permit responses.¹⁸In 2022, PCHR documented the death of 9 patients, including 3 children.
20. Among the deaths documented by PCHR in 2022 was a 19-month-old child called Fatmah Jalal al-Masri, from Khan Yunis in northern Gaza Strip. The Israeli authorities refused to grant her a permit to travel via Beit Hanoun "Erez" Crossing and access Makassed Hospital in Occupied East Jerusalem for medical treatment. Fatmah had a congenital heart defect and needed an urgent and serious surgery. Fatmah's father

¹⁶ PCHR, "Treatment denied," September 2018, available at: <https://pchrgaza.org/en/wp-content/uploads/2019/10/Report-Treatment-Denied-20-Sep-2018.pdf>

¹⁷ PCHR's report: "Medical Treatment Requests Under Study", link: <https://pchrgaza.org/en/medical-treatment-requests-under-study-report-sheds-light-on-suffering-of-gaza-strip-patients-due-to-israeli-restrictions-on-their-travel-for-treatment-outside-gaza-hospitals/>

¹⁸ WHO, "Factsheet "15 Years of Gaza Blockade and Barreries to Health Access," July 2022, available at: <https://www.emro.who.int/opt/news/15-years-of-blockade-and-health-in-gaza.html>.

submitted three requests to the Israeli side on 28 December 2021, on 13 February 2022, and on 05 April 2022, but each time he received a reply from the Israeli side that the request is “under study”. Unfortunately, her health condition deteriorated as she was not able to leave to receive medical treatment and her death was announced on 25 March 2022.

21. There is only one hospital treating mental and psychiatric disorders¹⁹ and serving the Gaza Strip population. The number of Palestinians Strip in need of psychological care or assistance in Gaza has climbed dramatically in recent years due to the Israeli military offensives and the ongoing closure. In 2020, 198,797 adults were estimated to have moderate or severe mental health disorders while 299,979 children were believed to experience severe, moderate, and mild mental health disorders.²⁰

Conclusion and Recommendations:

22. In light of the deteriorating situation of the Palestinians patients as a result of the practices, law, and policies adopted by the Israeli occupation authorities against the Gaza Strip, including its 16-year-old ongoing blockade and the recurrent military operations against the Gaza Strip, PCHR calls on the Special Rapporteur to call on Israel:
 - a. Fulfill its legal obligations as an occupying power towards the Gaza Strip, as it has the primary responsibility to provide medical supplies to the Gaza Strip population in accordance with Articles 55 and 56 of the Fourth Geneva Convention of 1949.
 - b. Lift the illegal and inhuman closure imposed since 2007 and end collective punishment policy imposed on the Gaza Strip population, including the closure of crossings to patients and humanitarian cases, in order to allow the travel of patients whose treatment is not available at Gaza Strip’s hospitals as well as end its arbitrary permit regime.

¹⁹ Ibid 19.

²⁰ UN Country Team, “United Nations Common Country Analysis for the Occupied Palestinian,” August 2022, p.38. available at: https://minio.dev.devqube.io/uninfo-production-main/2fa1f5fd-6a44-45e7-a49b-602826c4fd62_Palestine_CCA_-_16_August_2022.pdf.