## Childbirth at checkpoints in the occupied Palestinian territory

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Correspondence to: Miss Halla Shoaibi, PO Box 3545, Al-Bireh, West Bank, occupied Palestinian territory hallashoaibi@gmail.com Background 10% of pregnant Palestinian women were delayed at checkpoints every year from 2000 to 2007, while travelling to give birth in hospital. These delays resulted in 69 births, and 35 infant and five maternal deaths at the checkpoints. Generally, the type and severity of the delay-related morbidity are not recorded. National and international laws are not clear about the consequences and penalties of arbitrary delays in allowing pregnant women access to hospital during labour. Since April, 2005, the UN Commission on Human Rights has issued several resolutions. However, no legal recourse has been taken to address the issue of pregnant Palestinian women giving birth at Israeli checkpoints. The aims in this study are to describe the context of childbirth in the occupied Palestinian territory and the effects of checkpoint activity on the access of pregnant women to hospital during labour. The status of maternal and infant deaths at checkpoints in the context of international law are considered, and, particularly, the criteria for crimes against humanity in accordance with the Rome Statute of the International Criminal Court.

Methods The study was undertaken through desk research and legal-case analysis, with data from criminal cases filed during the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

Findings Palestinian women's choice of place for giving birth is determined not only by the availability and affordability of services, like in most countries, but also by their ability to reach hospital maternity services during labour, and military closure and siege. Restriction of movement has resulted in an increase in births at home rather than in a hospital; data indicate that only 8% of all births took place at home in 1999 compared with 33% in 2002. Women have to deal with uncertainty and delays when prevented from getting to a hospital because of checkpoints. Their coping mechanisms in reaction to the fear of being unable to reach hospital on time include acceptance of non-hospital settings for childbirth, with reduced standards of care and increased risks to them and their babies.

Interpretation The denial of passage to Palestinian women in labour, resulting in increased numbers of childbirths at checkpoints and en route to the hospital, is consistent with the criteria for crimes against humanity in accordance with article 7(1)(k) of the Rome Statute of the International Criminal Court—ie, "other inhuman acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health", and meets with the presence of "widespread or systematic attack directed against any civilian population". Further research is needed to assess whether and how such a case could be made to the Rome Statute of the International

For more on the Rome Statute of the International Criminal Court see http://untreaty.un. org/cod/icc/statute/romefra.htm

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## Conflicts of interest

I declare that I have no conflicts of interest.

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