



PALESTINIAN WORKING  
WOMAN SOCIETY FOR  
DEVELOPMENT



# **THE ROLE OF THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY IN PROTECTING PALESTINIAN WOMEN AND HOLDING OCCUPYING STATE ACCOUNTABLE**

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**POLICY PAPER**

**BY MAHMOUD ALAFRANJI**





**THE PALESTINIAN WORKING WOMAN SOCIETY FOR DEVELOPMENT**

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PWWSD WEBSITE: [WWW.PWWSD.ORG](http://WWW.PWWSD.ORG)

PWWSD EMAIL: [PWWSD@PWWSD.ORG](mailto:PWWSD@PWWSD.ORG)

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**PREPARED BY:**

**MR. MAHMOUD AL-AFRANJI**

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## Introduction

The Palestinian Working Woman Society for Development (PWWSD), is a civil feminist human rights organization which seeks to achieve gender equality and combating all forms of discrimination and gender-based violence, facilitate women access to justice, and contribute to the development process, through providing psychological, social and legal support to women, empowering them and encouraging their participation in the political, economic and social fields, and in their participation in the national struggle to end the occupation.

Women in the occupied Palestinian territories (oPt) continue to face severe and systematic violations that measure up to war crimes, crimes against humanity, and genocide, as defined by international humanitarian and criminal law. These crimes are perpetrated by the Israeli occupying power with unwavering support from the United States, with weak international response and the failure of UN to provide protection or ensure accountability for the perpetrators of such grave offenses.

In Gaza, Palestinian women endure unprecedented and catastrophic conditions due to the ongoing Israeli aggression on the Strip. This assault includes systematic crimes measuring up to war crimes, crimes against humanity, and genocide. Women, along with their families, have been forcibly displaced multiple times -more than ten times in some cases- without any access to financial resources or basic personal and humanitarian necessities. Despite this, they continue to bear the responsibility of caring for their families, particularly children.

As a result of the aggression that has persisted since October 7, 2023, more than 45,400 Palestinians have been killed, including 13,320 children and 7,215 women, while over 10,000 others remain missing either trapped under the rubble, their bodies disintegrated, or subjected to enforced disappearance. According to initial estimates by the Palestinian Ministry of Health, more than 107,950 individuals have been injured, with the majority suffering from severe trauma and a critical shortage of medical supplies. Many have undergone surgeries without anesthesia or post-operative antibiotics.

Northern Gaza has been under total siege since October 5, 2024, with no humanitarian aid or medical supplies reaching the area. The Israeli military is carrying out ethnic cleansing affecting the entire population of the region. Meanwhile, all residents of Gaza suffer from food insecurity and a lack of access to safe drinking water<sup>1</sup>. According to

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<sup>1</sup> Palestinian Ministry of Health, *"Daily Report on the Impact of the Israeli Aggression on Palestine,"* issued on 26/12/2024, Ramallah.



Cindy McCain, Executive Director of the World Food Programme (WFP), two million people across Gaza are facing severe hunger<sup>2</sup>.

Palestinian women in Gaza endure daily suffering. Their harsh daily struggle begins with caring for children and the elderly, searching for humanitarian aid, and scavenging for firewood to cook, heat their shelters, and wash clothes in an environment where energy sources have been completely depleted. For them, accessing healthcare if available is a perilous endeavor, leading to a rise in preterm births and an increase in maternal mortality rates<sup>3</sup>.

The United Nations Population Fund (UNFPA) representative in Palestine, Nestor Omohangi, warned that more than 17,000 pregnant women are on the brink of starvation, while 11,000 others are already living in famine-like conditions. He added that malnutrition has severely affected three-quarters of new mothers, hindering their ability to breastfeed, at a time when infant formula is unavailable. In a press briefing on October 10, 2024, Omohangi explained that overcrowded shelters and the lack of hygiene supplies have exacerbated the suffering of women in Gaza. Approximately 700,000 women and girls lack access to menstrual hygiene products. Additionally, around 49,000 women are currently pregnant, with 4,000 expected to give birth soon, in an environment where the lack of prenatal and postnatal care has significantly increased the risk of miscarriage and maternal mortality<sup>4</sup>.

In a testimony to journalists, UN Women Representative in Palestine, Maryse Guimond, spoke about her recent visit to Gaza: "I visited Gaza more than 50 times, many times during previous escalations, including the war of 2021, but this time nothing prepared me for the total destruction and inhumanity I saw. What I witnessed defied my worst fears for the women and girls I have been working with for many years"<sup>5</sup>.

Meanwhile, UN experts have repeatedly warned—both collectively and individually—about Israel's crimes in Gaza and its continued impunity. Most recently, on December 11, 2024, four UN independent human rights experts called on the international community to impose sanctions on Israel in response to its aggression against the oPt. They emphasized the need to restore confidence in the international justice system by rejecting "double standards and extreme interpretations" in applying the standards that control wars.

During a press conference, Francesca Albanese, the United Nations special rapporteur on Palestine, called for a halt to direct arms transfers to Israel and a review of Israel's UN credentials to demonstrate that impunity will not be tolerated.<sup>6</sup>

<sup>2</sup> United Nations, UN News, *"Two Million Hungry in Gaza as the UN Renews Its Call for Expanded Humanitarian Access,"* Press Release dated 16/12/2024. For more: <https://news.un.org/ar/story/2024/12/1137546>.

<sup>3</sup> Palestinian Ministry of Health, Ibid.

<sup>4</sup> United Nations, UN News, *"Gaza: 17,000 Pregnant Women on the Brink of Famine as Miscarriage and Maternal Death Risks Rise,"* December 10, 2024. For more: <https://news.un.org/ar/story/2024/10/1135556>.

<sup>5</sup> United Nations, UN News, *"UN Official: Women and Girls in Gaza Bear the Worst Burdens of War,"* Press Release, July 18, 2024. For more: <https://news.un.org/ar/story/2024/07/1132691>.

<sup>6</sup> United Nations, UN News, *"International Experts Review Violations in Palestine and Call for Equal Application of the Law,"* Press Release, December 11, 2024. For more: <https://news.un.org/ar/story/2024/12/1137411>.



Palestinian women in the West Bank, including Jerusalem, have not been spared from severe violations of their rights. The Israeli occupation puts Palestinian women under two crimes against humanity - apartheid and persecution, as documented by Human Rights Watch<sup>7</sup>. The International Court of Justice (ICJ) affirmed the crime of apartheid in its advisory opinion, while the International Criminal Court (ICC) acknowledged this in its arrest warrants against Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant. These crimes are further compounded by Israel's collective punishment policies against Palestinians, which place Palestinian women at even greater risk and vulnerability. These violations include home demolitions, land confiscation for settlement expansion or military claims, land razing, restrictions on freedom of movement, and the deployment of approximately 600 permanent checkpoints across the West Bank<sup>8</sup>.



Since October 7, 2023, Israeli forces and settlers—under military protection—have escalated their attacks on Palestinian civilians. During 2024 alone, 15 women and 5 girls were killed, while 000 others sustained various injuries. Settler attacks on Palestinian

<sup>7</sup> Human Rights Watch, Report: *"A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,"* Published on April 27, 2021. For more: <https://www.hrw.org/ar/report/2021/04/27/378469>.

<sup>8</sup> The previous reference.



communities resulted in the complete displacement of seven communities and the partial displacement of 20 others. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 2024 has recorded the highest rate of Palestinian displacement in nearly two decades. Israeli forces, often facilitating settler violence, forcibly displaced approximately 4,250 Palestinians, demolished 1,760 buildings, and settlers carried out 1,400 attacks across the West Bank, including in Jerusalem<sup>9</sup>. Rural Palestinian women have also been profoundly affected by these systematic violations. Since early 2024, settlers have destroyed approximately 26,100 fruit-bearing trees across the West Bank, in addition to attacks targeting Palestinian homes and agricultural lands<sup>10</sup>.

In Jerusalem, home demolitions have intensified, with Palestinian families either forcibly evicted or compelled to demolish their own homes. According to OCHA, since the beginning of 2024, Israeli authorities forced 65% of the homeowners whose properties were under demolition orders to destroy their homes at their own expense (140 out of 215 buildings). This marks a sharp increase compared to the 42% self-demolition rate recorded over the previous five years<sup>11</sup>.

Amid death, suffering, oppression, despair, and accumulating humanitarian catastrophes, the United Nations—particularly the Security Council—and the international community have failed Palestinian women. They have neither ensured the protection of their inherent human rights and dignity nor held Israel accountable for its documented crimes since the beginning of the aggression.

This paper aims to highlight the binding obligations of the UN and the international community in protecting Palestinian women during Israel's military assault on Gaza and in ensuring Israel's accountability for these internationally documented crimes according to international conventions and its real role while there is the double standards and the politicization of international law.

Accordingly, the paper is structured into an introduction and four main sections. The first section explores the foundations of protection and accountability in international law concerning crimes committed against Palestinian women. The second examines the UN's actual role in protecting Palestinian women and ensuring Israel's accountability. The third section discusses the international community's role in protecting Palestinian women and holding Israel accountable. The fourth assesses the UN and the international community's compliance with UN Security Council Resolution (1325) in the context of Palestinian women's realities. The paper concludes with key findings and recommendations.

<sup>9</sup> United Nations, Office for the Coordination of Humanitarian Affairs (OCHA), "Humanitarian Situation Update No. 252 / West Bank," Published on April 3, 2024. For more:

<https://www.ochaopt.org/ar/content/humanitarian-situation-update-252-west-bank>

<sup>10</sup> The previous reference.

<sup>11</sup> The previous reference.



## The Protection and Accountability for Violations Against Women in International Law.

International law, through its various branches, including International Human Rights Law, International Humanitarian Law, and International Criminal Law, ensures comprehensive protection for women in all crises, whether in non-international armed conflicts, international armed conflicts, or situations of foreign occupation. These branches also stand for perpetrators of serious crimes against women accountable. No branch of international law excludes the application of the others; rather, they are together to ensure protection and accountability.

Accordingly, under International Humanitarian Law, specifically the Fourth Geneva Convention on the Protection of Civilians in Time of War and its Additional Protocol, women are entitled to protection whenever they find themselves in situations of armed conflict or foreign occupation. They also receive special protection as women, including protection from rape, forced prostitution, and any other forms of sexual violence. Additionally, humanitarian law prioritizes the relief needs of women, particularly pregnant women, those in labor, and nursing mothers. It mandates the free passage of essential food and clothing supplies for them. In cases of detention, women must be held separately from men and be supervised exclusively by female officers.

Similarly, Customary International Humanitarian Law<sup>12</sup>, under Rule (134)<sup>13</sup>, acknowledges the particular needs and vulnerabilities of women in armed conflicts, particularly concerning protection, health, and assistance. It grants them additional forms of special protection and emphasizes the obligation to respect the needs of women affected by armed conflicts. Violating this obligation constitutes a crime. Established practices emphasize gender-specific protection using terms like "special protection," "specific respect," and "treatment with due regard to their gender."

Women cannot be treated as a homogeneous group, as the circumstances of girls differ from those of pregnant women, mothers, and elderly women. The needs of a woman also change depending on whether she is at home, in detention, or displaced by war.

<sup>12</sup> **Customary International Humanitarian Law** is one of the sources of international law that has been established through widely accepted state practice as a legal reference. Its binding nature on states arises from their explicit recognition of it. It has been recorded as one of the sources of international law in the Statute of the International Court of Justice. Customary international humanitarian law is independent of codified international humanitarian law (treaties and international agreements) but is read alongside them due to its importance in filling gaps left by treaties and enhancing the protection provided to victims of conflicts. "**International Committee of the Red Cross (ICRC)**" For more: <https://www.icrc.org/ar/law-and-policy/customary-ihl>.

<sup>13</sup> The International Committee of the Red Cross, Customary International Humanitarian Law Database, Rule (134) related to women, Volume I, Cambridge University Press, 2005. For more: <https://ihl-databases.icrc.org/ar/customary-ihl/v1>.



However, meeting these needs in all situations is a right. Customary international law explicitly recognizes the need to protect women from all forms of sexual violence, including ensuring their separation from men in detention (Rule 119). The 26th International Conference of the Red Cross and Red Crescent also highlighted additional needs, calling for measures to ensure that women victims of conflict receive medical, psychological, and social assistance<sup>14</sup>.

Customary International Humanitarian Law, under Rule (131), outlines the treatment of displaced persons. In cases of forced military displacement, measures must be taken to ensure that displaced civilians are received in conditions that meet satisfactory standards regarding shelter, hygiene, physical health, safety, and nutrition. This rule underscores the responsibility of the state to protect and assist all displaced persons, considering the special needs of children, especially unaccompanied minors, pregnant and nursing mothers, persons with disabilities, and the elderly<sup>15</sup>.

Under International Human Rights Law, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), state parties have recognized the necessity of eradicating apartheid, all forms of racism and racial discrimination, colonialism and neocolonialism, aggression, foreign occupation, and foreign control to ensure full enjoyment of rights by men and women alike. The convention affirms the right of peoples under foreign occupation to self-determination and independence as a means to social progress and development, contributing to the achievement of full equality between men and women<sup>16</sup>.



<sup>14</sup> The previous reference, Rule (134).

<sup>15</sup> The previous reference, Rule (131).

<sup>16</sup> United Nations, Office of the High Commissioner for Human Rights, Committee on the Elimination of Discrimination against Women, "General Recommendation (30): The Situation of Women in the Context of Prevention of Conflicts, During Conflicts, and Post-Conflict Situations," Reference No. (CEDAW/C/GC/30), issued on November 1, 2013.



The aforementioned convention also establishes that violence against women is a form of discrimination that it prohibits. It is a severe violation of human rights. CEDAW's General Recommendation No. 30 on women in conflict prevention, conflict, and post-conflict situations affirms that armed conflicts, wars, and occupations exacerbate gender discrimination and increase women's exposure to gender-based violence, whether by official entities, such as the occupying power, or non-state actors. The recommendation further notes that gender-based violence affects women everywhere, whether at home, in detention facilities, in internally displaced or refugee camps, or while performing daily activities such as collecting water, firewood, food, or caregiving.

International Criminal Law, including the jurisprudence of international and hybrid criminal tribunals and the Rome Statute of the International Criminal Court, has reinforced the protection of women and established mechanisms for prosecuting offenders. It recognizes that any form of sexual violence against women can constitute a war crime, a crime against humanity, an act of torture, or even an act of genocide.

As the Charter of the United Nations is a multilateral legal instrument, member states have pledged to uphold human rights and human dignity. Resolutions issued by UN bodies, including the Security Council, the GA, treaties under UN auspices, and recommendations from UN entities, complement international law and should be interpreted in conjunction with it. Accordingly, thematic Security Council resolutions, such as Resolution 1325 (2000) and its subsequent resolutions, provide essential frameworks for protecting women in times of war and holding violators accountable.

## **The Role of the United Nations in Protecting Palestinian Women and Holding the Occupying State Accountable**

The United Nations Charter begins with the statement: "We the peoples of the United Nations determined to save succeeding generations from the scourge of war..., to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..."<sup>17</sup> As a multilateral international treaty and reference for international law, the Charter affirms in its first article that "The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace..."<sup>18</sup>

<sup>17</sup> United Nations, "Charter of the United Nations" (Full Text). For more: <https://www.un.org/ar/about-us/un-charter/full-text>

<sup>18</sup> Ibid



Furthermore, Article 2 states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."<sup>19</sup>

Under Chapter VII of the Charter, titled "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," Article 42 grants the Security Council the authority to take military action to maintain or restore international peace and security if peaceful means fail. Article 41 outlines non-military measures such as economic sanctions and severance of diplomatic relations.<sup>20</sup>

Despite these provisions, the Security Council has failed to fulfill its mandate regarding Israel's genocidal war on Gaza. The U.S. has repeatedly vetoed resolutions that would require Israel to cease its actions, described under international human rights, humanitarian, and criminal law as war crimes and crimes against humanity. U.S. Ambassador Linda Thomas-Greenfield explicitly linked ending these crimes to the release of Israeli hostages<sup>21</sup>, effectively endorsing continued military pressure and the perpetration of international crimes.

On March 25, 2024, after more than 170 days of Israeli aggression on Gaza, the Security Council passed Resolution 2728 <sup>22</sup> with 14 votes in favor and the U.S. abstaining. The resolution acknowledged the catastrophic humanitarian situation in Gaza, called for an immediate ceasefire during Ramadan, demanded the unconditional release of all hostages, and emphasized the urgent need for humanitarian aid. However, the U.S. ambassador stated, "We fully support some of the objectives of this non-binding resolution,"<sup>23</sup> effectively nullifying its impact.



<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> United Nations, UN News, "The Security Council Adopts a Resolution Calling for a Ceasefire in Gaza During Ramadan," dated March 25, 2024. For more: <https://news.un.org/ar/story/2024/03/1129546>

<sup>22</sup> United Nations, Security Council, Resolution (2728) of 2024, Reference No. (S/RES/2728). For more: <https://documents.un.org/doc/undoc/gen/n24/080/79/pdf/n2408079.pdf>

<sup>23</sup> United Nations, UN News, The Previous Source.



Later, on June 10, 2024, the Security Council adopted Resolution 2735<sup>24</sup>, endorsing a three-phase ceasefire proposal announced by U.S. President Joe Biden. The resolution rejected any demographic or territorial changes in Gaza. Yet, the U.S. delegation insisted that a political solution was necessary, rather than Security Council intervention under Chapters VI and VII of the UN Charter, stating, "The only way to end this cycle of violence and build lasting peace is through a political settlement."<sup>25</sup>

Earlier, the Council had passed two resolutions that focused on humanitarian aid rather than stopping the aggression or ensuring civilian protection, particularly for women. The first resolution, adopted on November 15, 2023, addressed the humanitarian situation in Gaza and its devastating impact on the civilian population, particularly the disproportionate effects on children, and rejected forced displacement<sup>26</sup>.

The second resolution, adopted on December 22, 2023, emphasized the urgent need for full, rapid, safe, and unimpeded humanitarian access to Gaza. The Security Council expressed deep concern over the disproportionate impact of the conflict on the lives and well-being of children, women, and other vulnerable civilians. Additionally, it called on the UN Secretary-General to appoint a Senior Humanitarian and Reconstruction Coordinator, responsible for facilitating, coordinating, and monitoring all humanitarian relief shipments to Gaza<sup>27</sup>.

Regarding Resolution 1325 on Women, Peace, and Security and its subsequent related resolutions, the Security Council has demonstrated its inability to implement its commitments. Palestinian women continue to face severe violations throughout decades of Israeli occupation and international crimes in Gaza. These resolutions, adopted in conference rooms, have failed to provide tangible protection, whether in displacement camps, against hunger, or the escalating settler violence, and this is what the third part in this paper will deal with.



<sup>24</sup> United Nations, Security Council, Resolution (2735) of 2024, Reference No. (S/RES/2735). For more: <https://documents.un.org/doc/undoc/gen/n24/165/09/pdf/n2416509.pdf>

<sup>25</sup> United Nations, UN News, "The Security Council Adopts a Resolution on a Ceasefire Between Israel and Hamas," dated June 10, 2024. For more: <https://news.un.org/ar/story/2024/06/1131656>

<sup>26</sup> United Nations, Security Council, Resolution (2712) of 2023, Reference No. (S/RES/2712). For more: <https://documents.un.org/doc/undoc/gen/n23/359/00/pdf/n2335900.pdf>

<sup>27</sup> United Nations, Security Council, Resolution (2720) of 2023, Reference No. (S/RES/2720). For more: <https://documents.un.org/doc/undoc/gen/n23/424/85/pdf/n2342485.pdf>



## The Role of the International Community in Protecting Palestinian Women and Holding the Occupying State Accountable



Upon joining the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, dated August 12, 1949, state parties pledged to adopt any necessary legislative measures to impose effective penal sanctions on individuals who commit or order the commission of grave breaches outlined in the Convention, in accordance with Article 146. These states also made a contractual commitment to prosecute those accused of committing such grave breaches or ordering them, and to bring them to trial, regardless of their nationality. Additionally, state parties have the option, if they prefer and in accordance with their national legislation, to extradite such individuals to another state party to the Convention for prosecution, provided that sufficient evidence exists against them. This commitment is not contingent upon specific interventions, nor is it limited solely to grave breaches. Rather, each state party is obligated to take all necessary measures to prevent any acts that contravene the provisions of the Convention.<sup>28</sup>

Furthermore, Article 148 of the Geneva Convention explicitly states: "No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article."

Article 147 of the Convention further elaborates on the grave breaches it defines, which include the following acts when committed against protected persons or property under the present Convention:<sup>29</sup>

- 1) Willful killing
- 2) Torture or inhumane treatment, including biological experiments

<sup>28</sup> United Nations, Office of the High Commissioner for Human Rights, "Geneva Convention Relative to the Protection of Civilian Persons in Time of War, dated August 12, 1949," Article (146). For more: <https://www.ohchr.org/ar/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>

<sup>29</sup> The previous reference, Articles (147 and 148).



- 3) Willfully causing great suffering or serious injury to body or health
- 4) Unlawful deportation or transfer
- 5) Unlawful confinement
- 6) Compelling a protected person to serve in the enemy's armed forces
- 7) Depriving a protected person of a fair and impartial trial
- 8) Taking hostages
- 9) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly

The UN GA has repeatedly reaffirmed the obligation of state parties to the Fourth Geneva Convention to impose effective criminal penalties on individuals who commit or order the commission of grave breaches of the Convention. The most recent reaffirmation was in Resolution (A/RES/77/247), adopted on December 9, 2023, in which the GA requested an advisory opinion from the International Court of Justice (ICJ) on the legal consequences of Israel's ongoing violations of the Palestinian people's right to self-determination and its prolonged occupation of Palestinian territory. The resolution also called for an assessment of the legal consequences of this situation for all states and for the United Nations.<sup>30</sup>

In this resolution, the GA underscored the necessity of ensuring accountability for all violations of international humanitarian law and international human rights law to prevent impunity, ensure justice, deter future violations, protect civilians, and promote peace.

Furthermore, the GA acknowledged the responsibility of the international community in promoting human rights and ensuring respect for international law. It reaffirmed that the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War applies to the oPt, including East Jerusalem. Accordingly, the GA reiterated the obligations of state parties to the Convention regarding the enforcement of criminal penalties for grave breaches, the accountability for these violations, and the responsibilities of the contracting parties under the Convention.

In alignment with this, the ICJ, in its advisory opinion issued on July 19, 2024, ruled that United Nations member states have a duty to distinguish in their dealings with "Israel" between its own territory and the oPt. This includes refraining from engaging in economic or trade relations with Israel concerning the oPt, or any part thereof, that could reinforce its unlawful presence in those areas. The court also called for steps to prevent trade or investment relationships that assist "Israel" in maintaining the illegal situation it has created in the occupied territories.<sup>31</sup>

Furthermore, the ICJ affirmed that all states are obligated not to aid "Israel" in maintaining the situation resulting from its illegal presence in the oPt. It also stated that all state parties

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<sup>30</sup> United Nations, General Assembly, Resolution titled: "Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem," No. (A/RES/77/247), issued on January 9, 2023.

<sup>31</sup> United Nations, International Court of Justice, Advisory Opinion "Legal Consequences of Israel's Policies and Practices in the Occupied Palestinian Territory, Including East Jerusalem," issued on July 19, 2024, Paragraph (278). For more: [www.icj-cij.org/case/186](https://www.icj-cij.org/case/186)



to the Fourth Geneva Convention are required to ensure that "Israel" complies with international humanitarian law. The court emphasized that these obligations carry absolute legal weight for all states under international law.<sup>32</sup>

The following section presents examples of international reactions to Palestinian rights and global positions on Israel's ongoing genocide in Gaza:

### **International Court of Justice (ICJ):**

On December 29, 2023, South Africa filed a case against Israel at the ICJ, accusing it of genocide in Gaza. On January 26, 2024, the ICJ ruled it had jurisdiction and ordered Israel to take preventive measures against genocide and preserve evidence. Several countries in addition to Palestine, Libya have since joined the case, including,<sup>33</sup>

Number	Country	Date Of Accession
1)	Nicaragua	January 22, 2024
2)	Colombia	April 5, 2024
3)	Mexico	May 24, 2024
4)	Spain	June 28, 2024
5)	Turkey	August 7, 2024
6)	Chile	September 12, 2024
7)	Maldives	October 1, 2024
8)	Bolivia	October 8, 2024

**European Union (EU):** The majority of EU foreign ministers rejected a proposal to halt arms sales to the occupying state during a closed meeting held on November 18, 2024. This rejection even thwarted the proposal of the EU High Representative for Foreign Affairs to suspend political dialogue with Israel.

This refusal came despite these countries receiving a report prepared by the EU Special Representative for Human Rights, Olof Skoog, detailing the gross human rights violations committed since October 7, 2023. The report, consisting of 35 pages, presented evidence from UN agencies and bodies confirming that Israel committed grave violations amounting to war crimes, crimes against humanity, and genocide, reinforced by statements from Israeli officials.

The report was requested by Spain and Ireland in February 2024 to assess whether Israel's war on Gaza violated human rights provisions within the EU-Israel Association Agreement.

<sup>32</sup> The previous reference, Paragraph (279).

<sup>33</sup> United Nations, International Court of Justice, "Interventions: Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Gaza (South Africa v. Israel)." For more: <https://www.icj-cij.org/case/192/intervention>



The report concluded with recommendations to deny export licenses for arms sales to Israel and to suspend EU-Israel political dialogue based on the same agreement.<sup>34</sup>

**Turkey:** Turkey has maintained a clear stance since the occupying Israeli state launched its aggression against Gaza, consistently calling for an end to crimes against civilians in the Strip. This culminated in Turkish President Recep Tayyip Erdoğan announcing, on November 13, 2024, that Turkey was severing its diplomatic and economic relations with Israel as a means of pressuring it to halt the aggression.

**Sweden:** On December 20, 2024, the Swedish government announced that it would cut its core funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the year 2025<sup>35</sup>. The Ministry of Foreign Affairs also announced the allocation of 800 million Swedish kronor (approximately 70 million US dollars) to address the humanitarian crisis in Gaza and the region through channels including the Swedish International Development Cooperation Agency (SIDA), the United Nations World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), and the International Committee of the Red Cross (ICRC), while halting its core support to UNRWA. In response, UNRWA Commissioner-General Philippe Lazzarini expressed deep disappointment over the Swedish government's decision, stating that it comes at the worst possible time for Palestinian refugees. He emphasized that this decision occurs amid unprecedented political attacks on UNRWA, including disinformation campaigns aimed at stripping Palestinians of their refugee status. Lazzarini added that for the people of Gaza, this decision would further exacerbate their ongoing suffering over the past fourteen months.<sup>36</sup>

**France:** On November 22, 2024, the French Ministry of Foreign Affairs issued a statement affirming its commitment to the decisions of the International Criminal Court (ICC) under the Rome Statute. This came following the ICC Pre-Trial Chamber's issuance of arrest warrants for both Netanyahu and Gallant. The statement called for strict adherence to international humanitarian law and the protection of civilians in Gaza, emphasizing that France had been alerting for months about the "unacceptable nature of civilian

<sup>34</sup> Nielsen, Arthur, "EU Officials Will Claim Ignorance of Israeli War Crimes... This Leaked Document Shows What They Knew," The Intercept, December 23, 2024. For more: <https://theintercept.com/2024/12/23/eu-report-israel-war-crimes-complicity/>

<sup>35</sup> Swedish Ministry of Foreign Affairs, Press Release: "The Swedish Government Increases Humanitarian Support to Gaza and the Surrounding Region," dated December 20, 2024. For more: <https://www.government.se/press-releases/2024/12/swedish-government-increases-humanitarian-support-to-gaza-and-surrounding-region>

<sup>36</sup> United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Press Release, "Swedish Government's Decision to Stop Funding UNRWA in 2025 is Disappointing," dated December 20, 2024. For more: <https://www.unrwa.org/newsroom/official-statements/decision-government-sweden-stop-funding-unrwa-2025>



casualties in the Strip" and calling for a permanent ceasefire to end the humanitarian catastrophe in the region.<sup>37</sup>

However, France later retracted its position and, on November 27, 2024, released a press statement stating that the Israeli Prime Minister and other ministers have diplomatic immunity in France despite the Pre-Trial Chamber's decision, as Israel is not a party to the Rome Statute. The statement further added: "France intends to work closely with Israeli Prime Minister Benjamin Netanyahu and other Israeli authorities to establish peace and restore stability in the Middle East, due to the historical friendship that binds France and Israel—two democratic nations committed to the rule of law and the principles of professional and independent justice."

<sup>37</sup> French Ministry of Foreign Affairs, "Decisions by the Pre-Trial Chamber of the International Criminal Court," Press Release dated November 22, 2024. For more: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/international-justice/news/article/decisions-by-the-international-criminal-court-s-pre-trial-chamber-22-november>



## Assessing the Commitment of the United Nations and the International Community to Security Council Resolution 1325 in the Context of Palestinian Women.

The UN Security Council adopted Resolution 1325 on October 31, 2000, on Women, Peace, and Security<sup>38</sup>, taking into account the purposes and principles of the UN Charter, the Security Council's primary responsibility under the Charter for maintaining international peace and security, and the obligations of states outlined in the Beijing Declaration<sup>39</sup>. The resolution expressed concern that civilians, particularly women and children, constitute the vast majority of those negatively affected by armed conflict and acknowledged the impact of this on lasting peace and reconciliation. The resolution affirmed the critical role of women in conflict prevention, resolution, and peacebuilding. It emphasized the importance of their equal contribution and full participation in all efforts to maintain and promote peace and security and underscored the necessity of increasing their role in decision-making related to conflict prevention and resolution. The Security Council, in its resolution, called upon all parties involved in conflict to integrate a gender perspective when negotiating and implementing peace agreements. This includes, among other measures, taking into account the specific needs of women and girls and adopting measures to ensure the protection and respect of their human rights.



<sup>38</sup> United Nations, Security Council, "Resolution 1325" on Women, Peace, and Security, Reference No. (S/RES/1325). For more: <https://documents.un.org/doc/undoc/gen/n00/720/16/pdf/n0072016.pdf>

<sup>39</sup> United Nations, Fourth World Conference on Women, "Beijing Declaration and Platform for Action," 1995. For more: [www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20A.pdf](http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20A.pdf)



The resolution called on all parties in armed conflicts to take special measures to protect women and girls from gender-based violence in situations of armed conflict. It also emphasized the responsibility of all states to end impunity and prosecute those responsible for genocide, crimes against humanity, and war crimes, including those related to sexual violence and other forms of violence against women and girls. The resolution stressed the necessity of excluding such crimes from amnesty provisions and relevant legislation.

The Security Council reaffirmed its commitment to the continuous and full implementation of Resolution (1325) in its subsequent Resolution (1820), adopted on June 19, 2008<sup>40</sup>, which highlighted sexual violence against women, girls, and children during armed conflicts. The new resolution noted the Security Council's recognition that civilians constitute the overwhelming majority of those affected by armed conflicts and that women and girls are specifically targeted by sexual violence used as a means of war to humiliate, control, intimidate, disperse, or forcibly displace civilians within a society or ethnic group.

The Security Council reiterated that parties to armed conflicts bear the primary responsibility for taking all possible measures to ensure the protection of affected civilians. It further emphasized that when sexual violence is used as a method of warfare deliberately targeting civilians or as part of a widespread or systematic attack against civilian populations, it can exacerbate armed conflicts and hinder the restoration of international peace and security.

On September 30, 2009, the Security Council adopted Resolution (1888) to strengthen Resolutions (1325 and 1820)<sup>41</sup>. It reaffirmed that ending impunity is essential for societies experiencing or recovering from conflict to move beyond past violations against affected civilians and prevent such violations in the future. The resolution drew attention to international and national justice mechanisms, including the International Criminal Court (ICC), as tools to promote peace, truth, reconciliation, and the protection of victims' rights. The Council also reiterated its primary responsibility for maintaining international peace and security and its commitment to continuing efforts to address the widespread impact of armed conflicts on civilians, including sexual violence crimes against women and girls.

The Security Council supplemented these resolutions with additional relevant resolutions, including Resolution (1889) 2009, Resolution (1960) 2010, and Resolution (2106) 2013. These resolutions emphasized the role of women before, during, and after armed conflict, focusing on protection from crimes committed against them in these contexts, including sexual violence, as well as ensuring their participation in reconciliation, peace, and security processes.

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<sup>40</sup> United Nations, Security Council, "Resolution (1820)," Reference No. (S/RES/1820), 2008. For more: <https://documents.un.org/doc/undoc/gen/n08/391/42/pdf/n0839142.pdf>

<sup>41</sup> United Nations, Security Council, "Resolution (1888)," Reference No. (S/RES/1888), 2009. For more: <https://documents.un.org/doc/undoc/gen/n09/534/44/pdf/n0953444.pdf>



However, investigations conducted by UN human rights bodies and other relevant international institutions reveal that what is happening in the oPt, particularly in Gaza, has gone beyond the concept of armed conflict to that of a crime of aggression. Amnesty International's investigations concluded that Israel is committing genocide against Palestinians in Gaza<sup>42</sup> and is operating an apartheid system against Palestinians<sup>43</sup>. Additionally, Palestinians in the West Bank are facing a sharp increase in killings and displacement by Israeli occupation forces<sup>44</sup>, alongside escalating deadly attacks against Palestinian civilians organized by settlers with state support.<sup>45</sup>

Despite all Security Council resolutions regarding the protection of women and the linking of their inherent human rights to the peace and security agenda to enhance and protect these rights in armed conflict situations, the Security Council has failed to fulfill its responsibilities under Chapters VI and VII of the UN Charter due to U.S. dominance over the Council. Instead of ensuring protection for civilian victims—especially women, girls, and children—the United States has shielded the perpetrators of these crimes, namely the Israeli occupying state.

Given the roles that third-party states must undertake under international humanitarian law to act urgently in protecting civilians and ensuring accountability for grave human rights violations and war crimes, the international community continues to fail in fulfilling its legal obligations to ensure respect for international humanitarian and human rights law.

In this context, the General Union of Palestinian Women, in collaboration with the National Coalition for the Implementation of Resolution (1325)<sup>46</sup>, issued a joint statement criticizing the resolution. While recognizing its exceptional importance due to its connection with international human rights instruments and its call for the protection of women from the effects of war and ensuring that perpetrators of crimes do not escape accountability, the statement pointed out that the resolution lacks enforceability due to its failure to rely on the Security Council's responsibilities, particularly Chapter VII of the UN Charter, which mandates enforcement by force. This is particularly relevant to the Palestinian case, where the Israeli occupation state is committing genocide in Gaza and war crimes and crimes against humanity throughout the oPt.

<sup>42</sup> Amnesty International, "You Feel Like You're Not Human: The Genocide Committed by Israel Against Palestinians in Gaza," Document No. (MDE 15/8744/2024), 2024. For more:

<https://www.amnesty.org/ar/documents/mde15/8744/2024/ar>

<sup>43</sup> Amnesty International, "The Israeli Apartheid System Against Palestinians: A Brutal System of Domination and a Crime Against Humanity," Document No. (MDE 15/5141/2022), 2022. For more: <https://www.amnesty.org/ar/documents/mde15/5141/2022/ar>

<sup>44</sup> Amnesty International, Press Release, "Palestinians Face a Sharp Escalation in Unlawful Killings and Displacement as Israel Launches Military Operation in the West Bank," dated August 28, 2024. For more: <https://www.amnesty.org/ar/latest/news/2024/08/israel-opt-palestinians-face-drastic-escalation-in-unlawful-killings-displacement-as-israel-launches-west-bank-military-operation>

<sup>45</sup> Amnesty International, Press Release, "State-Backed Deadly Rampage by Israeli Settlers Underscores Urgent Need to Dismantle Apartheid," dated April 22, 2024. For more: <https://www.amnesty.org/ar/latest/news/2024/04/state-backed-deadly-rampage-by-israeli-settlers-underscores-urgent-need-to-dismantle-apartheid>

<sup>46</sup> National Coalition for the Implementation of Resolution (1325), is a coordinating and advocacy framework formed by the General Union of Palestinian Women, along with Palestinian feminist, rights-based organizations, and influential figures. For more: <https://gupw.net/page232.html#content9-pq>



Palestinian women's organizations emphasize the need to redefine the concepts of conflict and armed disputes in the resolution to include foreign occupation, as outlined in the Beijing Declaration. They argue that the resolution's applications should extend to all Palestinian women without exception, as they are refugees, displaced persons, and individuals living under a long-term illegal occupation. This redefinition should reflect the reality and diversity of the grave violations Palestinian women face due to the Israeli occupation's policies and actions and their impact on their rights.<sup>47</sup>

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<sup>47</sup> General Union of Palestinian Women, The Union's Vision for Implementing Resolution (1325) in the Palestinian Context. For more: <https://gupw.net/assets/files/rp31.pdf>



## CONCLUSIONS AND RECOMMENDATIONS

Despite all the calls from UN bodies and agencies and the documentation by investigative committees established by the organization itself regarding war crimes, crimes against humanity, and the crime of genocide, the UN Security Council has been effectively hijacked by the United States, which has used its veto power against any resolution demanding an end to the aggression on the Gaza Strip. While the International Court of Justice (ICJ) is reviewing the case filed by South Africa against the Israeli occupying state for committing genocide—and has issued a ruling stating that there are reasonable grounds to accept the case<sup>48</sup> and while the Pre-Trial Chamber of the International Criminal Court (ICC) has issued arrest warrants against Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant<sup>49</sup>, the UN Security Council has confined itself to playing the role of humanitarian organizations. It has abandoned its core mandate of suppressing aggression and maintaining international peace and security, as well as its responsibilities under Chapters VI and VII of the UN Charter. Accordingly, the most important recommendations are as follows:

### **Recommendations for the State of Palestine:**

- 1) Engaging with the Arab League, the Organization of Islamic Cooperation, and the Non-Aligned Movement to issue a resolution calling for the formation of an international protection force for the Palestinian people, to be deployed in the West Bank, including Jerusalem, and the Gaza Strip.
- 2) Strengthening bilateral international relations to advance the boycott of Israel and push for the suspension of its membership in the United Nations.
- 3) Utilizing all available means, particularly international pressure, to demand the opening of crossings in Gaza and the West Bank to facilitate the entry of

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<sup>48</sup> United Nations, International Court of Justice, Previous Reference.

<sup>49</sup> International Criminal Court, Previous Reference.



humanitarian and medical aid, as well as essential supplies for women and children, as swiftly as possible.

- 4) Establishing an independent professional committee (comprising legal and economic experts) to document war crimes against women, legally frame the cases, and provide recommendations for reparations and redress for victims and survivors, in accordance with the advisory opinion issued by the International Court of Justice (ICJ) on 19/07/2024.
- 5) Submitting an official request to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) to ensure that Palestinian refugee women have equal rights with men in passing refugee status to their children.

### **Recommendations for Palestinian Civil Society:**

- 1) Developing a strategic plan and action program to prosecute Israeli occupation forces responsible for war crimes in front international criminal courts under the principle of universal jurisdiction, in coordination with international human rights organizations and relevant international institutions.
- 2) Unifying the Palestinian vision and localizing UN Security Council Resolution 1325, ensuring that perpetrators of international crimes—both occupation soldiers and their leaders—do not escape accountability.
- 3) Strengthening coordination with international solidarity movements and labor unions to leverage global grassroots solidarity, influence governments and parliaments, isolate Israel, and enforce military and economic boycotts, ensuring that Israeli political, military, and security leaders are held accountable at all levels.
- 4) Establishing an early warning system in collaboration with human rights, women's, and international organizations to guarantee protection for Palestinian women.
- 5) Following up on the concluding observations of the CEDAW Committee regarding Israel's official report, with a focus on issues falling under Resolution 1325.





- 6) Enhancing joint efforts and engaging in diplomatic advocacy with international missions, UN agencies, global institutions, and women parliamentarians to reinforce the official Palestinian demand for protecting Palestinian women during Israel's ongoing war on Gaza, particularly internally displaced women, refugees, pregnant and postpartum women, female detainees, victims of settler violence, and those facing movement restrictions in the West Bank.
- 7) Building the capacities of Palestinian women leaders to participate in and assume leadership roles, ensuring their active involvement in all political processes in the post-war phase and countering Israeli policies through training in leadership, negotiation, mediation, peaceful diplomacy, and recovery efforts.
- 8) Coordinating with Palestinian official entities to form an independent professional committee (including legal and economic experts) to document war crimes against women, legally frame the cases, and provide recommendations for reparations and redress for victims and survivors, in accordance with the advisory opinion issued by the International Court of Justice (ICJ) on 19/07/2024.







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