



Lawyers for Palestinian Human Rights' briefing on children from Gaza receiving medical treatment whilst separated from parents due to Israel's permit regime

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About Lawyers for Palestinian Human Rights (LPHR)

LPHR is a lawyer-based charity in the UK that works on projects to protect and promote Palestinian human rights. We distinctly provide a legal and human rights perspective on issues affecting Palestinians. Our trustees include leading human rights lawyers, Sir Geoffrey Bindman QC and Tessa Gregory.

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1. [Physicians for Human Rights-Israel](#) and the Israeli newspaper [Haaretz](#) recently reported that a 10-year-old girl from Gaza, Miral Abu Amsha, died of cancer on 28 February without having seen her father since December, after her family struggled to obtain Israeli-issued permits to accompany her to hospital. Miral's mother had also initially been denied permission to accompany Miral to hospital in Nablus to undergo chemotherapy due to "incorrect details" on her application form. She was eventually allowed to visit Miral in hospital, reportedly following publicity around the case. Miral's father didn't apply for permission to accompany her as it is generally the case that only one accompanier is allowed per patient, including for children.
2. The Haaretz article includes this commentary: *"Miral is not the last child from Gaza who will die without one of her parents at her side. Being cut off from parents has a serious mental and physical impact on a child with cancer.... Physicians for Human Rights-Israel is currently dealing with the fate of three additional young children from Gaza who have cancer, one of them just 2 years old. They are being [denied permission to leave the Strip](#) for vital medical treatment; the refusals and rejections are grounded in various strange excuses. One dire case is that of Yassin Razaka, a child of 4 who has leukemia. On one occasion he was denied entry to Nablus, as though he were a security risk; another time the authorities informed the family that he was "illegally present" (apparently, in Gaza) and therefore his entry into the West Bank for lifesaving treatment was being denied. This is a toddler suffering from cancer."*
3. Between October 2018 and July 2019, Physicians for Human Rights-Israel [reports](#) that one in five children who were treated outside the Gaza Strip were not accompanied with a parent.
4. Many parents who turned to Physicians for Human Rights-Israel in 2019 had waited for months before receiving a permit for a relative to accompany their child instead. Once the child had gone for their treatment with that relative, the parents reapplied in order to replace the escort, hoping that the answer would arrive in time and allow them to join their child. More often than not, these applications were never answered or are turned down again.
5. Physicians for Human Rights-Israel has repeatedly demanded that the military authorities give greater weight to ensuring hospitalised children have their parents by their side, and to avoid potentially jeopardising the children's chances of recovery by denying their parents the right to accompany them. Israel has justified its rejection of these permits by arguing that approval was granted to another relative instead, and that the child still made it to the treatment facility.
6. In this context, the International Society for Social Pediatrics and Child Health (ISSOP) published a statement on forced separation of children from parents on 18 March 2020.



After specifically highlighting Gaza permit cases amongst other examples worldwide, they set out their position with reference to the UN Convention on the Rights of the Child which is worthwhile repeating here in full:

“ISSOP strongly condemns such actions that are violations of the UN Convention on the Rights of the Child (CRC). These violations result in acute distress for children at the time of separation, and will result in lasting adverse emotional and physical sequelae across their life course.

“Articles of the CRC most relevant to the rights of children not to be separated from their parents and care givers include:

- *Article 2. Child rights are to be respected without discrimination of any kind, including race, colour, sex, language, religion or political affiliation.*
- *Article 3. The best interests of the child shall be a primary consideration in all actions concerning children.*
- *Article 9. A child should not be separated from parents against their will.*
- *Article 16. There should be no arbitrary interference with a child’s privacy.*
- *Article 19. Children shall be protected from psychological violence.*
- *Article 20. If a child cannot be looked after by their parents, the state has a responsibility to provide alternative care.*
- *Article 22. A child seeking refugee status should receive appropriate protection and humanitarian assistance.*
- *Article 37. No child should be tortured or treated in a cruel or inhuman way. Children who are detained should not be imprisoned with adults and they should have the opportunity to remain in contact with their family.*

“In all situations, except those in which violence is being perpetrated by parents, the separation of children from their parents is likely to be counterproductive. Separation provides no solutions to the underlying policy issues, whilst considerable short and longterm distress and sequelae are created.

“ISSOP therefore condemns such separation unreservedly and calls for authorities in all countries to respect the rights of children and ensure that parental support for children is always available. If parents are incapacitated or in another country, then humane protection must be provided and return of the child to the parents or close carers facilitated at the earliest opportunity.”

7. Israel routinely denies or delays permission for Palestinians from Gaza to exit for medical treatment. The pervasive denial and delay of travel permits by Israeli authorities for medical cases strongly suggests that Israel is in breach of its obligations under international law to ensure the health and welfare of the Palestinian population



under its control, a [finding](#) made last year by UN Special Rapporteur on the situation of human rights in the occupied Palestinian Territory, Professor Michael Lynk.

8. LPHR urges the international community to act on Miral's tragic case by insisting to the government of Israel that it uniformly permits parents to accompany their children for medical treatment outside of Gaza, in compliance with its obligations under international humanitarian and human rights law to provide for the rights of children living under military occupation.

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